



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

www.mcminnvilleoregon.gov

Planning Commission
McMinnville Civic Hall, 200 NE 2nd Street
July 20, 2017

5:30 PM Work Session

6:30 PM Regular Meeting

Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.

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

Commission Members	Agenda Items
Roger Hall, Chair Zack Geary, Vice-Chair Erin Butler Martin Chroust-Masin Susan Dirks Gary Langenwalter Roger Lizut Lori Schanche Erica Thomas	<p>5:30 PM - WORK SESSION – CONFERENCE ROOM</p> <ol style="list-style-type: none"> 1. Call to Order 2. Swearing In of New Commissioners – Gary Langenwalter 3. Discussion Items <ul style="list-style-type: none"> • Wireless Facilities • Citizen Advisory Committee • Planning Commission Code Amendments 4. Adjournment

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.



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Commission Members	Agenda Items
Roger Hall, Chair Zack Geary, Vice-Chair Erin Butler Martin Chroust-Masin Susan Dirks Gary Langenwalter Roger Lizut Lori Schanche Erica Thomas	<p>6:30 PM – REGULAR MEETING – COUNCIL CHAMBERS</p> <ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes: <ol style="list-style-type: none"> A. May 18, 2017 Work Session (Exhibit 1a) B. May 18, 2017 Public Hearing (Exhibit 1b) 4. Public Hearing <ol style="list-style-type: none"> A. <u>Conditional Use Permit (CU 3-17)</u> (Exhibit 2) <p>Request: Approval of a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living Facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units between the existing and proposed new buildings.</p> <p>Location: 3121 NE Cumulus Avenue and more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.</p> <p>Applicant: RJ Development</p>

B. Zoning Text Amendment (G 3-17) (Exhibit 3)

Request: Approval to amend Ordinance No. 4401, which is the existing Historic Preservation Ordinance. The amendments will result in the creation of a Historic Preservation chapter of the McMinnville Zoning Ordinance. A majority of the amendments are being proposed to ensure consistency with updated Oregon Administrative Rules (OAR 660-023-0200) related to the protection of historic resources, including protection of National Register historic resources, owner consent processes, updated application review criteria, and updated standards and guidelines for the alteration of historic landmarks. Another amendment being proposed is the creation of a certificate of approval process to ensure that proposed alterations meet the historic preservation requirements.

Applicant: City of McMinnville

5. Old/New Business

6. Commissioner/Committee Member Comments

7. Staff Comments

8. Adjournment



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MEMORANDUM

DATE: July 20, 2017
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
SUBJECT: Draft Amendments to Wireless Communications Facilities –
McMinnville Zoning Ordinance Chapter 17.55

Report in Brief:

The purpose of this discussion item is to review draft amendments to the McMinnville Zoning Ordinance (Ordinance 3380) specific to Section Chapter 17.55 (Wireless Communications Facilities) to ensure FCC compliance and achieve a more desirable community aesthetic.

Recommended Text Amendments:

The amendments being proposed are provided as an attachment to this memorandum. The intent of this recommendation, if approved, is a full replacement of the existing Wireless Communications Facilities chapter of the zoning ordinance.

Background:

In February, 2017, the Planning Department presented the Commission with an overview of a three-year Department work plan to accomplish a number of projects along with estimated calendar targets of when you might expect to see those work products. One of the first-year identified projects is an update to the Wireless Communications Facilities chapter (Chapter 17.55) of the McMinnville zoning ordinance. This work session provides those amendments for your consideration.

Discussion:

McMinnville's first Wireless Communications Facilities ordinance was adopted in June, 2000, as Chapter 17.55 of the McMinnville Zoning Ordinance. This is the first proposed amendment to that chapter in the 17 years since its adoption.

Currently, wireless communications towers located in Industrial zones have no height limitation. This has resulted in some towers being constructed in the 140 to 150-foot height range; specifically, towers to serve telecommunications companies are currently being installed near the maintenance shop at the Yamhill County Fairgrounds and on property located south of Highway 18 and north of the Airport hangers.

While the current code requires telecommunication antennas in residential zones and the historic downtown area to be obscured from view from all streets and immediately adjacent properties, there is little guidance as to how this should be accomplished. The current chapter also allows 20-feet of additional height to be added to antenna support structures in all zones except for the Agricultural Holding and Floodplain zones. Additionally, while co-location of antennas is required prior to the installation of

Department Mission: *Providing excellent customer service, public engagement, and proactive planning programs to promote McMinnville as the most livable and prosperous city in the state of Oregon now and into the future.*

new towers, there is little required to demonstrate the inability to co-locate and the need for a new tower to be installed.

In our review of this chapter, we considered the wireless facility requirements of other jurisdictions. In that review we found that, while many cities had not updated their wireless requirements for seven or more years, the City of Wilsonville's code was updated in 2016 and addressed many of the areas that have been a concern to the McMinnville Planning Department and have provided guidance for these proposed amendments. The key proposed modifications occur in the following areas:

- Height limitations
- Visual Impact
- Screening and Landscaping
- Color
- Signage
- Limitation on equipment building storage size and height; exceeding these standards would require the facility to be placed in an underground vault.
- Lighting
- Setbacks and Separation
- Co-Location – Burdon of proof required
- Application submittal requirements
- Noise
- Abandoned Facilities
- Review process and approval criteria

Staff has provided a copy of the proposed amendments to the legal team of Beery Elsner & Hammond, LLP, for review and current FCC compliance; BEH specializes, in part, in Municipal Law & Governance, and Land Use & Development Review. The proposed attached text amendments include any resultant comments and/or notations. Staff will consider any such information prior to the July 20th Planning Commission work session.

Fiscal Impact:

None

Recommendation:

Staff contends that this amendment would be beneficial to the community in terms of land use and aesthetics while allowing opportunities for continued local growth in the wireless communications industry. While no specific motion is required or requested, the Planning Commission may provide guidance to staff in drafting the final proposed text amendments to this chapter which are scheduled to be presented during a public hearing at the next regular Planning Commission meeting to be held on August 17, 2017.

Chapter 17.55

WIRELESS COMMUNICATIONS FACILITIES

Sections:

17.55.010	Purpose.
17.55.020	Definitions.
17.55.030	Exemptions.
17.55.040	Permitted and conditional use locations of antennas, antenna support structures and alternative antenna support structures to be used for wireless communication service.
17.55.050	Development Review Standards
17.55.060	Co-location of antennas and antenna support structures.
17.55.070	Antenna support structures—removal when no longer used.
17.55.080	Application for permit for antennas, antenna support structures, and equipment enclosures

17.55.010 Purpose. Wireless Communications Facilities (WCF) play an important role in meeting the communication needs of the citizens of McMinnville. The purpose of this chapter is to establish appropriate locations, site development standards, and permit requirements to allow for the provision of WCF while helping McMinnville remain a livable and attractive city.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of McMinnville citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used in this chapter, reference to WCF is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio and/or television signals, including telecommunication lattice and monopole towers, and alternative supporting structures, equipment cabinets or buildings, parking and storage areas, and all other associated accessory development.

17.55.020 Definitions. For the purposes of this section, refer to Section 17.06.050 for Wireless Communications Facility related definitions. (Ord. 4952 §1, 2012).

17.55.030 Exemptions. The provisions of this chapter do not apply to:

- A. Federally licensed amateur radio stations,
- B. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of the zoning designation of the site outside of the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines).
- C. Cell on Wheels which are portable mobile cellular sites that provide temporary network and wireless coverage, are permitted as temporary uses in all zones for a period not to exceed sixty (60) days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State;

a typical example of Cells on Wheels would be a mobile news van used for broadcasting coverage of an event or other news.

- D. WCF owned by, or operated solely for, the City of McMinnville.

17.55.040 Permitted and conditional use locations of antennas, antenna support structures and alternative antenna support structures to be used for wireless communications service. All non-exempt (17.55.030) WCF (antennas, antenna support structures and alternative antenna support structures) are permitted, conditionally permitted, or prohibited to be located in zones as provided in this Chapter and as listed below:

- A. Permitted Uses.
 - 1. Antennas, antenna support structures and alternative antenna support structures are permitted in the M-L (Limited Light Industrial Zone), M-1 (Light Industrial Zone), and M-2 (General Industrial Zone) zones. Antenna support structures are not permitted within the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines).
 - 2. Antennas mounted to alternative antenna support structures in the O-R, C-1, C-2, and C-3 zones located outside of the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines). However, such antennas shall add not more than twenty feet to the total height of such structure. Facilities associated with antennas so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or structure.
 - 3. Antennas may be mounted to alternative antenna support structures in the R-1, R-2, R-3, R-4, A-H and F-P zones. However, such antennas shall not exceed the height of the alternative antenna support structure. Facilities associated with antennas so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or structure.
- B. Conditional Uses. In the area defined in Chapter 17.59 (Downtown Design Standards and Guidelines), antennas proposed for mounting on alternative antenna support structures, in addition to all requirements of this Chapter, are subject to conditional use permit approval by the Planning Commission.
- C. Prohibited Uses. Construction or placement of new antenna support structures in all zones except as permitted by 17.55.040 (A)(1).

WIRELESS FACILITIES		
<u>ZONE</u>	ANTENNA SUPPORT STRUCTURES	ANTENNAS MOUNTED TO ALTERNATIVE ANTENNA SUPPORT STRUCTURES*
Residential	Prohibited	Permitted - No additional height added
Commercial	Prohibited	Permitted - Less than or equal to 20 feet height added Conditional Use - Within Downtown Design District
Industrial	Permitted outside of the Downtown Design District	Permitted (100-foot maximum finished height)
Agricultural Holding	Prohibited	Permitted – No additional height added
Floodplain	Prohibited	Permitted – No additional height added

* Subject to the requirements of Chapter 17.55. (Ord. 4732, 2000)

17.55.050 Development review standards.

All WCF shall comply with the following design and review standards, unless identified as being legally non-conforming (grandfathered) as per the requirements of Chapter 17.63 (Nonconforming Uses).

A. Visual Impact.

1. Antennas. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two (2) feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
2. Height. Freestanding wireless and broadcast communication facilities shall be exempted from the height limitations of the zone in which they are located, but shall not exceed one-hundred (100) feet unless it is demonstrated that it is necessary. Facilities shall not exceed fifty (50) feet in height in Residential zones, except where such facility is sited on an alternative tower structure. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum which is necessary for its intended use, as

demonstrated in a report prepared by a licensed professional engineer. A wireless or broadcast communication facility that is attached to an alternative tower structure shall not exceed the height of the alternative tower structure by more than ten (10) feet, except that for location or collocation on alternative tower structures in residential zones, no increase in height shall be allowed.

3. Visual Impact. All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of camouflage technique(s), as found acceptable to the Planning Director to conceal antennas, associated equipment and wiring, and antenna supports is required.
4. Screening. The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the Planning Director may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.
5. Color.
 - A. A camouflage or stealth design that blends with the surrounding area shall be utilized for all wireless and broadcast communication facilities unless an alternative design is approved during the land use review process. If an alternative design is approved, all towers, antennae and associated equipment shall be painted a non-reflective, neutral color as approved through the review process. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure.
 - B. Towers more than 100 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection "A", above.
 - C. Where ancillary facilities are allowed under this code to be visible, they shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment, and where mounted on the ground shall be otherwise screened from public view, or placed underground.

6. Signage. There shall be no signs, symbols, flags, banners, or other such elements attached to or painted or inscribed upon any WCF except for warning and safety signage with a surface area of no more than three (3) square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes.
7. Historic Buildings and Structures. If the application involves the placement of an antenna on a building that is listed in the McMinnville register of historic structures, no such permit shall be issued without the prior approval of the McMinnville Historic Landmarks Committee. (Ord. 4732, 2000)
8. Accessory Building Size. Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed twelve (12) feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to two hundred (200) square feet, unless approved through a Conditional Use Permit. If approved in a Residential zone or the Downtown Overlay District, all equipment and ancillary facilities necessary for the operation of and constructed as part of a wireless or broadcast communication facility shall be placed within an underground vault specific to the purpose. For facilities required to be approved as stealth facilities, no fencing around the wireless or broadcast communication facilities shall be allowed. Unenclosed storage of materials is prohibited. Other building facilities, including offices, vehicle storage areas or other similar uses not necessary for transmission or relay functions are prohibited, unless a separate land use application for such is submitted and approved. Such other facilities shall not be allowed in Residential zones.
9. Utility Vaults and Equipment Pedestals. Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
10. Parking. No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
11. Sidewalks and Pathways. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.
12. Lighting. No antennas, or antenna support structures shall be artificially lighted except as required by the FAA or other governmental agency. WCF shall not include any beacon lights or strobe lights, unless required by the FAA or other applicable authority. If beacon lights or strobe lights are required, the Planning Director shall review the available alternatives and approve the design with the least visual impact. All other site lighting for

security and maintenance purposes shall be shielded and directed downward, unless otherwise required under Federal law.

B. **Setbacks and Separation.**

1. **Setbacks.** All WCF antenna support structures shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto, unless this requirement is specifically waived by the Planning Director or the Planning Commission for purposes of mitigating visual impacts or improving compatibility with other uses on the property.

All WCF are prohibited in a required front yard, rear yard, side yard, or exterior side yard setback of any lot in any zone, and no portion of any antenna shall extend into such setback. For guyed towers or monopoles, all guy anchors shall be located outside of the required site setbacks.

2. **Separation.** No antenna support structure shall be permitted to be constructed, installed or erected within 1,000 feet of any other antenna support structure that is owned, operated, or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the Planning Director if, after reviewing evidence submitted by the service provider, the Director finds that: 1) a closer spacing is required in order to provide adequate wireless communication service to the subject area; and, 2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area.

Antennas mounted on rooftops or City-approved alternative support structures shall be exempt from these minimum separation requirements. However, antennas and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened in a manner found acceptable to the reviewing authority.

17.55.060 Co-location of antennas and antenna support structures.

- A. In order to encourage shared use of towers, monopoles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of equipment, provided that:
 1. There is no change to the type of tower or pole.
 2. All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.
 3. All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
 4. All accessory equipment shall be located within the existing enclosure, shall not result in any exterior changes to the enclosure and, in Residential zones and the Downtown Overlay District, shall not include any additional above grade equipment structures.
 5. Collocation on an alternative tower structure in a Residential zone or the Downtown Overlay District shall require a stealth design.

6. The equipment shall not disturb, or will mitigate any disturbed, existing landscaping elements according to that required in a landscape plan previously approved by the Landscape Review Committee. If no such plan exists, a new landscape plan for the affected area must be submitted to and reviewed by the Landscape Review Committee prior to installation of the subject facility.
7. Placement of the equipment does not entail excavation or deployment outside of the site of the current facility where co-location is proposed.
8. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
9. Additional Application Requirements for Co-Location.
 - a. A copy of the site plan approved for the original tower, pole, or other base station facility, to which the co-location is proposed.
 - b. A site survey delineating development on-the-ground is consistent with the approved site plan.

17.55.070 Antenna support structures—removal when no longer used. Any antenna support structure that has had no antenna mounted upon it for a period of 180 successive days, or if the antenna mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days from the date of written notice from the City. During such 90 days, the owner may apply, and, for good reason, be granted an extension of time on such terms as the Planning Director shall determine. If such structure and equipment enclosure are not so removed, the City may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal. (Ord. 4732, 2000)

17.55.080 Application for permit for antennas, antenna support structures, and equipment enclosures. All applications for permits for the placement and construction of wireless facilities shall be accompanied by the following:

- A. Payment of all permit fees, plans check fees and inspection fees;
- B. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, enclosure, and/or structure is proposed, or copy of an appropriate easement, lease, or rental agreement;
- C. Public Meeting. Prior to submitting an application for a new wireless or broadcast communication facility, the applicant shall schedule and conduct a public meeting to inform the property owners and residents of the surrounding area of the proposal. It is the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected area (the affected area being all properties within 1000 feet of the proposed site). Such meeting shall be held no less than 15 days and no more than 45 days from the date that the applicant sends notice to the surrounding property owners. The following provisions shall be applicable to the applicant's obligation to notify the residents of the area affected by the new development application:
 1. The applicant shall send mailed notice of the public meeting to all property owners within 1000 feet of the boundaries of the subject property (the subject property includes the boundary of the entire property on which the lease area for the facility lies). The property owner list shall be compiled from the Yamhill County Tax Assessor's property owner list from the most recent property tax

assessment roll. The notice shall be sent a minimum of 15 days prior to the public meeting, and shall include at a minimum:

- a. Date, time and location of the public meeting.
 - b. A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernable.
 - c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessors map) which depicts the subject property.
2. Evidence showing that the above requirements have been satisfied shall be submitted with the land use application. This shall include: copies of all required notification materials; surrounding property owners list; and, an affidavit from the property owner stating that the above listed requirements were satisfied.
- D. Residential Siting Analysis. If a wireless or broadcast communications facility is proposed within a Residential zone the applicant must demonstrate the need for the new tower and why alternative locations and design alternatives, such as the use of alternative technology, cannot be used to meet the identified service objectives, pursuant to Section XX of this Chapter, unless the applicant demonstrates compliance with stealth design requirements on an existing tower or alternative tower structure as specified in Section XX of this Chapter.
- E. Geographical Survey. The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network associated with the gap that the proposed WCF is proposed to close. The applicant shall describe how this service area fits into and is necessary for the service provider's service network. Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required. The applicant shall include a vicinity map clearly depicting where, within a one-half (1/2) mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director, or the Planning Director's designee, and the applicant. This Section (.02) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).
- F. Visual Impact, Technological Design Options, and Alternative Site Analysis. The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites and technological design options for the WCF within and outside of the City that are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower or pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that will be taken to screen or

camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.

- G. Number of WCF. The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; towers; monopoles; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment.
- H. Safety Hazards. Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.
- I. Landscaping. The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included. All landscape plans shall be reviewed by and approved by the McMinnville Landscape Review Committee prior to installation.
- J. Height. The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a WCF height will exceed the base height restrictions of the applicable zone, its installation will be predicated upon either an Administrative Variance approval by the Planning Director (17.72.110) or a Variance approval (17.72.120) by the Planning Commission.
- K. Timeframe. The Application shall describe the anticipated time frame for installation of the WCF.
- L. Noise/Acoustical Information. The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide equipment decibel ratings as provided by the manufacturer(s) for all noise generating equipment for both maintenance cycling and continual operation modes.
- M. Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment for review and approval by the Planning Director.
- N. Co-Location. In the case of new antenna support structures (multi-user towers, monopoles, or similar support structures), the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.
- O. Lease. The site plan shall show the lease or easement area of the proposed WCF.
- P. Lighting and Marking. The Application shall describe any proposed lighting and marking of the WCF, including any required by the Federal Aviation Administration (FAA).

- Q. Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
- R. The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.
- S. Co-Location Feasibility. A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:
 - 1. An inventory, including the location, ownership, height, and design of existing WCF within one-half (1/2) mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
 - 2. Documentation of the efforts that have been made to co-locate on existing or previously approved towers, monopoles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, monopoles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
 - 3. Documentation as to why co-location on existing or proposed towers, monopoles, or commercial structures within one thousand (1,000) feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

17.55.085 Speculation tower. No application shall be accepted or approved for a speculation tower as defined in this Section, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the tower.

17.55.090. Owner's Responsibility

- A. If the City of McMinnville approves a new tower, the owner of the tower improvement shall, as conditions of approval, be required to:
 - 1. Record all conditions of approval specified by the City with the Yamhill County Clerk/Recorder;
 - 2. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - a. Negotiate in good faith with any potential user for shared use of space on the tower;
 - b. The above conditions, and any others required by the City, shall run with the land and be binding on subsequent purchasers of the tower site and/or improvement; and
 - c. A person/entity who/which deems himself/herself/itself aggrieved by the failure of a tower owner to respond in a timely and comprehensive manner or negotiate in good faith for shared use of a tower approved

by the City under this ordinance or any previous iteration of this ordinance, shall have a private right of action for damages for injury sustained by the party which was caused by the failure of the owner of the tower to so respond or negotiate in good faith as required by this section. In the resulting private litigation/mediation/arbitration, the prevailing party shall be entitled to have his/her/it's reasonable attorney fees paid by the nonprevailing party at the trial level and upon appeal.

- B. Maintenance. The following maintenance requirements apply to all facilities and shall be required as conditions of approval, where applicable:
1. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
 2. If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.
 3. All wireless and broadcast communication facility sites shall be kept clean, free of litter and noxious weeds.
 4. All wireless and broadcast communication facility sites shall maintain compliance with current RF emission standards of the FCC, the National Electric Safety Code, and all state and local regulations.
 5. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.

17.055.100. Abandoned Facilities

- A. All operators who intend to abandon or discontinue the use of any wireless or broadcast communication facility shall notify the City of such intentions no less than 60 days prior to the final day of use.
- B. Wireless or broadcast communication facilities shall be considered abandoned 90 days following the final day of use or operation.
- C. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
- D. In the event that an owner discontinues use of a wireless communication and broadcast facility for more than ninety (90) days, the City may declare the facility abandoned and require the property owner to remove it. An abandoned facility may be declared a nuisance subject to the abatement procedures of City of McMinnville Code. Delay by the City in taking action shall not in any way waive the city's right to take action. Upon written application prior to the expiration of the ninety (90) day period, the Planning Director may grant a six-month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the City subject to any conditions required to bring the project into compliance with current law(s) and make compatible with surrounding development.
- E. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.
- F. The applicant shall submit a cash deposit to be held by the City as security for abatement of the facility as specified herein. The cash deposit shall be equal to 120% of the estimated cost for removal of the facility and restoration of the site. Cost estimates for the removal shall be provided by the applicant based on an independent, qualified engineer's analysis and shall be verified by the City. Upon completion of the abandonment of the facility by the applicant as specified by this section, and inspection by the City, the entirety of the cash deposit shall be returned to the applicant.

Section 17.055.110. Review Process and Approval Criteria. The following procedures shall be applicable to all new wireless and broadcast communication facility applications as specified in the Section:

- A. All new wireless and/or broadcast communication facilities shall be reviewed under this chapter. Applications for new wireless and broadcast communication facilities shall be processed in accordance with the provisions of this section.
- B. Approval Criteria. The City shall approve the application for a wireless or broadcast communication facility on the basis that the proposal complies with the General Development Standards listed in this code above, and upon a determination that the following criteria are met:
 1. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
 2. The location, size, design, and operating characteristics of the proposed facility will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 - a. Scale, bulk, coverage and density;
 - b. The harmful effect, if any, upon neighboring properties;
 - c. The suitability of the site for the type and intensity of the proposed facility; and
 - d. Any other relevant impact of the proposed use in the setting where it is proposed (i.e. noise, glare, traffic, etc).
 3. All required public facilities and services have adequate capacity as determined by the City, to serve the proposed wireless or broadcast communication facility; and
 - a. The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location, or if compliance with all of the applicable approval criteria cannot be achieved through the imposition of reasonable conditions, the application shall be denied.
 - b. Notwithstanding any other provisions of this Code, the McMinnville City Council may establish fees in amounts sufficient to recover all of the City's costs in reviewing applications filed pursuant to this Chapter, including retaining independent telecommunication or other professional consultants as may be necessary to review and evaluate any evidence offered as part of an application. Such fee may be imposed during the review of an application as deemed appropriate by the City Planning Department.



City of McMinnville
Planning Department
231 NE Fifth Street
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MINUTES

May 18, 2017
Planning Commission
Work Session Meeting

5:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Martin Chroust-Masin, and Lori Schanche

Members Absent: Susan Dirks and Erica Thomas

Staff Present: Chuck Darnell – Associate Planner and Heather Richards – Planning Director

1. Call to Order

The meeting was called to order at 5:30 p.m.

2. Discussion Items:

- Historic Preservation Ordinance Review

Associate Planner Chuck Darnell explained the City's historic preservation program, since those types of projects typically went before the Historic Landmarks Committee and not the Planning Commission. The City has a locally adopted historic resources inventory for McMinnville with over 600 properties designated on the inventory. It was adopted in 1987 at the same time as the Historic Preservation Ordinance. The historic resources were classified into four categories: distinctive, significant, contributory, and environmental. The ordinance established a permit clearance process where when any alterations to a historic resource were proposed, they would have to go through a review process before building permits were issued. There were design guidelines and standards for exterior alterations that were used as the review criteria. These included preserving the architectural character of the building and consistency with the original construction type and materials.

Associate Planner Darnell explained the statewide land use planning program with planning goals that cities were required to follow. Goal 5 includes protection of historic resources and the existing ordinance was drafted to comply with this goal at that time. There had been recent updates to the Oregon Administrative Rules related to Goal 5. These changes were adopted in January 2017 and staff had been reviewing the new rules. The Historic Landmarks Committee had also reviewed them as they discussed other updates they wanted to make to the ordinance. Some impacts to the local program were: new criteria for designating a new historic resource, new criteria for demolition of a national register property, definition of owner consent related to when someone could refuse to add their property to a historic inventory, and any alteration to a historic resource had to follow the Secretary of the Interior's standards and guidelines.

Associate Planner Darnell explained that the City had the ability to determine which of the four historic resource categories would be the Goal 5 resources that would have to follow the Secretary of the Interior's standards. Staff recommended only the distinctive and significant categories be protected by the stricter standards, which was consistent with how the historic resources had been treated since the adoption of the inventory. The new rules also required protection of national register properties, which would apply in the historic downtown district. The non-contributing buildings could be excluded. The new rules heavily encouraged the adoption of a Historic Preservation Plan that would be adopted into the Comprehensive Plan. The City had received a grant to create the Historic Preservation Plan. Another change the HLC had been considering was a certificate of approval process. Instead of an alteration being triggered by a building permit, it would be that any exterior alteration would be reviewed. Another change was to the notification process for notices to go out to all property owners within 300 feet. They could have a broader notification area, especially for demolition applications.

Staff made begun to draft amendments to the existing ordinance and Associate Planner Darnell discussed the main changes. Staff planned to repeal the ordinance and all of the new standards would be put in the zoning ordinance. It would include the new criteria for additions or changes to the historic inventory, owner consent process, new rules for requesting removal from the historic inventory, certificate of approval process, and demolition of historic resources process.

Commissioner Chroust-Masin asked if there was a provision for someone who wanted to remove the structure from their property that they would first have to offer it to someone to move it onto their property before it was demolished. Associate Planner Darnell said no, but it was an interesting idea.

Associate Planner Darnell stated other changes included reviewing all alteration or remodeling applications, the stricter Secretary of the Interior's standards applying to the top two historic resource categories, additional review criteria, deletion of the old standards and guidelines, changing the public notice procedure to be more consistent with standard City practices, and the procedure and penalty section needed to be reviewed to see if it still applied.

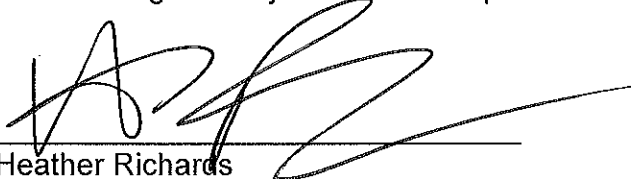
Planning Director Heather Richards said for those structures that were in bad condition and could fall down at any time, they could add a demolition by neglect process and create a hazardous building section in the Code.

Associate Planner Darnell said this item would be brought back to the Historic Landmarks Committee for their review and it would also go to the State Historic Preservation Office for their review.

There was discussion regarding clarification of the changes proposed and upcoming Planning Commission agenda items.

3. Adjournment

The meeting was adjourned at 6:09 p.m.



Heather Richards
Secretary



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MINUTES

May 18, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Martin Chroust-Masin, and Lori Schanche

Members Absent: Susan Dirks and Erica Thomas

Staff Present: Chuck Darnell – Associate Planner, Spenser Parsons, Beery, Elsner and Hammond – Contract Attorney, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None.

3. Approval of Minutes:

A. April 20, 2017 Work Session

Chair Hall called for action on the Planning Commission minutes from the April 20, 2017 Work Session. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 5-0.

B. April 20, 2017 Meeting

Chair Hall called for action on the Planning Commission minutes from the April 20, 2017 meeting. Commissioner Geary MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 5-0.

4. Public Hearing (Quasi-Judicial)

A. Zone Change (ZC 3/4-17) *(Public Hearing Closed April 20, 2017, Deliberation Only)*

Request: Approval of a zone change from R-2 (Single-Family Residential) to R-4 (Multiple-Family Residential) on approximately two (2) acres of land and a zone change from LDR-9,000 (Low Density Residential – 9,000 Square Foot Minimum) to R-4 (Multiple-Family Residential) on approximately 2.6 acres of land.

Location: 2501 NE Evans Street and 2640 NE Baker Street and more specifically described as Tax Lots 3200 and 3201, Section 16BC, T. 4 S., R. 4 W., W.M.

Applicant: Premier Development, LLC

Chair Hall read the quasi-judicial hearing procedure. The public testimony portion of the hearing was closed on April 20, 2017. Commission deliberation was continued to this meeting to allow staff time to modify the conditions of approval.

Planning Director Heather Richards delivered the staff report. This was a zone change request for two parcels. The Commission reviewed the criteria for the request at the last Commission meeting. There was public testimony in support and some were opposed. The opposition focused on the negative impact to neighboring properties of going to a high density residential zone in proximity to a low density residential zone. The Commission asked staff to evaluate some proposed conditions of approval which were being brought back to the Commission tonight. The project was located between NE Baker and NE Evans. The existing zoning was R-2 and County zoning LDR-9,000 and the request was to change the zoning to R-4, the highest density residential zone.

Planning Director Richards explained that zone changes had to be consistent with the goals and policies in the Comprehensive Plan, had to be orderly and timely, consistent with the pattern of development in the area and be compatible with the neighborhood, and had to be effectively served with municipal utilities and services. When the proposed amendment concerned needed housing as defined in the Comprehensive Plan and State statutes, the criteria for neighborhood compatibility should not apply to the rezoning. There was a housing needs analysis from 2001 that showed the City needed 164 additional acres of R-4 and about 50 acres had been rezoned to R-4. There was a need for more R-4 and that extension did apply.

Planning Director Richards explained that the property was located on a collector, it was not an area of poor drainage, had adequate service from existing facilities, access to public transit, and was not geographically constrained. The one criterion it might not meet was whether it could be buffered from low density residential development. One of the things staff looked at as a potential condition of approval was how to mitigate the transition from high density to low density residential. Within a quarter mile and a half mile of the site, there was existing high density residential and parks. Access would be off of Evans Street, which was a minor collector. The maximum average number of daily trips would be 10,000 trips. The applicant did a traffic impact study and the study did not indicate any operational deficiencies on Evans or the surrounding street network. The public input received included a neighborhood petition with the following concerns: traffic on Evans and Baker Streets, elimination of the County zone which decreased diversity in the area, future multi-family development did not comply with the required buffering, impact to school capacity and classroom size, and an R-4 zone would create a different type of neighborhood with increased traffic.

Planning Director Richards explained that the conditions of approval that would be relevant for any development that would happen on this property as it developed into posing higher density. A public sidewalk on Evans would happen through the building permit process and it was not included as a condition. Condition 1 included land and design for a future bicycle and pedestrian connection to Baker. Baker was currently a County street and was not developed to City standards. If it was developed to City standards in the future, the land would be set aside to be able to make that connection. Commissioner Schanche wanted surety that this would happen, however the Code did not require that type of surety for improvements that were internal to the property and staff was not able to come back with that recommendation as part of the condition. There was concern about vehicular access on Baker, but the City never intended that when the site developed that there would be access on Baker. Not allowing access on Baker was recommended Condition 2. There were two recommendations to mitigate the high density development that was adjacent to low density. Condition 3 stated that for anything built over 35 feet in height, the side yard setback would be increased by one foot for each foot of building height over 35 feet. Condition 4 stated if the property was built as a multi-family development complex, buffering would be provided between the development and low density neighborhood in the form of berms or landscaping. Staff recommended approval of the application with conditions.

Commissioner Schanche was disappointed a walkway could not be required. She wanted to make sure the design included access.

Based on the findings of fact, conclusionary findings, recommended conditions of approval, and materials submitted by the applicant, Commissioner Chroust-Masin MOVED to approve ZC 3/4-17 subject to the staff recommended conditions of approval as amended. SECONDED by Commissioner Geary. The motion CARRIED 5-0.

B. Zoning Text Amendment (G 1-17) (Continued from March 16, 2017 Meeting)

Request: Approval to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

Applicant: City of McMinnville

Chair Hall reopened the public hearing.

Associate Planner Chuck Darnell presented the staff report. He distributed additional testimony that had been received after the packet was sent out. Staff was recommending some amendments based on those comments. These were proposed changes to the landscaping and trees chapters of the City's zoning ordinance. The Landscape Review Committee started looking at the two chapters a few months ago and made some proposed amendments based on current practices and programs. There was a public hearing on March 16 that was continued to tonight to allow staff to analyze the public testimony that had been submitted and to take that information to the Landscape Review Committee for their consideration. Staff looked at all the testimony

that was provided and the information was reviewed by the Landscape Review Committee. The Committee recommended some changes based on that information.

Associate Planner Darnell explained that the broader topics that were proposed for change in the landscaping chapter were: the purpose and intent statement, review and inspection process, and committee bylaws. The changes for the trees chapter were: applicability and when trees were required to follow City standards, review process, street tree planting standards, replacement requirement, and long-term ongoing maintenance of street trees. Changes proposed since the last public hearing included reorganization of the landscaping chapter. It was confusing to have the plan review and submittal process in the chapter prior to knowing when landscaping was required. The suggestion was to move that information to the beginning of the chapter so it was clear when landscaping was required and in which zone and for what use. There was minor reorganization of the purpose and intent objectives.

Associate Planner Darnell explained that there was a broader purpose and intent that was drafted by the Landscape Review Committee. Some of the objectives under letter A had been slightly reorganized to make more sense and be more cohesive. A statement was also added encouraging the use of native plants. There was another suggestion to remove duplication of language in the plan submittal process. This was for a statement explaining that approval would not occur for a building permit until the landscaping was approved. The submittal process was also updated to require only two copies of landscaping plans be submitted. There was another suggestion that detail on trees was not needed when construction or construction access would not be through the drip line of the trees. There were additional features that could be included in the landscaping plans like raised planters. The appeal period would be amended from 5 days to 15 days.

Associate Planner Darnell explained that the changes to the trees chapter included minor changes and clarifications to the text. One was the Downtown Tree Zone was incorrectly spelled and not capitalized throughout the chapter. Also added was the ability of the Landscape Review Committee to allow additional time to replace a tree so trees could be planted in favorable times of year. It was suggested to consolidate all of the language on downtown trees into one section of the Code. All of the language had been moved to a section called Downtown Trees. Regarding tree removal, the requirements for submitting a tree removal application were amended to allow the request for an arborist report for any situation. Another reorganization was combining all the language related to street tree maintenance under the street tree maintenance section.

Associate Planner Darnell then discussed the additional comments received after the packet went out. One was confusion regarding the language relating to when final approval was given and when final inspections were completed. Staff proposed to add in that for any portions of the plan that were not installed, final inspection and/or approval would be postponed. Another proposed amendment was to have the graphic about the allowances for reduced landscaping areas come right after the end of the section regarding these allowances and to add area 1 and area 2 to the graphic because that was how they were described in the Code. It was also suggested to add more objectives to the trees purpose statement. If the Commission approved of these text amendments, they would be taken to the City Council for final approval on June 27.

Patty O'Leary, Yamhill County resident, said there was one statement in Section 17.57.050c about the requirement for stamping final plans. This requirement was nowhere else in the zoning ordinance, and she suggested deleting it.

Associate Planner Darnell said the language described when a landscape plan would be approved and described the City's process for approving the plan. The statement to be removed was "approval of landscaping plans shall be indicated on the plot plans." The chair of the Landscape Review Committee signed the plans, and one was kept by the City and one was provided back to the applicant. Staff did not think it should be changed at this point.

Ms. O'Leary said that was the language she was talking about. It was not included anywhere else in the zoning ordinance.

Commissioner Schanche did not think the wording should be deleted.

Chair Hall closed the public hearing.

Commissioner Chroust-Masin thought staff did a good job on this and was in support.

Commissioner Geary thought it was a much better plan than what was brought to the Commission previously. He was in favor of following Ms. O'Leary's suggestion.

Commissioner Schanche thanked staff and thanked Ms. O'Leary for her help.

Chair Hall gave staff kudos for their work on this. It was needed work so things functioned smoothly and problems were eliminated before they could arise.

Based on the findings of fact, conclusionary findings, recommended conditions for approval, and materials submitted by the City of McMinnville, Commissioner Chroust-Masin MOVED to recommend to the City Council approval of G 1-17 and the zoning text amendments as recommended by staff. SECONDED by Commissioner Butler. The motion CARRIED 5-0.

C. Zoning Text Amendment (G 2-17)

Request: The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions to allow local street grades up to and including fifteen (15) percent.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Planning Director Richards gave the staff report. These were proposed modifications to the residential street grade standards. The Commission would be making a recommendation to the City Council. In recent years there had been more residential development occurring in the west hills. In the process of examining where the City could grow, it was decided that McMinnville's growth would happen on the western side of the City in the hills area because the area was not good for crop growing. As they were continuing to expand in to the hills, there were constraints in terms of development because they were no longer building on flat lands. Because of the steeper slopes, steeper streets were being created. Currently the zoning ordinance limited street

grades to 6% on arterials, 10% on collectors, and 12% on any other streets. It also stated where existing conditions, particularly topography, made it otherwise impractical to provide buildable lots, the Planning Commission could accept steeper grades and sharper curves. Staff thought it would be good to put some parameters on these exceptions.

Planning Director Richards explained that staff had talked to other communities to see what they were doing in terms of steep street grades. It was not unusual for cities to have a 15% or more grade. They also discussed this with partners such as the Fire Department and Engineering Department. Some of the considerations from the Fire Department were fire engines could safely navigate 15% grades in most weather situations, the engines could provide service to grades up to 12% without risking damage to their pumping systems but above the 12% it put undue stress on the pumping systems, fire hoses could be pulled a distance of just over 100 feet, and consequently any street section between 12% and 15% grade could be no longer than 200 feet in length, a street section less than 12% grade must be provided between steeper sections to enable safety equipment operations, and a refuge area less than 12% grade was needed and it needed to be at least 75 feet in length. Staff also talked to the Building Department about what needed to be considered for homes built above 12% grade. They recommended requiring fire sprinkling in homes above 12% grade. The Engineering Department recommended accessibility guidelines for how people navigated intersections, and it was recommended they were not to exceed 5%.

Planning Director Richards explained that public testimony had been received which expressed concerns about how steep streets increased vehicular speeding and attracted skateboarding which were liabilities to the community. She thought there were ways to design the streets to slow down traffic. Staff recommended language be added to this chapter of the zoning ordinance that said grades would not exceed 6% on arterials, 10% on collectors, or 12% on any other streets with the exception that any local street grade exceeding 12% shall be reviewed for approval by the Fire Code Official during a land use application review process. When a local residential street was approved to exceed 12%, the following shall be required: a maximum of 200 feet of roadway length may be allowed with a grade between 12% and 15% for any one section, the roadway grade must reduce to no more than 12% for a minimum of 75 linear feet of roadway length between each section for firefighting operations, fire sprinklers shall be installed in all residential and commercial structures that accessed a road constructed at a grade higher than 12%, and the approval of the fire sprinklers shall be accomplished in accordance with the provisions in the Oregon Revised Statutes. Staff recommended deleting the language that gave the Commission the discretion to increase the grade in land use applications as other partners were comfortable with what the maximum standards were. Staff recommended the Commission recommend approval of these changes to the City Council.

William Decker, McMinnville resident, said staff had done a good job of answering the question of could they go to higher grades than what was in the City code. The real question was should they, and he thought the answer was no. This was based on the current conditions on Horizon Street. He conducted a survey on Horizon, which was a collector street that went above the 10% that it should have been limited to. The neighbors on Horizon experienced traffic that routinely was speeding on the hill. Skateboarders were attracted to the hill as well. There was a website that rated skateboard hills in Yamhill County and this one was in the top ten. There had been many skateboard accidents. It put the City at risk and the homeowners did not appreciate it either.

Robert Galati, McMinnville resident, said the amendment to the grade was consistent with what other cities did. However, the language regarding what the limits were was somewhat ill-defined. He asked where the maximum of 15% and 200 feet were measured from: the point of vertical curvature, beginning or ending point of a vertical curve, point of intersection on a vertical curve, or the point of a vertical curve where the grade going downhill began to exceed 12%? If they had a 200 foot vertical curve, the portion that exceeded 12% could take up 25 or 35 feet of the overall length. If they began the assessment of grade at the end point, and said 200 feet from the end point of the vertical curve, they were really saying they were 225 or 235 feet in length. They needed to clearly identify the impacts of vertical curvature, both crest and sag curves. He thought it would be beneficial if the actual length would be the portion of the road that exceeded the 12%, not on a straight grade but including vertical curvature.

Brad Bassitt, McMinnville resident, asked why homes that had access by a grade greater than 12% needed sprinklers.

Fire Marshal Debbie McDermott answered that Oregon statutes said this was an alternative to allow steeper streets to be built. Commissioner Geary said they were assuming there would be a delayed response from the Fire Department to get there and in inclement weather they might not be able to get there at all.

Mr. Bassitt said he lived on a very flat street and nothing stopped people from speeding. People sped on flat land just as much as sloped land. They should not be limiting what could be built on just because of speeding.

Vickie Gross, McMinnville resident, concurred with Mr. Decker's comments regarding skateboarders. They were on Mt. Mazama Street as well. She had observed skateboards going from the top of the hill at Horizon Drive and Mt. Mazama continuing all the way down Mazama and crossing 2nd Street without regard for the stop sign. They also came down the hill and made a left turn onto Mt. Hood and the visibility for skateboarders was not good on Mt. Hood. They were not using sidewalks, but were using the thoroughfares. She also observed school buses as they had attempted to climb up Mt. Mazama every morning with groaning and grating of the buses. The School District was not consulted in this process. They had a lot of hills that bicyclists used for training. There was a problem with the stop sign on Mt. Mazama and 2nd Street. The bike lane ended at that corner and the traffic continued on 2nd Street as a merged area. The bicyclists that flew down the hills were entering the access points at a higher speed and made it difficult for traffic to observe them.

Howard Aster, McMinnville resident, was in favor of these changes. He had been building homes in McMinnville since 1981. Most of the homes were on flat lots, but as the City grew to the west it was hillier land. This was a good time for the City to pass these amendments as it would help developers build better and safer neighborhoods. Most of the hilly land was poor quality for agriculture which meant that less good quality farmland would be used to build houses on.

Nick Scarla, McMinnville resident, said the land they had to build on would create steep streets. People were speeding on Baker Creek, which was flat. The speeding issue was not relevant. There were skateboarders and bicyclists who would seek out steep streets, and he did not think they should stop a subdivision from coming in because of it. He asked regarding the fire sprinklers, did other cities, like Tigard, require fire sprinklers?

Fire Marshal McDermott said yes, other cities required them over a certain percentage of slope. Other communities had a much larger fire service and the operation needs would not be at the same level. They had to look at the City's operational abilities as well as what their engine manufacturer specs allowed. Those specs stated the steepest maximum the engines could operate was 12%.

Mr. Scarla was not opposed to fire sprinklers, but it might be an issue with affordable housing. The more things that had to be added to a house, the more they lost affordability.

John Dan, McMinnville resident, was in favor of the amendments. He doubted that in inclement weather a fire engine could get up a 10% or 12% grade. Was it due to response time that the fire sprinklers were being required?

Fire Marshal McDermott stated that this winter the fire engines did get stuck due to snow and ice. These conditions and steeper streets were new. They were looking at how to provide the best possible response and ensure people's homes were safe. It would be a slower deployment and the fire sprinklers would help save homes and the people in them.

Mr. Dan asked if it would make more sense to limit the sprinkler requirement to homes that were built on a grade that was steeper than 12% rather than homes that were accessed by a grade steeper than 12%. There might be homes on a flat street that were accessed by a road that was 13% grade and they were required to have sprinklers when it did not seem like it would take much more time to deploy there.

Mike Ard was a professional transportation engineer with 20 years of practice in the field. Regarding the specificity of the tangent point of crest and sag vertical curves, he did not think there was ambiguity in the way the Code was written. It stated that any slope in excess of 12% or between 12% and 15% needed to be no greater than 200 feet long. He thought it was a firm point of demarcation where the 200 foot limits existed. Regarding the sprinklers, he deferred to the Fire Department requirements for their apparatus. There was some ambiguity with saying anything accessed by a road greater than 12% required sprinklers. There were situations where there was a connected street network where a street would be in excess of 12% and an alternative path was available that was less than 12%. The language could be changed to say that if the primary point of access was off of a greater than 12% grade, they might be required to install fire sprinklers even though there was an alternative route available.

Fire Marshal McDermott said that could be clarified if it was any access point or the main access point or if there were alternatives. The straightest route would be the main access point.

Larry Snider, McMinnville resident, lived on Horizon Drive. There were speeders in the neighborhood. The important issue was safety. Someone driving on a flat road could stop a lot faster than someone driving on a 10% to 12% grade. It was not a safe situation. People tended to back out up the hill and then come down the hill. It was difficult to see the traffic when backing out, especially those going at high speed.

Cheryl Nangerom, McMinnville resident, also lived on Horizon Drive. She had some issues regarding the planned development nearby. She was concerned about the traffic coming out onto Horizon Drive down Mt. Mazama to 2nd and no changes were going to be made at the intersection of Hill Road and 2nd and Horizon Drive and no left turn signals were going to be

installed because they thought the traffic would be handled by the streets. Right now 2nd and Hill Road was a problem as a four way stop. Limited intersections in this development and no extra access to a bigger collector would create more traffic problems because of the grade at the intersections.

Chair Hall thought that testimony was more relevant to the next public hearing.

Mark Davis, McMinnville resident, supported the proposed changes for the same reasons Mr. Aster stated.

Commissioner Geary asked if all of Horizon exceeded the maximum slope requirement. City Engineer Mike Bissett said the design grade on Horizon was 12%. He did not know what the Code requirements were at that time or if an exception was given for the slope at the time of development.

Chair Hall closed the public hearing.

Commissioner Schanche thought everything had been looked at carefully. Would the requests for grades greater than 12% come to the Planning Commission?

Planning Director Richards stated any local street grade exceeding 12% would be reviewed for approval by the Fire Code Official.

Commissioner Chroust-Masin was in favor of these amendments. They were running out of flat lands and had to go to the hills. New housing had to go somewhere and it would preserve agricultural land.

Commissioner Geary thought this was headed in the right direction to increase the ability to build out in the hills. However there were enough questions raised and items that needed to be discussed further and he preferred to send it back to staff to review and to make it a more robust document.

Commissioner Chroust-Masin was not opposed to bringing it back to the next meeting.

Commissioner Schanche asked what needed to be further investigated. Commissioner Geary said the issue of where to measure the grade needed to be addressed, they needed to explore the verbiage of alternative routes and the fire sprinkler requirement, and they needed to come up with creative solutions to Fire Department response time and ways to address safety for slopes above 12%.

Chair Hall said there were two types of safety issues that had been brought up, those involving the Fire Department and those involving speeding and skateboarding. They could not change human nature. Speed humps or mobile traffic control devices might be needed, but those issues should be dealt with separately and should not factor into whether or not they approved the amendments. They were trying to address the Fire Department and safety issues through these amendments. He did not think they needed to postpone the decision.

Commissioner Schanche agreed they did not need to postpone it. She thought it had been looked at thoroughly and was in support.

Commissioner Geary stated he was in favor overall, but given the testimony received that night, he thought more due diligence was needed on the issues that were raised.

Commissioner Butler thought a lot of good work had been done. She did not think it needed to be continued. She was in favor of moving forward.

Based on the findings of fact, conclusionary findings, recommended conditions for approval, and materials submitted by the City of McMinnville, Commissioner Schanche MOVED to recommend to the City Council approval of G 2-17 and the zoning text amendments as recommended by staff. SECONDED by Commissioner Butler. The motion PASSED 4-1 with Commissioner Geary opposed.

D. Planned Development Amendment (ZC 6-17)

Request: West Hills Properties, LLC, is requesting approval to amend Planned Development Ordinance No. 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also requested is approval to amend an approved residential subdivision and phasing plan on approximately 132 acres of land.

Location: The subject site is located generally north of West Second Street, west of NW Mt. Mazama Street and south of NW Fox Ridge Road and is more specifically described as Tax Lot 801, Section 24, T. 4 S., R. 5 W., W.M.

Applicant: West Hills Properties, LLC

Chair Hall opened the public hearing and read the hearing statement. He asked if there were any objections to the Planning Commission's jurisdiction on this matter. There were none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Chroust-Masin said he knew a lot of people in the audience, however that would not affect his decision.

Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant, any other party involved, or any other source of information outside of staff regarding the subject of this hearing. There was none.

Chair Hall asked if any Commissioner visited the site. Most of them had.

Chair Hall asked if any Commissioner wished to discuss their visit to the subject site. No one did.

Planning Director Richards provided the staff report. This was a zone change request to amend an existing planned development. The site was north of West 2nd Street, west of NW Mt. Mazama Street, and south of NW Fox Ridge Road. The applicant was West Hills Properties, LLC. There was already approval for development on the site, and tonight they were looking at amending the existing decision. It was 164 acres and was approved for development in 2007. The property had been partially developed. Valley's Edge Phase 2 was developed with apartments, a public

park, detention pond, and single family homes, and Valley's Edge Phase 3 was developed with single family homes. The subject of the current planned development amendment request was 132 acres of the original 164 acres. When the applicant went to engineer the subdivisions and looked at street grades and intersections and the 5% they were trying to achieve at the intersections, they found it could not be engineered into the existing topography.

Planning Director Richards explained that the applicant tried to keep most of the plan the same, however they had to eliminate some of the street connections, create longer block circumferences, and increase the number of lots by 40. The total lots of the existing plan were 512, and if the proposed amended plan was approved, it would create 552 lots. The current plan was zoned R-2 PD and the maximum density allowed was six units per acre. The proposed plan would be 4.6 units per acre with net density and 3.7 units per acre with gross density. The minimum lot size was 5,292 square feet and the maximum lot size was 35,000 square feet. The average lot size would be 9,547 square feet. These were larger lot sizes than the average lot size minimum requirement in the R-2 zone. The total number of single family units was 551 units and total multi-family units was 68. The multi-family units had already been built and several of the single family units had already been built as well in the first two phases.

Planning Director Richards explained that some variances had been requested including changing the street grades from 12% to 15% in some sections, changing the block length from 1,802 linear feet to 1,995 linear feet for 31 units, increasing the block circumference for 11 units that would exceed the 1,600 square feet, and a variance for the lot depth to width standard due to the wetlands and topography. For zone changes, the criteria included deciding whether it was a major or minor amendment. There was an increase in housing units by 40 and the internal vehicular circulation network had changed and staff felt it was a major amendment requiring a public hearing process.

Planning Director Richards explained that the criteria for an amendment to an existing planned development included the special physical conditions of the site, whether the resulting development was consistent with the Comprehensive Plan objectives for the area, whether it had adequate access and efficient provision of services to the adjoining areas, whether the plan could be completed in a timely manner, whether the streets were adequate to support the traffic and the development would not overload the streets outside the planned area, whether or not the proposed utility and drainage facilities were adequate, and whether or not noise, air, and water pollutants were mitigated. In terms of being consistent with the Comprehensive Plan, residential land in west McMinnville was limited to an average of six dwelling units per acre except for those within a quarter mile of transit routes where higher density should be encouraged. This application proposed 4.6 units per acre with net density and 3.7 units per acre with gross density and fell under the six units per acre. It qualified as a lower density residential development under R-2 PD and was limited to land shown as developed low density on the buildable lands inventory. It was in an area of only collectors and local streets and an area with geographical constraints.

Commissioner Schanche asked why there was no open space other than the existing park included in this project. Planning Director Richards said the park was part of the planned development and in 2007 the City thought the open space requirement was addressed through the neighborhood park.

Commissioner Schanche said planned developments were not supposed to be used to get out of zoning, and she did not think there was enough open space. She thought it was inconsistent with the Comprehensive Plan objectives because of the open space.

Commissioner Butler agreed, especially when they were adding 40 more units and not any open space.

Planning Director Richards said due to the connectivity issues, the street network system was changed and some connections were removed because of the street grading. They did add some pedestrian connections where the street connectivity had been removed. This was considered a green space.

Commissioner Chroust-Masin asked how large the park was. Planning Director Richards said it was 7 acres.

Zach Pelz, land use planner with AKS Engineering, was representing the applicant. In 2007 this plan was approved. Within the last few years they realized Phase 4 would require significant on-site grading that made it unfeasible to develop as it was approved in 2007. They decided to do a modification to the planned development instead.

Howard Aster, West Hills Development, introduced his development partners who were long time McMinnville residents who raised their families here and loved the community. This land was purchased 45 years ago and was located in the City limits and zoned for residential development. West Hills Properties sold their lots to a variety of small, mostly local home builders and local residents who wanted to choose a builder of their own. Their subdivisions featured a mixture of many talented home designers, contractors, and landscapers. This gave the subdivisions more creativity, uniqueness, and individuality. Most of the people who built in their subdivisions lived in the community. Local builders often bought local materials and hired local subcontractors. There was a demand for entry level housing and it was difficult to find any lots in the City that were affordable. There were older citizens who wished to downsize and build a single story house that was easier to maintain. Their subdivision provided lots that were spacious in size. This request was a revision to their master plan for an improved and safer subdivision.

Barry House was representing himself as a realtor. He had been a realtor in McMinnville for 30 years. He was also one of the principles in this project. The City was terribly short in inventory of available homes and lots. The property had been in the City limits for 45 years.

Commissioner Chroust-Masin asked why the property was not developed until now. Mr. House said the flat, level portion of the property was developed and now they were moving up the hill. They were getting into the rougher land that was harder to develop.

Mr. Pelz discussed the site, which was steep with slopes in excess of 30%. This application was approved in 2007, just before the housing bubble burst and the economy was still recovering. The site was two and a half miles west of where they sat today, at the west end of 2nd Street. There was about 132 acres remaining to be developed and it was zoned R-2. If they developed to the maximum 6 units per acre, they could build 800 homes. The application was more than 30% below what was allowed. The original application protected the drainage channel that ran down the center of the site. The streams on the western half of the site were not considered and

the lots and the streets were laid out inconsiderate of those drainageways. With the slopes, it was a challenge to design the streets, intersections, and lots on the site in a way that satisfied the City's street grade requirements and ADA grading requirements, as well as creating a practical, livable community. He reviewed the 2007 approval that mandated significant on-site grading. It included life cycle housing and with the range of lot and housing sizes it could serve a demand across a wide range of age and income groups in the City.

Mr. Pelz explained that since 2007, there were new ADA requirements that made sure the grades at intersections did not exceed 5%. The ADA requirements for shallower street grades resulted in steeper segments between those intersections that ultimately required removal of some of the intersections and required longer block lanes and circumferences. The variances requested were all related to this ADA requirement. He explained the 2007 lot layout and the existing drainageways on the site. The 2007 layout showed the rear of the lots backing up to the drainage channel, but the western half of the site did not identify the drainageways and it would result in filling in those drainage channels and eliminating them altogether. It would be a significant impact to the natural resource. The new plan was for 552 lots. The idea of life cycle housing promoted housing across a wide range of age and income groups to serve a wide range of demand in the City. They also wanted to promote ADA compliant intersections and street grades. He gave an example of one of the eliminated streets. If it was added back in, it would require West 2nd Street to be over 14% grade to make up for the flattening of the intersection to 5%. West 2nd Street was a collector and they wanted to keep it at 10% or below. The adjustments proposed were only occurring on local streets. The collector street was being kept at or below standard. He showed another example of Road A which would result in a street that was in excess of 30% grade.

Mr. Pelz explained that they had tried to balance the City's objective of promoting connectivity, and in locations where street connections could not be made there were pedestrian connections. There were over 20 acres of protected drainageway and a park. More open space was preserved in the back of the lots that would accommodate habitat and better protection of the drainageways throughout the site. Regarding the criteria, he asked the Commission to keep in mind that they were asking for the Commission's recommendation to approve a modification to an application that was approved in 2007. This was not a new planned development and there was a narrower scope for the decision.

Commissioner Schanche asked about the pedestrian accessways, how did they determine where they should go?

Paul Sellke, project engineer with AKS Engineering, said most of the accessways were located to split up walk lengths and provide connectivity between the longer block lengths that were created through the looped roads. They were centrally located in those areas.

Commissioner Schanche asked what was the typical grade for these walkways and did they all have stairs? What kind of stairs would they be, landscape stairs or concrete with railings? Mr. Sellke replied most would have stairs due to the steepness of the topography. To be accessible to the public, the stairs had to be an all-weather surface and had to be able to last long term.

Commissioner Schanche asked if they were going to put something in so people could wheel their bikes up the stairs? Mr. Sellke said they had discussed including a bike rail. Some of the grades would be 15% to 20%, but some would approach 40%.

Commissioner Schanche asked who would be in charge of maintaining the pedestrian pathways? Mr. Sellke answered it would most likely be done through an HOA.

Commissioner Chroust-Masin said they were worried about ADA intersections, but how did a handicapped person get up the streets when they were so steep?

Commissioner Geary asked how the western drainage slopes were overlooked? Zach replied he presumed what happened was they were overlooked due to the City's Code and that the analysis was required later in the process and not at the preliminary plat stage of the land use application.

Commissioner Chroust-Masin asked about the water supply and steep slopes. Mr. Pelz stated until a new reservoir was built to serve the upper elevations, there was an area that could not develop. That was a condition of the original application in 2007. There were about 250 lots above that line that could not be developed at this time.

Commissioner Schanche was concerned that people would not walk the really long blocks. She would like to see more pedestrian connections. She thought more connections was supported by Policy 77 and Residential Design Policy 81. Mr. Pelz said the policies changed when the topography was the overarching challenge.

Brad Bassitt pointed out this development would bring lots to the City that were much needed. Howard Aster had a long tradition of passing on lots to smaller home builders like he was. He had been able to build homes in the other phases of this project. This development had already been planned and this was only a request for a few changes.

John Dan lived within the development area. Mr. Aster sold a lot to Mr. Dan who then had a builder build his house. He walked down to the park all the time with his children. It was a beautiful park with nice walking paths. He had open fields all around him because development was not finished. There were wild turkeys and deer that walked through his yard. He did buy the lot knowing that development would continue. He thought the proposed changes were consistent with the character of the approved development and the lot sizes were similar. The drainageways were close to his house. It was a forested area until they cut down the trees and that might be why they were not seen before. They showed up when the snow melted, and they were not really visible even when it rained. It was hilly topography. Home values had increased in the last few years, and anyone who wanted an affordable home would have a difficult time. They needed more housing and did not want to take away farmland. They were going to have to build in the hills where there were steeper grades and longer blocks.

Nick Scarla stated this was a planned development already and the discussion should be if the amendments were an enhancement to the plan. He thought they were. There was a need for these lots. He asked the Commission to approve the application.

Rich Decker, McMinnville resident, said currently the work of cutting in the new road included blasting that was occurring in the neighborhood at unknown intervals. It bothered the dogs of the retirees, rattled cupboards, and so on. He asked if the developer could post a 24 hour notice before blasting. Mr. Aster said they had not blasted since October, however more blasting would

need to be done. The contractors had tried to contact people, but obviously not everyone. He was open to suggestions.

Mr. Decker wanted to make sure the builders continued the look and feel of the neighborhood and trees. Chair Hall confirmed that was a requirement.

Scott Schieber, McMinnville resident, asked about the green areas contiguous with the drainageways, were they part of the lots and homeowner property? Zach clarified they would be private conservation easements on the private lots to protect the drainageways in perpetuity. People could not build on those areas, but they had to maintain them.

Mr. Schieber asked about the policy on building cul-de-sacs and if any were going to be built. Planning Director Richards explained the City had a policy that discouraged cul-de-sacs, but they were allowed when the conditions were such that they could not create the connectivity.

Susie Bamer, McMinnville resident, lived at the top of the hill on Horizon and she had to have pumps for the water pressure. Her pressure at the meter was 30 pounds and without the pump there was virtually no pressure. She was concerned about her water pressure being affected by the new homes coming in. She would like something in the record that stated the water situation would be resolved and in place before anything was developed on the top of the hill. As all of these houses were being developed, would they draw down the pressure on her home?

City Engineer Bissett stated there was a line that no one could develop past because there was no water available at this time. A reservoir site had been purchased on Fox Ridge. The plan was to pump from the existing reservoirs to that site and then gravity back down the hill.

Ms. Bamer asked for those houses that were on the pumps, could they use the reservoir in the future and have the pumps taken off their homes. Mr. Aster thought she would be able to remove the pump and feed off the new reservoir. A building permit would not be approved for any of the buildings above the line until the infrastructure was in place.

Rich Decker thanked City staff for their help in understanding this process. His main concern was about the water runoff from the hill. There was a detailed stormwater plan with this application. Over the last year with the beginning of construction, the City had a landslide on 2nd Street and water bubbled up through the stormdrain covers when it rained. Hill Road flooded, one channel had been dug behind the homes on 2nd in order to prevent water from getting in their backyards, there was routed water behind the houses on Mazama, and on the berm that was built for the road every three to five feet there was visible run off between three and six feet deep. There was a problem and they had not sealed off areas with asphalt yet or put houses in. He did not think the water that would come off of this hill was under control. If a house on the hill moved, it would make it so he could not sell his house.

City Engineer Bissett stated that there was a comprehensive stormwater analysis for this development that met the current adopted Stormwater Master Plan. Several of these issues were not related to this development. The drainage along Hill Road would be dealt with through the roadway improvements that the City was currently out to bid for. There was a large detention facility at the bottom of the hill near the park. There would be other stormwater detention in the plan and they were going to keep natural drainage areas open. Geotechnical analysis had been done that determined the landslide was an isolated slide. They had corrected that issue with

drainage improvements and had structurally repaired the house that was damaged. The Building Official had to require geotechnical reports for future development as it proceeded. The current standard was that any lot that had fill had to have a geotechnical report done to demonstrate the fill was suitable for construction of a house. There were several check points to make sure the standards were being met and the house was being built on a suitable location. The applicant had a stormwater erosion permit and the permit was enforced through DEQ. Any issue with run off currently was being handled through the contractor of the project and the stormwater erosion plans they had that the state.

Mr. Aster said further development would help solve some of the drainage issues as the streets would cut off a lot of the drainage from above.

Mr. Decker raised a concern about Loop A road, if there was a fire and the neighborhood needed to empty, it would be difficult for all 120 houses to get out on one street while the fire trucks were trying to get in.

Fire Marshal McDermott thought the roads were wide enough to allow vehicles to come in and out at the same time. As development occurred, there would be less forest land and trees that could catch fire.

Commissioner Chroust-Masin asked if they foresaw any problems with sewer lines on these roads. Mr. Aster said there should not be a problem with sewer and stormwater lines as the topography worked to their favor in providing capacity for these services. They might have to blast to excavate the depth needed for the sewer lines.

The applicant agreed to waive the seven day period to submit final written arguments in support of the application.

Chair Hall closed the public hearing.

Commissioner Chroust-Masin said since this development had already been approved previously, and this was a modification to meet the new criteria, he did not see any reason for denial.

Commissioner Schanche was still concerned about open space. She realized this was an approved plan that was being modified. She thought it was disingenuous to say the drainageways could be considered open space as they were not meant to be accessible to the public. There was no way for the people in this development to get around other than by car. She suggested a condition that had added pedestrian connections.

Commissioner Butler agreed about the connections. They had added 40 more lots and some of that space could have been used to make the development more walkable and pedestrian friendly.

Commissioner Geary also concurred about the open space, however he did not know if they had leverage to make any changes to the existing planned development.

Mr. Aster said the plan was approved with the park as the required open space. There was no flat land to put a park up on the hill. The lots on the hill would have large backyards with creeks.

Commissioner Schanche read the planned development overlay purpose. She did not think this development fit with that purpose regarding open space.

Planning Director Richards said purpose statements were not criteria. They had to find criteria to request more open space than the neighborhood park.

Contract Attorney Spencer Parsons looked at the language of Policy 75 and the way staff was reading the language, the chapter was dealing with how open space was managed and maintained rather than a requirement for dedication of open space.

Mr. Aster said they were open to more pedestrian connections and suggested working with staff on locations. Mr. House said the park was built ahead of the housing. The park was what the City required for open space, and they had fulfilled that. He asked for a recess to work on this issue.

The Commission took a short break as requested.

Mr. Aster said they would be happy to add a condition of approval for more pedestrian walkways between the blocks and providing some space for a City park wherever the City would recommend.

Commissioner Butler asked what the price of the lots would be. Mr. Aster explained there would be bigger lots with CC&Rs for higher end homes, some would be lots for more middle class homes, and some would be common wall duplexes. They would go with what the market asked for. They tried to price lots at what home builders could afford, and yet be able to cover all their construction costs. They would sell most of the lots to other small, local builders and individuals who wanted to build on their own lots.

Commissioner Chroust-Masin asked when he expected this development to be built out. Mr. Aster said it depended on the market. They would try to build a subdivision per year, which was about 40 to 70 lots. It would be slow and controlled growth.

Chair Hall was in favor of approving the application. He asked who would maintain the pedestrian connections and park space. Mr. Aster said the pedestrian connections would be maintained by the Homeowners Association, however he thought the City should maintain the park. He was open to transferring some land to the City for a park, but he did not think they should be responsible for the park.

Chair Hall said if it was a park up on the hill, it was for the benefit of the home owners in that area. It was not a park that would be used by the rest of the City. Mr. Aster said there were many neighborhood parks that were owned by the City.

Commissioner Schanche said she had requested pedestrian connections consistent with Policy 77, Policy 132, and Residential Design Policy 81. She had not brought up parks.

Commissioner Butler said she was talking about open space, not necessarily a playground.

Planning Director Richards said the City's level of service was that every resident had access to a neighborhood park within a half mile of their residence. The City did not have funding to bring on additional parks for maintenance. Mr. House said the existing park was meant to be the park for the entire property. Mr. Aster said they were happy to work with the City to donate land for a park and to put in more pedestrian walkways.

Planning Director Richards said the developer was willing to provide more pedestrian connectivity that would be maintained through an HOA. Staff had language to include that in the motion.

Commissioner Schanche said the streets where she would like connections were: NW Brookshire to NW Canyon Creek Drive, Canyon Creek to Road A, Road A to the west, Road C to Road D, C Loop to Elizabeth, Road E to 2nd, and Road D to the future north.

There was discussion regarding the dedication of open space, since the City would not be able to maintain it. Chair Hall thought because it would benefit that neighborhood, not the rest of the City, it should be maintained by an HOA.

Commissioner Chroust-Masin thought the park would be used by other residents in the City.

Commissioner Butler said because it was in a wooded area and there were creeks in people's backyards, she suggested only requiring the pedestrian connections and not the park.

Based on the findings of fact, conclusionary findings, recommended conditions for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend to the City council approval of ZC 6-17 subject to the staff recommended conditions of approval with an added condition for additional pedestrian connectivity between NW Brookshire and NW Canyon Creek Drive, Canyon Creek to Road A, Road A to the west, Road C to Road D, C Loop to Elizabeth, Road E to 2nd Street, and Road D to the northwest and an added condition requiring the formation of a Homeowners Association for maintenance of the pedestrian walkways. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 5-0.

5. Old/New Business

None.

6. Commissioner Comments

None.

7. Staff Comments

None.

8. Adjournment

Chair Hall adjourned the meeting at 10:45 p.m.



Heather Richards
Secretary



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EXHIBIT 2 - STAFF REPORT

DATE: July 20, 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: CU 3-17 – 3121 NE Cumulus Avenue

Report in Brief:

This is a public hearing to consider an application for a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings. The property is located at 3121 NE Cumulus Avenue, and is more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.

Background:

The Planning Commission recently reviewed a conditional use permit request for the Parkland Village Assisted Living facility. That conditional use permit request (CU 2-17) was for a smaller expansion than what is now being proposed. That smaller expansion, which was an increase of 18 units, was approved by the Planning Commission at the April 20, 2017 regular meeting. Since that time, the applicant and the assisted living facility have explored the option to construct a larger expansion. This requires a new conditional use permit request because the site plan changed and the code requirements are slightly different for the proposed larger facility. The current conditional use permit request (CU 3-17) for the larger building expansion is an entirely separate request from the previous conditional use permit request, and has been reviewed as such.

The subject site is the current location of the Parkland Village Assisted Living facility. The site is bounded on the south by NE Cumulus Avenue and on the north by the South Yamhill River. The existing Kingwood subdivision and soon to be constructed Whispering Meadows subdivisions are located to the west of the subject site, and another senior living facility, Fircrest Senior Living, is located to the east of the subject site.

The subject site is zoned R-4 PD (Multiple-Family Residential Planned Development) and is designated on the comprehensive plan map as Residential. A small portion on the north end of the site is located within the floodplain, and that portion of the site is zoned F-P (Floodplain).

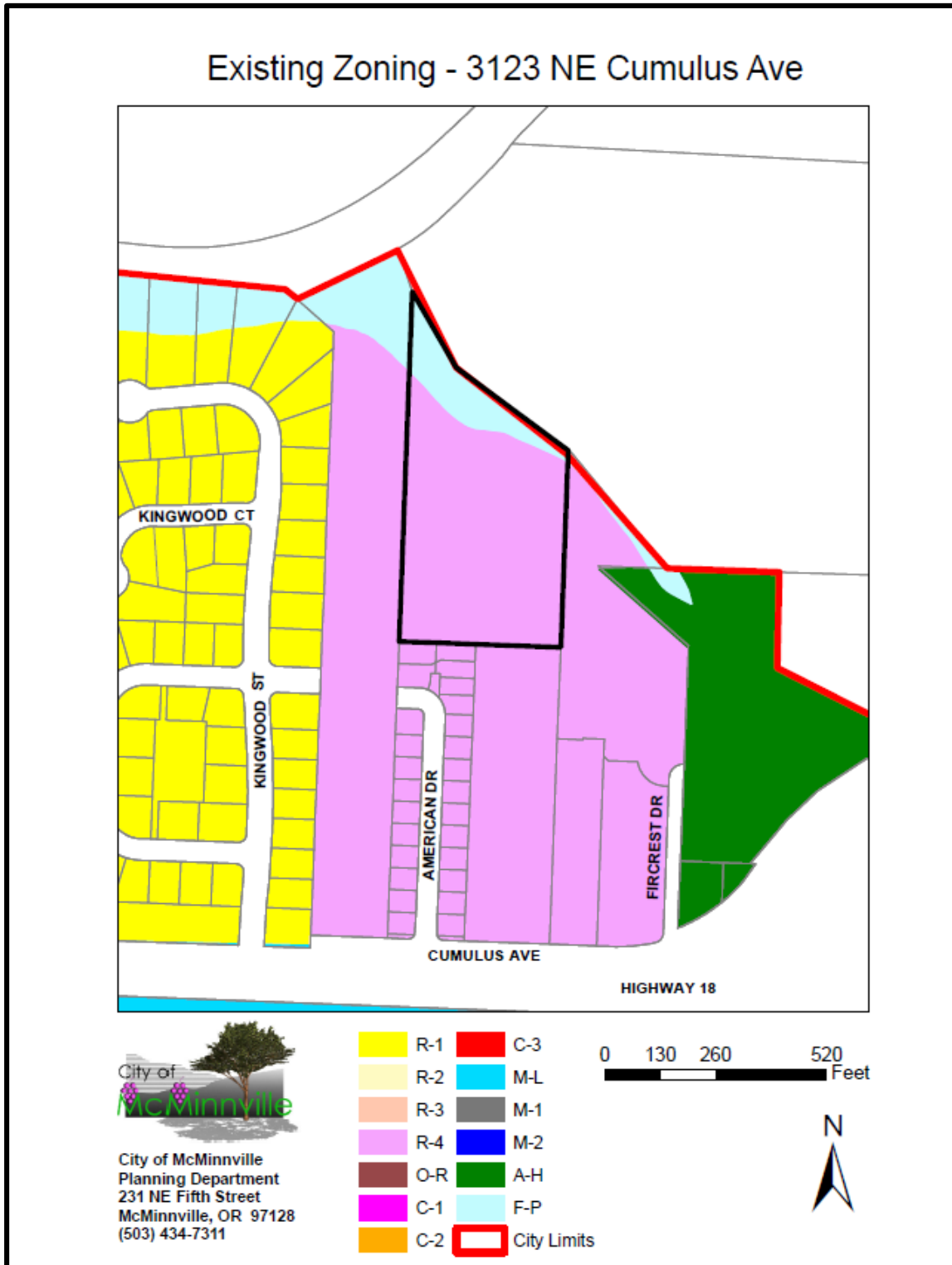
The existing Planned Development overlay that applies to the property (Ordinance 4581) was adopted in 1995 and resulted in a rezoning of the property to R-4 PD to allow for the existing assisted living facility to operate on the site.

Properties immediately adjacent to the subject site to the west and east are also zoned R-4 (Multiple-Family Residential). Properties further west in the Kingwood subdivision are zoned R-1 (Single Family Residential), and properties further east are zoned AH (Agricultural Holding). The subject site is on the edge of the city limits, so property to the north is outside of the McMinnville urban growth boundary. A visual of the subject site and reference maps showing the zoning designations of the subject site and the surrounding properties are provided below:

Site Reference Map



Existing Zoning



Discussion:

The applicant is proposing to expand the existing assisted living facility located on the subject site, adding 23,134 square feet to the existing 36,746 square foot facility. The expansion will occur on the north side of the existing building, adding 24 units to the facility which will result in a total of 74 residential units within the overall facility. The existing facility consists of 50 total units, all of which are studio or one (1) bedroom residential units. The expansion will consist of 24 units, but will provide 42 beds for residents in need of memory care. There will be a total of 92 residential beds in the expanded facility. The subject site is part of a larger senior living community, which is commonly known as Parkland Village Retirement Community and consists of the assisted living facility on the subject site and independent living accommodations to the south between the assisted living facility and NE Cumulus Avenue.

The subject site does contain some areas that are within the floodplain as identified on the Flood Insurance Rate Maps (FIRM) panels created by the Federal Emergency Management Agency (FEMA). The proposed expansion will not occur in the area of the site within the floodplain, which will be discussed in greater detail below.

The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the conditional use request.

Evaluation of Review Criteria:

The potential impacts of a proposed conditional use on the abutting properties and surrounding neighborhood should be minimized through the design, location, and operating characteristics of the proposed development. In order to ensure that the proposed use and development is appropriate and has minimal impacts on the surrounding neighborhood, the Planning Commission must find that the following criteria are being met:

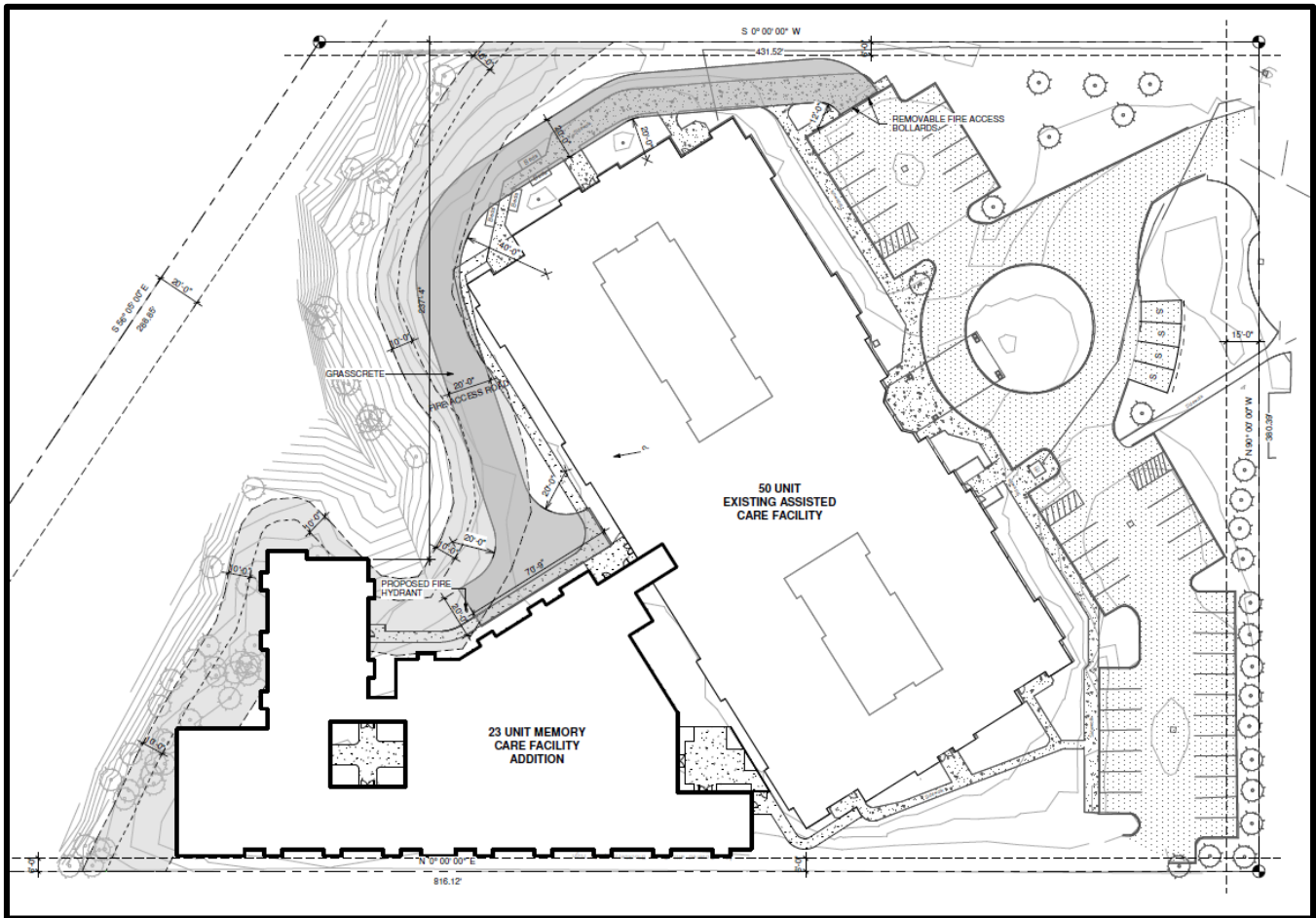
- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

Comprehensive Plan Policies: A number of Comprehensive Plan goals and policies relate to the proposed development. In particular, Comprehensive Plan Chapter II (Natural Resources) and Chapter V (Housing and Residential Development) include goals and policies applicable to this request. Some of the more applicable goals, which are identified and explained in greater detail in the Findings of Fact in the attached Decision Document, state that the City of McMinnville shall preserve the quality of water and land resources within the city, and that the City shall promote the development of affordable, quality housing for all city residents.

Zoning District Requirements: The property in question is zoned R-4 PD (Multiple-Family Residential Planned Development). The proposed use, an assisted living facility, would be defined as a convalescent home in the McMinnville Zoning Ordinance, and is therefore allowed as a conditional use in the R-4 zone (Section 17.21.020).

The new portion of the building will meet all required setbacks. The new building will be well outside the front, rear, and east side yard setback areas, but it will be close to the west property line and will just meet the minimum side yard setback of six (6) feet. The building will be constructed at the same height as the existing assisted living facility, which will be under 35 feet in height. Based on that building height, there are no increased yard areas required.

The proposed site plan can be seen below (note that the expansion on the site plan below is labeled as 23 units, but the applicant has verified that the expansion is indeed 24 units and the label on the site plan was incorrect):



Parking and Off-Street Loading Requirements: Parking on the site will be located south of the existing building, and will not be expanded as part of the expansion project. Parking requirements for this type of facility are based on the parking requirements for convalescent homes. Section 17.60.060(B)(4) (Spaces-Number required) requires that one parking space be provided for every two beds for patients or residents. Based on the size of the facility and the 92 residential beds, the minimum number of parking spaces required is 46 spaces. The existing parking areas provide 45 total parking spaces, and the applicant is proposing to add 4 additional standard parking spaces for a total of 49 parking spaces, which exceeds the minimum parking requirement for the site.

All other design and access requirements of the McMinnville Zoning Ordinance are being met with the existing and proposed parking areas (Section 17.60.080(A–C) (Design requirements)). The parking spaces are sized appropriately, the drive aisles are of sufficient width to provide adequate space for maneuvering, and handicapped parking is being provided at a rate consistent with building code requirements.

- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of

public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;

Harmony in Scale, Bulk, Coverage, and Density: The subject site is uniquely situated near a floodplain area which contains a significant amount of existing natural vegetation and mature trees. The buildable area of the site, where the expansion is being proposed, is located outside of the floodplain and the existing natural areas. The expansion area is mostly within an existing cleared space on the site, and the applicant has stated that their intention is to preserve as much of the natural areas as possible. The placement of the expansion in this existing cleared area of the site results in appropriate site coverage.

The operating characteristics of the proposed expansion will be consistent with the existing Parkland Village assisted living facility. As a residential care facility, the intensity of the use is very low. The expansion will provide memory care units, which will house a population that does not drive and therefore will not cause an increase in traffic on the site. Therefore, the operations of the expanded assisted living facility will not negatively impact the surrounding neighborhood.

The new portion of the building will be constructed to match the existing assisted living facility in design and in exterior building materials. The applicant's intent is to have the expansion blend in harmoniously with the existing facility, and have carried over similar design elements such as interior courtyards for the residents. The new building will be constructed to be six (6) feet from the west property line, which meets the minimum yard setbacks, but will be constructed close to the single family homes in the future Whispering Meadows subdivision. The proposed building expansion will not be overpowering in terms of scale and bulk, as it will be a single story building and will not impose on abutting properties any more than other types of permitted residential development would. However, certain site designs could reduce the potential impacts on abutting property owners. Therefore, staff is suggesting a condition of approval that a continuous row of evergreen shrubs or trees be installed along the west property line. This will provide for screening between the assisted living facility and the adjacent single family homes, and will be consistent with screening that is used on the south side of the site between the subject site and the Craftsman Landing subdivision. That existing row of evergreen trees, and how it has effectively provided screening between the uses, can be seen below. The image below is looking north from NE American Drive toward the existing assisted living facility, which is located just on the other side of the row of evergreen trees.



Based on the descriptions above, the proposed location and size of the facility, and the additional landscaping that would be included as a suggested condition of approval, staff believes that the expansion will be compatible with the surrounding neighborhood and will not impact the livability or appropriate development of abutting properties.

Availability of Public Facilities and Utilities: Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the ability for public facilities to serve the site.

Traffic, Circulation, and Parking: The applicant's narrative and submitted materials refer to the fact that the site accesses American Drive. However, the site is actually accessed by a private drive through the independent living facility site to the south, which is part of the overall Parkland Village Retirement Community. American Drive is a public street that is located in the Craftsman Landing subdivision west of the existing access drive to the subject site.

The Engineering Department reviewed the plans, and does not have any concerns with traffic from the expansion of the existing use. Based on the Institute of Transportation Engineers Trip Generation Manual (9th Edition), the addition of 42 beds on the site will result in the generation of 5.04 net new PM peak vehicle trips on the transportation network. Based on that minimal increase, the Engineering Department has found that the proposed development should not impact the capacity of the existing adjacent street network, which includes NE Cumulus Avenue and Highway 18.

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

The type of development proposed is consistent with the development pattern of the surrounding area. Other senior living facilities exist to the east of the subject site, and single family residential homes of a higher density exist to the west and south of the subject site. The proposed expansion will be a single story building, and will not impose on or cause any adverse impact on the development of abutting properties any more than other types of development that would be permitted outright in the R-4 (Multiple-Family Residential) zone. Given the existing development pattern and the existence of other similar uses in the surrounding area, the proposed use will not cause any significant adverse impact on the livability of the surrounding area.

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

The site and the proposed building have been designed in such a way as to blend in with the surrounding area. The applicant has stated that the development will have as little impact as possible on the natural areas on the site, and the building will be designed to match the existing assisted living facility. The applicant has also stated that it is their intent, for the benefit of the residents in need of memory care, that the facility be designed to evoke a sense of feeling at home. To evoke that sense of home, the facility will be designed to emulate a residential setting as much as possible, which will cause the facility to blend into the development pattern of the surrounding neighborhood.

To ensure that the expansion is consistent with the existing facility, staff is suggesting a condition of approval that will require that the expansion match the existing facility in terms of building design, architectural features, and exterior building materials. Staff will ensure that building elevations are provided and reviewed for consistency with the existing facility during the review of the building permit plans.

E. The proposal will preserve environmental assets of particular interest to the community;

The subject site is located in a unique area with environmental assets that are of interest to the community. An identified creek runs along the northern portion of the site, which runs north and intersects with the South Yamhill River. The northern portion of the site is also located within a floodplain as identified on the Flood Insurance Rate Maps (FIRM) panels created by the Federal Emergency Management Agency (FEMA). That portion of the site is zoned F-P (Floodplain), and the McMinnville Zoning Ordinance generally does not allow the construction of permanent structures within the floodplain. The proposed expansion is located completely out of the floodplain.

A steep slope exists on the northern portion of the site and along the creek, which is outside of the floodplain but is still not ideal for development. The applicant has provided a geotechnical report that includes an analysis of the steep slope and its ability to support structures. The original recommendation from that geotechnical report is to maintain a 35 foot setback from the top of the slope, as the slope will be vulnerable during seismic events. In order to provide a larger building footprint, the applicant investigated what construction techniques would be required to support a structure in the areas previously identified as setback areas from the top of the slope. These findings and recommendations are included in an addendum to the geotechnical report.

The recommendations in the addendum to the geotechnical report relate to construction techniques to ensure that development near the steep slope is structurally sound, such as the inclusion of stronger foundations and certain soil types that should be used for fill. Specifically, the addendum provides recommendations on pile depths that would be required to support development and still maintain slope stability. The McMinnville Building Official has reviewed the geotechnical report and the addendum to the report, and is comfortable with the development if the recommendations from both reports are followed. Staff is suggesting a condition of approval be included that requires that the building be constructed to meet any recommendations from the geotechnical report that the McMinnville Building Official deems necessary.

The subject site also contains a significant amount of natural vegetation and mature trees. Many of those trees exist on the sloped areas and around the creek. Therefore, many of the trees will be preserved and the applicant has stated that it is their intent to maintain as much of the natural areas as possible. The applicant has provided a tree inventory and an analysis of the trees that would be impacted by the proposed expansion. The tree inventory shows that 19 trees would need to be removed to allow for the expansion and the associated construction and grading operations. Those trees, including their species and existing diameter, are provided below:

Tree Species	Tree Diameter (inches)	Tree Species	Tree Diameter (inches)
Fir	18"	Fir	30"
Fir	54"	Fir	18"
Fir	12"	Fir	36"
Maple	36"	Fir	18"
Fir	24"	Fir	36"
Maple	16"	Fir	36"
Fir	18"	Fir	24"
Fir	18"	Cedar	24"
Fir	18"	Cedar	24"
Maple	4-16"		

Some of the trees will be near the construction impact area. Therefore, staff is suggesting that a condition of approval be included to require that the existing trees be protected during construction.

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

The applicant intends to construct the facility as proposed, and has the intent and capability to develop and use the land as proposed. The applicant owns and operates almost 25 residential facilities across the western United States, so they have experience in the operation of assisted living facilities such as the memory care facility that is proposed.

The McMinnville Fire Marshal originally had concerns with the proposed building expansion, as there was no way to provide emergency access to the north side of the new building for firefighting and rescue operations. The applicant revised the site plan, and provided a fire access route from the existing parking lot and around the east and north sides of the existing building. This route would provide emergency access for a fire apparatus, and would allow the Fire Department to get within allowable distances to reach all portions of the building expansion. The fire access route also requires a turn-around area for the fire apparatus, which is proposed to be included in the design.

The required fire access route will be located over the existing pedestrian walkways on the east side of the existing building, and over some of the previously proposed pedestrian walkways on the north side of the existing building to provide access to the expansion. The applicant is proposing to design the fire access route to function as a pedestrian walkway when it is not being used for emergency access. Removable bollards can be installed on the south end of the fire access route and pedestrian walkway, which can be removed during emergency access but will enhance the pedestrian nature of the walkway at other times and not allow for vehicular traffic. A condition of approval is being recommended by staff to ensure that the fire access route is designed to operate as a pedestrian walkway when not used for emergency purposes.

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and **APPROVE** the application, 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.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends approval of CU 3-17, subject to the following conditions:

1. That prior to the release of building permits, the applicant shall provide detailed building elevations for the proposed expansion. The new building shall be consistent with the existing assisted living facility in terms of building design, architectural detail, and exterior building material.

2. That the new building be constructed to satisfy all recommendations from the geotechnical report, as may be required by the City of McMinnville Building Official.
3. That the applicant provide a continuous row of evergreen shrubs or trees along the western property line adjacent to the new building to provide screening between the new building and the abutting properties.
4. That the applicant shall provide protection for existing trees during the construction of the new building. Protection shall be provided within the drip line of any tree in close proximity to the construction site.
5. That prior to the release of building permits for the proposed development, the applicant shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
6. That the applicant shall design the proposed fire access route to appear and operate as a pedestrian walkway when not being used for emergency access purposes. Removable bollards, as approved by the McMinnville Fire Department, shall be installed at the intersection of the fire access route and the existing parking lot.
7. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

The Planning Department recommends that the Commission make the following motion approving of CU 3-17:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 3-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

CD:sjs



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

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR AN EXPANSION OF AN EXISTING ASSISTED LIVING FACILITY AT 3121 NE CUMULUS AVENUE.

- DOCKET:** CU 3-17 (Conditional Use)
- REQUEST:** The applicant is requesting a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings.
- LOCATION:** The property is located at 3121 NE Cumulus Avenue, and is more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is R-4 PD (Multiple-Family Residential Planned Development) and F-P (Floodplain).
- APPLICANT:** RJ Development
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** July 20, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- 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; Oregon Department of Transportation; Oregon Division of State Lands; and Oregon Department of Fish and Wildlife. Their comments are provided in this decision document.

DECISION

Based on the findings and conclusions, the Planning Commission **APPROVES** the conditional use permit (CU 3-17) **subject to the conditions of approval provided in this document.**

////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Application Summary:

The applicant is requesting a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

CU 3-17 is **approved** subject to the following conditions:

1. That prior to the release of building permits, the applicant shall provide detailed building elevations for the proposed expansion. The new building shall be consistent with the existing assisted living facility in terms of building design, architectural detail, and exterior building material.
2. That the new building be constructed to satisfy all recommendations from the geotechnical report, as may be required by the City of McMinnville Building Official.
3. That the applicant provide a continuous row of evergreen shrubs or trees along the western property line adjacent to the new building to provide screening between the new building and the abutting properties.
4. That the applicant shall provide protection for existing trees during the construction of the new building. Protection shall be provided within the drip line of any tree in close proximity to the construction site.
5. That prior to the release of building permits for the proposed development, the applicant shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
6. That the applicant shall design the proposed fire access route to appear and operate as a pedestrian walkway when not being used for emergency access purposes. Removable bollards, as approved by the McMinnville Fire Department, shall be installed at the intersection of the fire access route and the existing parking lot.
7. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

ATTACHMENTS

1. CU 3-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police 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, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. The following comments have been received:

McMinnville Engineering Department:

We have reviewed proposed CU 3-17, and do not have any concerns or suggested conditions of approval. We would offer a couple comments:

1. The materials submitted by the applicant indicate in several locations that the site accesses American Drive. The site actually accesses Cumulus Drive via a private access easement granted as part of MP 12-96. The site does not access American Drive, which is a public street located in the Craftsman Landing subdivision south of the subject site; and
2. Per the Institute of Transportation Engineers Trip Generation Manual (9th Edition), the addition of 42 beds on the site will result in the generation of 5.04 net new PM peak vehicle trips on the transportation network. Therefore, the proposed development should not impact the capacity of the existing adjacent street network (Cumulus Avenue and Hwy 18).

McMinnville Water and Light:

MW&L has no comments on this application.

McMinnville Building Department:

May 16, 2017 - Drawing PR1.0, has not provided enough information for me to reply with any favorability. The plans indicate a total building area when completed to be 59,800 square feet. Based on the code analysis provided, there is nothing to indicate how Type VA construction will provide the allowable area by code. Secondly, based on the Geo-Tech report, if this project is to eventually proceed, I will require a qualified Geo-Tech engineer to be on site from beginning to end of site preparation and foundation approval.

May 22, 2017 - In the matter of the proposed expansion to Park Village Addition, I have reviewed the original as-builds, to ensure the original building complied with code for allowable area. I found that the original construction included a number of area separation walls, separating the structure into separate buildings for the allowable area.

With the proposal for the expansion if it is to proceed, there will be Geo-Technical requirements, which I have conveyed to the applicant. However, Fire Department access to the proposed expansion is not viable and the proposed expansion could not be approved.

Note - These comments were provided prior to the applicant providing a revised site plan with required fire access route.

McMinnville Fire Department:

May 16, 2017 - We have serious concerns because they do not appear to have any access to the expanded site. Access is required to within 150' of all portions of the building and they will most likely need an additional hydrant.

July 10, 2017 - I would like to clarify as far as land use or the expanding of the facility the fire department does not have issues. With that being said they still need to meet all required codes for the type, size and use of use building they are proposing.

The concerns I saw with what they are proposing are:
Oregon Fire Code 2014

503.1.1- Building and facilities. Approved fire apparatus roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720mm) of all portions of the facility and all portions of the exterior.

Fire Hydrants

Number and location of hydrants for a Type V-A building that is 59,880 sq ft.

Table B105.2 Minimum required fire flow and duration for buildings

Type V- A 59,101 – 66,000 requires 4500 gpm for 4 hours

Table C105.1 Number and Distribution of Hydrants

4,500 -5,000 gmp requires 5 hydrants with an average spacing of 300 ft.

There is language in the Fire Code which allows for alternatives due to topography, such as fire sprinklers and or fire alarm systems. However, this structure requires both sprinklers and alarm systems already and aren't considers as an alternative method of construction.

With this proposed project the access and water supply is limited to only the front of the structure which would make firefighting and rescue operation extremely difficult.

I know in talking with Bob there were building code issues as well.

If the designers can find a way to provide better access and water supply we would be happy to look at their ideas.

Note - These comments were provided prior to the applicant providing a revised site plan with required fire access route.

July 12, 2017 - The comments that I made were for the last drawing I had received.

I believe this new drawing will meet the needs of the fire department for access around the structure, it also provides a hammer head turn around. The only other item that would be needed would be a hydrant near the hammerhead. If one hydrant is provided there we will waive any additional hydrant requirements.

These comments were provided in response to the revised site plan provided by the applicant that identifies the required fire access route.

Yamhill County Public Works:

I have reviewed the subject conditional use submittal and find no conflicts with Yamhill County Public Works interests.

Oregon Department of State Lands:

If there are mapped wetlands or waters in or near the ground disturbance footprint for any project, then there is a particular notification process for coordinating with DSL. The wetland mapping for McMinnville is the National Wetlands Inventory (NWI), but of course if you have an in-house layer you may choose to use that in addition to the NWI. The notification process is the wetland land use notification (WLUN). Lauren will respond to the WLUN request. The DSL response is sent to both the planner and to the applicant so that we are all on the same page with what the next DSL related steps may be.

FINDINGS OF FACT

1. RJ Development is requesting a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings. The property is located at 3121 NE Cumulus Avenue, and is more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-4 PD (Multiple-Family Residential Planned Development) and F-P (Floodplain), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police 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, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. Comments in opposition were provided by both the Building Department and the Fire Department. The applicant provided as-built information for the existing building to satisfy the Building Department's concerns, and also provided a revised site plan that resolved the Fire Department's concerns with access to the building expansion.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

The applicant provided findings for a wide range of Comprehensive Plan goals and policies, many of which were found to not apply to the request. However, those findings are incorporated herein as they were provided in the application. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

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

Finding: The subject site has a steep slope and, due to the vulnerability of the steep slope, limiting soil characteristics. The geotechnical report provided by the applicant provides recommendations for the proposed building expansion to ensure that the building is structurally sound and functional, especially during seismic events. A condition of approval will ensure that all recommendations from the geotechnical report may be required by the McMinnville Building Official. Goal II 1 and Policy 2.00 are met by this proposal.

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

Policy 9.00: *The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.*

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

Finding: The northern portion of the subject site is located within a floodplain as identified on the Flood Rate Insurance Map (FIRM) panels created by the Federal Emergency Management Agency (FEMA). That portion of the site is zoned F-P (Floodplain), and permanent structures are generally not permitted in the Floodplain zone. The proposed expansion will not be located in the portion of the site that is located in the floodplain. The Department of State Lands provided comments on the application related to the verification that there are not mapped wetlands on the property, and if there were, that notification of any land use disturbance be provided to the Department of State Lands. The local wetland map for McMinnville is the National Wetlands Inventory (NWI). The NWI shows no mapped wetland areas on this site, other than the South Yamhill River which is already protected by the F-P (Floodplain) zoning district. Therefore, Policies 8.00, 9.00, and 10.00 are met by this proposal.

Policy 12.00: *The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.*

Finding: While noise will likely not be an issue with the proposed use as an assisted living facility, a condition of approval to provide landscaping along the west property line for screening purposes will also provide for a buffer that will reduce noise between the proposed use and abutting properties. Policy 12.00 is met by this proposal.

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

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

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that the residential units being provided in this assisted living facility will be reserved specifically for elderly clients with memory care needs, which provides for a specific, needed type of housing in the City of McMinnville.

Policy 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.

Policy 64.00: The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.

Finding: Policies 59.00 and 64.00 are satisfied by this proposal in that the form of multiple-family housing being provided will be reserved specifically for elderly clients with memory care needs. The facility will

also be reserving a certain percentage of the units for moderate-income individuals. The applicant did not provide details on the number of units or the income limits for those units, but the fact that some are being reserved will provide lower-cost housing for members of the community.

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.

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

Finding: Goal V 2 and Policy 69.00 are met by this proposal in that the multiple-family residential facility being proposed will be located in an area of the city that is already zoned and guided for higher density residential development and uses, thereby ensuring a development pattern that is integrated into a compatible framework within the city.

Policy 80.00: In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

Finding: The subject site has a steep slope and, due to the vulnerability of the steep slope, limiting soil characteristics. The geotechnical report provided by the applicant provides recommendations for the proposed building expansion to ensure that the building is structurally sound and functional, especially during seismic events. A condition of approval will ensure that all recommendations from the geotechnical report may be required by the McMinnville Building Official. Another condition of approval will ensure that existing trees are protected during construction, and the applicant has stated that they intend to preserve as much of the natural areas on the site as possible. Policy 80.00 is therefore satisfied by the proposal and the conditions of approval.

Policy 89.00: Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.

Finding: The applicant has stated that they will provide landscaping around the new building. Conditions of approval will ensure that landscaping is installed and that a landscape plan is reviewed and approved by the Landscape Review Committee. Policy 89.00 is satisfied by this proposal.

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

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

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either

presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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

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

Finding: The existing assisted living facility provides for parking in excess of what is required for the proposed use, even after the expansion. Based on the size of the facility and the 92 residential beds, the minimum number of parking spaces required is 46 spaces. The existing parking areas provide 45 total parking spaces and 4 new parking spaces will be added for a total of 49 parking spaces on the site, which exceeds the required parking. Policies 126.00 and 127.00 are satisfied by this proposal.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE MCMINNVILLE URBAN GROWTH BOUNDARY.

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

Policy 144.00: The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*

3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00, 144.00, 147.00 and 151.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Policy 155.00: The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and the applicant responded to the original concerns of the Fire Department with access to the north side of the building expansion. The revised site plan provides for an emergency fire access route to the north side of the existing building, which the Fire Department has deemed to meet the fire code requirements for access during emergency events.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 168.00: Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

Policy 169.00: Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

Finding: The subject site has a steep slope and, due to the vulnerability of the steep slope, limiting soil characteristics. The geotechnical report provided by the applicant provides recommendations for the proposed building expansion to ensure that the building is structurally sound and functional, especially during seismic events. A condition of approval will ensure that all recommendations from the geotechnical report may be required by the McMinnville Building Official. Another condition of approval will ensure that existing trees are protected during construction, and the applicant has stated that they intend to preserve as much of the natural areas on the site as possible. Goal VII 3 and Policies 168.00 and 169.00 are therefore satisfied by the proposal and the conditions of approval.

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.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-4 Multiple-Family Residential Zone:

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

K. Nursing/convalescent home

Finding: The underlying zoning of the subject site is R-4 (Multiple-Family Residential) which allows the proposed use of an assisted living facility, which falls under the definition of a convalescent home in the McMinnville Zoning Ordinance, as a conditional use.

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

Finding: The proposed building expansion will meet all required yard setbacks, and will not be of a height that would require increased yards.

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height.

Finding: The proposed building expansion will be constructed to be less than 35 feet in height, which is well below the maximum height of 60 feet.

Flood Plain Zone:

17.48.005 Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places.

Finding: The proposed building expansion will not be located within the area of the site that is located in the floodplain, and that will remain in its natural state.

Landscaping:

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges: [...]
 - 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee [...]

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

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

17.57.065 Specific uses requiring landscaping.

- D. Multiple-family, commercial, and industrial uses in residential planned developments.

Finding: Landscaping will be required as a condition of approval, and the Landscape Review Committee will ensure that the landscaping meets all necessary guidelines and criteria.

Review Criteria:

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

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

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The property in question is zoned R-4 PD (Multiple-Family Residential Planned Development). The proposed use, an assisted living facility, would be defined as a convalescent home in the McMinnville Zoning Ordinance, and is therefore allowed as a conditional use in the R-4 zone (Section 17.21.020).

The new portion of the building will meet all required setbacks. The new building will be well outside the front, rear and east side yard setback areas, but it will be close to the west property line and will just meet the minimum side yard setback of six (6) feet. The building will be constructed at the same height as the existing assisted living facility, which will be under 35 feet in height. Based on that building height, there are no increased yard areas required.

Parking on the site will be located south of the existing building, and will not be expanded as part of the expansion project. Parking requirements for this type of facility are based on the parking requirements for convalescent homes. Section 17.60.060(B)(4) (Spaces-Number required) requires that one parking space be provided for every two beds for patients or residents. Based on the size of the facility and the 92 residential beds, the minimum number of parking spaces required is 46 spaces. The existing parking areas provide 45 total parking spaces, and the applicant is proposing to add 4 additional standard parking spaces for a total of 49 parking spaces, which exceeds the minimum parking requirement for the site.

All other design and access requirements of the McMinnville Zoning Ordinance are being met with the existing parking areas (Section 17.60.080(A-C) (Design requirements)). The parking spaces are sized appropriately, the drive aisles are of sufficient width to provide adequate space for maneuvering, and handicapped parking is being provided at a rate consistent with building code requirements.

The subject site is uniquely situated near a floodplain area which contains a significant amount of existing natural vegetation and mature trees. The buildable area of the site, where the expansion is being proposed, is located outside of the floodplain and the existing natural areas. The expansion area is mostly within an existing cleared space on the site, and the applicant has stated that their intention is to preserve as much of the natural areas as possible. The placement of the expansion in this existing cleared area of the site results in appropriate site coverage.

The operating characteristics of the proposed expansion will be consistent with the existing Parkland Village assisted living facility. As a residential care facility, the intensity of the use is very low. The expansion will provide memory care units, which will house a population that does not drive and therefore will not cause an increase in traffic on the site. Therefore, the operations of the expanded assisted living facility will not negatively impact the surrounding neighborhood.

The new portion of the building will be constructed to match the existing assisted living facility in design and in exterior building materials. The applicant's intent is to have the expansion blend in harmoniously with the existing facility, and have carried over similar design elements such as interior courtyards for the residents. The new building will be constructed to be six (6) feet from the west property line, which meets the minimum yard setbacks, but will be constructed close to the single family homes in the future Whispering Meadows subdivision. The proposed building expansion will not be overpowering in terms of scale and bulk, as it will be a single story building and will not impose on abutting properties any more than other types of permitted residential development would. However, certain site designs could reduce the potential impacts on abutting property owners. Therefore, a condition of approval has been included to require that a continuous row of evergreen shrubs or trees be installed along the west property line. This will provide for screening between the assisted living facility and the adjacent single family homes, and will be consistent with screening that is used on the south side of the site between the subject site and the Craftsman Landing subdivision. That existing row of evergreen trees, and how it has effectively provided screening between the uses, can be seen below.

Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the ability for public facilities to serve the site.

The applicant's narrative and submitted materials refer to the fact that the site accesses American Drive. However, the site is actually accessed by a private drive through the independent living facility

site to the south, which is part of the overall Parkland Village Retirement Community. American Drive is a public street that is located in the Craftsman Landing subdivision west of the existing access drive to the subject site.

The Engineering Department reviewed the plans, and does not have any concerns with traffic from the expansion of the existing use. Based on the Institute of Transportation Engineers Trip Generation Manual (9th Edition), the addition of 42 beds on the site will result in the generation of 5.04 net new PM peak vehicle trips on the transportation network. Based on that minimal increase, the Engineering Department has found that the proposed development should not impact the capacity of the existing adjacent street network, which includes NE Cumulus Avenue and Highway 18.

The type of development proposed is consistent with the development pattern of the surrounding area. Other senior living facilities exist to the east of the subject site, and single family residential homes of a higher density exist to the west and south of the subject site. The proposed expansion will be a single story building, and will not impose on or cause any adverse impact on the development of abutting properties any more than other types of development that would be permitted outright in the R-4 (Multiple-Family Residential) zone. Given the existing development pattern and the existence of other similar uses in the surrounding area, the proposed use will not cause any significant adverse impact on the livability of the surrounding area.

The site and the proposed building have been designed in such a way as to blend in with the surrounding area. The applicant has stated that the development will have as little impact as possible on the natural areas on the site, and the building will be designed to match the existing assisted living facility. The applicant has also stated that it is their intent, for the benefit of the residents in need of memory care, that the facility be designed to evoke a sense of feeling at home. To evoke that sense of home, the facility will be designed to emulate a residential setting as much as possible, which will cause the facility to blend into the other development in the surrounding neighborhood.

To ensure that the expansion is consistent with the existing facility, a condition of approval is included that will require that the expansion match the existing facility in terms of architectural features and exterior building materials. Staff will ensure that building elevations are provided and reviewed for consistency with the existing facility during the review of the building permit plans.

The subject site is located in a unique area with environmental assets that are of interest to the community. An identified creek runs along the northern portion of the site, which runs north and intersects with the South Yamhill River. The northern portion of the site is also located within a floodplain as identified on the Flood Insurance Rate Maps (FIRM) panels created by the Federal Emergency Management Agency (FEMA). That portion of the site is zoned F-P (Floodplain), and the McMinnville Zoning Ordinance generally does not allow the construction of permanent structures within the floodplain. The proposed expansion is located completely out of the floodplain.

A steep slope exists on the northern portion of the site and along the creek, which is outside of the floodplain but is still not ideal for development. The applicant has provided a geotechnical report that includes an analysis of the steep slope and its ability to support structures. The original recommendation from that geotechnical report is to maintain a 35 foot setback from the top of the slope, as the slope will be vulnerable during seismic events. In order to provide a larger building footprint, the applicant investigated what construction techniques would be required to support a structure in the areas previously identified as setback areas from the top of the slope. These findings and recommendations are included in an addendum to the geotechnical report.

The recommendations in the addendum to the geotechnical report relate to construction techniques to ensure that development near the steep slope is structurally sound, such as the inclusion of stronger foundations and certain soil types that should be used for fill. Specifically, the addendum provides recommendations on pile depths that would be required to support development and still maintain slope stability. The McMinnville Building Official has reviewed the geotechnical report and the

addendum to the report, and is comfortable with the development if the recommendations from both reports are followed. Staff is suggesting a condition of approval be included that requires that the building be constructed to meet any recommendations from the geotechnical report that the McMinnville Building Official deems necessary.

The subject site also contains a significant amount of natural vegetation and mature trees. Many of those trees exist on the sloped areas and around the creek. Therefore, many of the trees will be preserved and the applicant has stated that it is their intent to maintain as much of the natural areas as possible. The applicant has provided a tree inventory and an analysis of the trees that would be impacted by the proposed expansion. The tree inventory shows that 19 trees would need to be removed to allow for the expansion and the associated construction and grading operations. Some of the trees will be near the construction impact area. Therefore, a condition of approval has been included to require that the existing trees be protected during construction.

The applicant intends to construct the facility as proposed, and has the intent and capability to develop and use the land as proposed. The applicant owns and operates almost 25 residential facilities across the western United States, so they have experience in the operation of assisted living facilities such as the memory care facility that is proposed.

The McMinnville Fire Marshal originally had concerns with the proposed building expansion, as there was no way to provide emergency access to the north side of the new building for firefighting and rescue operations. The applicant revised the site plan, and provided a fire access route from the existing parking lot and around the east and north sides of the existing building. This route would provide emergency access for a fire apparatus, and would allow the Fire Department to get within allowable distances to reach all portions of the building expansion. The fire access route also requires a turn-around area for the fire apparatus, which is proposed to be included in the design.

The required fire access route will be located over the existing pedestrian walkways on the east side of the existing building, and over some of the previously proposed pedestrian walkways on the north side of the existing building to provide access to the expansion. The applicant is proposing to design the fire access route to function as a wide pedestrian walkway when it is not being used for emergency access. Removable bollards can be installed on the south end of the fire access route and pedestrian walkway, which can be removed during emergency access but will enhance the pedestrian nature of the walkway in other times and not allow for vehicular traffic. A condition of approval is included to ensure that the fire access route is designed to operate as a pedestrian walkway when not used for emergency purposes.

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

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

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

Finding: The conditions of approval included in this document are included to ensure that the development does not have a detrimental impact on the surrounding area, and to protect the best interest of the surrounding area.

CD:sjs

**Planning Department**

231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.ci.mcminnville.or.us

Office Use Only:

File No. CU 3-17
 Date Received 5-1-17
 Fee 1055.00
 Receipt No. 17MCOF4
 Received by gpb

Conditional Use Application

Applicant Information

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

Applicant Name RJ Development Phone 360-528-3343

Contact Name Josh Snodgrass Phone 360-528-3343
(If different than above)

Address 401 Central St. SE

City, State, Zip Olympia, WA, 98501

Contact Email josh@rjdevelopment.com

Property Owner Information

Property Owner Name Welltower Inc. Phone 419-247-2800
(If different than above)

Contact Name C/O RJ Development - Josh Snodgrass Phone 360-528-3343

Address 4500 Dorr Street

City, State, Zip Toledo, OH, 43615

Contact Email info@welltower.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 3123 NE Cumulus Ave., McMinnville, OR

Assessor Map No. R4 422 -DD 00100 -40171C0408D Total Site Area 5.09 Acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation PD - Multiple Family Dev. Zoning Designation R4 - Multi Family Residential

1. State nature of the request in detail: We are proposing adding an approximately 22,645 square foot addition to our existing Parkland Assisted Living Facility. The new addition will add 24 units to the facility, totaling 74 between existing and new buildings. The site is currently zoned R-4 (Multi-family Residential), and the proposed addition of assisted living uses requires a Conditional Use Permit in the R-4 zone.

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: See attached Written Justification.

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development: See attached Written Justification.

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? _____

See attached Written Justification.


7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

See attached Written Justification.

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), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A legal description of the property, preferably taken from deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

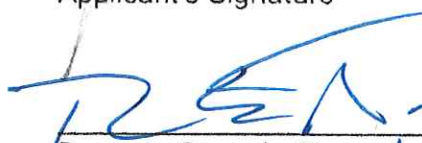
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.



Applicant's Signature

05/05/2016

Date



Property Owner's Signature
Thomas F. Stanley
Manager, Stanley & Shorten, LLC,
Tenant in possession for
Welltower, Inc.

5/6/16

Date

RECEIVED

MAY 11 2017

COMMUNITY DEVELOPMENT
CENTER

Written Justification for Conditional Use Permit Addendum 1

A. **“The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.”**

The Comprehensive Plan, on page 1 states that “(The) Goal, policy, and proposal statements each have different purposes: goal statements are the most general principles; policy statements are directed to specific areas to further define the goal statements; and proposals are possible courses of action open to the City which shall be examined to further implement the goal and policy requirements. Each of these statement types is further defined below:

GOALS: are the broadly-based statements intended to set forth the general principles on which all future land use decisions will be made. Goals carry the full force of the authority of the City of McMinnville and are therefore mandated.

POLICIES: are the most precise and limited statements intended to further define the goals. These statements also carry the full force of the authority of the City of McMinnville and are therefore mandated.

PROPOSALS: are the possible courses of action available to the City to implement the goals and policies. These proposals are not mandated; however, examination of the proposals shall be undertaken in relation to all applicable land use requests.”

The Following Goals, Policies, and Proposals appear to apply to or be affected by our requested Conditional Use. We will address our findings below.

Goal II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER AND LAND RESOURCES WITHIN THE PLANNING AREA.

LAND

Policy 2.00

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

Statement of Fact:

On the northeasterly portion of the site under consideration, there is a steep slope that drops along a bank to a drainageway way of the Yamhill river. With this request, we are proposing to extend the existing facility to the north-west portion of the site, and leave the slope itself undeveloped. We are proposing to have the new building within the 30ft top of slope setback. I have Provided with this request is a Geotechnical Report and addendum which includes a calculation regarding the top of slope setback and engineering involved to stabilize the slope.

We believe this will be satisfactory under the current Comprehensive Plan.

WATER

Policy 9.00

The City of McMinnville shall continue to designate appropriate lands within its corporate limits as “floodplain” to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Statement of Fact:

The northeasterly portion of the site has a steep slope that drops along a bank to a drainage way of the Yamhill river. We are requesting to expand the existing to the north-west, and will not be affecting the current floodplain or natural drainage areas on the property.

We believe this will be satisfactory under the current Comprehensive Plan.

NOISE

Policy 12.00

The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted when necessary.

Statement of Fact:

The existing facility located on the site, as well as our proposed addition are not noise generators. The surrounding areas include little noise generators, with the exception of Highway 18, to the south of the site. With our proposed addition being located to the north of the existing facility, we do not believe existing noise will be an issue.

Although the purpose of the policy may primarily be used to address noise generators, the noise of the highway may be a consideration. Due to the existing facility being southerly to the addition, and the fact that there have been no noise concerns to date, we believe this will be satisfactory under the current Comprehensive Plan.

CHAPTER III CULTURAL, HISTORICAL, AND EDUCATIONAL RESOURCES

Statement of Fact:

No cultural or historical resources have been identified on the proposed site. The existing facility located on the site, as well as the proposed addition are primarily serving elderly individuals and do not impact school resources.

We believe our proposed use will have no impact on Cultural, Historical, or Educational Resources and will be satisfactory under the Current Comprehensive Plan.

**CHAPTER IV
ECONOMY OF McMinnville**

Statement of Fact:

We are proposing an addition to an existing Assisted Living Facility, which use primarily serves elderly individuals. Services are provided to the residents of the facility; however, they relate to a type of housing as opposed to a commercial or industrial use.

We believe the Economic Goals of the Comprehensive Plan do not apply to our proposed use.

**CHAPTER V
HOUSING AND RESIDENTIAL DEVELOPMENT**

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

General Policies:

Policy 58.00

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

Statement of Fact:

The site is currently zoned R-4, Multiple Family Residential. This an acceptable classification in the R-Residential designation. Our proposed addition of Assisted Living is a form of multiple family housing, and primarily serves elderly residents.

We believe our proposed addition is an acceptable type of residential use, and is permitted under the current R-4 zoning. Approval of this request will provide more opportunities for this less-common residential type. We believe this is satisfactory under the R-4, Multiple Family Residential.

Policy 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.

Statement of Fact:

The site is currently designated R, Residential, with an approved R-4 use. The currently and proposed use of Assisted Living is a form of multiple-family housing, serving primarily elderly residents. This type of housing provides an intermediate stage between independent living, and full nursing facilities. This addition to the existing facility is to be developed under programs of the Oregon Housing Division; a component of this is the provision for a certain percentage of the units to be available to moderate-income individuals.

The City currently permits the use of Assisted Living facilities as a Conditional Use under the R-4 zoning designation. We believe this is acceptable as it provides an

alternative option to residents who may no longer live independently and is more economical than a full-service nursing home. We believe that approval of this Condition Use application permits a lower-cost multiple-family use, and thereby satisfies Policy 59.00.

Low-cost Housing Policies:

Policy 64.00

The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.

Statement of Fact:

We are requesting a Conditional Use under the R-4 zoning designation, in order to permit the development of an addition to the Assisted Living Facility. The addition is to be developed under programs of the State of Oregon Housing Division; a component of this is the provision for a certain percentage of the units to be available to moderate-income individuals.

Our proposed addition to the Assisted Living Facility will provide some housing to moderate-income elderly which we believe satisfies the requirements of Policy 64.00.

Residential Design Policies:

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 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.

Statement of Fact:

The site under consideration is primarily flat, with the exception of the slope to the north east. Our proposed addition was designed to utilize as much flat space as possible, and a Geotechnical report is included which shows how the addition will affect the site. Regarding public services, water and sewer are already provided to the site and will be extended to reach the addition. The proposed addition will be connected to the existing facility, and will continue to be surrounded by open space. Residential densities will continue to be less than the maximum allowed under the requested zoning.

We believe our proposed addition will satisfy Policy 79.00 and does not pose topographical or public service restraints.

Policy 80.00

In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever possible.

Statement of Fact:

The proposed addition will take place to the northern portion of the site. To the north east of the site, there is a slope which drops along a bank to drainageway associated with the Yamhill river. We are proposing to leave this undeveloped, except for portions which will be reinforced for structural stability. There are some trees there which we are anticipating will need to be removed. The total number of trees removed should not exceed 19, that of which will be replanting throughout the site during the construction of the addition.

We believe Policy 80.00 will be satisfied by our proposal.

Policy 81.00

Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

Statement of Fact:

The proposed addition is located away from existing commercial facilities, schools, and parks. There are other single-family residential areas nearby. The residents of the existing facility are relatively immobile, and are unlikely to make use of public pedestrian walkways or paths. There is a path on the existing site for residents to make use of, as well as an outdoor courtyard with recreational space that is proposed.

We believe that Policy 81.00 is satisfied by our proposal.

Policy 82.00

The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

Statement of Fact:

No public streets are included with this proposal. Three Mile Lane, a State Highway, is under primary control of the Oregon Department of Transportation. Due to the nature of the residents at the proposed addition being primarily immobile, there will be little need for additional streets. The site is accessed from the South by NE American Drive, which exceeds the capacity to provide additional traffic to the facility.

No surrounding properties are impeded by our proposed addition. We believe that Policy 82.00 will be satisfied by our proposal.

Policy 83.00

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

Statement of Fact:

The proposed addition to the north west of the site will be connected to the existing facility. It will be access by the same streets the existing facility is accessed by, and we do not propose any additional streets. We believe that the building will not interfere with solar access by any neighboring properties.

We believe that Policy 83.00 will be satisfied by our proposal.

Multiple-family Development Policies:

Policy 89.00

Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.

Statement of Fact:

The existing facility already contains landscaped grounds. The proposed addition also contains additional landscaped space. We have a landscape architect that is creating a landscape planting plan and new irrigation plan for the addition.

We believe that Policy 89.00 is satisfied by our proposal.

Policy 90.00

Greater residential densities shall be encouraged to locate within neighborhood activity centers and the corridors that connect them with densities decreasing as distances increase from these larger traffic capacity roads.

Statement of Fact:

The property is located near an arterial street (Highway 18). The proposed addition is a low traffic generator, as the residents of the addition are primarily immobile and do not drive. Access to the addition will be provided by NE American Drive, the same road currently providing access to the existing facility.

We believe that this proposal will not generate much traffic, and that Policy 90.00 is satisfied by our proposal.

Policy 92.00

High-density housing development shall be encouraged to locate along existing or potential public transit routes.

Statement of Fact:

The proposed addition to an existing Assisted Living Facility is not a high-density development, and will not rely on public transit routes, as the residents are elderly and primarily immobile.

We believe that because the facility is not a high-density development, and that public transit provides no benefit, that Policy 92.00 does not apply.

Policy 99.00

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

1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
2. Storm sewer and drainage facilities (as required).

3. Streets within the development and providing access to the development, improved to city standards (as required).
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).

Statement of Fact:

Adequate urban services are available to the property.

1. Sanitary sewer lines are already in place at the existing facility and will be extended to the new addition.
2. Storm drainage is available at the site at the north east side through the existing drainageway associated with the Yamhill River.
3. No public streets are proposed with this addition.
4. Municipal water is available to the property along the north side of Three Mile Lane.

We believe there is adequate services provided to the property and that Policy 99.00 is satisfied.

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

Policy 117.00

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

Statement of Fact:

No new roads are proposed. The existing facility has safe and easy access provided by NE American Drive to the south of the facility.

We believe the existing access satisfies Policy 117.00.

Policy 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.

Statement of Fact:

There are no new roads proposed with this application, and all traffic caused by the addition to the facility will continue to use NE American Drive.

We believe that Policy 120.00 does not apply because no new roads are proposed, and no new access will be needed.

Policy 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.

Statement of Fact:

Currently, the only access to the property is provided from NE American Drive by way of NE Cumulus Ave.

Because this is an addition to an existing facility, we believe that Policy 121.00 does not apply.

Policy 122.00

The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

1. Major, minor arterials.

- Access should be controlled, especially on heavy traffic-generating developments.
- 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 encouraged along public rights-of-way.

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 encouraged 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. (as amended by Ord. No. 4573, November 8, 1994.)

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.
- Traffic volumes should be less than 1,000 to 1,200 vehicles per day.

Statement of Fact:

There are no new public or private streets proposed with this application.

Because there are no new streets proposed, and the traffic generated from this addition is minimal, we believe Policy 122.00 does not apply.

PARKING

Policy 126.00

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

Policy 127.00

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

Statement of Fact:

Under the R-4, Multiple Family Residential zoning classification, Chapter 17.60, Off-Street Parking and Loading, of the City of McMinnville Zoning Ordinance will apply. The minimum requirement is 45 stalls and we have provided 49 stalls.

We believe our proposed Site Plan will meet the requirements of Policies 126.00 and 127.00.

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 McMINNVILLE URBAN GROWTH BOUNDARY.

WATER AND SEWER--LAND DEVELOPMENT CRITERIA

Policy: 151.00

The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by the City Water and Light Department, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
3. Sufficient water and sewer system personnel and resources, as determined by the Water and Light Department and City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and waste water quality standards can be adhered to.
5. Applicable policies of the Water and Light Department and the City relating to water and sewer systems, respectively, are adhered to.

Statement of Fact:

As previously noted, all required utilities are available to the property. Capacity to reach the addition to the facility is available for each system, including water and sanitary sewer.

We believe Policy 151.00 to be satisfied.

Police and Fire Protection

Policy 155.00

The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexation, subdivision proposals, and other major land use decisions.

Statement of Fact:

Police and Fire facilities are already in place to service the existing facilities. The addition will be attached to existing facility and will be serviced the same way. Fire alarms and fire sprinklers will be extended from the existing facility to provide service to the new addition.

We believe Policy 155.00 to be satisfied.

SOLID WASTE

GOAL VII 2: TO PROVIDE FOR THE ORDERLY AND EFFICIENT MANAGEMENT OF SOLID WASTE IN AN ENVIRONMENTALLY ACCEPTABLE AND ECONOMICALLY FEASIBLE MANNER.

Policy 168.00

Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

Policy 169.00

Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-off.

Statement of Fact:

The only distinctive natural feature on the property is the drainage way associated with the Yamhill River. While the addition to the facility will be located closer to the drainage way than the existing facility, we will be providing adequate space between the building and the River. A Geotechnical Report has been provided with this application. The Geotechnical Report Addendum 2 states that deep foundations will be utilized to improve slope conditions and building stability.

We believe the addition will not pose any negative effects on the drainage way and we believe Policy 168.00 and 169.00 to be satisfied.

CHAPTER VIII

ENERGY

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS

NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

ENERGY SUPPLY DISTRIBUTION

Policies:

171.00

The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.

172.00

The City of McMinnville, through the City Water and Light Department, shall recognize the potential for development of local energy sources to serve the local area and shall cooperate, where feasible, with energy developers.

173.00

The City of McMinnville shall coordinate with the City Water and Light Department and the various private suppliers of energy in this area in making future land use decisions.

174.00

The City of McMinnville shall continue to support the long-range planning efforts of the City Water and Light Department to supply the electrical energy needs of the community.

175.00

The City of McMinnville, recognizing the City Water and Light Department, Northwest Natural Gas, and other private suppliers as the agencies or groups responsible for energy distribution, encourages the extension of energy distribution services within the framework outlined below:

1. Sufficient supplies of energy as determined by the Water and Light Department, Northwest Natural Gas, and other groups are available to meet the demands of existing residential, commercial, and industrial consumers.
2. Facilities are planned in such a manner as to insure-- compatibility with surrounding land uses.

Statement of Fact:

Electrical and natural gas utilities are available, in sufficient capacity, to serve the property addition under consideration. All services are existing within the facility, and will be extended as needed to meet the new additions demands.

Because there is service access for electrical, natural gas, and all other utilities in question, we believe Policies 171.00-175.00 to be satisfied.

MAY 11 2017

COMMUNITY DEVELOPMENT
CENTER

Written Justification for Conditional Use Permit

2. **“The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.”** Our proposal is consistent with McMinnville’s Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.

We are proposing a 22,645-square foot addition to the existing 36,961 square foot Parkland Assisted Living Facility. This facility is located within the Parkland Village Retirement Community, which consists of independent living and assisted living accommodations.

Our proposed plans are consistent with the objectives of all applicable McMinnville ordinances and policies. Our addition will comply with all relevant zoning and building codes, including, but not limited to, setbacks, density calculations, building height, and parking requirements.

3. **“That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimal impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development.”** Our proposed addition to Parkland Assisted Living Facility is compatible with, and has minimal impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood when considering location, size, design, and operating characteristics. We were very cognizant of harmony in scale, bulk, coverage, density, availability of public facilities and utilities, generation of traffic and the capacity of surrounding streets, and other relative impacts of our proposed addition.

The location of our proposed addition is on the northern, undeveloped portion of our parcel. We are proposing adding 22,645 square feet of dedicated memory care. Our design was limited within a small buildable area, but we designed the addition to best meet the needs of the residents that will live there. Included in our design are two enclosed courtyards to prevent residents from eloping. We also extended the fire lane to comply with all relevant building codes.

The operational characteristics of the proposed addition will complement Parkland’s existing operations and create a continuum of care for residents that choose Parkland Village as their retirement community.

We were also very careful to maintain a harmony in scale, bulk, coverage, and density with the existing facility as well as the surrounding neighborhood. We intend to match the materials of the existing facility in order to maintain a cohesive design between the existing facility and the proposed addition.

Moreover, we considered the availability of public facilities and utilities as we designed the proposed addition. We are proposing an additional 24 units providing 42 beds of memory care to the existing Parkland Assisted Living Facility. The proposed addition will not contain a commercial kitchen but will consist of mostly resident rooms and hallways, which should not over-utilize public facilities or utilities.

Our proposed addition will minimally affect traffic and the capacity of surrounding streets. Residents at the proposed addition will be affected with Alzheimer's and related dementias and will not drive vehicles. The only additional traffic that will be generated will be the result of hiring a small number of employees to work within the proposed addition.

4. **“That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional.”** Our proposed addition will not cause significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional. We believe our proposed addition will increase the livability and value of the abutting properties and surrounding area because our proposed addition will address a need in the community and surrounding area.

The properties neighboring our site include agricultural land and the South Yamhill River to the north, Evergreen Aviation and Space Museum to the east, single and multi-family housing to the west, and agricultural land to the south. Our proposed addition will match the existing facility on our site and will blend into the existing structures surrounding our site causing no adverse impact on the livability, value, or appropriate development of abutting properties.

5. **“The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its settings warrant.”** Our proposed addition will be as attractive as the nature of its use and settings warrant. The location and design of our site and structures take into account the intended use and the settings around our site.

Memory care facilities provide care and community to those affected with Alzheimer's and related dementias, and the design of sites and structures that provide this type of care and community try to evoke a sense feeling at home. Part of that feeling involves designing the facility to look and feel like home. Since our site is surrounded by mostly residential properties, our proposed addition will blend well and be as attractive as the nature of its use and settings warrant.

6. **“The proposal will preserve environmental assets of particular interest to the community.”** Our proposed addition will preserve environmental assets of particular interest to the community. The location of our proposed addition on the northern portion of our site will minimally affect the natural growth in that area. Our proposed addition will be built mostly on the portion of our site that is already cleared of trees and other landscaping because we recognize the need to maintain as much natural growth area as possible. The northern portion of the addition will need additional structural support, as the slope get very steep in that area. We are planning on removing 19 existing trees, which will be replanted throughout the site during the construction of the addition.

We have incorporated a combination foundation/retaining wall for the sub-structure of the new addition. This design was based on the recommendations from the addendum to geotechnical report #2. The design proposed will provide slope stability in case of a seismic event, as well as, structural stability for the new addition. We have combined safety and preservation of the natural environmental of the slope with the need to keep our elderly based population safe in case of a seismic event.

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

intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal. The applicant's intends to provide care and community to those affected with Alzheimer's and related dementias because the applicant has identified the need for such care and community within the McMinnville area. According to the Alzheimer's Association, as of 2015, approximately 5.3 million people are affected with Alzheimer's. By the year 2025, the number of people affected with Alzheimer's is expected to increase to 7.1 million. These figures demonstrate the tremendous need for Alzheimer's care.

The applicant here also has the capability to develop and use the land as proposed. The applicant owns and operates numerous other memory care facilities throughout the western United States. Overall, the applicant owns and operates almost 25 independent living, assisted living, and memory care facilities in five different states. The applicant has decades of experience in the Senior Housing industry, including development and construction, operations, and marketing, that ensure the applicant will be successful with its proposed addition.

Lastly, the applicant here has no inappropriate purpose for submitting the proposal. The applicant is a reputable Senior Housing operator, and intends to address a great need in the McMinnville area by providing care and community for those affected with Alzheimer's and related dementias.

Memo

TO: RJ Development – Mr. Josh Snodgrass

FROM: Tristan T. Anderson, PE (WA)
Kristopher T. Hauck, PE – Terracon

CC: PCS Structural – Mr. Jeff Klein

DATE: 3/3/2017

RE: Addendum Letter to Geotechnical Engineering Report Number 2
Parkland Village Addition
3121 NW Cumulus Avenue
McMinnville, Oregon
Terracon Project No. 82165034



The purpose of this memo is to provide results of LPILE analyses requested by PCS Structural. Terracon prepared a Geotechnical Engineering Report (GER), dated June 22nd, 2016, and an Addendum to Geotechnical Engineering Report Memo (Addendum #1), dated February 7, 2017. This memo is a supplement to the GER and Addendum #1, and not intended to supersede the report. We still refer to the GER and Addendum #1 for other geotechnical related elements of the project.

To provide adequate occupancy for the development, it was proposed to reduce the recommended slope setback from 35 feet to 10 feet by utilizing deep foundations to improve slope stability and support the structure. Terracon Consultants, Inc. was previously contracted to complete additional slope stability analyses and provide lateral and drilled shaft parameters to the civil/structural engineer (PCS Structural) in Addendum #1. In this Addendum, however, our goal is to provide information regarding the magnitude of moment and deflections experienced by various drilled shafts under various loading scenarios.

Based on our understanding of the revised site development revisions since the Addendum #1, we understand that a small portion of the corner of the development is planned to extend into the 10-foot recommended setback from the top of the slope. Our analyses in the following section have taken into account this small section and provided an updated recommendation for the sections that extend into the 10-foot setback.

1.0 METHODOLOGY

The subsurface profile was previously developed in the GER and reiterated in Addendum #1, therefore, it is not included it here. The following table was previously provided in Addendum #1; however, we have included it here for the purposes of clarity in how the model was input into our analysis software.

SOIL PARAMETERS FOR AXIAL AND LATERAL CAPACITY

Soil Unit	Depth Interval (ft)	Soil Data ¹						Allowable Drilled Shaft Unit Capacity ⁶ (ksf)	
		Effective Unit Weight ² (pcf)	Shear Strength Parameters ³		Subgrade Modulus ⁴ k (pci)	Static Soil Strain ⁴ ϵ_{50} (%)	P-Y Curve Soil Model	Tip ⁵	Skin
			ϕ_p' (deg.)	C' (ksf)					
SOIL PROFILE ENCOUNTERED AND INTERPRETED IN SB-1									
Silt trace sand	0 – 5	110	26	0.20	N/R	N/R	11-Silt (Phi+C)	N/R	N/R
Silt trace sand	5 – 10	110	26	0.20	N/R	N/R	11-Silt (Phi+C)	4.80	0.27
Silt with sand	10 – 20	110	26	0.20	N/R	N/R	11-Silt (Phi+C)	7.97	0.32
Silt with sand	20 – 33	110	26	0.20	267.5	1.52	11-Silt (Phi+C)	14.1	0.42
Silt with sand (saturated)	33 – Undetermined	48	26	0.20	267.5	0.93	11-Silt (Phi+C)	22.1	0.55

Notes:

1. The Soil Data values presented herein are based on field and lab tests and correlations from SPT data and represent ultimate values, no factor of safety has been included. Drilled Shaft Unit Capacity values presented herein also represent ultimate values. The designer should incorporate appropriate factors of safety in his or her design.
2. From AllPile 7.15c using uncorrected Standard Penetration Blow Counts from SPT data. AllPile uses correlation tables based on compactness of granular soil and consistency of fine-grained from p.12 of the 1975 USS Steel Sheet Piling Design Manual.
3. Based on field tests and correlations with SPT data and lab strength data.
4. Values based on ranges presented in the L-Pile Manual for both static and cyclic conditions. N/R = Lateral support of soil should be neglected due to likely catastrophic event in these soil units.
5. Shaft tip capacity is based upon direct contact between concrete and medium stiff to stiff silt. These values are contingent upon a clean bottom following excavation. If loose or soft soil is left in the excavation bottom the tip capacity will be reduced significantly. Verification of a clean shaft bottom must be performed prior to placing reinforcing steel or concrete.
6. N/R = Shaft capacity should be neglected in the upper 5 feet of the profile due to soil effects associated with surficial slope stability.
7. Additional Drilled Shaft parameters including Passive Coefficient, Young's Modulus and Sliding Resistance are included in Boring Logs in Appendix C. Values calculated using reference documents: FHWA Report No. IF-02-034, Geotechnical Engineering Circular No. 5 and L-Pile Manual.

Our analyses used LPILE 2015.8.03 by Ensoft, Inc., rather than AllPile as described in the table. LPILE analyzes lateral deflections only, neglecting vertical loading, except for the purposes of determining p- δ secondary deflection of shafts.

Due to slope stability issues, the upper 20 feet of soils were neglected for lateral restraint, and all loadings were applied to a soil profile that started 20 feet below the existing ground surface. The lateral loads that were applied to the pile tops were 5 kips, 10 kips, 15 kips, and 20 kips. These loads were applied as a static load for evaluation, they do not consider any dynamic style of loading such as seismic, or flow slide impacts.

To develop shaft geometry, strength, and stiffness parameters, Terracon was provided the following data from PCS Structural:

Modulus of Elasticity: 3605ksi (for $f_c' = 4$ ksi)

Shaft Diameter	Critical Moment	Gross Moment of Inertia	Cracked Moment of Inertia
Inches	Kip-ft	Inch ⁴	Inch ⁴
12	6.7	1018	509
14	10.6	1886	943
16	15.9	3217	1608

Analyses were performed assuming the section was uncracked initially (Gross Moment of Inertia). If the ultimate moment carried by the shaft exceeded the Critical Moment, then the analysis was rerun using the Cracked Moment of Inertia for the shaft. In all cases analyzed except one for the 16-inch diameter shaft, the moment conditions were sufficient to exceed the Gross Moment of Inertia. All piles were assumed to have a free-head fixity at the surface.

2.0 RESULTS OF ANALYSES & RECOMMENDATIONS

Each shaft was analyzed to determine the ultimate moment in the pile as well as moment and deflection diagrams with depth. We were also asked to provide an estimate for where lateral fixity occurs due to the proposed lateral loads. The following tables summarize analysis. Moment and deflection diagrams are attached at the end of this report in Figures 1 through 8.

12" Diameter Shaft Results Summary

Load	Cracked Section	Max Deflection	Maximum Moment	Depth to Maximum	Depth to Fixity
kips		inch	Kip-ft	ft	ft
5	Yes	0.10	11.0	3.5	10.0
10	Yes	0.29	26.6	4.0	12.5
15	Yes	0.70	52.8	5.0	12.5
20	Yes	1.52	89.9	6.0	15.0

14" Diameter Shaft Results Summary

Load	Cracked Section	Max Deflection	Maximum Moment	Depth to Maximum	Depth to Fixity
kips		inch	Kip-ft	ft	ft
5	Yes*	0.09	10.5	3.5	10.0
10	Yes	0.28	25.3	4.0	12.5
15	Yes	0.67	18.9	4.5	12.5
20	Yes	1.40	82.4	5.5	15.0

*Uncracked section run shows ultimate moment to be sufficient to crack section. After section cracks, moment carried by the section reduces.

16" Diameter Shaft Results Summary

Load	Cracked Section	Max Deflection	Maximum Moment	Depth to Maximum	Depth to Fixity
kips		inch	Kip-ft	ft	ft
5	No	0.04	11.5	3.5	12.5
10	Yes	0.19	25.9	4.0	12.5
15	Yes	0.37	44.2	4.5	12.5
20	Yes	0.69	70.5	5.0	15.0

These analyses were provided for lateral load conditions for the top of the piles using an assumed free-head condition. While the connections may be relatively flexible at the top of the piles, they are likely not a true free-head condition when poured into grade beams and integrated with the floors. Fixed-head conditions typically increase the depth to the maximum moment and depth to fixity. Therefore, since these piles are part of a stabilization protection measure and the pile heads not likely a true free-head condition, we recommend that the reinforcement within the piles should be extended in the pile a minimum depth of 5 feet beyond the 20-foot potential slide failure plane.

Lastly, the small corner of the structure that currently extends a few feet into the previous setback will increase the depth of the potential slide failure plane at the pile location. Therefore, we recommend for every foot into the 10-foot zone the piles extend, the depth of potential slide failure plane should be extended a foot.

3.0 GENERAL COMMENTS

The analyses and recommendations presented in this memo are based upon conversations with RJ Development and PCS Structural, and the data obtained from the borings performed at the indicated locations and from other information discussed in the GER for the Parkland Village Addition. This memo does not reflect variations that may occur between borings, across the site, or due to the modifying effects of construction or weather. The nature and extent of such variations may not become evident until during or after construction. If variations appear, we

Addendum #2 to Geotechnical Engineering Report

Parkland Village Addition ■ McMinnville, Oregon

March 3, 2017 ■ Terracon Project No. 82165034



should be immediately notified so that further evaluation and supplemental recommendations can be provided.

This memo has been prepared for the exclusive use of our client for specific application to the project discussed and has been prepared in accordance with generally accepted geotechnical engineering practices. No warranties, either express or implied, are intended or made. Site safety, excavation support, and dewatering requirements are the responsibility of others. In the event that changes in the nature, design, or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless Terracon reviews the changes and either verifies or modifies the conclusions of this report in writing.

**12in Shaft, Cracked Section Moment Diagram
Bending Moment (in-kips)**

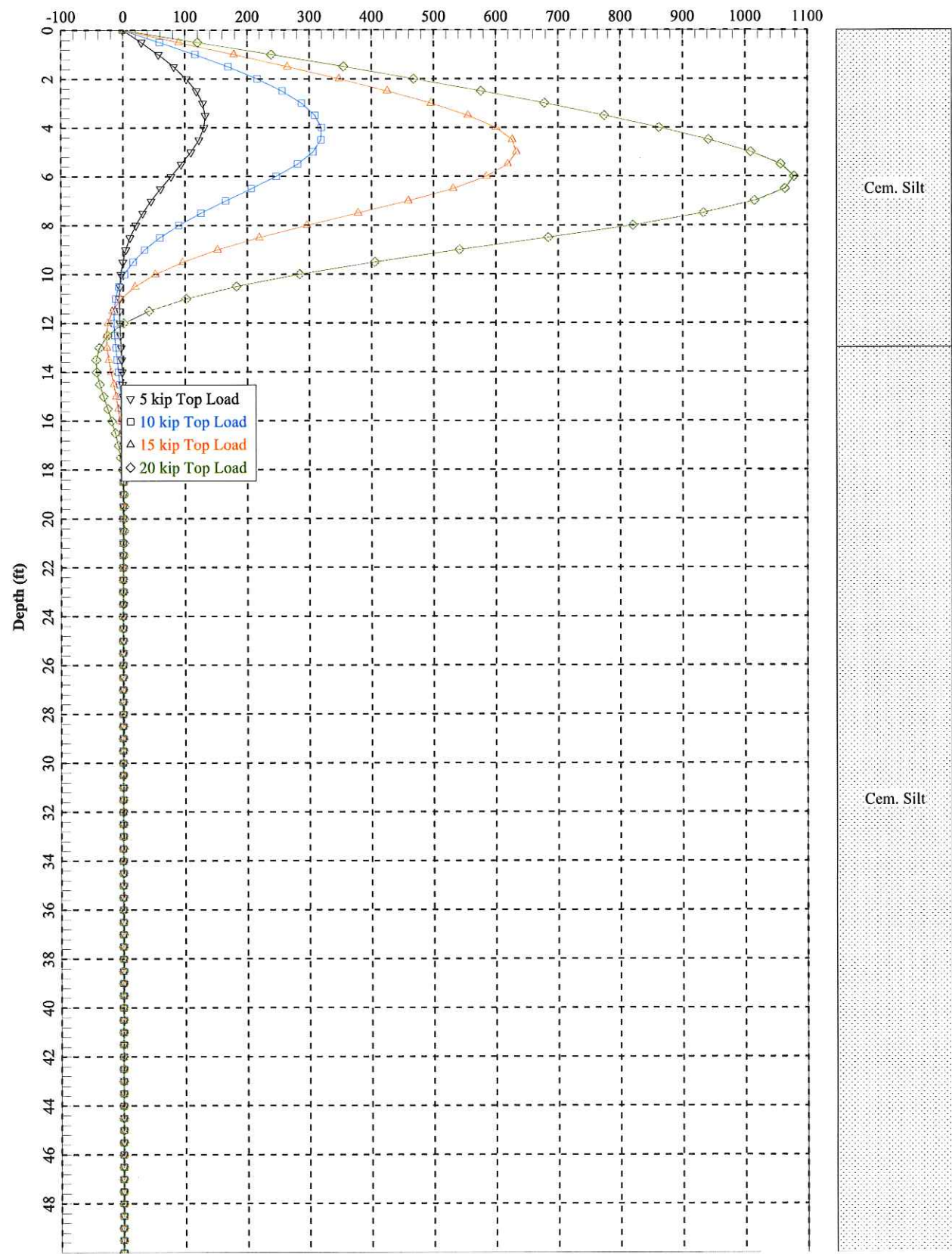


Figure 1

12in Shaft, Cracked Section Deflection Diagram
Lateral Pile Deflection (inches)

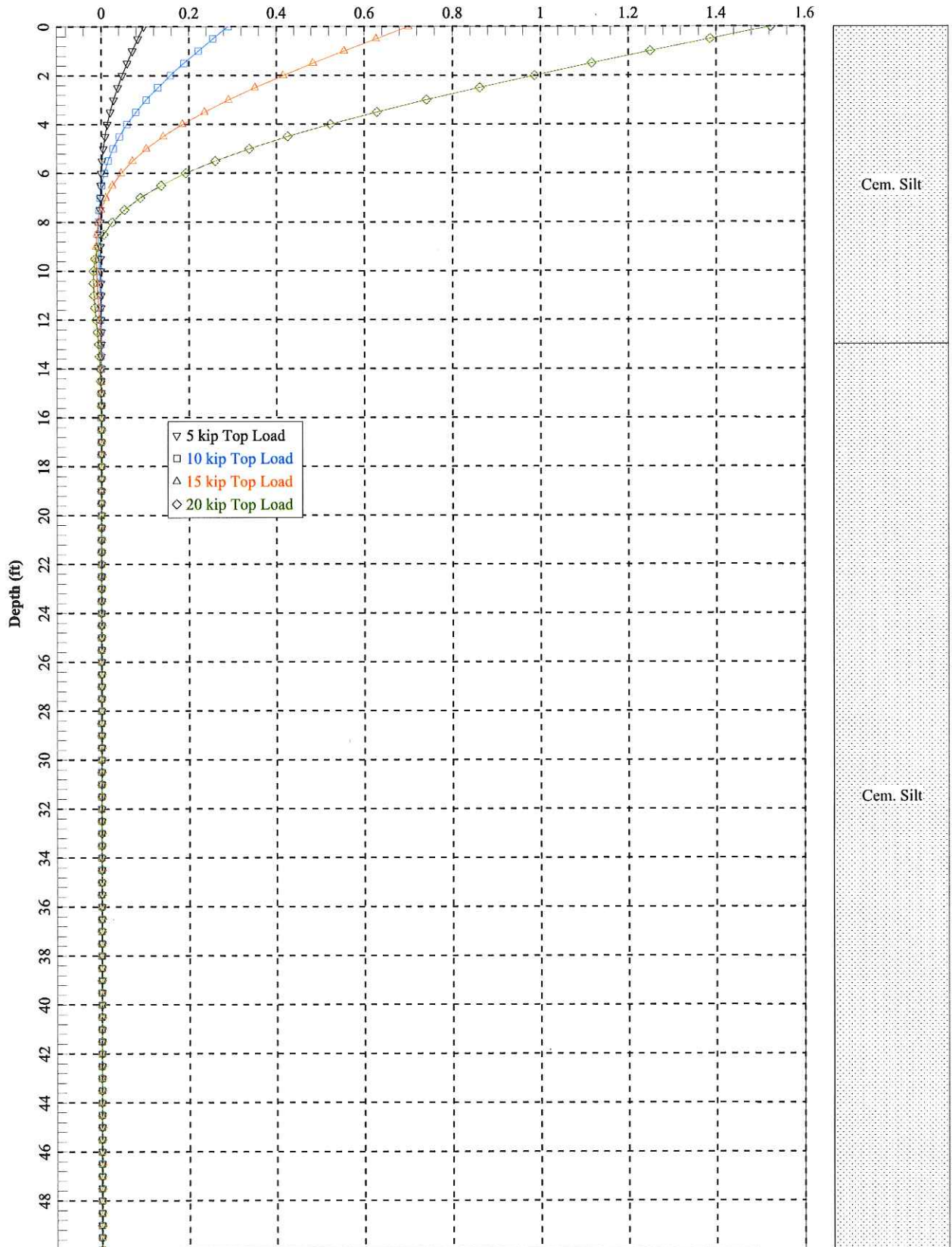


Figure 2

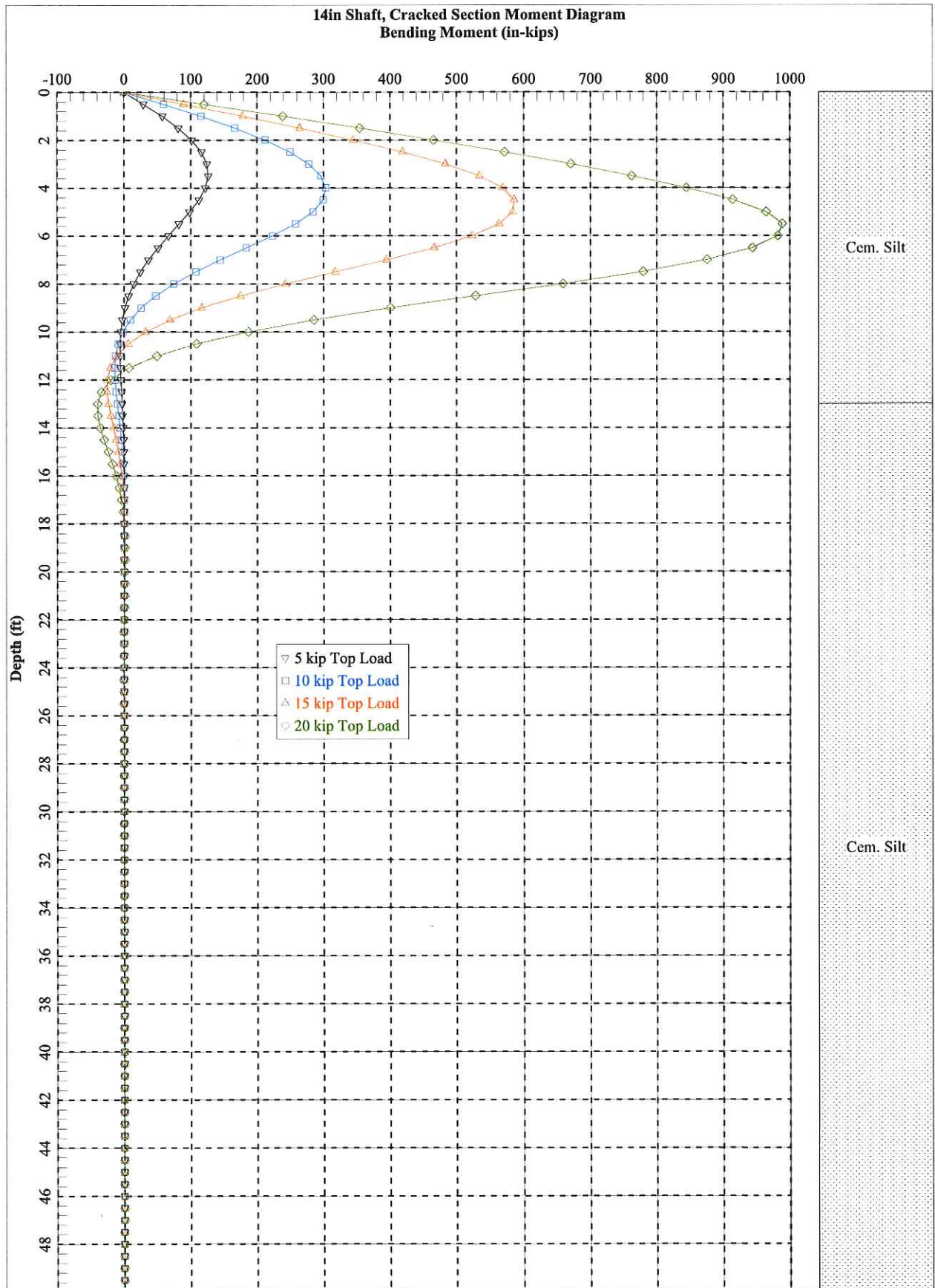


Figure 3

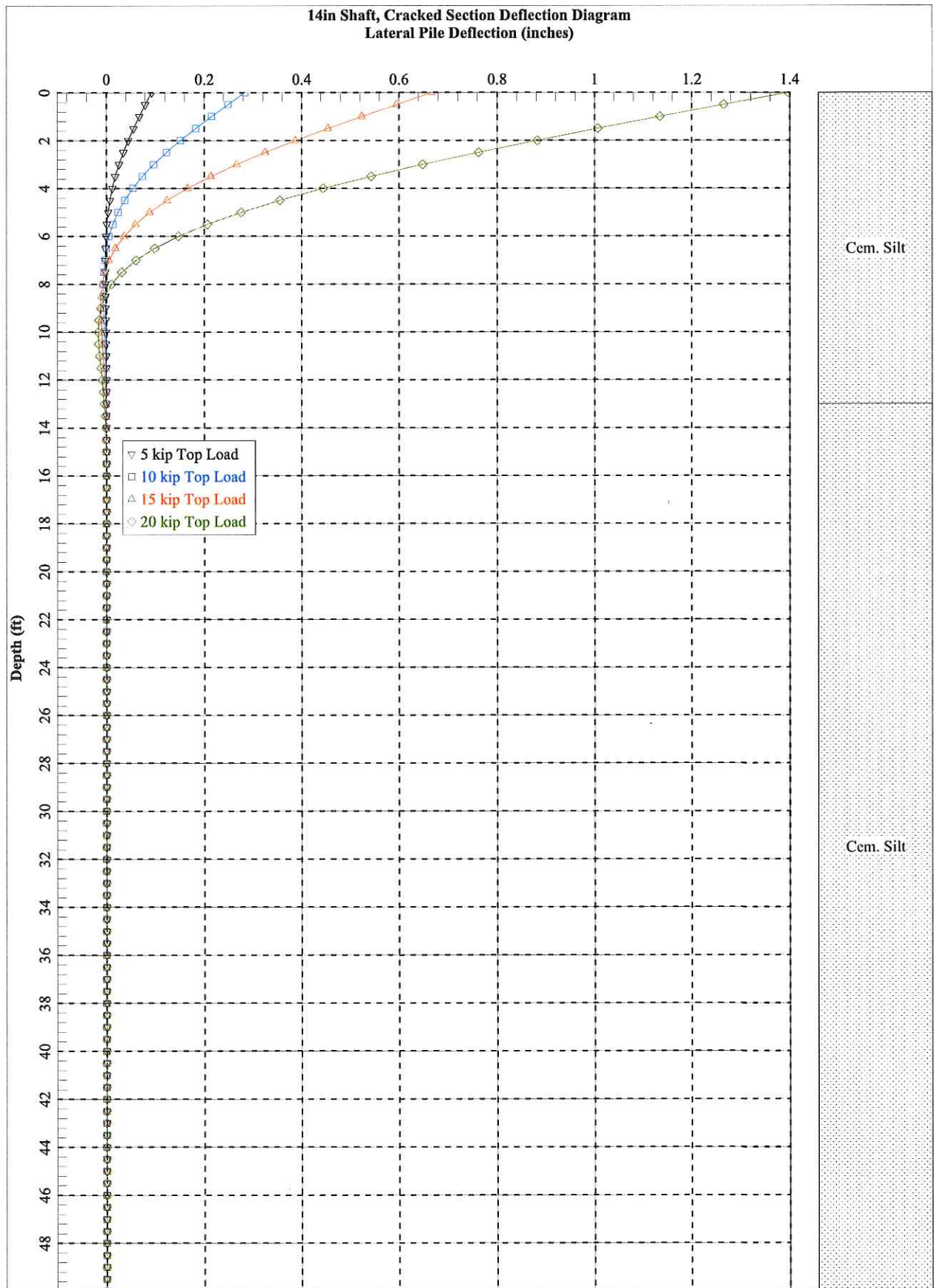


Figure 4

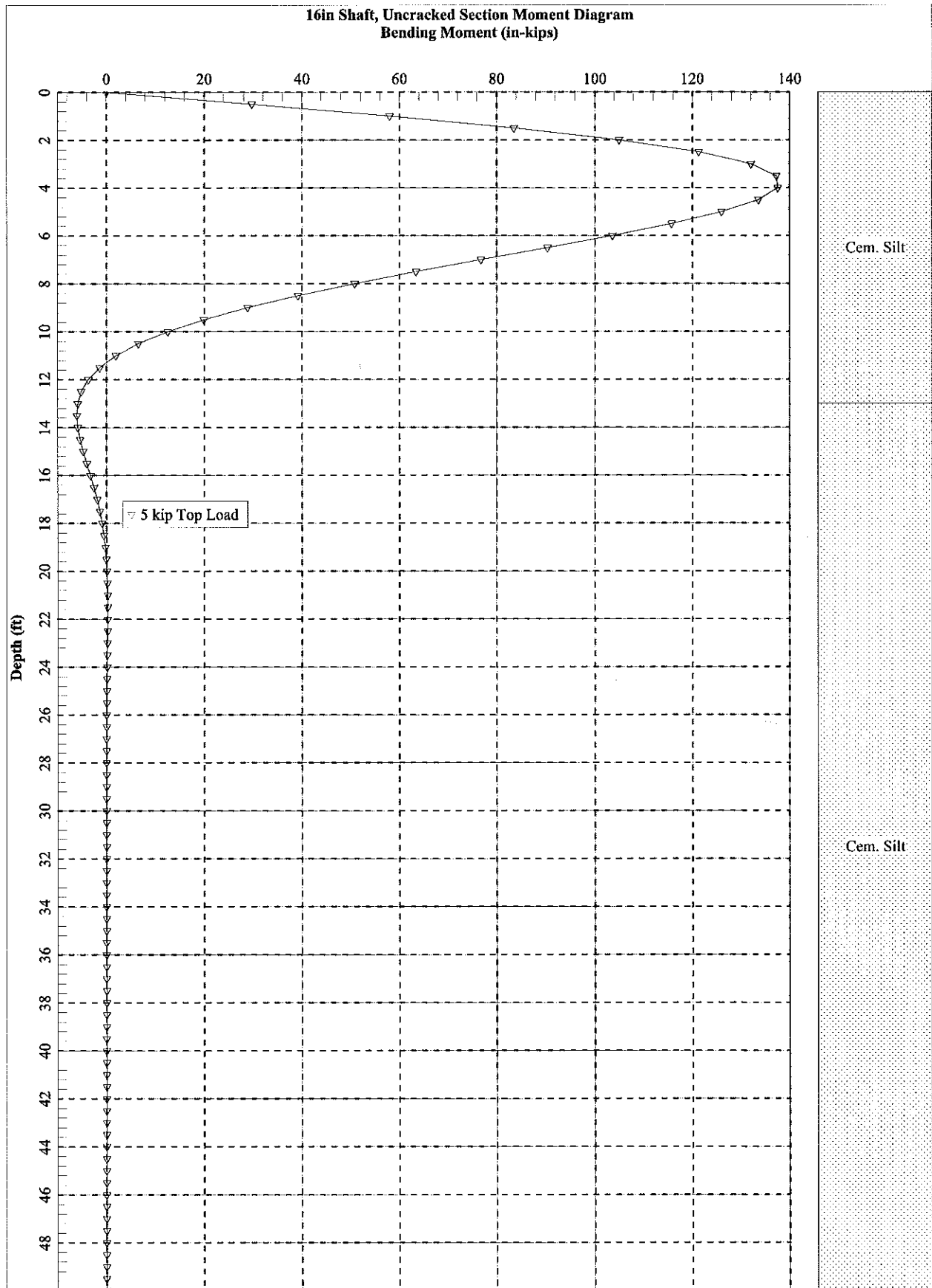


Figure 5

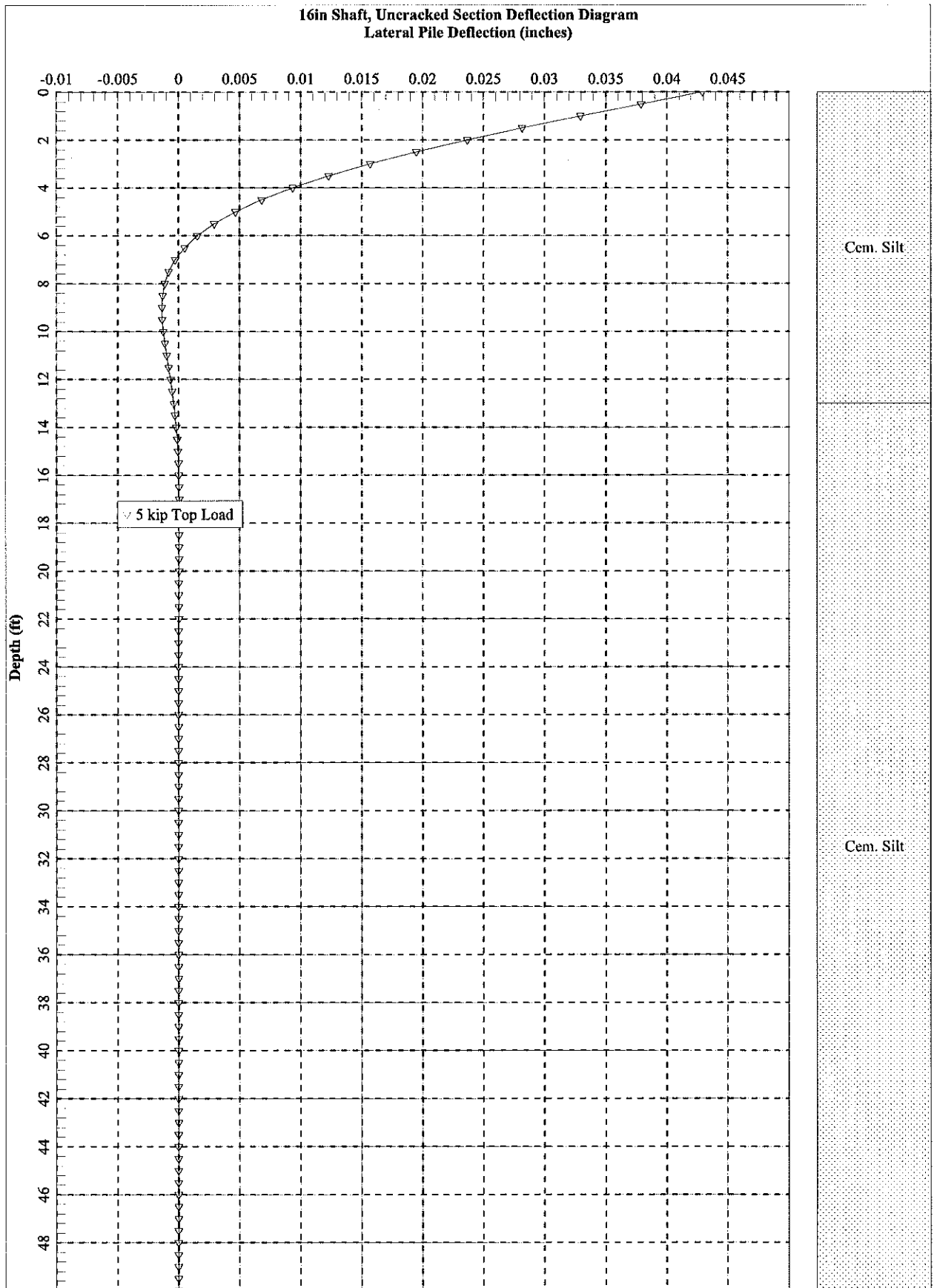


Figure 6

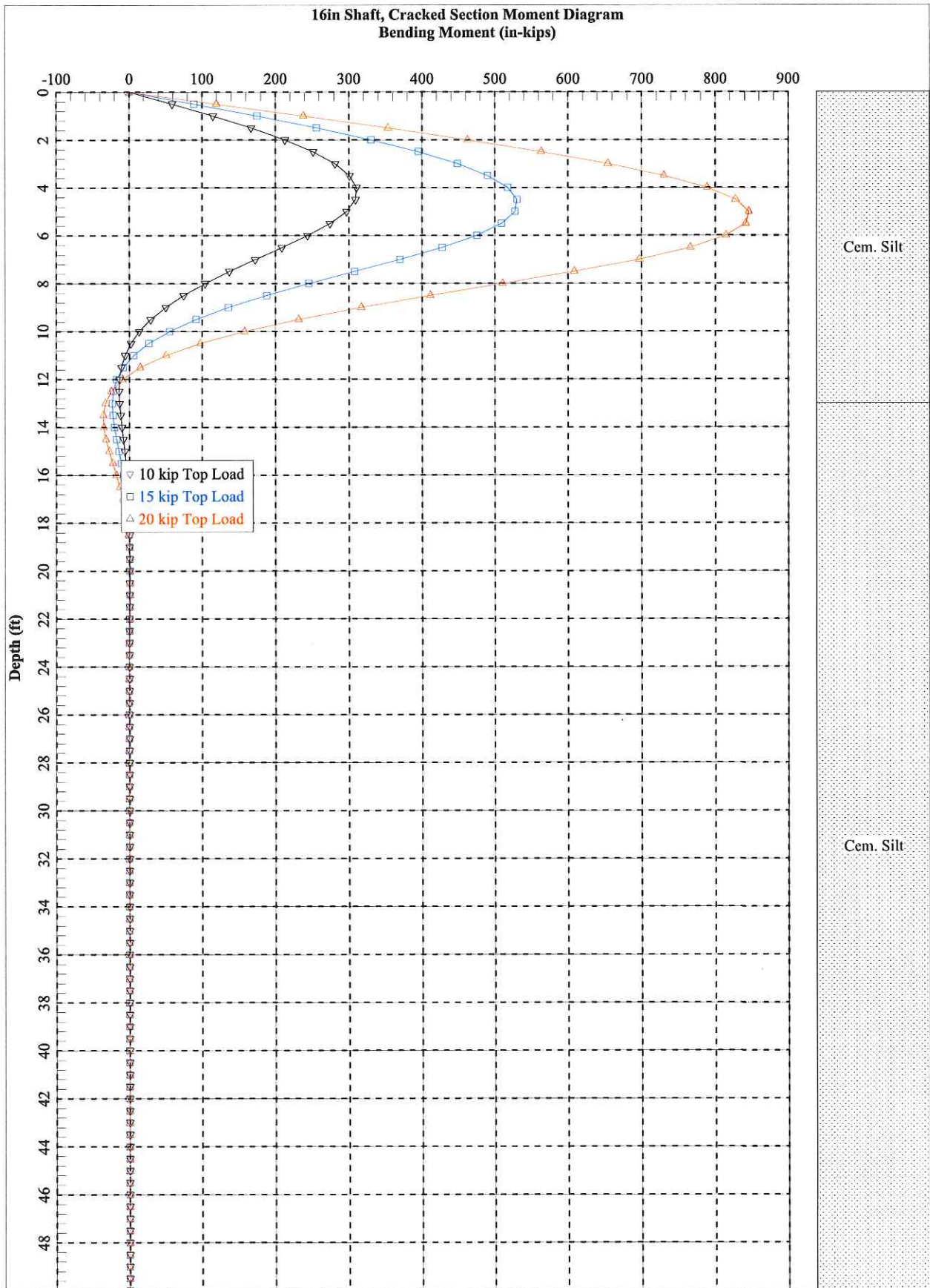


Figure 7

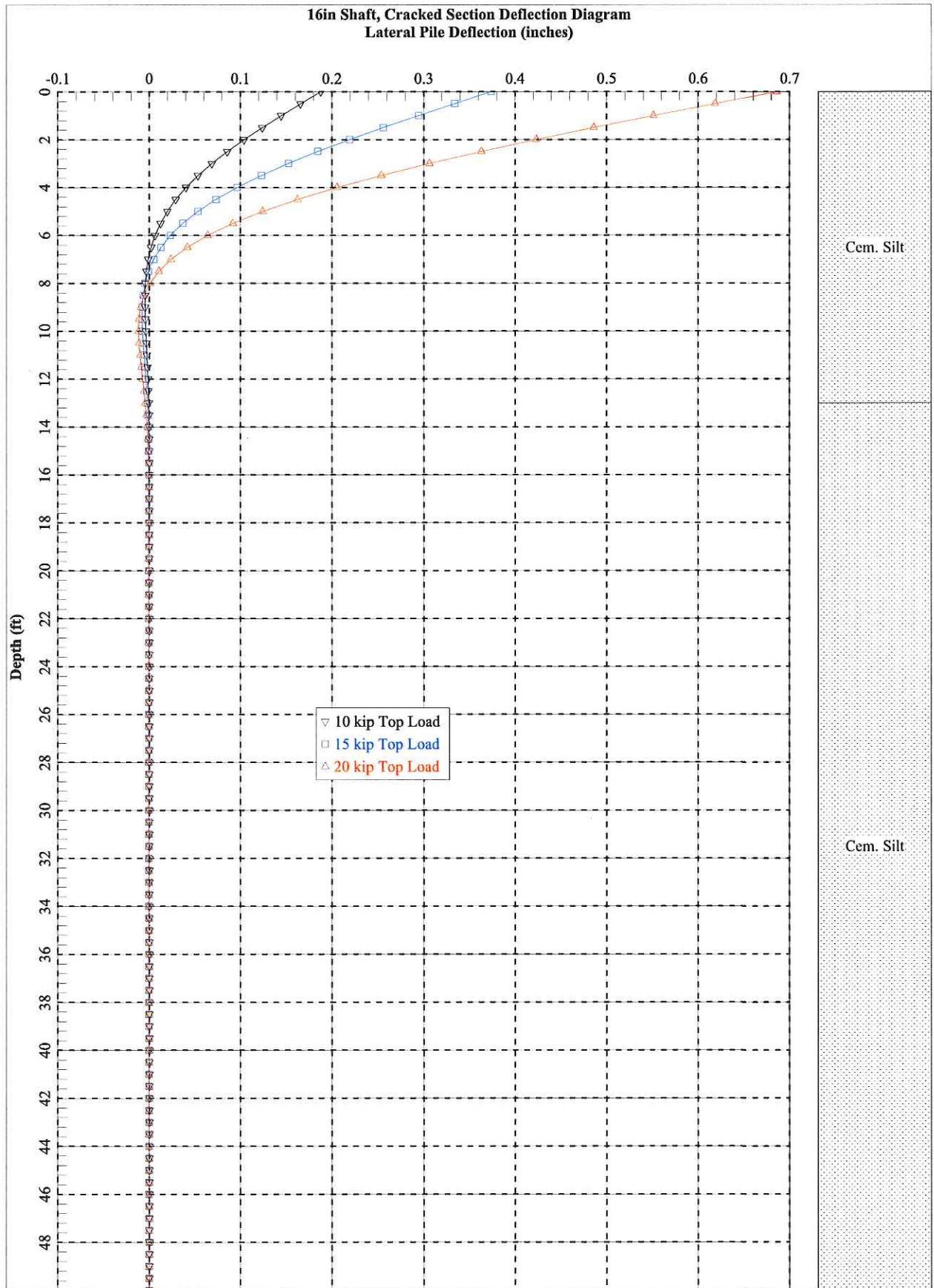


Figure 8

Geotechnical Engineering Report

Proposed Parkland Village Addition

3121 NE Cumulus Avenue

McMinnville, Oregon

June 22, 2016

Terracon Project No. 82165034

Prepared for:

RJ Development

Olympia, WA

Prepared by:

Terracon Consultants, Inc.

Portland, Oregon

Offices Nationwide
Employee-Owned

Established in 1965
terracon.com

Terracon

Geotechnical ■ Environmental ■ Construction Materials ■ Facilities

June 22, 2016



RJ Development
401 Central Street SE
Olympia, Washington 98501

Attn: Mr. Joshua Snodgrass
P: (360) 528-3343 ext. 5
Josh@RJDevelopment.com

Re: Geotechnical Engineering Report
Proposed Parkland Village Addition
3121 NE Cumulus Avenue.
McMinnville, Oregon
Terracon Project No. 82165034

Dear Mr. Snodgrass:

Terracon Consultants, Inc. (Terracon) has completed the geotechnical engineering services for the above referenced project. These services were performed in general accordance with Terracon's Proposal P82165031, dated March 23, 2016. This geotechnical engineering report presents the results of the subsurface exploration and provides geotechnical recommendations concerning earthwork and the design and construction of foundations, floor slabs, and pavements for the proposed project.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report, or if we may be of further service, please contact us.

Sincerely,
Terracon Consultants, Inc.

A blue ink signature of Brice W. Plouse.

Brice W. Plouse, EIT
Senior Staff Engineer



Kristopher T. Hauck, PE
Principal | Office Manager

Terracon Consultants, Inc. 4103 SE International Way Suite 300, Portland, Oregon
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Geotechnical Engineering Report

Proposed Parkland Village Addition ■ McMinnville, Oregon
June 22, 2016 ■ Terracon Project No. 82165034



APPENDIX

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EXECUTIVE SUMMARY

Geotechnical explorations have been performed for the Proposed Parkland Addition located at 3121 NE Cumulus Avenue in McMinnville, Oregon. Terracon's geotechnical scope of work included the advancement of three geotechnical test borings to depths of up to 51½ feet below existing site grades (bgs) within the proposed development areas at the site.

The site appears suitable for the proposed construction based upon geotechnical conditions encountered in the borings and our current understanding of the proposed development. The following geotechnical considerations were identified:

- **Subsurface Conditions:** Geotechnical exploration borings B-1 through B-3 encountered native silt and sand soils throughout the depth of the borings. The native silt and sand soils are soft to stiff.
- **Structure Foundation Support:** Based on the subsurface conditions encountered at the site, the structures may be supported on conventional foundations bearing on a minimum of one foot of compacted select fill atop competent native soils. The compacted select fill is needed to limit static settlement.
- **Slope Stability:** Based on our analyses, the existing slope adjacent to the site is marginally stable. Therefore, in order to prevent adverse impacts to the existing slope and to protect the proposed development from potential slope instability, we recommend that the development incorporate a setback from the top of slope of at least 35 feet. In addition, due to the seismic risk of slope movement, the footings nearest the slope should be supported on a four foot thick geogrid-reinforced structural fill prism. If a reduced setback is desired, slope stabilization improvements would be necessary.
- Close monitoring of the construction operations discussed herein will be critical in achieving the design subgrade support. Therefore, we recommend that Terracon be retained to monitor this portion of the work.

This summary should be used in conjunction with the entire report for design purposes. It should be recognized that details were not included or fully developed in this section, and the report must be read in its entirety for a comprehensive understanding of the items contained herein. The section titled **GENERAL COMMENTS** should be read for an understanding of the report limitations.

**GEOTECHNICAL ENGINEERING REPORT
 PROPOSED PARKLAND VILLAGE ADDITION
 3121 NE CUMULUS AVENUE
 MCMINNVILLE, OREGON
 Terracon Project No. 82165034
 June 22, 2016**

1.0 INTRODUCTION

This report presents the results of our geotechnical engineering services performed for the Proposed Parkland Village Addition to be located at 3121 NE Cumulus Avenue in McMinnville, Oregon. Our geotechnical engineering scope of work for this project included the proposed advancement of three geotechnical test borings to a maximum depth of 51½ feet below existing site grades (bgs). The purpose of our services is to provide information and geotechnical engineering recommendations relative to:

- subsurface soil conditions
- foundation settlement
- earthwork
- pavement design parameters
- slope stability
- foundation design and construction
- floor slab design and construction
- seismic site classification
- lateral earth pressure

2.0 PROJECT INFORMATION

2.1 Project Description

ITEM	DESCRIPTION
Site layout	We were provided with a site layout showing an addition to the current Parkland Assisted Living development. The development is located on the north side of the existing structure.
Structures	We understand that the expansion is expected to be a one story development in height with wood- or light gage metal-framed, with concrete slab on-grade floors.
Finish floor elevation	Not known at this time, but assumed to be near existing grades.
Maximum loads, assumed	Columns Footings: 50 to 75 kips maximum total loads (assumed) Walls: 1 to 4 kips/lf maximum total loads (assumed) Floor Slabs: 150 psf (assumed)
Maximum allowable settlement	Total: 1 inch over entire building shell footprint (assumed) Differential: ½ inch over 30 feet (assumed)

ITEM	DESCRIPTION
Grading	Undetermined at this time, but assumed to remain near existing grade.
Cut and fill slopes	None expected.
Pavements	Traffic loads undetermined, but we anticipate conventional asphalt concrete in the ground floor structure covered drive.

2.2 Site Location and Description

ITEM	DESCRIPTION
Location	The expansion site is located on the north side of the current development located at 3121 NE Cumulus Avenue in McMinnville, Oregon (Lat.: 45.203623, Long.: -123.156698).
Existing Improvements	<p>Site: Developed with a single-story Senior and Assisted Living Facility encompassing the central portion of site and asphalt pavements on the remaining southern portion.</p> <p>North: Sloped to Southern Yamhill River tributary</p> <p>South: Residential developments</p> <p>East: Residential developments, then Southern Yamhill River tributary</p> <p>West: Empty field (different proposed development), then residential developments further west</p>
Current ground cover	The ground is covered with grass and small trees.
Existing topography	The site is relatively flat. However, a steep slope approximately XX feet in overall relief is located immediately north and northeast of the site development. The slope is part of an overall drainage ravine for the Yamhill River.

3.0 SUBSURFACE CONDITIONS

A cursory review of historical aerial photographs from Google Earth shows the proposed development area has not been developed.

3.1 Site Geology

The *Oregon Department of Geology and Mineral Industries (DOGAMI) published Oregon Geologic Data Compilation-Release 5 (2009)* indicates the majority of the site is classified as the medium terrace Missoula Flood deposits (Qmt). Site geology is described as fine grained

sediments. Based on our findings in the subsurface explorations, the site soils encountered are consistent with the above described Missoula Flood channel deposits.

3.1.1 Geologic Hazards

We reviewed the *Statewide Landslide Information Database for Oregon (SLIDO)* published by the Oregon Department of Geology and Mineral Industries (DOGAMI) and updated in 2014. The map also overlays *The Statewide Landslide Susceptibility Overview Map of Oregon (O-16-02)* also published by DOGAMI in 2012. The latter publication presents the landslide susceptibility in low (landsliding unlikely), moderate (landsliding possible), high (landsliding likely), and very high (existing landslide). The slope immediately north of the development is mapped as “high” landslide susceptibility.

3.1.2 Seismic Hazards

Seismic hazards resulting from earthquake motions can include slope instability, liquefaction, and surface rupture due to faulting or lateral spreading. Liquefaction is the phenomenon wherein soil strength is dramatically reduced when subjected to vibration or shaking.

We reviewed the *Relative Earthquake Hazard Maps for Selected Urban Areas in Western Oregon: McMinnville-Dayton-Lafayette (IMS-9)* published by the Oregon Department of Geology and Mineral Industries (DOGAMI) in 2000. The map evaluates the overall earthquake hazard rating based on three earthquake hazards including ground shaking amplification, liquefaction, and slope instability. The mapped categories range from Zone A for the highest overall relative earthquake hazard to Zone D for the lowest rating. Zone A indicates two or more individual earthquake hazards have a high relative hazard rating. Sites mapped as Zone B have a high rating from a single individual earthquake hazard. The subject site is mapped in an area categorized as Zone B due to a mapped high relative liquefaction hazard.

3.2 Typical Subsurface Profile

Based on the results of the borings, subsurface conditions on the project site can be generalized as follows:

Description	Approximate Depth to Bottom of Stratum	Material Encountered	Consistency/Density
Stratum 1 (Topsoil)	4 in.	Grass and root zone	N/A
Stratum 2 (Silt and Sand)	Undetermined; all borings terminated within this stratum at the planned exploration depth (maximum explored depth of 51½ feet)	Silt and Sand Mixtures	Soft to stiff and medium dense

Conditions encountered at each boring location are indicated on the individual boring logs found in Appendix A of this report. Stratification boundaries on the boring logs represent the approximate location of changes in soil types; in-situ, the transition between materials may be gradual. A discussion of field sampling procedures is included in Appendix and laboratory testing procedures and test results are presented in Appendix B.

3.3 Groundwater

Groundwater was observed from 19 to 34 feet bgs in the borings at the time of drilling and 30½ to 41¼ at completion of drilling. Groundwater level fluctuations occur due to seasonal variations in the amount of rainfall, runoff and other factors not evident at the time the borings were completed. Therefore, groundwater levels during construction or at other times may be higher or lower than the levels indicated on the boring logs. The possibility of groundwater level fluctuations should be considered when developing the design and construction plans for the project.

4.0 RECOMMENDATIONS FOR DESIGN AND CONSTRUCTION

4.1 Geotechnical Considerations

The subsurface conditions at the site were evaluated to develop geotechnical related design and construction recommendations for site development. In our opinion, the site is feasible for the proposed development provided the recommendations in this report are followed. Due to the risk of slope instability, we recommend a development (structure and grading) minimum setback of

35 feet from the top of the slope and a geogrid-reinforced fill prism for structure support be incorporated into the project details. The remaining portions of the structure could be supported on conventional spread and continuous footings bearing directly on one foot of compacted structural fill on the native stiff silt or re-compacted native soils.

The near surface native soils at the site are fine-grained and very moisture sensitive. Therefore, these soils will be difficult to reuse if overly moist (as they are in their current state) and should not be planned to be reused as structural fill. In addition, they should not be reused within the upper foot underneath floor slabs and/or footings. Recommendations for backfill are provided in the **Fill Material Types** and **Compaction** sections of this report.

4.2 Slope Stability

The existing slope below the expansion area is at an inclination that varies from approximately 25 to 80 percent and consists of silt soils with sand and organics, which we interpret to be native alluvial soils. The proposed expansion is planned to be constructed as close to the top of the slope as possible.

We evaluated the stability of the proposed slopes using the computer program Slope/W, Version 7.14, by Geo-Slope International. The Morgenstern-Price method with a rotational failure mechanism was selected since factors of safety for this method satisfy both moment and force equilibrium. Input parameters for the analysis consisted of slope geometry, geology, and ground water conditions of the slope, interpreted from our explorations, and available published information. The soil properties used in the slope stability analysis employ the Mohr-Coulomb model and are also shown on the Slope/W results sheets in Appendix D. The soil properties are based on soil strength parameters from laboratory strength testing, correlations to the index tests, SPT blow counts obtained from the borings, and our experience with similar type soils. The slope geometry was developed from plan sheet 1 developed by Civil West Engineering Services, Inc and based on aerial photographic and topographic data available from Google Earth.

In general, the calculated factor of safety is the ratio between the available soil shear resistance and the gravitational forces that tend to produce a slide. When the soil strength is equal to the slide-producing forces, a factor of safety of 1.0 would exist, and the slope would be in a state of incipient failure. An acceptable factor of safety would depend on the level of risk deemed acceptable by the owner and municipality. Typically, a static factor of safety of at least 1.5 is desired from a design standpoint for conditions where a failure could impact occupied structures and is considered acceptable for all slopes. During short-term seismic loading, a dynamic factor of safety of 1.1 is generally considered acceptable.

Seismic slope stability analyses were conducted using a horizontal seismic coefficient of 0.24g. This seismic coefficient is equal to approximately one-half of the peak ground acceleration of 0.47g, as determined for the site using 2010 ASCE 7-10 methods for a maximum considered

earthquake return period of 2,475 years. The use of one-half of the site-specific peak ground acceleration (PGA) value is consistent with the standard of practice for evaluation of slope stability for non-liquefiable soils.

Our analyses indicate that the minimum factor of safety for significant slope failure landslides in the steep slopes area, occurring at or behind the assumed top of slope elevation of 96 feet extend beyond the top of the slope approximately 30 to 35 feet. Therefore, in order to not adversely impact the stability of the slope and to protect the structures from instability, we recommend all development remain a minimum of 35 feet setback from the top of the slope. In addition, we recommend incorporating a geogrid-reinforced fill prism underneath the footings closest to the top of the slope. This fill prism should consist of BX1200 geogrid (or equivalent biaxial strength geogrid) spaced 12 inches vertically within crushed aggregate base materials. The fill prism should have four layers of geogrid. The prism should extend at least 5 feet beyond the extents of the edge of footing in all directions.

Should the setback limits overly constrain site development and the client desire the development to extend closer to the top of the slope, then slope stabilization measures would need to be incorporated in the design of the development. These typically consist of buried piles extending through the potential slide failure plans and can be quite costly. The pile wall improvements would need to be designed to overcome the active or at-rest pressures, depending on foundation set back from improvements, during a static and seismic event.

4.3 Earthwork

The following sections present recommendations for site preparation, excavation, subgrade preparation, placement and compaction of structural fill, and grading. The recommendations presented for design and construction of earth supported elements are contingent upon following the recommendations outlined in this section.

4.3.1 Site Preparation

Site preparation and initial construction activities should be planned to reduce disturbance to the existing ground surface. Construction traffic should be restricted to dedicated driveway and laydown areas. Preparation should begin with procedures intended to drain ponded water and control surface water runoff.

Site preparation will require removing stripping and grubbing of the vegetative layer within the effective development areas. If existing facilities or utility lines are encountered during construction activities, existing features shall be removed within the building pad limits, they should be properly capped at the site perimeter, and the trenches should be backfilled in accordance with structural fill recommendations presented in Sections 4.3.3 and 4.3.4 of this report. If unexpected fills are encountered within proposed development areas, affected areas

should be removed and the excavation thoroughly cleaned prior to backfill placement and/or construction unless evaluated and tested by an authorized Terracon representative.

In the event the exposed subgrade becomes unstable, yielding, or disturbed, we recommend that the materials be removed to a sufficient depth in order to develop stable subgrade soils that can be compacted to the minimum recommended levels. The severity of construction problems will be dependent, in part, on the precautions that are taken by the contractor to protect the subgrade soils.

4.3.2 Subgrade Preparation

Strip and remove existing vegetation, existing fill, topsoil, pavements, and other deleterious materials from the proposed development areas. Existing fill soils may remain within the non-building areas provided they are prepared according the following sections. Stripping depths to remove existing vegetation within the expansion pad are anticipated to be an average of about 4 to 6 inches, but may vary across the site and could be deeper. Areas where loose or soft surface soils exist, they should be compacted or removed and replaced to the depth of the disturbance as subsequently recommended for structural fill.

Excavations for footings should be completed to expose medium stiff silt materials and should be covered with the recommended granular select fill to prevent significant drying. The excavations should be observed for visual classification and T-probing by a representative of Terracon to confirm suitable subgrades for bearing support of foundations.

The upper one foot of pavement subgrades should be scarified and re-compacted to levels described in the **Compaction Requirements** section of this report after cutting to design subgrade elevation. We also recommend testing include proof-rolling to aid in the identification of weak or unstable areas within the near surface soils at the exposed subgrade level. Proof-rolling should be performed using heavy rubber-tired equipment, such as a fully-loaded dump truck, having a minimum gross weight of about 20 tons. Unsuitable areas observed at this time which are soft, yielding, or unable to be compacted to the specified criteria should be over-excavated and replaced with satisfactory fill material later described in section 4.3.3 of this report.

Based on the outcome of the proof-rolling operations, some undercutting or subgrade stabilization may be expected, especially during wet periods of the year. Methods of stabilization, which are outlined below, could include scarification and re-compaction and/or removal of unstable materials and replacement with granular fill (with or without geotextiles). The most suitable method of stabilization, if required, will be dependent upon factors such as schedule, weather, size of area to be stabilized and the nature of the instability.

- **Scarification and Re-compaction** - It may be feasible to scarify, dry, and re-compact the exposed sand soils at the site during periods of dry weather. The success of this procedure would depend primarily upon the extent of the disturbed

area. Stable subgrades may not be achievable if the thickness of the soft soil is greater than about 1 to 1½ feet.

- **Granular Fill** - The use of crushed stone or gravel could be considered to improve subgrade stability. Typical undercut depths would range from about ½ foot to 2 feet. The use of high modulus geotextiles i.e., engineering fabric, should be limited to outside of the Building Ground Improvements area. The maximum particle size of granular material placed immediately over geotextile fabric or geogrid should not exceed 2 inches.
- **Chemical Stabilization** - Improvement of subgrades with Portland cement, lime kiln dust, or Class C fly ash could be considered for unstable and plastic soils. Chemical modification should be performed by a pre-qualified contractor having experience with successfully stabilizing subgrades in the project area on similar sized projects with similar soil conditions.

Over-excavations should be backfilled with structural fill material placed and compacted in accordance with sections 4.3.3 and 4.3.4 of this report. Subgrade preparation and selection, placement, and compaction of structural fill should be performed under engineering controlled conditions in accordance with the project specifications.

4.3.3 Fill Material Types

Engineered or structural fill should meet the following material property requirements:

Fill Type ¹	Specification	Acceptable for Placement
Common Fill ^{2,3}	2015 Oregon Standard Specification for Construction (OSSC) 00330.13 Selected General Backfill with the additional requirements of Liquid Limits < 40 and Plasticity Index < 10	All locations across the site, with the exception of floor and pavement base materials Dry Weather only.
Select Fill ²	OSSC 00330.14 Selected Granular Backfill with exception of no more than 8% passing the No. 200 sieve by weight and reclaimed glass is not acceptable	All locations across the site, Wet Weather and Dry Weather acceptable.
Crushed Aggregate Base (CAB)	OSSC 02630.10 Dense Graded Aggregate (2"-0 to ¾"-0) with exception of no more than 8% passing the No. 200 sieve by weight	All locations across the site. Recommended for finished base course materials for floor slabs and pavements. Wet Weather and Dry Weather acceptable.

Fill Type ¹	Specification	Acceptable for Placement
1.	Controlled, compacted fill should consist of approved materials that are free (free = less than 3% by weight) of organic matter and debris (i.e. wood sticks greater than ¾-inch in diameter). Frozen material should not be used, and fill should not be placed on a frozen subgrade. A sample of each material type should be submitted to the geotechnical engineer for evaluation.	
2.	Materials within 1-foot of floor slabs base, pavement base, and footings should have a maximum particle size of 3-inches.	

If open-graded materials with large void spaces, such as quarry spalls, are used we recommend that the materials be placed over a geotextile fabric separator to prevent fines migration as well as to stabilize the subgrade. The geotextile fabric should be a woven product (Mirafi 500XT or equivalent).

4.3.4 Compaction Requirements

The following compaction requirements are recommended for the prepared subgrade and structural fill expected to be placed for this site:

Item	Description
Fill Lift Thickness	Common Fill, Select Fill and CAB: 10-inches or less in loose thickness when heavy, compaction equipment is used.
Compaction Requirements ¹	Common Fill, Select Fill & CAB: 95% of the material's maximum Proctor dry density (ASTM D1557) below building pad and upper two feet of site pavements. 92% of the materials maximum Proctor dry density (ASTM D1557) elsewhere.
Moisture Content	Common Fill, Select Fill and CAB: Within ±2 percent of optimum moisture content as determined by ASTM D1557.

1. We recommend that fill be tested for moisture content and compaction during placement. Should the results of the in-place density tests indicate the specified moisture or compaction limits have not been met, the area represented by the test should be reworked and retested as required until the specified moisture and compaction requirements are achieved.

4.3.5 On-Site Soils

Our explorations indicated that the on-site soils will likely consist of silt and sand soils. At the time of our exploration, moisture contents in the upper soils zone were found to generally range from approximately 21 to 34 percent, which we infer to be well above their optimum moisture content. Therefore, most on-site soils will likely be reusable only during dry weather if they can be adequately dried, but they will be difficult or impossible to reuse during wet weather. Any zones containing significant amounts of wood, asphalt, or other waste products should be excluded from reuse as structural fill.

4.3.6 Wet-Weather Earthwork

As discussed above, the on-site fine-grained native soils would be difficult to reuse as structural fill during wet weather and are likely precluded from use within the building pad over-excavation.

Consequently, the project specifications should include provisions for using imported, clean, granular fill. As a general structural fill material, we recommend using the crushed aggregate base courses meeting the Oregon Standard Specifications section 02630.10, which are readily available in the region, although some local sources of pit-run or bank-run may be available. The use of high modulus geotextiles (i.e., engineering fabric such as Mirafi HP370) may be used to aid in stabilization of the subgrade. To reduce the potential for subgrade disturbance during wet-weather periods, contractor should install haul roads consisting of clean, crushed rock at a minimum depth of 18 inches. Haul roads install and intended to be incorporated into final pavement section shall be evaluated for conformance with sections 4.3.2 thru 4.3.4 prior to placement of crushed rock.

4.3.7 Construction Considerations

Native fine grained soils were encountered near the surface across the site and were observed to consist of silt and fine sands and in a moisture condition much greater than about 2 percent over optimum moisture content. Therefore, the fine grained site soils are considered to be moisture sensitive and will be difficult or impossible to compact as structural fill. Accordingly, the fine-grained soils from site excavations are not considered suitable as granular fill in footing areas, their use in non-footing areas will depend on their moisture content at the time of earthwork, the prevailing weather conditions when site grading activities take place, and the proposed location for reuse. The onsite granular soils may be suitable for reuse as structural fill in building areas if the material is in accordance with the **Fill Material Types** section of this report.

Even if stable subgrades are exposed during construction, unstable subgrade conditions could develop during general construction operations, particularly if the soils are wetted and/or subjected to repetitive construction traffic. The use of light construction equipment would aid in reducing subgrade disturbance. The use of remotely operated equipment, such as a backhoe, would be beneficial to perform cuts and reduce subgrade disturbance. If the subgrade should become frozen, desiccated, saturated, or disturbed, stabilization measures will need to be employed.

The contractor is responsible for designing and constructing stable, temporary excavations (including utility trenches) as required to maintain stability of both the excavation sides and bottom. Excavations should be sloped or shored in the interest of safety following local and federal regulations, including current OSHA excavation and trench safety standards. Care should be taken when excavating near adjacent structures or right-of-ways. If excavations will encroach below a 1H:1V plane below the foundations of adjacent structures or right-of-ways, the contractor should be prepared to provide temporary shoring designed to resist the structure or traffic surcharge loads.

The geotechnical engineer should be retained during the construction phase of the project to observe earthwork and to perform necessary tests and observations during subgrade preparation,

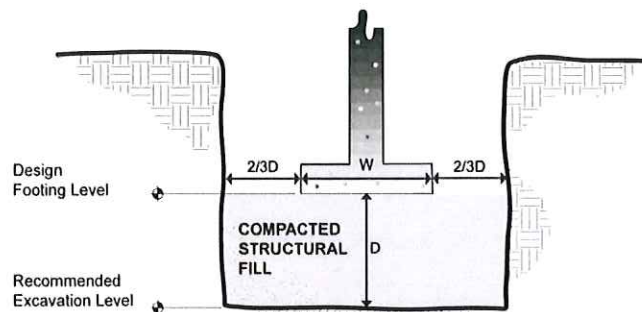
probing, placement and compaction of controlled compacted fills, and backfilling of excavations to the completed subgrade.

4.4 Foundations

The proposed structures may be supported by isolated spread footings and continuous footings bearing on one foot of granular structural fill (Select Fill) over the medium stiff native silts or re-compacted silt with sand subgrade soils. As discussed in the Slope Stability section of the report, the footings closest to the top of the slope should be supported on the geogrid-reinforced structural fill prism. Design recommendations for foundations for the proposed structures and related structural elements are presented in the following sections.

4.4.1 Footing Subgrade Preparation

Unsuitable bearing soils were encountered in the near surface of our explorations. The footing excavation should be extended one foot in depth and be replaced with compacted structural fill. The footings should bear on properly compacted structural backfill extending down to the stiff native soils or scarified and re-compacted subgrade soils to a depth of one foot. Foundations should not be supported on soft or loose soils or existing fill soils. Over-excavation for compacted backfill placement below footings should extend laterally beyond all edges of the footings at least 8 inches per foot of over-excavation depth below footing base elevation. Zones of loose, soft or otherwise unsuitable soil encountered in or below the footing subgrade should be over-excavated and replaced with properly compacted Select Fill.



Overexcavation / Backfill

NOTE: Excavations in sketches shown vertical for convenience. Excavations should be sloped as necessary for safety.

The compactive effort should be in accordance with recommendations provided in the 4.33 Earthwork section of this report.

4.4.2 Design Recommendations

DESCRIPTION	<u>Column</u>	<u>Wall</u>
Net allowable bearing pressure ¹ One foot of granular structural fill placed directly above the competent native soils	2,500 psf	2,500 psf
Minimum dimensions	2 feet	12 inches
Minimum embedment below finished grade for frost protection ²	12 inches	12 inches
Approximate total static settlement ³	<1 inch	<1 inch
Estimated differential settlement ³	<¼ inch between columns	<½ inch over 30 feet
Allowable passive pressure ⁴	230 psf/ft	
Allowable coefficient of sliding friction ⁴	0.33	

1. The recommended net allowable bearing pressure is the pressure in excess of the minimum surrounding overburden pressure at the footing base elevation. Assumes any unsuitable fill or soft soils, if encountered, will be undercut and replaced with structural fill. Assumes native soils will be undercut 1 foot and replaced with structural fill.
2. And to reduce the effects of seasonal moisture variations in the subgrade soils. For exterior footings and footings beneath unheated areas.
3. The foundation settlement will depend upon the variations within the subsurface soil profile, the structural loading conditions, the embedment depth of the footings, the thickness of compacted fill, and the quality of the earthwork operations. The above settlement estimates have assumed that the maximum footing size is 4 feet for column footings and 1.5 foot for continuous footings.
4. The value presented is an equivalent fluid pressure. The sides of the excavation for the spread footing foundation must be nearly vertical and the concrete should be placed neat against these vertical faces for the passive earth pressure values to be valid. Passive resistance in the upper 12 inches of the soil profile should be neglected.

The net allowable bearing pressures presented in the table above may be increased by one-third to resist transient, dynamic loads such as wind or seismic forces. Please note that lateral resistance to footings should be ignored in the upper 12-inches from finish grade.

4.3.2 Footing Drains

We recommend that footings drains be installed around the perimeter of the proposed building at the base of the foundations. Footing drains should consist of a minimum 4-inch diameter, Schedule 40, rigid, perforated PVC pipe placed at the base of the heel of the footing with the perforations facing down. The pipe should be surrounded by a minimum of 4 inches of clean free-draining granular material. We recommend enveloping the drain rock with a non-woven geotextile,

such as Mirafi 140N, or equivalent. Footing drains should be directed toward appropriate storm water drainage facilities. Water from downspouts and surface water should be independently collected and routed to a suitable discharge location.

4.5 Floor Slabs

We understand that the structures typically include construction of slabs-on-grade floors. The following design recommendations are provided for newly constructed concrete slabs.

4.5.1 Design Recommendations

ITEM	DESCRIPTION
Interior floor system	Concrete slab-on-grade.
Base / Capillary Break	6-inches of CAB material (¾"-0)
Modulus of subgrade reaction	125 pci for point load conditions

1. The concrete slab design should include a capillary break, comprised of free-draining, compacted, granular material, at least 6 inches thick. Free-draining granular material should have less than 5 percent fines (material passing the #200 sieve).

Where appropriate, saw-cut control joints should be placed in the slab to help control the location and extent of cracking. For additional recommendations refer to the ACI Design Manual. Joints or any cracks in pavement areas that develop should be sealed with a water-proof, non-extruding compressible compound specifically recommended for heavy duty concrete pavement and wet environments.

The use of a vapor retarder or barrier should be considered beneath concrete slabs on grade that will be covered with wood, tile, carpet or other moisture sensitive or impervious coverings, or when the slab will support equipment sensitive to moisture. When conditions warrant the use of a vapor retarder, the slab designer and slab contractor should refer to ACI 302 and ACI 360 for procedures and cautions regarding the use and placement of a vapor retarder/barrier.

4.5.2 Construction Considerations

On most project sites, the site grading is accomplished relatively early in the construction phase. Fills are placed and compacted in a uniform manner. However, as construction proceeds, excavations for utilities are made into these areas, rainfall and surface water saturates some areas, heavy traffic from concrete trucks and other delivery vehicles disturbs the subgrade and many surface irregularities are filled in with loose soils to improve trafficability temporarily. As a result, the floor slab subgrades, initially prepared early in the project, should be carefully re-evaluated as the time for floor construction approaches.

4.6 Pavements

4.6.1 Design Recommendations

Traffic patterns and anticipated loading conditions were not available at the time this report was prepared. We anticipate that traffic loads will be produced primarily by automobile traffic and occasional delivery trucks. The thickness of pavements subjected to heavy truck traffic should be determined using expected traffic volumes, vehicle types, and vehicle loads and should be in accordance with local, city or county ordinances.

Pavement thickness can be determined using AASHTO, Asphalt Institute and/or other methods if specific wheel loads, axle configurations, frequencies, and desired pavement life are provided. Terracon can provide thickness recommendations for pavements for loads other than personal vehicles and occasional delivery truck if provided.

Listed below are minimum pavement component thicknesses, which may be used as a guide for pavement systems at the site for typical commercial building traffic patterns. It should be noted that these systems were derived based on general characterization of the subgrade as predominantly fine-grained. No specific testing (such as CBR, resilient modulus test, etc.) was performed for this project to evaluate the support characteristics of the subgrade.

MINIMUM PAVEMENT THICKNESSES		
COMPONENT	Material Thickness, Inches	
	Automobile Parking Areas	Drive Lanes
Asphalt Concrete	3	4
Crushed Aggregate Base (CAB)	8	8

Prior to placement of the CAB the pavement subgrades should be prepared as per the recommendations in the **Earthwork** section of this report. Long term pavement performance will be dependent upon several factors, including maintaining subgrade moisture levels and providing for preventive maintenance. The following recommendations should be considered the minimum:

- The subgrade and the pavement surface have a minimum ¼-inch per foot slope to promote proper surface drainage;
- Consider appropriate edge drainage and pavement under drain systems;
- Install joint sealant and seal cracks immediately;
- Seal all landscaped areas in, or adjacent to pavements to minimize or prevent moisture migration to subgrade soils;
- Placing compacted, low permeability backfill against the exterior side of curb and gutter.

Preventive maintenance should be planned and provided for through an on-going pavement management program. Preventive maintenance activities are intended to slow the rate of pavement deterioration, and to preserve the pavement investment. Preventive maintenance consists of both localized maintenance (e.g. crack and joint sealing and patching) and global maintenance (e.g. surface sealing). Preventive maintenance is usually the first priority when implementing a planned pavement maintenance program and provides the highest return on investment for pavements. Prior to implementing any maintenance, additional engineering observation is recommended to determine the type and extent of preventive maintenance.

As previously stated, haul roads and laydown areas should be included in project planning to provide access to the building area during construction.

4.6.2 Asphalt and Base Course Materials

Specifications for manufacturing and placement of pavements and crushed aggregate base course should conform to specifications presented in Section 00745, of the 2015 Oregon Standard Specifications for Construction. All base course materials should be compacted to at least 95 percent of the maximum dry density determined in accordance with ASTM D1557. We recommend that all base courses be proofrolled with a loaded dump truck prior to placing the following lift of material. We recommend that asphalt be compacted to a minimum of 92 percent of the Rice (theoretical maximum) density.

4.6.3 Concrete Properties and Materials

Concrete pavement design recommendations are based on an assumed modulus of rupture of 580 psi and a minimum 28-day compressive strength of 4,000 psi for the concrete. It is our opinion that concrete pavements should be reinforced and have relatively closely spaced control joints on the order of 15 to 20 feet. We recommend that minimum reinforcement consist of 6x6-W2.0xW2.0 welded wire or equivalent. The welded wire reinforcement should be terminated 3 inches on either side of all construction, contraction and expansion joints. Construction Considerations

4.6.4 Pavement Construction Considerations

On most project sites, the site grading is accomplished relatively early in the construction phase. Fills are placed and compacted in a uniform manner. However, as construction proceeds, excavations are made into these areas, rainfall and surface water saturates some areas, heavy traffic from concrete trucks and other delivery vehicles disturbs the subgrade and many surface irregularities are filled in with loose soils to improve trafficability temporarily. As a result, the pavement subgrades, initially prepared early in the project, should be carefully evaluated as the time for pavement construction approaches.

We recommend the entire pavement subgrade should be scarified and re-compacted as recommended in 4.3 of this report to provide a uniform subgrade for pavement construction. Areas

that appear severely desiccated following site stripping may require further undercutting and moisture conditioning.

After scarification and re-compaction of subgrade soils, moisture content and density of the top 12 inches of the subgrade soils be evaluated and the pavement subgrades be proof-rolled prior to commencement of crushed aggregate base placement. Areas not in compliance with the required ranges of moisture or density should be moisture conditioned and re-compacted. Particular attention should be paid to high traffic areas that were rutted and disturbed earlier and to areas where backfilled trenches are located. Proof-roll testing should be performed by a qualified representative of Terracon at time of subgrade completion. Subgrade soils subjected to proof-roll testing should not exhibit pumping, yielding or deflection of greater than 1 inch in magnitude. Areas where unsuitable conditions are located should be repaired by removing and replacing the materials with properly compacted fills.

If a significant precipitation event occurs after the evaluation of subgrade soils or if the surface becomes disturbed, the subgrade should be reviewed by qualified personnel immediately prior to paving. The subgrade should be in its finished form at the time of the final review.

4.7 Seismic Considerations

DESCRIPTION	VALUE
2012 International Building Code Site Classification (IBC) ¹	D ²
Site Latitude	N 45.203623
Site Longitude	W 123.156698
S _s Spectral Acceleration for a Short Period	0.991
S ₁ Spectral Acceleration for a 1-Second Period	0.466
F _a site coefficient	1.104
F _v site coefficient	1.534
Peak Ground Acceleration (PGA)	0.452
Site Specific Coefficient (F _{PGA})	1.048

1. In general accordance with the *2012 International Building Code*, Table 1613.5.2. IBC Site Class is based on the average characteristics of the upper 100 feet of the subsurface profile.
2. The 2012 International Building Code (IBC) requires a site soil profile determination extending to a depth of 100 feet for seismic site classification. The current scope does not include the required 100 foot soil profile determination. Borings extended to a maximum depth of about 51½ feet, and this seismic site class definition considers that dense soil as noted on the published geologic mapping continues below the maximum depth of the subsurface exploration. Additional exploration to deeper depths would be required to confirm the conditions below the current depth of exploration. Therefore, we would interpret that site soils encountered at the site are representative of the soils to a depth of 100 feet.

Earthquake-Induced Soil Liquefaction

Liquefaction is the phenomenon wherein soil strength is dramatically reduced when subjected to vibration or shaking. Liquefaction generally occurs in saturated, loose sand and soft to medium stiff, low plasticity silt deposits. Based on the soft to medium stiff non-plastic silt with sand soils encountered from approximately 20 to 31½ feet bgs in the borings and depth to groundwater (between 19 and 34 feet), it is our opinion that the risk of liquefaction at the site is low due the moderate plasticity of the remaining site soils and we have therefore classified the site as a Site Class D.

5.0 GENERAL COMMENTS

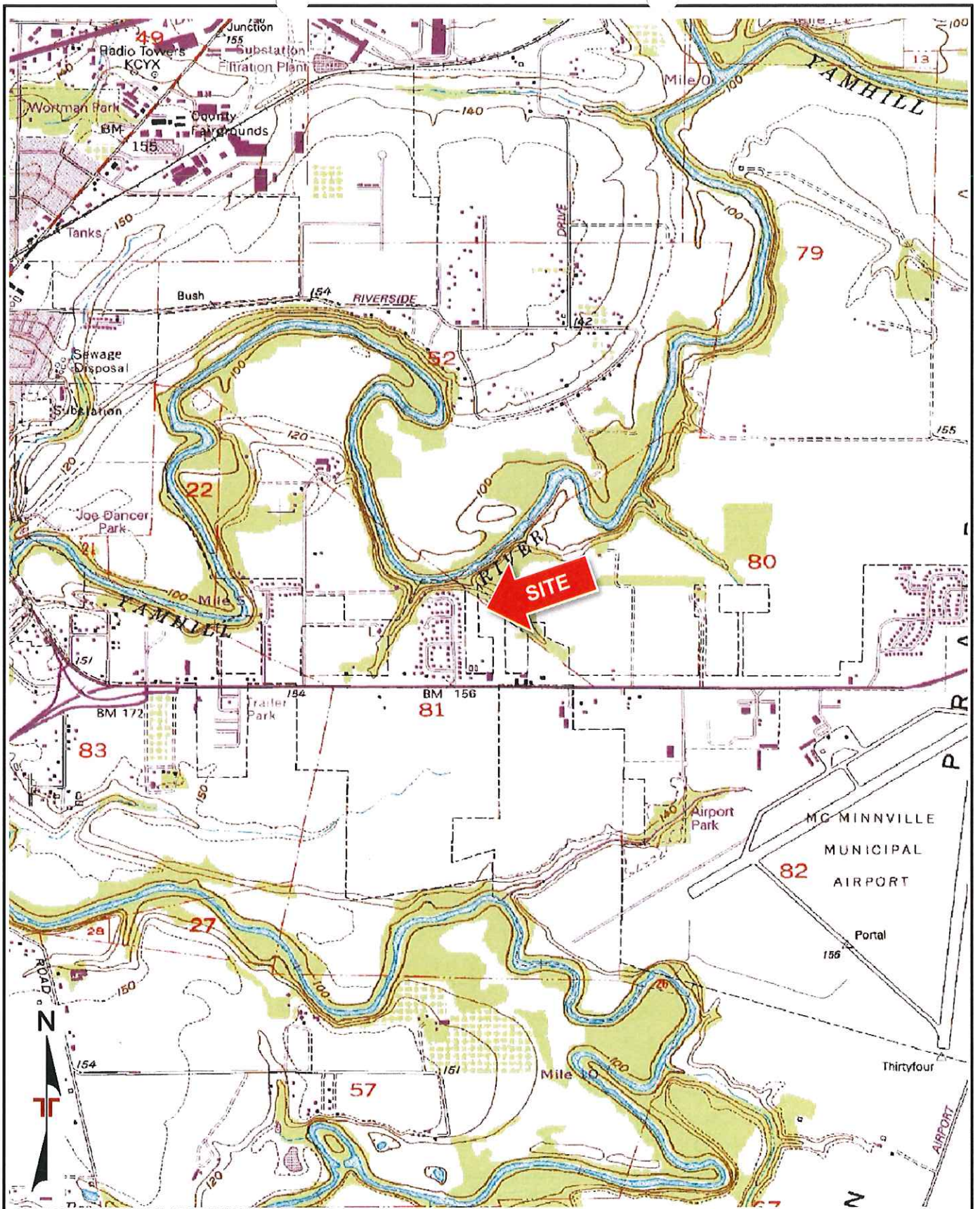
Terracon should be retained to review the final design plans and specifications so comments can be made regarding interpretation and implementation of our geotechnical recommendations in the design and specifications. Terracon also should be retained to provide observation and testing services during grading, excavation, foundation construction and other earth-related construction phases of the project.

The analysis and recommendations presented in this report are based upon the data obtained from the borings performed at the indicated locations and from other information discussed in this report. This report does not reflect variations that may occur between borings, across the site, or due to the modifying effects of construction or weather. The nature and extent of such variations may not become evident until during or after construction. If variations appear, we should be immediately notified so that further evaluation and supplemental recommendations can be provided.

The scope of services for this project does not include either specifically or by implication any environmental or biological (e.g., mold, fungi, bacteria) assessment of the site or identification or prevention of pollutants, hazardous materials or conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be undertaken.

This report has been prepared for the exclusive use of our client for specific application to the project discussed and has been prepared in accordance with generally accepted geotechnical engineering practices. No warranties, either express or implied, are intended or made. Site safety, excavation support, and dewatering requirements are the responsibility of others. In the event that changes in the nature, design, or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless Terracon reviews the changes and either verifies or modifies the conclusions of this report in writing.

APPENDIX A
FIELD EXPLORATION



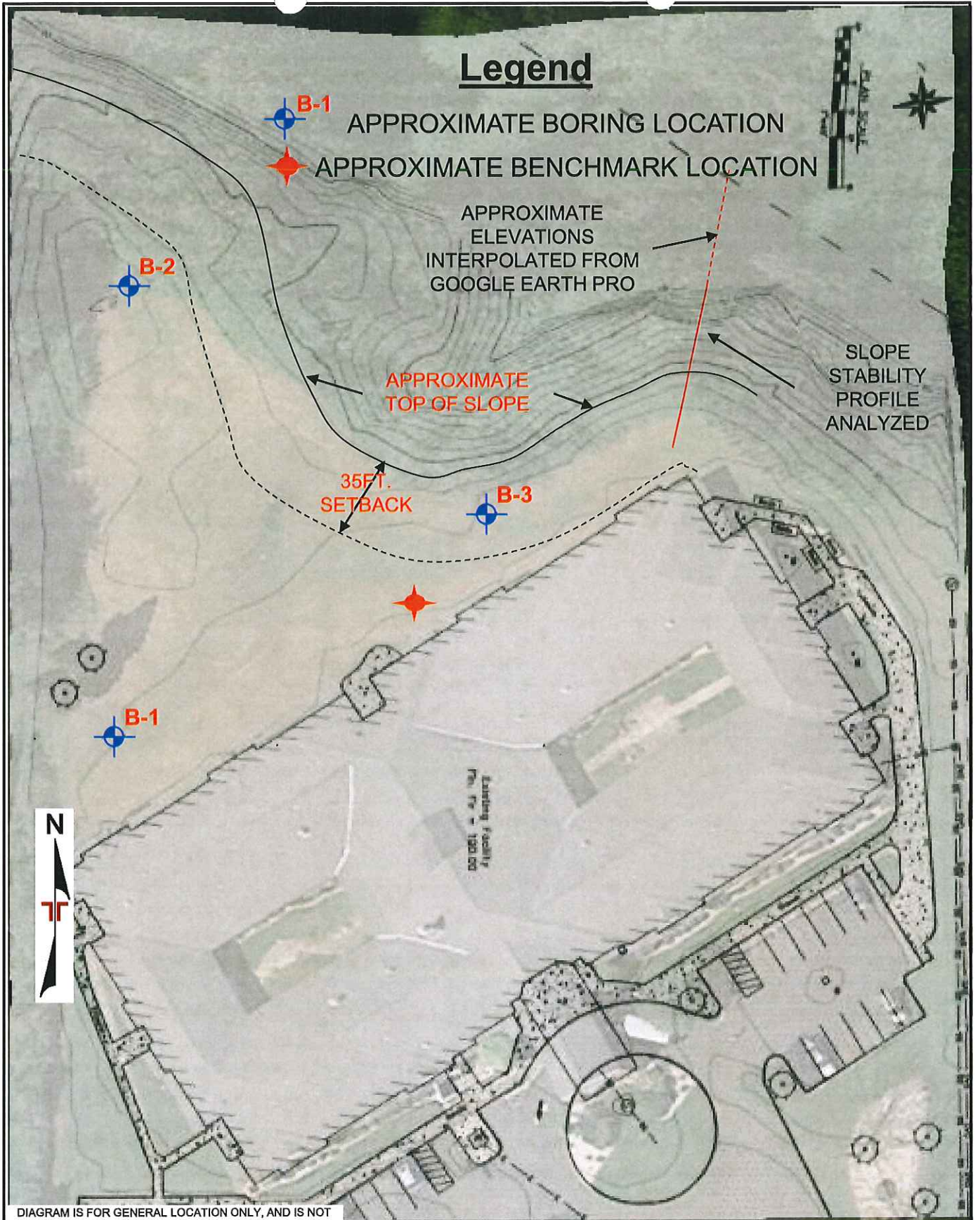
Project Manager: KTH
 Drawn by: JAE
 Checked by: BWP
 Approved by: KTH

Project No. 82165034
 Scale: N.T.S.
 File Name: EXH. A-1
 Date: APRIL 2016

Terracon
 4103 SE International Way, Suite 300
 Portland, Oregon 97222

SITE LOCATION
PARKLAND EXPANSION
 3123 NE CUMULUS AVENUE
 MCMINNVILLE, OR

Exhibit
A-1



Project Manager:	KTH
Drawn by:	JAE
Checked by:	BWP
Approved by:	KTH

Project No.	82165034
Scale:	N.T.S.
File Name:	EXH. A-2
Date:	JUNE 2016

Terracon
 4103 SE International Way, Suite 300
 Portland, Oregon 97222

SITE AND EXPLORATION PLAN

PARKLAND EXPANSION
 3123 NE CUMULUS AVENUE
 MCMINNVILLE, OR

Exhibit	A-2
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Field Exploration Description

The boring locations were located in the field by Terracon personnel based on estimated dimensions from site features and the provided site plan by RJ Development. Terracon personnel estimated ground surface elevations of the borings (based on a site specific assumed elevation of 100 feet at the irrigation control valve on the north side of the property; see attached exhibit A-2) by using an engineer's level and rod. The locations and elevations of the borings should be considered accurate only to the degree implied by the means and methods used to define them.

The borings were drilled with a track mounted hollow-stem auger drill rig under subcontract to Terracon. A field engineer from our firm continuously observed the borings, logged the subsurface conditions, and obtained representative soil samples. Samples of the soil encountered in the borings were obtained using the split barrel and thin-walled tube sampling procedures. The samples were stored in moisture tight containers and transported to our laboratory for further visual classification and testing. After we logged each boring, the operator backfilled each boring in general conformance with local regulations and patched the surface to match the existing ground surface.

In the split-barrel sampling procedure, the number of blows required to advance a standard 2-inch O.D. split-barrel sampler the last 12 inches of the typical total 18-inch penetration by means of a 140-pound auto-hammer with a free fall of 30 inches, is the standard penetration resistance value (SPT-N). This value is used to estimate the in-situ relative density of cohesionless soils and consistency of cohesive soils. An automatic safety hammer used to advance the split-barrel sampler in the borings performed on this site.

In the thin-walled tube sampling procedure, a thin-walled, seamless steel tube with a sharp cutting edge is pushed hydraulically into the soil to obtain a relatively undisturbed sample. The samples were tagged for identification, sealed to reduce moisture loss, and taken to our laboratory for further examination, testing, and classification. Information provided on the boring logs attached to this report includes soil descriptions, consistency evaluations, boring depths, sampling intervals, and groundwater conditions.

A field log of each boring was prepared by the field engineer. These logs included visual classifications of the materials encountered during drilling as well as the driller's interpretation of the subsurface conditions between samples. Final boring logs included with this report represent the engineer's interpretation of the field logs and include modifications based on laboratory observation and tests of the samples.

BORING LOG NO. B-1

PROJECT: Parkland Assited Living Expansion

CLIENT:

SITE:

McMinnville, Oregon

GRAPHIC LOG	LOCATION See Exhibit A-2 Latitude: 45.20384° Longitude: -123.15731°	DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (in.)	FIELD TEST RESULTS	STRENGTH TEST			WATER CONTENT (%)	DRY UNIT WEIGHT (pcf)	ATTERBERG LIMITS	
							TEST TYPE	COMPRESSIVE STRENGTH (psf)	STRAIN (%)			LL-PL-PI	PERCENT FINES
0.3	TOPSOIL , 3-inch Grass and Root Zone				8	2-5-8 N=13				22			
2.5	SILT WITH SAND (ML) , brown with orange mottling, stiff				12	2-2-3 N=5				26			
	SANDY SILT (ML) , gray with orange mottling, medium stiff	5			15	3-4-6 N=10				34			
	stiff				18	4-5-6 N=11				32			
	brownish gray	10			18	3-4-5 N=9				34	86		
	light brown, medium stiff, trace mica	15			15	3-3-3 N=6				35			
		20	▽		15	2-2-6 N=8				37	85		
	medium stiff to stiff				15	2-3-4 N=7				43			
	Boring Terminated at 26.5 Feet	25			15								

Stratification lines are approximate. In-situ, the transition may be gradual.

Hammer Type: Automatic SPT Hammer

Advancement Method:
Hollow stem auger

See Exhibit A-3 for description of field procedures.
See Appendix B for description of laboratory procedures and additional data (if any).
See Appendix C for explanation of symbols and abbreviations.

Notes:

Abandonment Method:
Borings backfilled with bentonite chips upon completion

WATER LEVEL OBSERVATIONS

▽ While drilling



Boring Started: 4/5/2016

Boring Completed: 4/5/2016

Drill Rig: D-50 track

Driller: Terracon

Project No.: 82165034

Exhibit: A-4

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. GEO SMART LOG-NO WELL 82165034 BORING LOGS.GPJ TERRACON2015.GDT 5/12/16

BORING LOG NO. B-2

PROJECT: Parkland Assited Living Expansion

CLIENT:

SITE:

McMinnville, Oregon

GRAPHIC LOG	LOCATION See Exhibit A-2 Latitude: 45.20433° Longitude: -123.1572°	DEPTH (ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (in.)	FIELD TEST RESULTS	STRENGTH TEST			WATER CONTENT (%)	DRY UNIT WEIGHT (pcf)	ATTERBERG LIMITS LL-PL-PI	PERCENT FINES
							TEST TYPE	COMPRESSIVE STRENGTH (psf)	STRAIN (%)				
	0.3	8		X	8	1-1-2 N=3				28			
	TOPSOIL , 3-inch Grass and Root Zone SILT WITH SAND (ML) , brown, soft medium stiff												
	5	15		X	15	1-2-3 N=5				28	32-23-9		
	soft, trace mica												
	10	10		X	10	1-1-2 N=3				35			
	15	18		X	18	2-3-5 N=8				37			
	SANDY SILT (ML) , brown with orange mottling, medium stiff to stiff, low plasticity												
20	10						UC	1032	0.9	36	84		
25	15		X	15	2-2-4 N=6				37				
soft													
20	18		X	18	1-2-2 N=4				36				
medium stiff													
25	12		X	12	1-2-3 N=5				38				
25	12		X	12	2-2-4 N=6				37				

Stratification lines are approximate. In-situ, the transition may be gradual.

Hammer Type: Automatic SPT Hammer

Advancement Method:
Hollow stem auger

See Exhibit A-3 for description of field procedures.
See Appendix B for description of laboratory procedures and additional data (if any).
See Appendix C for explanation of symbols and abbreviations.

Notes:

Abandonment Method:
Borings backfilled with bentonite chips upon completion

WATER LEVEL OBSERVATIONS

- While drilling
- At completion of drilling



Boring Started: 4/4/2016

Boring Completed: 4/5/2016

Drill Rig: D-50 track

Driller: Terracon

Project No.: 82165034

Exhibit: A-5

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. GEO SMART LOG-NO WELL 82165034 BORING LOGS.GPJ TERRACON2015.GDT 5/12/16

BORING LOG NO. B-2

PROJECT: Parkland Assited Living Expansion

CLIENT:

SITE:

McMinnville, Oregon

GRAPHIC LOG	LOCATION See Exhibit A-2 Latitude: 45.20433° Longitude: -123.1572°	DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (in.)	FIELD TEST RESULTS	STRENGTH TEST			WATER CONTENT (%)	DRY UNIT WEIGHT (pcf)	ATTERBERG LIMITS	PERCENT FINES
							TEST TYPE	COMPRESSIVE STRENGTH (psf)	STRAIN (%)				
DEPTH													
	SANDY SILT (ML) , brown with orange mottling, medium stiff to stiff, low plasticity <i>(continued)</i>	30											
		31.5	▽	X	10	4-5-8 N=13			1743	13	35	87	NP
	SILTY SAND (SM) , fine grained, gray, medium dense, trace mica	35		X	15	2-6-9 N=15					38		97
		40	▽	X	12	3-4-6 N=10					39		
	SANDY SILT (ML) , gray, stiff	45.0		X	15	2-4-5 N=9					36		
	medium stiff to stiff	50		X	15	4-4-4 N=8					43		
	Boring Terminated at 51.5 Feet												

Stratification lines are approximate. In-situ, the transition may be gradual.

Hammer Type: Automatic SPT Hammer

Advancement Method:
Hollow stem auger

See Exhibit A-3 for description of field procedures.
See Appendix B for description of laboratory procedures and additional data (if any).
See Appendix C for explanation of symbols and abbreviations.

Notes:

Abandonment Method:
Borings backfilled with bentonite chips upon completion

WATER LEVEL OBSERVATIONS

- ▽ While drilling
- ▽ At completion of drilling



Boring Started: 4/4/2016

Boring Completed: 4/5/2016

Drill Rig: D-50 track

Driller: Terracon

Project No.: 82165034

Exhibit: A-5

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. GEO SMART LOG-NO WELL 82165034 BORING LOGS.GPJ TERRACON2015.GDT 5/12/16

BORING LOG NO. B-3

PROJECT: Parkland Assited Living Expansion

CLIENT:

SITE:

McMinnville, Oregon

GRAPHIC LOG	LOCATION See Exhibit A-2 Latitude: 45.20404° Longitude: -123.15669°	DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (in.)	FIELD TEST RESULTS	STRENGTH TEST			WATER CONTENT (%)	DRY UNIT WEIGHT (pcf)	ATTERBERG LIMITS	PERCENT FINES
							TEST TYPE	COMPRESSIVE STRENGTH (psf)	STRAIN (%)			LL-PL-PI	
0.3	TOPSOIL , 3-inch Grass and Root Zone					2-7-7 N=14				22			
	SILT WITH SAND (ML) , brown, stiff												
	medium stiff					2-3-3 N=6				22			
	trace sand, brownish gray	5				1-2-3 N=5				25			
9.0	SANDY SILT (ML) , grayish brown, stiff												
		10				2-4-5 N=9				33			
	gray to brown, medium stiff, trace mica	15				2-2-3 N=5				39			
	gray, soft	20				3-2-2 N=4				35			
	grayish brown with orange mottling	25				2-2-3 N=5				37			

Stratification lines are approximate. In-situ, the transition may be gradual.

Hammer Type: Automatic SPT Hammer

Advancement Method:
Hollow stem auger

See Exhibit A-3 for description of field procedures.
See Appendix B for description of laboratory procedures and additional data (if any).
See Appendix C for explanation of symbols and abbreviations.

Notes:

Abandonment Method:
Borings backfilled with bentonite chips upon completion

WATER LEVEL OBSERVATIONS

- While drilling
- At completion of drilling



Boring Started: 4/4/2016

Boring Completed: 4/4/2016

Drill Rig: D-50 track

Driller: Terracon

Project No.: 82165034

Exhibit: A-6

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. GEO SMART LOG-NO WELL 82165034 BORING LOGS.GPJ TERRACON2015.GDT 5/12/16

BORING LOG NO. B-3

PROJECT: Parkland Assited Living Expansion

CLIENT:

SITE:

McMinnville, Oregon

GRAPHIC LOG	LOCATION See Exhibit A-2 Latitude: 45.20404° Longitude: -123.15669°	DEPTH (ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (in.)	FIELD TEST RESULTS	STRENGTH TEST			WATER CONTENT (%)	DRY UNIT WEIGHT (pcf)	ATTERBERG LIMITS LL-PL-PI	PERCENT FINES
							TEST TYPE	COMPRESSIVE STRENGTH (psf)	STRAIN (%)				
DEPTH SANDY SILT (ML), grayish brown, stiff (continued)													
30		30	▽	X		2-2-3 N=5			36				
35		35	▽	X		2-2-3 N=5			39				
40 gray		40		X		2-2-3 N=5			37	39-25-14			
45		45		X		4-7-6 N=13			34				
50.0 51.5 SILTY SAND (SM), fine grained, dark gray, medium dense Boring Terminated at 51.5 Feet		50		X		5-5-9 N=14			36				

Stratification lines are approximate. In-situ, the transition may be gradual.

Hammer Type: Automatic SPT Hammer

Advancement Method: Hollow stem auger	See Exhibit A-3 for description of field procedures. See Appendix B for description of laboratory procedures and additional data (if any). See Appendix C for explanation of symbols and abbreviations.	Notes:
Abandonment Method: Borings backfilled with bentonite chips upon completion		
WATER LEVEL OBSERVATIONS		
▽ While drilling		
▽ At completion of drilling		
Terracon 4103 SE International Way Ste 300 Portland, OR		Boring Started: 4/4/2016 Drill Rig: D-50 track Project No.: 82165034
		Boring Completed: 4/4/2016 Driller: Terracon Exhibit: A-6

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. GEO SMART LOG-NO WELL 82165034 BORING LOGS.GPJ TERRACON2015.GDT 5/12/16

APPENDIX B
LABORATORY TESTING

Laboratory Testing

As part of the testing program, all samples were examined in the laboratory by experienced personnel and classified in accordance with the attached General Notes and the Unified Soil Classification System based on the texture and plasticity of the soils. The group symbol for the Unified Soil Classification System is shown in the appropriate column on the boring logs and a brief description of the classification system is included with this report in the Appendix.

At that time, the field descriptions were confirmed or modified as necessary and an applicable laboratory testing program was formulated to determine engineering properties of the subsurface materials.

Laboratory tests were conducted on selected soil samples and the test results are presented in this appendix. The laboratory test results were used for the geotechnical engineering analyses, and the development of foundation and earthwork recommendations. Laboratory tests were performed in general accordance with the applicable ASTM, local or other accepted standards.

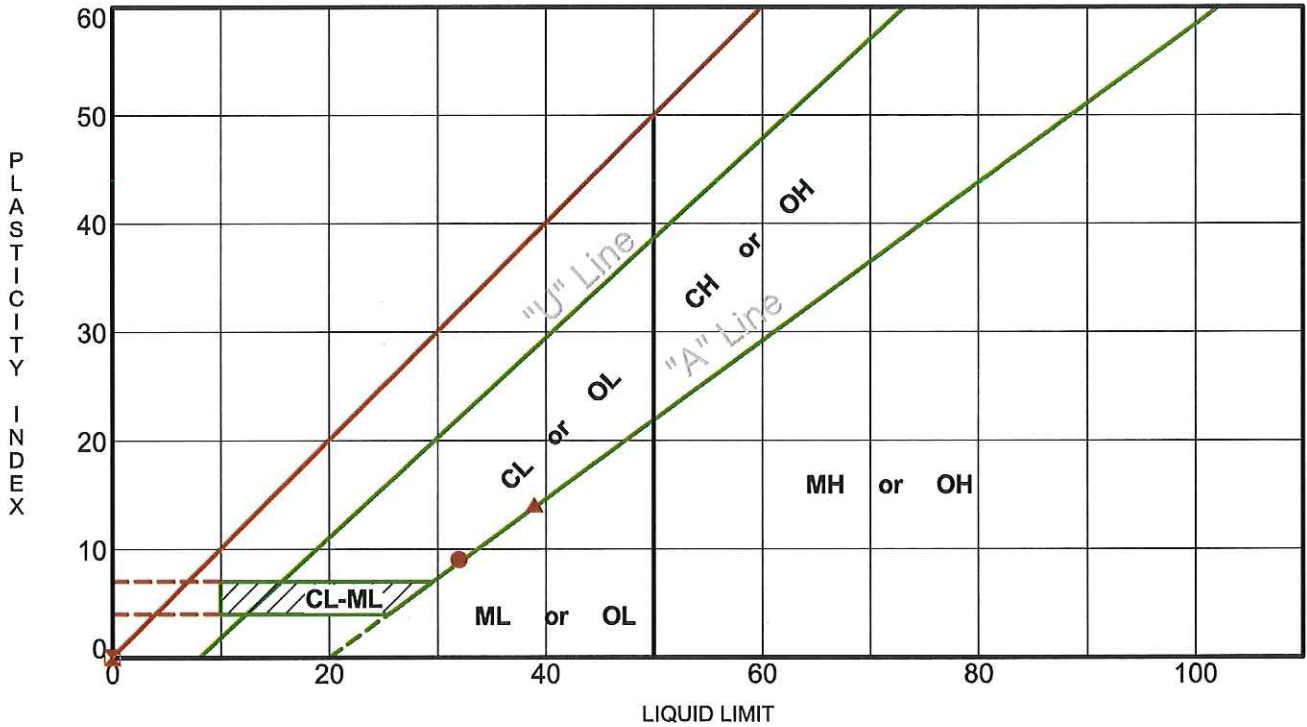
Selected soil samples obtained from the site were tested for the following engineering properties:

- In-situ Water Content (ASTM D 2216)
- Atterberg Limits (ASTM D 4318)
- Fines Content (passing No. 200 sieve) Determination (ASTM D 1140)
- Unconfined Compression Results (ASTM D 2166)
- Direct Shear Results (ASTM D 3080)

It is important to note that the site soils generally contain particles larger than 2 inches in diameter. Due to the sampling equipment being limited in diameter (1.8-inches), the grain size analyses are completed on materials that were able to be sampled. Therefore, the grain size analyses should be considered to be the materials passing a 2-inch sieve and not necessarily representative of the entire subsurface materials matrix.

ATTERBERG LIMITS RESULTS

ASTM D4318



LABORATORY TESTS ARE NOT VALID IF SEPARATED FROM ORIGINAL REPORT. ATTERBERG LIMITS 82165034 BORING LOGS.GPJ TERRACON2015.GDT 5/12/16

Boring ID	Depth	LL	PL	PI	Fines	USCS	Description
● B-2	2.5 - 4	32	23	9			
☒ B-2	30 - 31.5	NP	NP	NP			
▲ B-3	40 - 41.5	39	25	14			

PROJECT: Parkland Assited Living Expansion

SITE:
McMinnville, Oregon



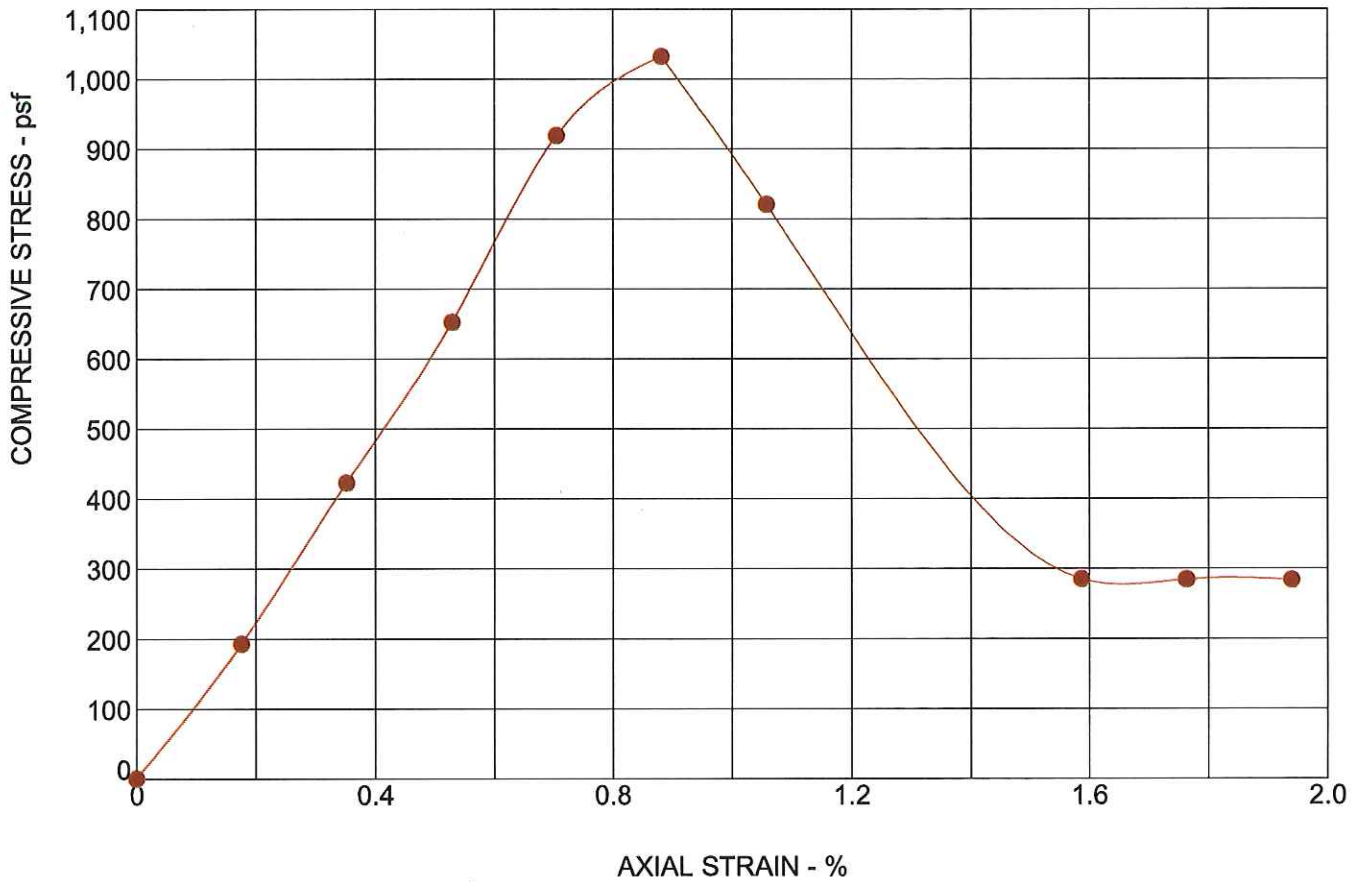
PROJECT NUMBER: 82165034

CLIENT:

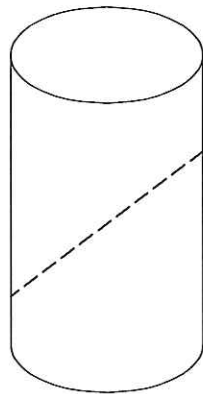
EXHIBIT: B-2

UNCONFINED COMPRESSION TEST

ASTM D2166



SPECIMEN FAILURE MODE



Failure Mode: Shear (dashed)

SPECIMEN TEST DATA

Moisture Content:	%	36
Dry Density:	pcf	83
Diameter:	in.	2.87
Height:	in.	5.67
Height / Diameter Ratio:		1.98
Calculated Saturation:	%	
Calculated Void Ratio:		
Assumed Specific Gravity:		
Failure Strain:	%	0.88
Unconfined Compressive Strength	(psf)	1032
Undrained Shear Strength:	(psf)	516
Strain Rate:	in/min	0.0800
Remarks:		

SAMPLE TYPE: Shelby Tube

SAMPLE LOCATION: B-2 @ 10 - 11.5 feet

DESCRIPTION:

LL

PL

PI

Percent < #200 Sieve

PROJECT: Parkland Assited Living Expansion

PROJECT NUMBER: 82165034

SITE:
McMinnville, Oregon

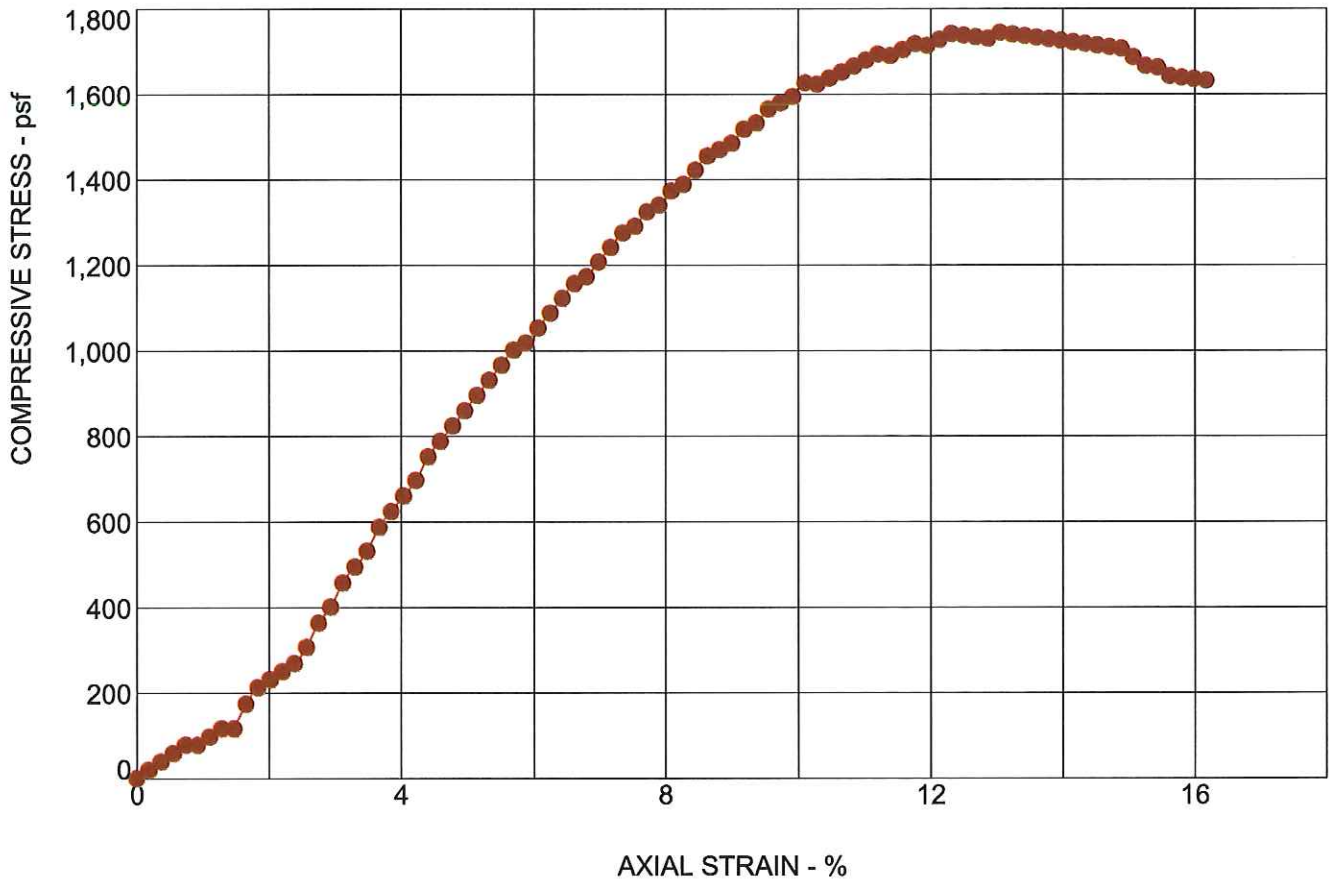
Terracon
4103 SE International Way Ste 300
Portland, OR

CLIENT:

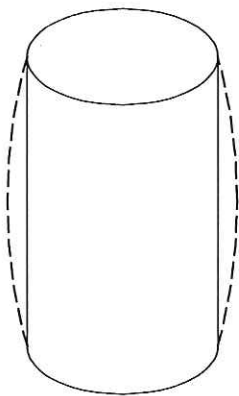
EXHIBIT: B-3

UNCONFINED COMPRESSION TEST

ASTM D2166



SPECIMEN FAILURE MODE



Failure Mode: Bulge (dashed)

SPECIMEN TEST DATA

Moisture Content:	%	35
Dry Density:	pcf	87
Diameter:	in.	2.84
Height:	in.	5.44
Height / Diameter Ratio:		1.92
Calculated Saturation:	%	
Calculated Void Ratio:		
Assumed Specific Gravity:		
Failure Strain:	%	13.05
Unconfined Compressive Strength	(psf)	1743
Undrained Shear Strength:	(psf)	872
Strain Rate:	in/min	0.0857
Remarks:		

SAMPLE TYPE: Shelby Tube

SAMPLE LOCATION: B-2 @ 30 - 31.5 feet

DESCRIPTION:

LL	PL	PI	Percent < #200 Sieve
NP	NP	NP	

PROJECT: Parkland Assited Living Expansion

PROJECT NUMBER: 82165034

SITE:
McMinnville, Oregon

Terracon
4103 SE International Way Ste 300
Portland, OR

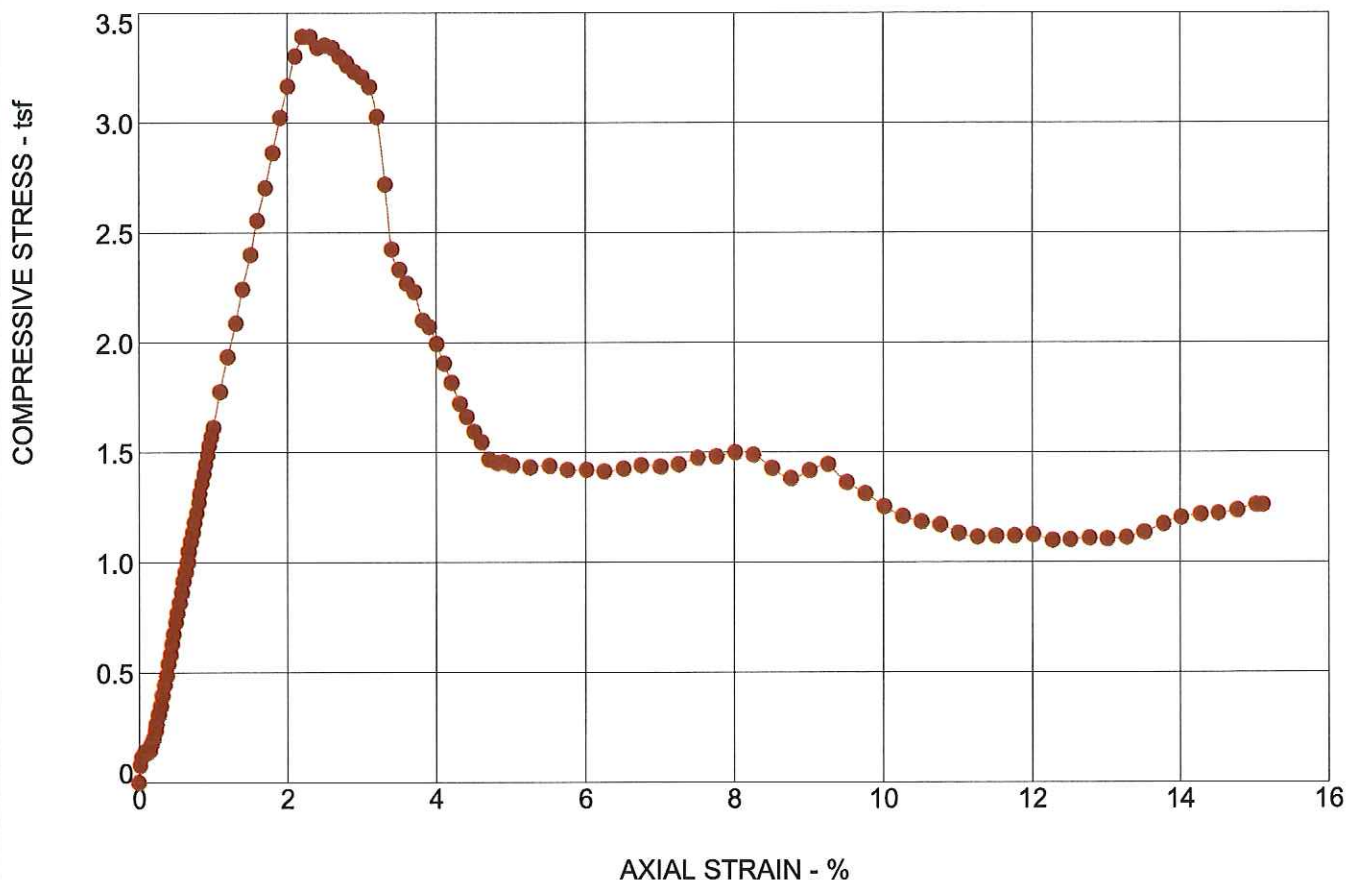
CLIENT:

EXHIBIT: B-4

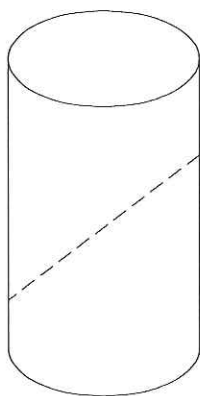
LABORATORY TESTS ARE NOT VALID IF SEPARATED FROM ORIGINAL REPORT. UNCONFINED 82165034 BORING LOGS.GPJ TERRACON2012.GDT 5/12/16

UNCONFINED COMPRESSION TEST

ASTM D2166



SPECIMEN FAILURE MODE



Failure Mode: Shear (dashed)

SPECIMEN TEST DATA

Moisture Content:	%	31
Dry Density:	pcf	91
Diameter:	in.	2.86
Height:	in.	5.58
Height / Diameter Ratio:		1.95
Calculated Saturation:	%	96.68
Calculated Void Ratio:		0.88
Assumed Specific Gravity:		2.75
Failure Strain:	%	2.21
Unconfined Compressive Strength	(tsf)	3.39
Undrained Shear Strength:	(tsf)	1.70
Strain Rate:	in/min	0.0560
Remarks:		

SAMPLE TYPE: Shelby Tube

SAMPLE LOCATION: B-3 @ 7.5 - 9 feet

DESCRIPTION: Gray and Brown Silty Clay

LL

PL

PI

Percent < #200 Sieve

PROJECT: Parkland Expansion

PROJECT NUMBER: 82165034

SITE: McMinnville, OR

Terracon

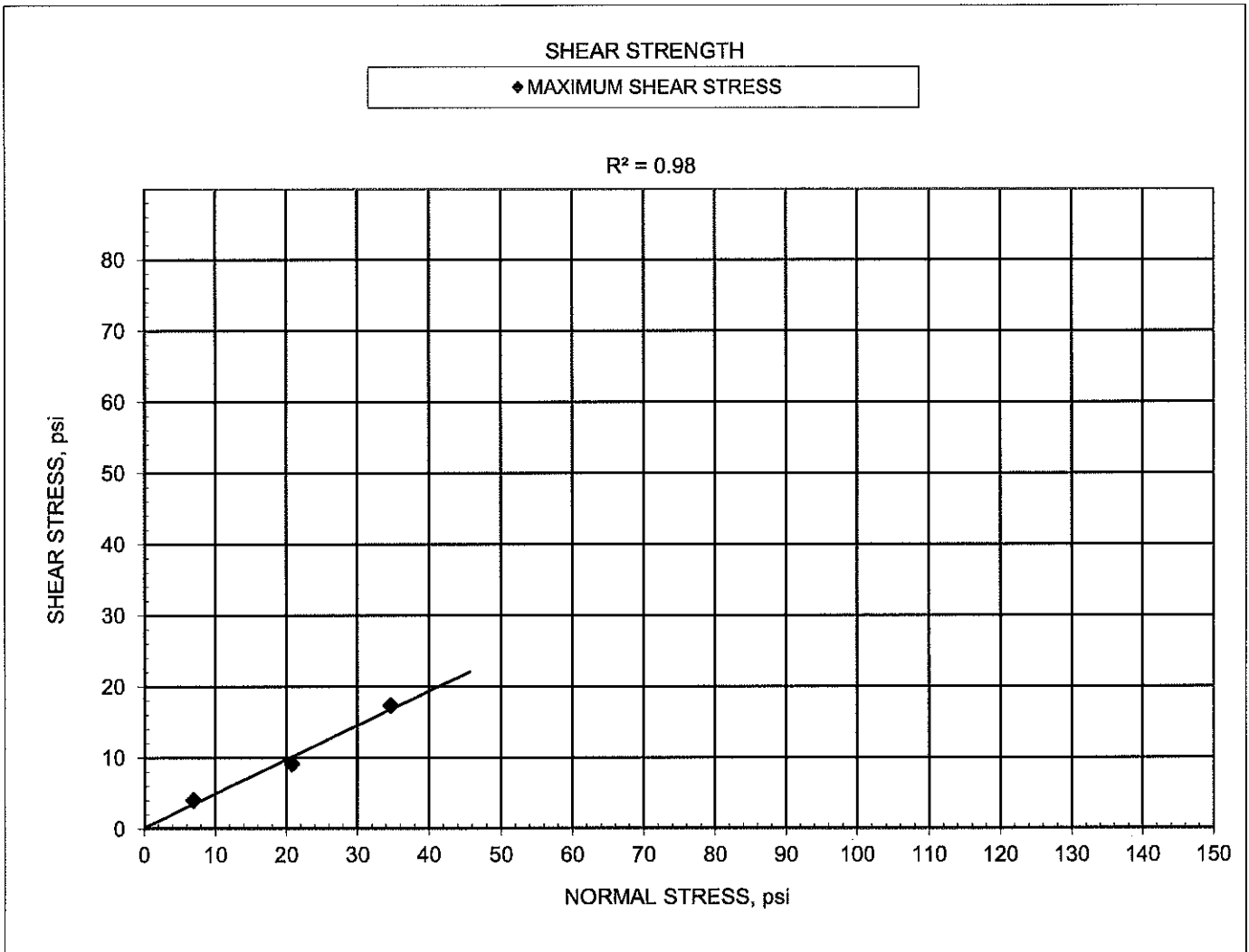
CLIENT: RJ Development Services

51 Lost Mound Dr Ste 135
Chattanooga, TN

B-5

LABORATORY TESTS ARE NOT VALID IF SEPARATED FROM ORIGINAL REPORT. UNCONFINED 82165034.GPJ TERRACON2012.GDT 5/3/16

**DIRECT SHEAR TEST OF SOILS UNDER CONSOLIDATED DRAINED CONDITIONS
ASTM D3080**



The reported cohesion may be apparent cohesion.

		FRICITION ANGLE	COHESION	NORMAL STRESS, psi	NORMAL STRESS, psi	NORMAL STRESS, psi
AT MAXIMUM SHEAR STRESS		25.6 deg	0.2 psi	6.9	20.8	34.7
INITIAL AREA, mm ²	3166.9	INITIAL MOISTURE, %		33.8	34.3	32.9
INITIAL LENGTH, mm	25.40	INITIAL DRY DENSITY, pcf		83.2	78.5	85.6
SPECIFIC GRAVITY	2.70	INITIAL SATURATION, %		89	81	92
SG TESTED		INITIAL VOID RATIO		1.03	1.15	0.97
SG ASSUMED	X	FINAL MOISTURE, %		38.6	40.7	26.5
LIQUID LIMIT	X	FINAL SATURATION, %		100	99	99
PLASTIC LIMIT	X	FINAL VOID RATIO		1.04	1.11	0.72
PLASTICITY INDEX	X	MAXIMUM SHEAR STRESS, psi		4.03	9.12	17.34
SAMPLE TYPE	SHELBY TUBE	RATE OF LOADING, in/min		0.0018	0.0018	0.0018
DESCRIPTION	Gray and Brown Silty Clay					

PROJECT NAME: Parkland Expansion

BORING NO. B-3

LOCATION: McMinnville, OR

SAMPLE NO. S-4

JOB NO.: 82165034

DEPTH, feet 7.5 TO 9

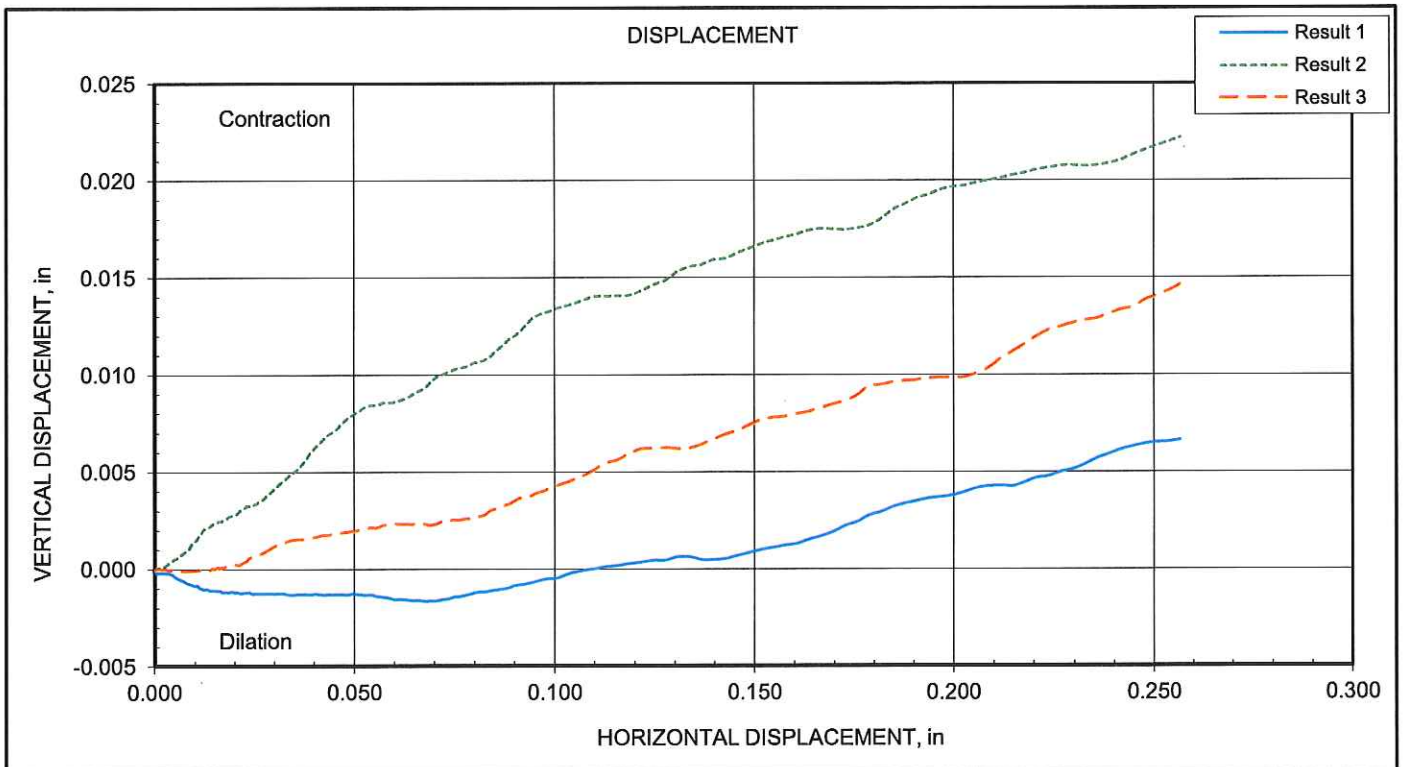
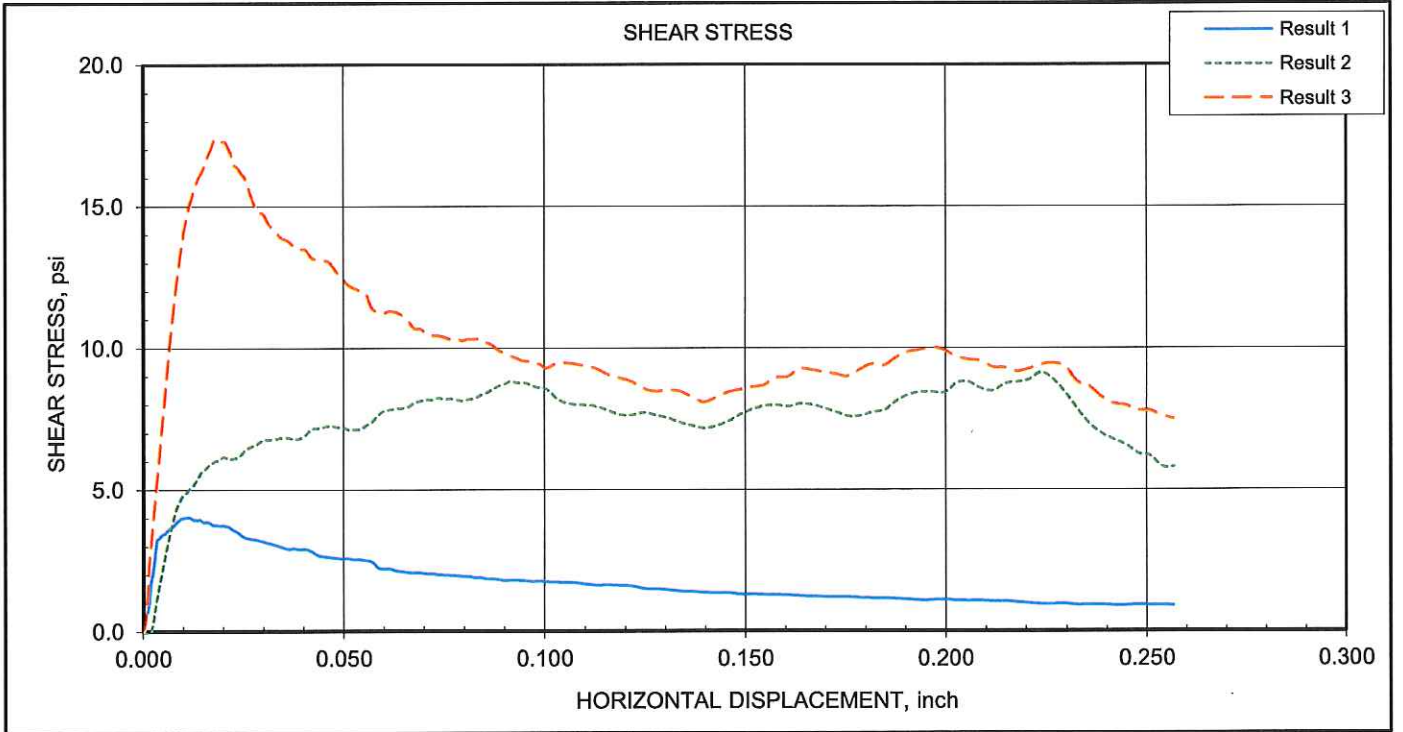
DATE: 5/3/2016

B-6

Terracon

Parkland Expansion
McMinnville, OR
82165034
5/3/2016

BORING NO. B-3
SAMPLE NO. S-4
DEPTH, feet 7.5 TO 9



APPENDIX C
SUPPORTING DOCUMENT

GENERAL NOTES

DESCRIPTION OF SYMBOLS AND ABBREVIATIONS

SAMPLING	Shelby Tube Standard Penetration Test	WATER LEVEL	Water Initially Encountered Water Level After a Specified Period of Time Water Level After a Specified Period of Time	FIELD TESTS	N Standard Penetration Test Resistance (Blows/Ft.) (HP) Hand Penetrometer (T) Torvane (DCP) Dynamic Cone Penetrometer (PID) Photo-Ionization Detector (OVA) Organic Vapor Analyzer
			<p>Water levels indicated on the soil boring logs are the levels measured in the borehole at the times indicated. Groundwater level variations will occur over time. In low permeability soils, accurate determination of groundwater levels is not possible with short term water level observations.</p>		

DESCRIPTIVE SOIL CLASSIFICATION

Soil classification is based on the Unified Soil Classification System. Coarse Grained Soils have more than 50% of their dry weight retained on a #200 sieve; their principal descriptors are: boulders, cobbles, gravel or sand. Fine Grained Soils have less than 50% of their dry weight retained on a #200 sieve; they are principally described as clays if they are plastic, and silts if they are slightly plastic or non-plastic. Major constituents may be added as modifiers and minor constituents may be added according to the relative proportions based on grain size. In addition to gradation, coarse-grained soils are defined on the basis of their in-place relative density and fine-grained soils on the basis of their consistency.

LOCATION AND ELEVATION NOTES

Unless otherwise noted, Latitude and Longitude are approximately determined using a hand-held GPS device. The accuracy of such devices is variable. Surface elevation data annotated with +/- indicates that no actual topographical survey was conducted to confirm the surface elevation. Instead, the surface elevation was approximately determined from topographic maps of the area.

STRENGTH TERMS	RELATIVE DENSITY OF COARSE-GRAINED SOILS <small>(More than 50% retained on No. 200 sieve.) Density determined by Standard Penetration Resistance</small>		CONSISTENCY OF FINE-GRAINED SOILS <small>(50% or more passing the No. 200 sieve.) Consistency determined by laboratory shear strength testing, field visual-manual procedures or standard penetration resistance</small>		
	Descriptive Term (Density)	Standard Penetration or N-Value Blows/Ft.	Descriptive Term (Consistency)	Unconfined Compressive Strength Qu, (psf)	Standard Penetration or N-Value Blows/Ft.
	Very Loose	0 - 3	Very Soft	less than 500	0 - 1
	Loose	4 - 9	Soft	500 to 1,000	2 - 4
	Medium Dense	10 - 29	Medium Stiff	1,000 to 2,000	4 - 8
	Dense	30 - 50	Stiff	2,000 to 4,000	8 - 15
	Very Dense	> 50	Very Stiff	4,000 to 8,000	15 - 30
			Hard	> 8,000	> 30

RELATIVE PROPORTIONS OF SAND AND GRAVEL

Descriptive Term(s) of other constituents	Percent of Dry Weight
Trace	< 15
With	15 - 29
Modifier	> 30

GRAIN SIZE TERMINOLOGY

Major Component of Sample	Particle Size
Boulders	Over 12 in. (300 mm)
Cobbles	12 in. to 3 in. (300mm to 75mm)
Gravel	3 in. to #4 sieve (75mm to 4.75 mm)
Sand	#4 to #200 sieve (4.75mm to 0.075mm)
Silt or Clay	Passing #200 sieve (0.075mm)

RELATIVE PROPORTIONS OF FINES

Descriptive Term(s) of other constituents	Percent of Dry Weight
Trace	< 5
With	5 - 12
Modifier	> 12

PLASTICITY DESCRIPTION

Term	Plasticity Index
Non-plastic	0
Low	1 - 10
Medium	11 - 30
High	> 30

UNIFIED SOIL CLASSIFICATION SYSTEM

Criteria for Assigning Group Symbols and Group Names Using Laboratory Tests ^A				Soil Classification			
				Group Symbol	Group Name ^B		
Coarse Grained Soils: More than 50% retained on No. 200 sieve	Gravels: More than 50% of coarse fraction retained on No. 4 sieve	Clean Gravels: Less than 5% fines ^C	$Cu \geq 4$ and $1 \leq Cc \leq 3$ ^E	GW	Well-graded gravel ^F		
			$Cu < 4$ and/or $1 > Cc > 3$ ^E	GP	Poorly graded gravel ^F		
		Gravels with Fines: More than 12% fines ^C	Fines classify as ML or MH	GM	Silty gravel ^{F,G,H}		
			Fines classify as CL or CH	GC	Clayey gravel ^{F,G,H}		
	Sands: 50% or more of coarse fraction passes No. 4 sieve	Clean Sands: Less than 5% fines ^D	$Cu \geq 6$ and $1 \leq Cc \leq 3$ ^E	SW	Well-graded sand ^I		
			$Cu < 6$ and/or $1 > Cc > 3$ ^E	SP	Poorly graded sand ^I		
		Sands with Fines: More than 12% fines ^D	Fines classify as ML or MH	SM	Silty sand ^{G,H,I}		
			Fines classify as CL or CH	SC	Clayey sand ^{G,H,I}		
Fine-Grained Soils: 50% or more passes the No. 200 sieve	Silts and Clays: Liquid limit less than 50	Inorganic:	$PI > 7$ and plots on or above "A" line ^J	CL	Lean clay ^{K,L,M}		
			$PI < 4$ or plots below "A" line ^J	ML	Silt ^{K,L,M}		
		Organic:	Liquid limit - oven dried	< 0.75	OL	Organic clay ^{K,L,M,N}	
			Liquid limit - not dried			Organic silt ^{K,L,M,O}	
	Silts and Clays: Liquid limit 50 or more	Inorganic:	PI plots on or above "A" line	CH	Fat clay ^{K,L,M}		
			PI plots below "A" line	MH	Elastic Silt ^{K,L,M}		
		Organic:	Liquid limit - oven dried	< 0.75	OH	Organic clay ^{K,L,M,P}	
			Liquid limit - not dried			Organic silt ^{K,L,M,Q}	
		Highly organic soils:		Primarily organic matter, dark in color, and organic odor		PT	Peat

^A Based on the material passing the 3-inch (75-mm) sieve

^B If field sample contained cobbles or boulders, or both, add "with cobbles or boulders, or both" to group name.

^C Gravels with 5 to 12% fines require dual symbols: GW-GM well-graded gravel with silt, GW-GC well-graded gravel with clay, GP-GM poorly graded gravel with silt, GP-GC poorly graded gravel with clay.

^D Sands with 5 to 12% fines require dual symbols: SW-SM well-graded sand with silt, SW-SC well-graded sand with clay, SP-SM poorly graded sand with silt, SP-SC poorly graded sand with clay

$$^E Cu = D_{60}/D_{10} \quad Cc = \frac{(D_{30})^2}{D_{10} \times D_{60}}$$

^F If soil contains $\geq 15\%$ sand, add "with sand" to group name.

^G If fines classify as CL-ML, use dual symbol GC-GM, or SC-SM.

^H If fines are organic, add "with organic fines" to group name.

^I If soil contains $\geq 15\%$ gravel, add "with gravel" to group name.

^J If Atterberg limits plot in shaded area, soil is a CL-ML, silty clay.

^K If soil contains 15 to 29% plus No. 200, add "with sand" or "with gravel," whichever is predominant.

^L If soil contains $\geq 30\%$ plus No. 200 predominantly sand, add "sandy" to group name.

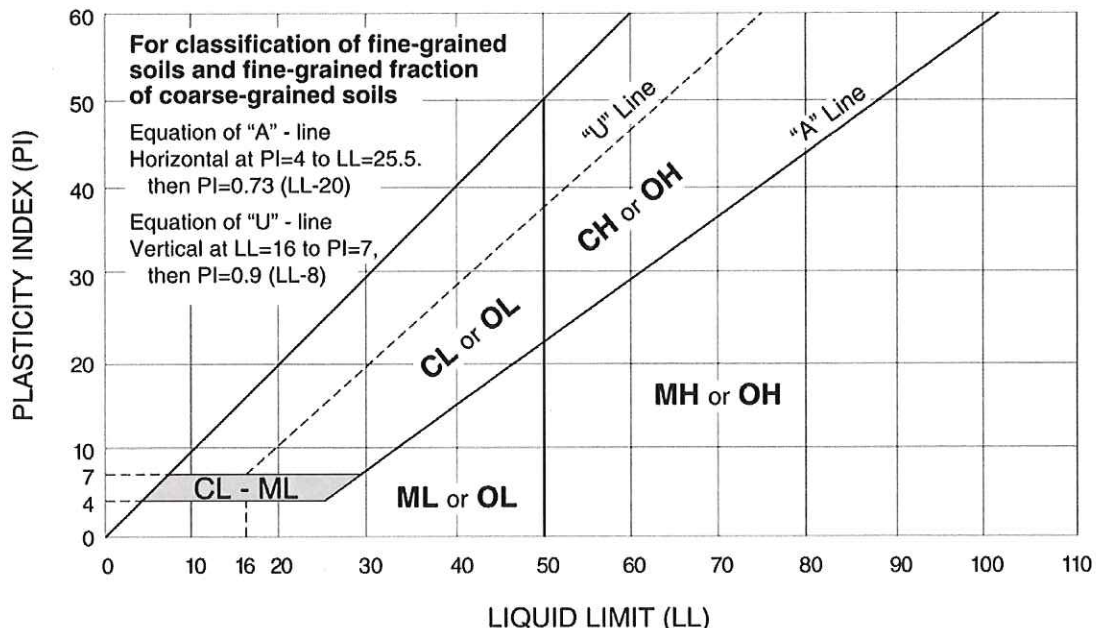
^M If soil contains $\geq 30\%$ plus No. 200, predominantly gravel, add "gravelly" to group name.

^N $PI \geq 4$ and plots on or above "A" line.

^O $PI < 4$ or plots below "A" line.

^P PI plots on or above "A" line.

^Q PI plots below "A" line.



DESCRIPTION OF ROCK PROPERTIES

WEATHERING

Term	Description
Unweathered	No visible sign of rock material weathering, perhaps slight discoloration on major discontinuity surfaces.
Slightly weathered	Discoloration indicates weathering of rock material and discontinuity surfaces. All the rock material may be discolored by weathering and may be somewhat weaker externally than in its fresh condition.
Moderately weathered	Less than half of the rock material is decomposed and/or disintegrated to a soil. Fresh or discolored rock is present either as a continuous framework or as corestones.
Highly weathered	More than half of the rock material is decomposed and/or disintegrated to a soil. Fresh or discolored rock is present either as a discontinuous framework or as corestones.
Completely weathered	All rock material is decomposed and/or disintegrated to soil. The original mass structure is still largely intact.
Residual soil	All rock material is converted to soil. The mass structure and material fabric are destroyed. There is a large change in volume, but the soil has not been significantly transported.

STRENGTH OR HARDNESS

Description	Field Identification	Uniaxial Compressive Strength, PSI (MPa)
Extremely weak	Indented by thumbnail	40-150 (0.3-1)
Very weak	Crumbles under firm blows with point of geological hammer, can be peeled by a pocket knife	150-700 (1-5)
Weak rock	Can be peeled by a pocket knife with difficulty, shallow indentations made by firm blow with point of geological hammer	700-4,000 (5-30)
Medium strong	Cannot be scraped or peeled with a pocket knife, specimen can be fractured with single firm blow of geological hammer	4,000-7,000 (30-50)
Strong rock	Specimen requires more than one blow of geological hammer to fracture it	7,000-15,000 (50-100)
Very strong	Specimen requires many blows of geological hammer to fracture it	15,000-36,000 (100-250)
Extremely strong	Specimen can only be chipped with geological hammer	>36,000 (>250)

DISCONTINUITY DESCRIPTION

Fracture Spacing (Joints, Faults, Other Fractures)		Bedding Spacing (May Include Foliation or Banding)	
Description	Spacing	Description	Spacing
Extremely close	< ¼ in (<19 mm)	Laminated	< ½ in (<12 mm)
Very close	¼ in – 2-1/2 in (19 - 60 mm)	Very thin	½ in – 2 in (12 – 50 mm)
Close	2-1/2 in – 8 in (60 – 200 mm)	Thin	2 in – 1 ft (50 – 300 mm)
Moderate	8 in – 2 ft (200 – 600 mm)	Medium	1 ft – 3 ft (300 – 900 mm)
Wide	2 ft – 6 ft (600 mm – 2.0 m)	Thick	3 ft – 10 ft (900 mm – 3 m)
Very Wide	6 ft – 20 ft (2.0 – 6 m)	Massive	> 10 ft (3 m)

Discontinuity Orientation (Angle): Measure the angle of discontinuity relative to a plane perpendicular to the longitudinal axis of the core. (For most cases, the core axis is vertical; therefore, the plane perpendicular to the core axis is horizontal.) For example, a horizontal bedding plane would have a 0 degree angle.

ROCK QUALITY DESIGNATION (RQD*)

Description	RQD Value (%)
Very Poor	0 - 25
Poor	25 - 50
Fair	50 - 75
Good	75 - 90
Excellent	90 - 100

*The combined length of all sound and intact core segments equal to or greater than 4 inches in length, expressed as a percentage of the total core run length.

Reference: U.S. Department of Transportation, Federal Highway Administration, Publication No FHWA-NHI-10-034, December 2009
 Technical Manual for Design and Construction of Road Tunnels – Civil Elements

APPENDIX D
SLOPE STABILITY ANALYSES RESULTS

ASSUMED TOP OF SLOPE
ELEVATION 96 FEET
(ELEVATION PROVIDED BY
CIVIL WEST ENGINEERING SERVICE, INC.
SITE PLAN)

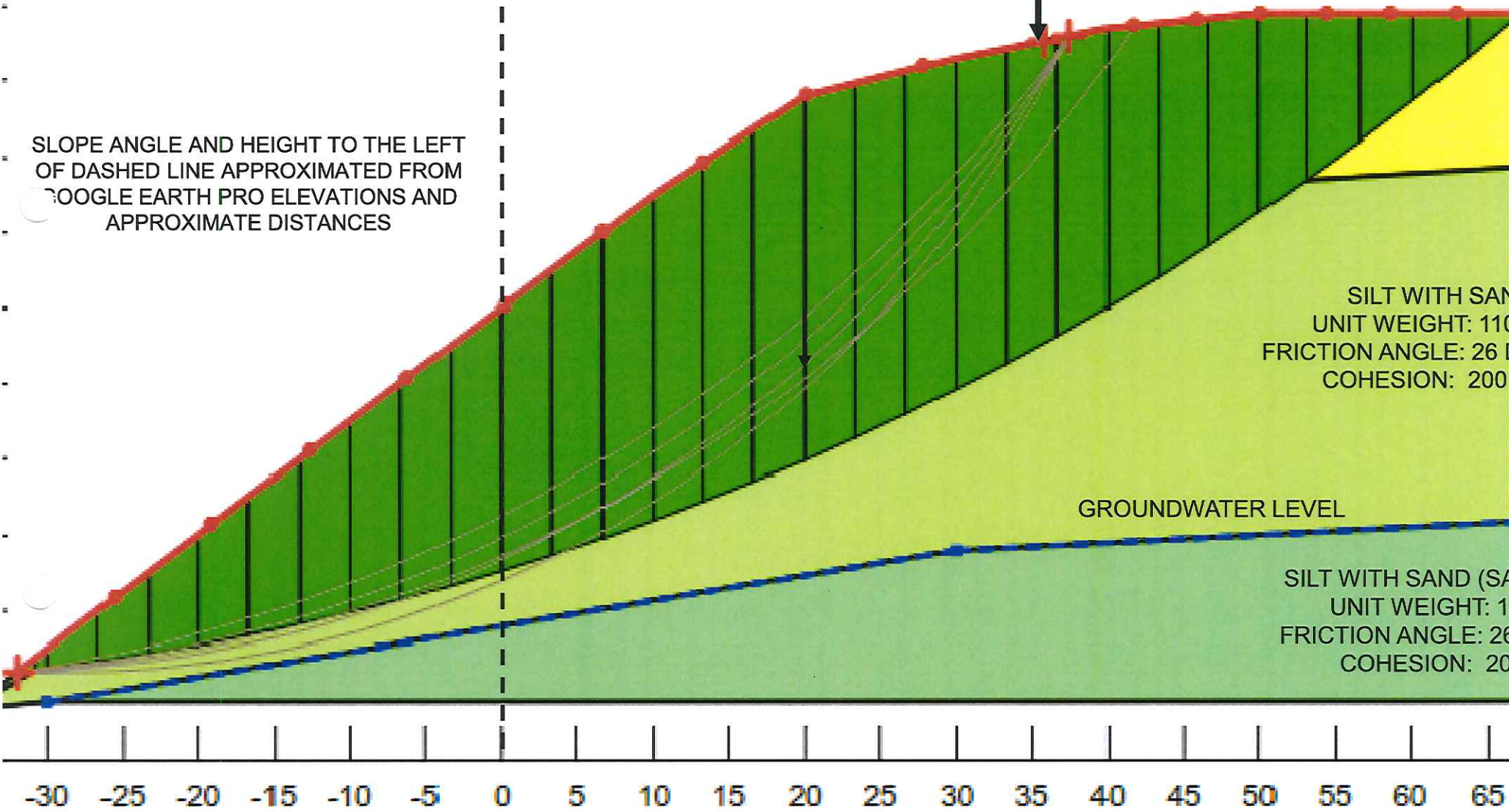
6 KIP PE
PC

SLOPE ANGLE AND HEIGHT TO THE LEFT
OF DASHED LINE APPROXIMATED FROM
GOOGLE EARTH PRO ELEVATIONS AND
APPROXIMATE DISTANCES

SILT WITH SAND
UNIT WEIGHT: 110
FRICTION ANGLE: 26
COHESION: 200

GROUNDWATER LEVEL

SILT WITH SAND (SA
UNIT WEIGHT: 1
FRICTION ANGLE: 26
COHESION: 20

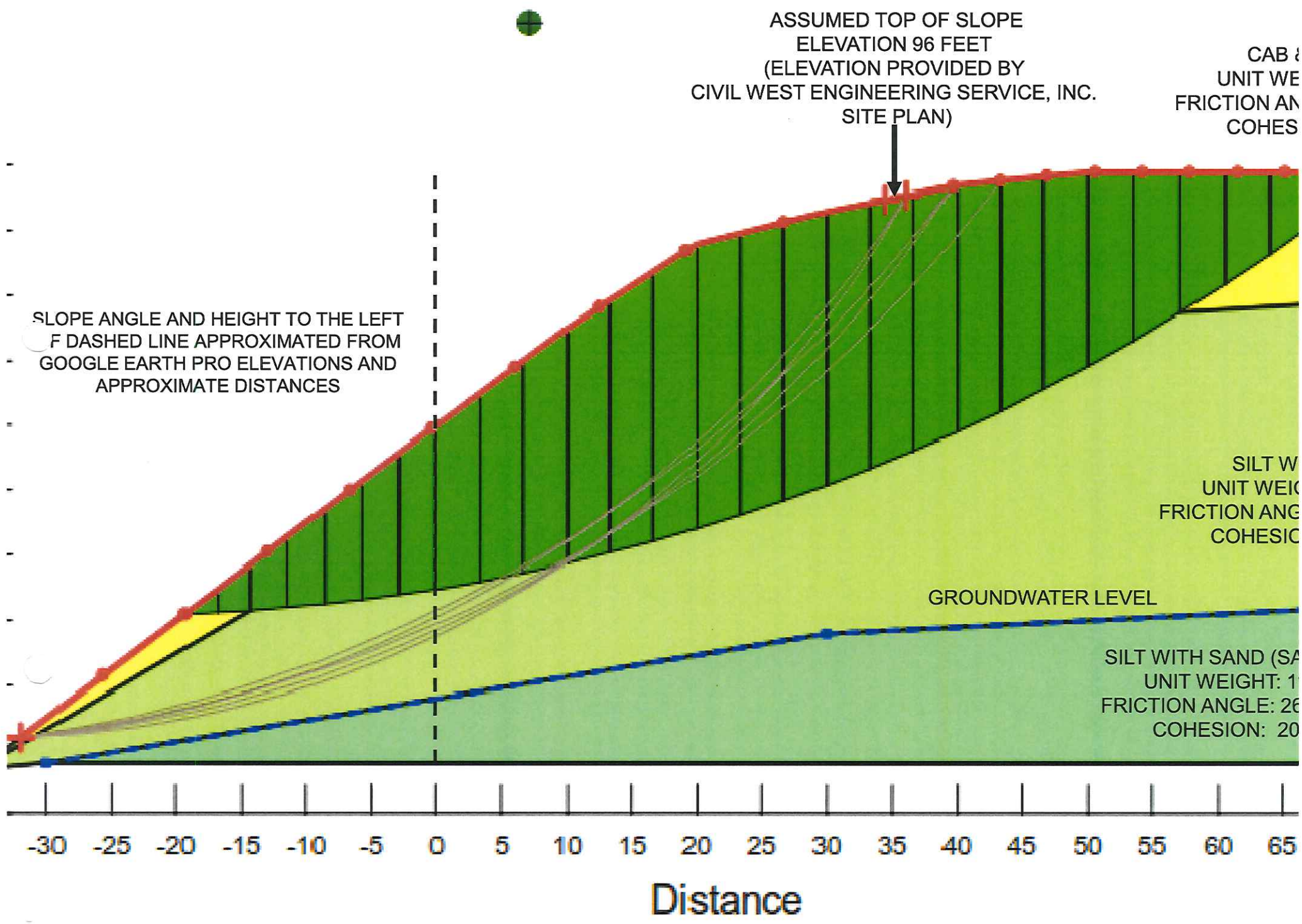


Distance




Project Manager:

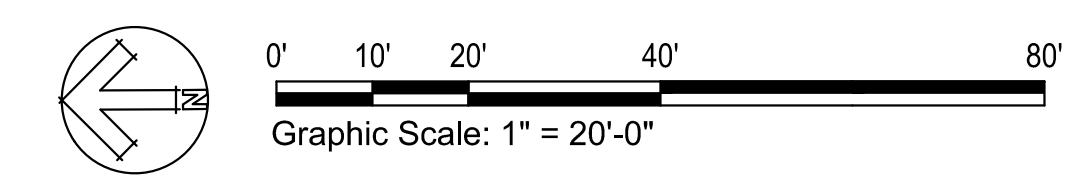
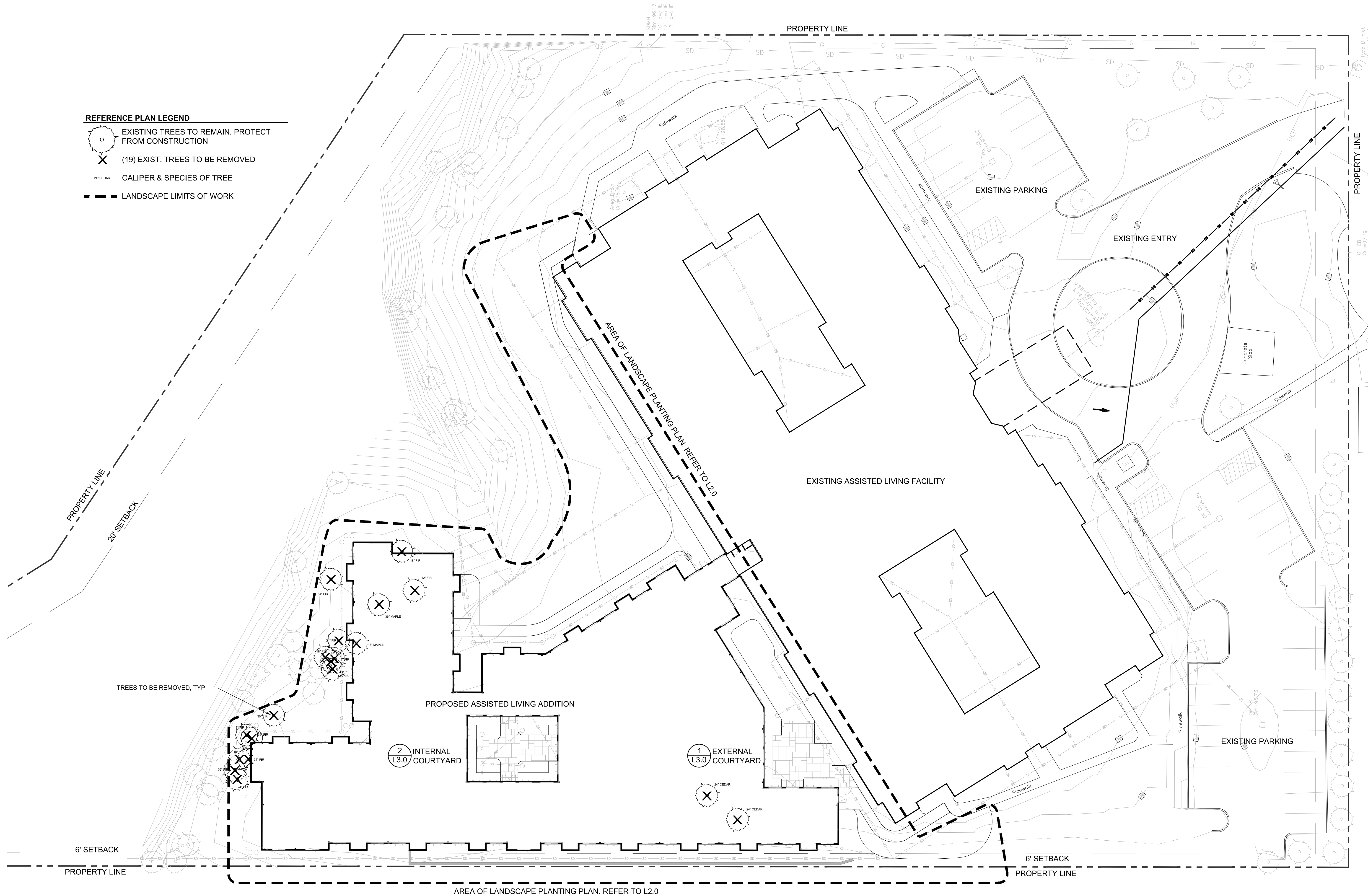
Project No.

SI OPE STA



REFERENCE PLAN LEGEND

-  EXISTING TREES TO REMAIN. PROTECT FROM CONSTRUCTION
-  (19) EXIST. TREES TO BE REMOVED
-
-  LANDSCAPE LIMITS OF WORK

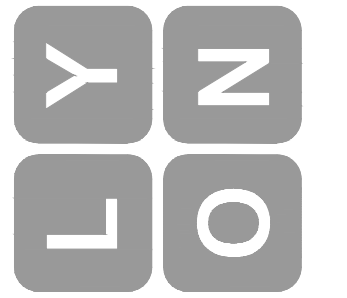


Building Permit Set



RJ Development
 Parkland Senior
 Memory Care Addition
 3123 NE Cumulus Ave
 McMinnville, OR 97128

Lyon Landscape Architects
 11237 NE 95th St
 Kirkland, WA 98033
 253-209-4053
 Moghan@LyonLA.com



Tree Removal & Landscape Reference Plan

NO.	REVISIONS	APFD

L1.0 OF **7** SHEETS

SCALE: 1" = 20'-0"

DATE: March 24, 2017 DESIGN: ML DRAWN: ML

PROJECT: Parkland Village CHECKED: ML

PROJECT NO.: LLA0051.16 REVISIONS NUMBER: APFD

PUBLIC HEARING NOTICE

REVISED DATE: (Please note change in meeting date.)



NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission's public hearing for the permit identified below has been rescheduled from the 15th day of June, 2017 to **the 20th day of July, 2017**, at the hour of 6:30 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon:

CONDITIONAL USE PERMIT FOR EXPANSION OF EXISTING ASSISTED LIVING FACILITY

DOCKET NUMBER: CU 3-17

RJ Development is requesting approval of a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living Facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units between the existing and proposed new buildings. The property is located at 3121 NE Cumulus Avenue, and is more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.

The Planning Commission will conduct a hearing and make a decision to approve or deny the application. Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's recommendation on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The adopted Planned Development Overlay ordinance (Ordinance 4581).
3. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Chapter 17.21 (R-4 Multiple-Family Residential Zone), Section 17.72.120 (Applications – Public Hearings), Section 17.74.030 (Authorization to Grant of Deny Conditional Use), and Section 17.74.040 (Placing Conditions on a Conditional Use Permit).

17.74.030 Authorization to Grant or Deny Conditional Use. [...] In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

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

The referenced zoning ordinance criteria is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours, and is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

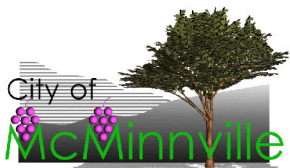
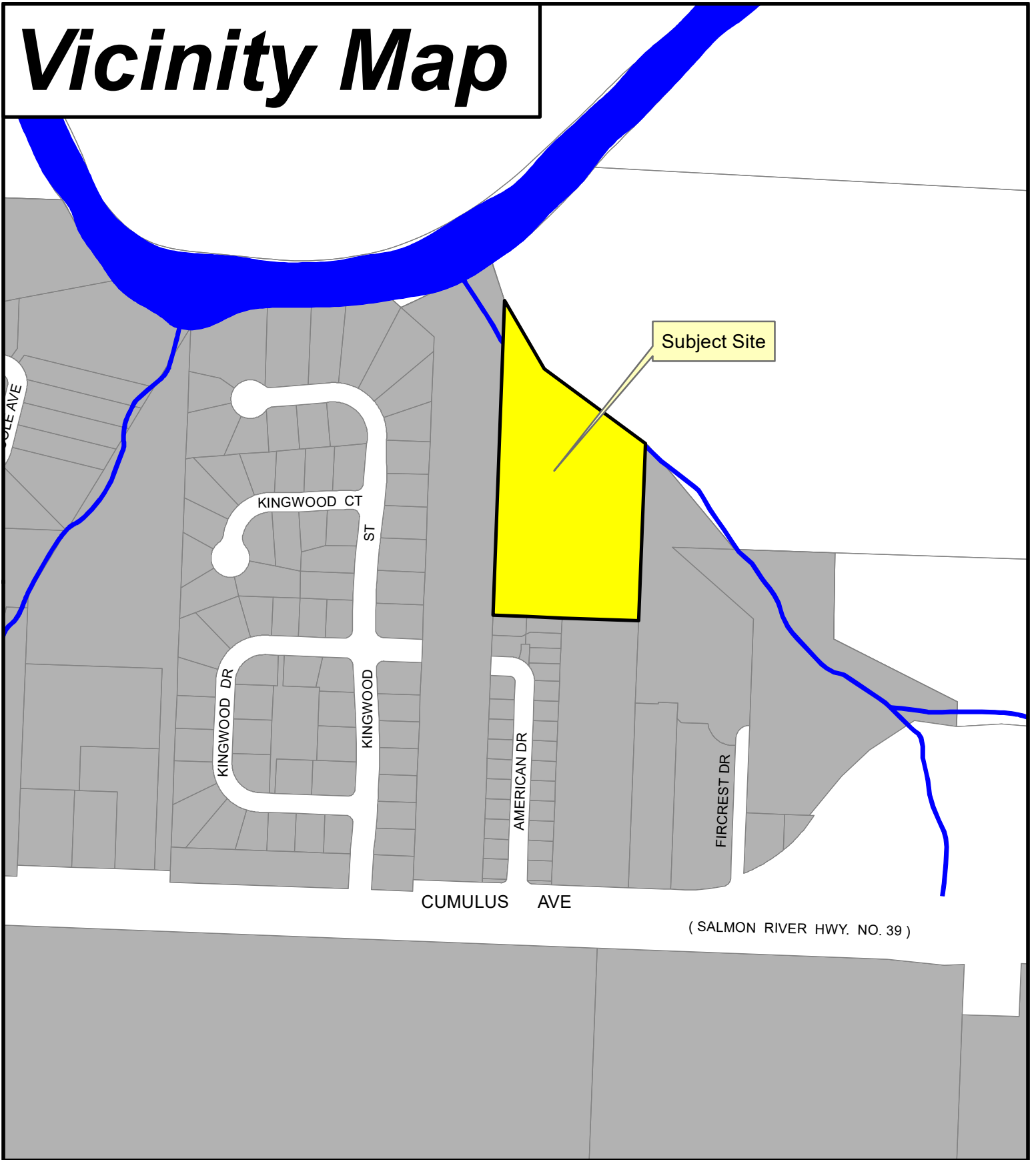
For additional information contact Chuck Darnell, Associate Planner, at the above address, or phone (503) 434-7330.

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.

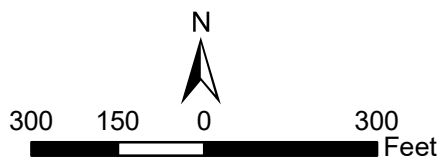
Heather Richards
Planning Director

(Map of area on back)

Vicinity Map



Geographic Information System



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

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	RIV						
2	R4423 01300	460 NE CAPTAIN MICHAEL KING SMITH WAY	FALLS AT MCMINNVILLE THE LLC	9076 SOUTH 1300 WEST	SUITE 301	WEST JORDAN UT	84088
3	R4422DD00300	3055 NE CUMULUS AVE	YAMHILL COMMUNITY	COMMUNITY HOME BUILDERS	PO BOX 1193	MCMINNVILLE OR	97128
5	R4422DD02000	320 NE KINGWOOD ST	SCHENK ROBERT	SCHENK ROBERT C & LOU ANN M	320 NE KINGWOOD ST	MCMINNVILLE OR	97128
6	R4422DD01900	310 NE KINGWOOD ST	MOTL GINO	MONTAGUE RACHAEL	310 NE KINGWOOD ST	MCMINNVILLE OR	97128
7	R4422DD01800	300 NE KINGWOOD ST	SHADOW LIMITED	SHADOW LIMITED PARTNERSHIP	PO BOX 1063	MCMINNVILLE OR	97128
8	R4422DD01700	250 NE KINGWOOD ST	SMITH MICHAEL	SHARP K E TESTAMENTARY TRUST	10376 STERLING VIEW CT	RENO NV	89521
9	R4423 01200	101 NE FIRCREST DR	LINDELL STEPHEN	LINDELL STEPHEN &	735 NW ADAMS ST	MCMINNVILLE OR	97128
10	R4422DD01600	240 NE KINGWOOD ST	BRYAN LINDA	BRYAN LINDA J	PO BOX 6	PACIFIC CITY OR	97135
11	R4422DD01500	230 NE KINGWOOD ST	HUGHES KENNETH	HUGHES KENNETH A	230 NE KINGWOOD ST	MCMINNVILLE OR	97128
12	R4422DD01400	220 NE KINGWOOD ST	JAMES CARLEEN	JAMES CARLEEN	220 NE KINGWOOD ST	MCMINNVILLE OR	97128
13	R4423 00900		FREDRICKS MOTOR	FREDRICKS MOTOR CO INC	14237 SW MCKINLEY DR	SHERWOOD OR	97140
14	R4422DD01300	210 NE KINGWOOD ST	ANDERSON DON	ANDERSON DON R & GAIL W	210 NE KINGWOOD ST	MCMINNVILLE OR	97128
15	R4422DD01200	163 NE KINGWOOD DR	RIKARD JOYCE	RAY JAMES R	163 NE KINGWOOD DR	MCMINNVILLE OR	97128
16	R4422DD00200	3089 NE CUMULUS AVE	RIG URSULA	RIG URSULA	187 NE AMERICAN DR	MCMINNVILLE OR	97128
17	R4422DD00203	188 NE AMERICAN DR	NAB RANDALL	NAB DEREK	7435 SW 240TH PL	BEAVERTON OR	97007
18	R4422DD00101	3123 NE CUMULUS AVE	HEALTH CARE	HEALTH CARE REIT INC	4500 DORR ST	TOLEDO OH	43615
19	R4422DD00204	186 NE AMERICAN DR	NAB RANDALL	NAB DEREK	7435 SW 240TH PL	BEAVERTON OR	97007
20	R4422DD00201	195 NE KINGWOOD DR	ADAMS CHAD	ADAMS CHAD D	PO BOX 161	DAYTON OR	97114
21	R4422DD00202	187 NE AMERICAN DR	CRAFTSMAN LANDING	CRAFTSMAN LANDING HOMEOWNERS	133 NE AMERICAN DR	MCMINNVILLE OR	97128
22	R4422DD00205	180 NE AMERICAN DR	POTTER HOLDINGS	POTTER HOLDINGS LLC	PO BOX 566	NEWBERG OR	97132
23	R4422DD00206	162 NE AMERICAN DR	POTTER HOLDINGS	POTTER HOLDINGS LLC	PO BOX 566	NEWBERG OR	97132
24	R4422DD00228	159 NE AMERICAN DR	MANNING RON	MANNING RON	PO BOX 605	NEWBERG OR	97132
25	R4422DD00207	156 NE AMERICAN DR	ASPEN WAY	ASPEN WAY PROPERTIES LLC	PO BOX 847	MCMINNVILLE OR	97128
Owner	R4422DD00100	3121 NE CUMULUS AVE	HEALTH CARE	HEALTH CARE REIT INC	4500 DORR ST	TOLEDO OH	43615
Applicant			JOSH SNODGRASS	RI DEVELOPMENT	401 CENTRAL ST SE	OLYMPIA WA	98501

Date Sent 6/6/17

Sent By SR



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

www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: July 20, 2017
TO: McMinnville Planning Commission
FROM: Chuck Darnell, Associate Planner
SUBJECT: G 3-17: Historic Preservation and Downtown Design Zoning Text Amendments

Report in Brief:

This is a public hearing to review and consider proposed amendments to the McMinnville Zoning Ordinance (Ordinance 3380) specific to Historic Preservation (proposed Chapter 17.65) and Downtown Design Standards and Guidelines (Chapter 17.59). The existing Historic Preservation Ordinance (Ordinance 4401) is proposed to be repealed, and the language instead adopted into the Zoning Ordinance as a new chapter on Historic Preservation (proposed Chapter 17.65).

Background:

Recent amendments to Oregon Administrative Rule (OAR) 660-023-0200, also known as the Historic Resources rules for complying with Goal 5 of the Statewide Planning Program, have created the need for updates to local historic preservation ordinances to ensure that they are consistent with the state rules. The Oregon Statewide Planning Goals are a set of 19 goals related to a statewide land use planning program that is administered by the state's Land Conservation and Development Commission (LCDC). Goal 5 of the Statewide Planning Goals is related to Natural Resources, Scenic and Historic Areas, and Open Spaces. The preservation of historic resources is included in the rules associated with Goal 5, and provides the framework that local governments must follow in designating and protecting significant historic resources.

The Oregon Governor's office directed a Rulemaking Advisory Committee to form, which met through a series of meetings in 2016 and recommended a draft of proposed amendments to OAR 660-023-0200 in December of 2016. On January 27, 2017, those amendments were adopted by LCDC. The adoption of the amended OAR 660-023-0200 results in the need for local governments to review their existing regulations and programs to ensure that they are consistent with the new state requirements. This process is undertaken continually by local governments as Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) are amended and adopted by the state.

The Historic Landmarks Committee reviewed the adopted amendments to OAR 660-023-0200 at a series of previous meetings, and staff has used feedback from those meetings to draft amendments to the City of McMinnville's Historic Preservation ordinance. An update on the potential for these amendments was provided to the Planning Commission during a work session on May 18, 2017. Since that meeting, staff finalized proposed amendments to the Historic Preservation ordinance, as well as the Downtown Design Standards and Guidelines chapter of the Zoning Ordinance. The proposed

Attachments:

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Proposed Historic Preservation Amendments (Chapter 17.65) Showing Differences from Ordinance 4401 Language

amendments were presented to the Historic Landmarks Committee at their June 28, 2017 regular meeting. The Historic Landmarks Committee recommended that the proposed amendments be approved, and that they be brought forward for Planning Commission and City Council review.

Discussion:

Updates to Historic Preservation Ordinance

The City of McMinnville already meets many of the requirements and rules for complying with Goal 5 of the statewide planning program. However, some updates will be required to our existing historic preservation ordinance and local historic preservation program based on the new rules.

Draft amendments to the Historic Preservation Ordinance are attached to this staff report. A summary of each of the main changes to the local historic preservation ordinance is provided below.

- 1) The repealing of the existing Historic Preservation Ordinance (Ordinance 4401) to allow for a Historic Preservation chapter to be adopted into the McMinnville Zoning Ordinance, rather than existing as a stand-alone ordinance.

Reasoning for Amendment: As part of the process of updating the Historic Preservation regulations, staff is proposing to incorporate the regulations directly into the McMinnville Zoning Ordinance. The regulations currently exist within a stand-alone, separate ordinance (Ordinance 4401), which creates difficulty for staff in administering the regulations and difficulty for community members and property owners in understanding the regulations. Staff believes that the inclusion in the Zoning Ordinance will improve organization and consistency. A similar practice will be employed as the Planning Department begins to update other stand-alone land use ordinances that exist in McMinnville's land use planning program.

It is important to note that staff is proposing to preserve much of the existing Historic Preservation Ordinance (Ordinance 4401). Major components of the existing Historic Preservation Ordinance will not be deleted, but are proposed to be copied over into the draft amendments to the Zoning Ordinance. The formatting has been updated to be consistent with other chapters in Title 17 of the McMinnville City Code, which is the Zoning Ordinance. For this reason, and to identify which text is remaining and which is being deleted, a version of the proposed amendments showing text proposed to be removed in ~~strike through~~ and text proposed to be added in **bold and underline** is attached for your reference. The language that is included in the decision document and future ordinance for City Council consideration does not show the existing text, and only shows the language proposed to be adopted into the Zoning Ordinance.

- 2) Updated review criteria to be considered in the designation of a historic resource.

Sections Amended: Section 17.65.030(C); Section 17.65.030(F)

Reasoning for Amendment: OAR 660-023-0200(5)(a) requires that local governments use the National Register Criteria for Evaluation when determining the significance of a potential historic resource. For that reason, the National Register Criteria have been added to the review criteria that the Historic Landmarks Committee will use in making decisions on additions or changes to the Historic Resources Inventory. However, the OARs give local governments the ability to use other criteria in addition to the National Register Criteria. Therefore, staff is proposing to keep the original review criteria that the Historic Landmarks Committee used to create the existing Historic Resources Inventory. Existing

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historic resources were scored and evaluated based on those original criteria, so staff believes it would be beneficial to still have the ability to refer to those criteria during any consideration of a change to the level of significance of an existing historic resource.

OAR 660-023-0200(9) requires different review criteria to be used in considering deletions from the Historic Resources Inventory. Those criteria have been added as Section 17.65.030(F).

- 3) Inclusion of owner consent definitions and processes to be consistent with the new rules and the ruling of *Lake Oswego Preservation Society v. City of Lake Oswego*.

Sections Amended: Section 17.65.020(I); Section 17.65.030(D); Section 17.65.030(E)

Reasoning for Amendment: OAR 660-023-0200(6)(b) requires that local governments allow for owners of historic resources to refuse designation at any point during the designation process. Also, it establishes a process by which a property owner can request that a historic resource be removed from a local inventory. This language and the process, including the criteria that an owner must meet to request and be granted removal from the Historic Resources Inventory, have been added to Section 17.65.030(D) and Section 17.65.030(E). Also, the definition of “owner” has been added to our definitions list in Section 17.65.020(I), and refers to the same definition of “owner” that is used in the OARs.

- 4) The inclusion of the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation as review criteria for the consideration of the alteration of any historic landmark.

Sections Amended: Section 17.65.020(F); 17.65.060(B)(2)

Reasoning for Amendment: OAR 660-023-0200(7) requires that locally significant historic resources included on the Historic Resources Inventory be protected. Specifically, the OARs state that the protection of locally significant historic resources should be consistent with the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior, produced by the National Park Service. Therefore, staff has added these Secretary of the Interior Standards and Guidelines as review criteria for the consideration of an alteration of a historic landmark.

It is important to note that, as drafted, the proposed amendments result in the Secretary of the Interior Standards and Guidelines applying only to alterations to historic landmarks, which are those historic resources that are classified as “Distinctive” or “Significant” on the Historic Resources Inventory. Staff sought clarification from the State Historic Preservation Office (SHPO) as to whether the City had the ability to only apply the Secretary of the Interior Standards and Guidelines to historic landmarks, or whether those Standards and Guidelines were required to apply to all historic resources included on our Historic Resources Inventory. SHPO clarified that the Secretary of the Interior Standards only need to apply to resources that the local government determines to be Goal 5 resources – or those resources that are “locally significant historic resources”. Therefore, staff is proposing to amend the definition of “Historic Landmark” to include the following statement:

Historic Landmark: Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory. **Historic landmarks are also locally significant historic resources as defined by OAR 660-023-0200(1)(j).**

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This will ensure that only historic landmarks are subject to the Secretary of the Interior Standards and Guidelines. This is consistent with the City of McMinnville's existing treatment of resources that are included on the Historic Resources Inventory. Currently, only "Distinctive" and "Significant" historic resources are subject to a review process and subject to design standards and guidelines. Resources that are designated as "Contributory" or "Environmental" have never been subject to a review process or the design standards and guidelines, and the proposed amendments would not change that.

- 5) Inclusion of all National Register for Historic Places as protected resources, and the exclusion of accessory structures and non-contributing resources within a National Register nomination from the review and protection requirements.

Sections Amended: Section 17.65.040(A)

Reasoning for Amendment: OAR 660-023-0200(8) requires that local governments protect National Register resources. There are a number of National Register resources in the city, particularly within the Historic Downtown District. While most all of the National Register resources in the city are included on the Historic Resources Inventory, some sites within the Historic Downtown District are not or are designated as "Contributory" or "Environmental" historic resources. As described above, those types of resources would not be subject to our local review process and the design standards and guidelines.

To be consistent with the OARs and ensure that all National Register resources are protected, resources that are listed on the National Register have been included specifically as a type of resource that is subject to the Certificate of Approval review process (the Certificate of Approval review process is another proposed amendment, which is discussed in more detail below).

The OARs do give local governments the ability to decide whether non-contributing resources and accessory structures within a National Register nomination should be excluded from the local protection process. Based on feedback from the Historic Landmarks Committee at previous meetings, the draft amendments proposed by staff include this exclusion of accessory structures and non-contributing resources within a National Register nomination. The Historic Landmarks Committee did not believe that it would be reasonable to subject those types of resources and accessory structures to design standards and guidelines, as they likely were not constructed during any period of significance and may not include any historical architectural characteristics.

- 6) The establishment of a public hearing process for the demolition or moving of National Register resources, as well as a review process and criteria for the consideration of the demolition or moving of National Register resources.

Sections Amended: Section 17.65.050; Section 17.65.050(D)

Reasoning for Amendment: As discussed above, OAR 660-023-0200(8) requires that National Register resources be protected by local review processes. By specifically including National Register resources as a type of resource that will be subject to the Certificate of Approval review process, any request for a demolition or moving of a National Register resource must meet specific review criteria in Section 17.65.050(B). OAR 660-023-0200(8)(a) required that these types of requests be considered against a number of factors including the historic resource's condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan. Staff believes that the existing review criteria for the demolition or moving of historic resources, which

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will now also apply to National Register resources, were consistent with the types of factors that the OARs required to be considered, so no amendments are proposed to those review criteria in Section 17.65.050(B).

OAR 660-023-0200(8)(a) does also require that demolition or moving requests for National Register resources be considered by the Historic Landmarks Committee during a public hearing. Therefore, staff is proposing to add this requirement to our local process in Section 17.65.050(D). That amendment would require the public hearing, and would allow for the City to process it subject to the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance. This section of the zoning ordinance includes the notification processes, including notification in the News Register and to surrounding property owners, and timeframes for which the public hearing would be held.

- 7) Creation of a Certificate of Approval process to replace the existing Building Permit Clearance review process. Currently, only alterations that require a building permit are subject to the historic preservation standards and review process. The Certificate of Approval process will apply in more situations.

Sections Amended: Section 17.65.020(A); Section 17.65.040; Section 17.65.060

Reasoning for Amendment: The Historic Landmarks Committee, in discussion at previous meetings, expressed concern with the fact that some alterations of historic resources were not subject to review against the relevant review criteria. The review criteria for the alteration of historic resources include standards such as the retention of exterior building materials, colors, and original architectural features. However, some types of alterations could be completed to drastically alter the exterior appearance of a resource without a building permit, which would not trigger a review process to ensure that the alteration met the relevant design standards.

This discrepancy in the code was realized recently, when a property owner proposed to replace windows and change the exterior building materials on an entire building façade. Neither of those types of construction required a building permit, so the Historic Landmarks Committee had no authority to require any changes to the proposed alterations to ensure that the design standards were being met. Based on those discrepancies, staff is proposing to remove the Building Permit Clearance process currently included in the Historic Preservation Ordinance, and instead adopt a Certificate of Approval process that would apply in more situations.

The Certificate of Approval process would apply to any exterior alteration, and would not be triggered by a building permit. Rather, the definition of “alteration” is proposed to be updated as follows:

Alteration: The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historic landmark resource that results in a change in design, materials or appearance. Painting, reroofing, and general repairs are not alterations when the new materials and/or colors match those already in use.

There is still some subjectivity in determining when an alteration results in a change in design, materials, or appearance, and when general repairs are not considered alterations. Therefore, staff is proposing to also include, in Section 17.65.060 (review process for exterior alterations), the ability for the Planning Director to determine whether any proposed activity or exterior alteration meets the definition of an alteration. In other words, the Planning Director has the ability to determine whether a proposed activity results in a change to a historic resource’s design, materials, or appearance.

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Also, as discussed above, the Certificate of Approval process for exterior alterations would only apply to historic landmarks, or those resources designated as “Distinctive” or “Significant” on the Historic Resources Inventory. A Certificate of Approval would also be the type of approval required for the demolition or moving of a historic resource or any resource listed on the National Register.

- 8) Relocation of the Historic Landmarks Committee bylaws.

Sections Amended: Sections 3, 4, and 5 from Ordinance 4401 will be removed and will not be included in the proposed Chapter 17.65 of the Zoning Ordinance

Reasoning for Amendment: The Planning Department is working through a process to better organize and consolidate the language throughout the city’s land use planning program related to committees and commissions. Staff is proposing to adopt language into a section of the City Code related to the establishment and bylaws for the Historic Landmarks Committee. A similar process and consolidation was just completed for the City’s Landscape Review Committee.

The Historic Landmarks Committee processes would largely remain the same, with roles, terms, number of committee members, and meeting processes unchanged. Some new language will be added for consistency with other committee and commission processes.

Updates to Downtown Design Standards and Guidelines

In addition to making updates to the Historic Preservation Ordinance, staff is proposing that an update be made to the Downtown Design Standards and Guidelines chapter of the McMinnville Zoning Ordinance (Chapter 17.59). The amendments are driven by another discussion at a previous Historic Landmarks Committee meeting, and are very much related to the reasoning for the creation of the Certificate of Approval process described above. Currently, the Downtown Design Standards and Guidelines apply only to exterior building alterations that require a building permit. This creates a difficulty in allowing the City to ensure that proposed alterations actually meet the Downtown Design Standards and Guidelines.

Some of the Downtown Design Standards and Guidelines deal with aspects of a structure that normally don’t require a building permit. This is particularly true for the use of exterior building materials, in terms of the types of building materials being used, changes in exterior building materials, and colors proposed for exterior building materials. Also, alterations that are subject to the Downtown Design Standards and Guidelines must be consistent with the City’s Historic Preservation Ordinance, as stated in Section 17.59.040(A)(1). As discussed in more detail above, many of the Historic Preservation standards and guidelines deal with exterior building materials whose alteration may not require a building permit.

For that reason, staff is proposing to amend the applicability section (Section 17.59.020(B)) of the Downtown Design Standards and Guidelines as follows:

- A. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
 1. All new building construction;
 2. Any exterior building or site alteration ~~modification that requires a building permit;~~ and,
 3. All new signage.

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This amendment would allow for the Downtown Design Standards and Guidelines to apply whenever an alteration is proposed. The applicability section of this chapter, in Section 17.59.020(C), also goes on to state that the Downtown Design Standards and Guidelines do not apply to the:

Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting where similar materials and colors are used that comply with this ordinance.

As with the Certificate of Approval process, there is still some subjectivity as to whether an alteration complies with the Downtown Design Standards and Guidelines. Therefore, staff is proposing to add an additional provision to the applicability section to give the Planning Director the ability to determine whether any proposed maintenance activity is subject to the Downtown Design Standards and Guidelines review process. The proposed provision is as follows:

D. The Planning Director shall determine whether any proposed maintenance activity complies with this ordinance and whether the proposed activity is subject to the review procedures contained in this chapter.

As amendments to the Downtown Design Standards and Guidelines chapter are being considered, staff is also proposing that some additional language and updates be made to the Review Process in Section 17.59.030(C) and the Review Criteria in Section 17.59.040(A)(2). Staff is proposing to include amendments that give the Planning Department the ability to review an application for completeness, that provide notification for the review of certain applications, and that update the timeframes to complete the review to be more consistent with other land use planning review processes completed by the City.

Also, staff is proposing that the Planning Director have the ability to review minor alterations, and that only applications for major alterations or new construction would go before the Historic Landmarks Committee for review. This is consistent with the current review process, as the Planning Director has the ability to approve applications that are consistent with the Design Standards and Guidelines. The Planning Director would have the ability to determine whether a proposed alteration is minor or major.

In terms of the amendments to the review criteria, one of the current criteria is that any application would be subject to the City's Historic Preservation Ordinance and the design standards and guidelines contained in that ordinance. Staff is proposing to keep that reference to the Historic Preservation Ordinance in the Downtown Design Standards and Guidelines review criteria, but update it to reference Chapter 17.65 (the new Zoning Ordinance chapter that would replace Ordinance 4401) and only have the criteria apply to those types of structures that would normally be subject to the Historic Preservation review criteria (historic landmarks and structures listed on the National Register).

Updates to Chapter 17.72 - Applications and Review Process

The amendments to the Review Process in Section 17.59.030(C) and the Review Criteria in Section 17.59.040(A)(2) of the Downtown Design Standards and Guidelines, as described in more detail above, result in the need to make minor updates to the Applications and Review Process chapter of the Zoning Ordinance to maintain consistency with the other sections of the Zoning Ordinance. In addition, a request to demolish a National Register of Historic Places structure has been added as a type of application that would be considered during a public hearing by the Historic Landmarks Committee, again to maintain consistency with other chapters of the Zoning Ordinance.

Attachments:

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Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, 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.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends that the Commission make the following motion recommending approval of G 3-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMinnville, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE G 3-17 AND THE ZONING TEXT AMMENDMENTS AS RECOMMENDED BY STAFF.

CD:sjs

Attachments:

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

503-434-7311

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DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.59 (DOWNTOWN DESIGN STANDARDS AND GUIDELINES), CHAPTER 17.65 (HISTORIC PRESERVATION) AND CHAPTER 17.72 (APPLICATION AND REVIEW PROCESS).

DOCKET: G 3-17

REQUEST: The City of McMinnville is proposing to amend Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation) and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance to update provisions related to the protection of historic resources in the city. The amendments will ensure consistency with recently adopted Oregon Administrative Rules related to compliance with Oregon Statewide Planning Goal 5, which provides the framework for local governments to follow in protecting historic resources. Other amendments include updates to review processes for both historic resources and properties in the Historic Downtown District.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: July 20, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

DECISION MAKING BODY: McMinnville City Council

DATE & TIME: August 8, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 3-17) to the McMinnville City Council.

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

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Application Summary:

The City of McMinnville is proposing to amend Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation) and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance to update provisions related to the protection of historic resources in the city. The amendments will ensure consistency with recently adopted Oregon Administrative Rules related to compliance with Oregon Statewide Planning Goal 5, which provides the framework for local governments to follow in protecting historic resources. Other amendments include updates to review processes for both historic resources and properties in the Historic Downtown District.

The Historic Landmarks Committee reviewed the adopted amendments to OAR 660-023-0200 at a series of previous meetings, and staff has used feedback from those meetings to draft amendments to the City of McMinnville's Historic Preservation ordinance. An update on the potential for these amendments was provided to the Planning Commission during a work session on May 18, 2017. Since that meeting, staff finalized proposed amendments to the Historic Preservation ordinance, as well as the Downtown Design Standards and Guidelines chapter of the Zoning Ordinance. The proposed amendments were presented to the Historic Landmarks Committee at their June 28, 2017 regular meeting. The Historic Landmarks Committee recommended that the proposed amendments be approved, and that they be brought forward for Planning Commission and City Council review.

The Planning Commission reviewed and considered the amendments during a public hearing at their July 20, 2017 regular meeting.

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

1. Amendments to Chapter 17.59 – Downtown Design Standards and Guidelines (Attachment 1)
2. Amendments to Chapter 17.65 – Historic Preservation (Attachment 2)
3. Amendments to Chapter 17.72 – Applications and Review Process (Attachment 3)

COMMENTS

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition were received.

FINDINGS OF FACT

1. The City of McMinnville is proposing to amend Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation) and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance to update provisions related to the protection of historic resources in the city. The amendments will ensure consistency with recently adopted Oregon Administrative Rules related to compliance with Oregon Statewide Planning Goal 5, which provides the framework for local governments to follow in protecting historic resources. Other amendments include updates to review processes for both historic resources and properties in the Historic Downtown District.

2. The McMinnville Historic Landmarks Committee began reviewing and discussing the Oregon Administrative Rules, the Historic Preservation Ordinance (Ordinance 4401), and existing Downtown Design Standards and Guidelines chapter of the McMinnville Zoning Ordinance in 2016, and then began to consider amendments at their February 22, 2017, April 25, 2017, May 24, 2017 regular meetings. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Historic Landmarks Committee reviewed those at their June 28, 2017 regular meeting. The Historic Landmarks Committee, after final discussion, recommended that those proposed zoning text amendments, being fully endorsed by the Historic Landmarks Committee, be brought forward for review and consideration by the Planning Commission.
3. This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.
4. Public notification of the public hearing held by the Planning Commission was published in the July 11, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

Policy 15.00: The City of McMinnville shall establish a program for the identification and preservation of significant sites, structures, objects, and areas.

Policy 39.00: The City of McMinnville will, by the time of the first plan update (1985), conduct a thorough study (consistent with the requirements of Statewide Planning Goal #5) of the 515 resources included in the 1980 Historical Survey and the properties listed on the 1976 Inventory of Historical Sites (Figure III-1, Volume I, McMinnville Comprehensive Plan) and place those structures and sites which are found to warrant preservation on a list of historic buildings and places. The City shall also study other buildings and sites which were not included on the 1976 and 1980 inventories and place those so warranted on the list of historic buildings and places. The City shall then adopt an historic preservation ordinance which is consistent with the requirements of Statewide Planning Goal #5 and which protects the structures and sites included on the list.

Finding: Goal III 2, Policy 15.00 and Policy 39.00 are satisfied in that the amendments to the City of McMinnville's historic preservation program will keep in place the established program, the Historic Resources Inventory, for the identification, preservation, and protection of historic resources in the city. The amendments will also ensure that the historic preservation regulations are consistent with the requirements of Statewide Planning Goal #5, as recently amended by Oregon Administrative Rule 660-023-0200.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.

Policy 38.00: The City of McMinnville shall encourage the renovation and rehabilitation of buildings in the downtown area, especially those of historical significance or unique design.

Finding: Goal IV 4 and Policy 38.00 are satisfied in that the amendments to the Downtown Design Standards and Guidelines chapter of the McMinnville Zoning Ordinance will allow for the City to ensure that buildings are renovated and rehabilitated to meet the already adopted standards. The historic character of the downtown area is one of the reasons that the downtown area is a cultural center of McMinnville. Having a thorough review process in place will ensure that alterations to buildings in the downtown area will meet design standards and continue to contribute to the cultural and historical character of the downtown area.

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.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

CD:sjs

Chapter 17.59DOWNTOWN DESIGN STANDARDS AND GUIDELINES

(as adopted Ord. 4797, Oct. 23, 2003)

Sections:

- 17.59.010 Purpose
- 17.59.020 Applicability
- 17.59.030 Review Process
- 17.59.040 Review Criteria
- 17.59.050 Building and Site Design
- 17.59.060 Surface Parking Lots
- 17.59.070 Awnings
- 17.59.080 Signs

17.59.010 Purpose. To provide for the protection, enhancement and preservation of buildings, structures, and other elements in the downtown core which contribute to its special historic and cultural value. Further, it is not the purpose of this ordinance to create a “themed” or artificial downtown environment. Rather, its purpose is to build on the “main street” qualities that currently exist within the downtown and to foster an organized, coordinated, and cohesive historic district that reflects the “sense of place,” economic base, and history unique to McMinnville and the downtown core. (Ord. 4797 §1, 2003).

17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4th Street, to the east by Kirby Street, and to the south by 1st Street. Lands immediately adjacent to the west of Adams Street, from 1st Street to 4th Street, are also subject to the provisions of this Chapter.
- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
 - 1. All new building construction;
 - 2. Any exterior building or site alteration ~~modification that requires a building permit~~; and,
 - 3. All new signage.
- C. This ordinance shall not apply to the following activities or uses:
 - 1. Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting where similar materials and colors are used that comply with this ordinance;
 - 2. Interior remodeling; and,
 - 3. Single-family detached housing.
- D. The Planning Director shall determine whether any proposed maintenance activity complies with this ordinance and whether the

proposed activity is subject to the review procedures contained in this chapter.

- E. This ordinance shall apply only to those portions of a building or sign that are proposed for construction or modification and shall not extend to other elements of the building or sign that may be out of compliance with the requirements of this ordinance (i.e., a permit to replace a single window shall not require that all other windows on the building that may be out of compliance with this ordinance to be replaced, unless such action is initiated by the property owner). However, if a building should be destroyed due to fire, accident, or an act of God, the new or replacement structure shall be rebuilt to conform to the requirements of this ordinance. (Ord. 4797 §1, 2003).

17.59.030 Review Process.

- A. An application for a ~~building permit for an~~ **any** activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (E) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include the following information:
1. The applicant shall submit two (2) copies of the following information:
 - a. A site plan (for new construction or for structural modifications).
 - b. Building and construction drawings.
 - c. Building elevations of all visible sides.
 2. The site plan shall include the following information:
 - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
 - b. Details of proposed construction or modification to the existing structure.
 - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
 3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
 4. Photographs of the subject site and adjacent property.
 5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant's proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. Review Process
1. Applications shall be ~~reviewed~~ **submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The Planning Director shall review the application and determine whether the proposed activity is in compliance with the requirements of this ordinance.** ~~and notification shall be provided subject to the provisions of Section 17.72.110. If the Planning Director finds the proposed activity to be in compliance with the requirements of~~

~~this ordinance, a permit clearance form shall be submitted to the Building Department, which will indicate that the requirements of this ordinance have been satisfied.~~

2. ~~If the Planning Director finds the proposed activity to be in noncompliance with the requirements of this ordinance, he shall immediately issue a "notice of delay" to the Building Official and call for a meeting of the Historic Landmarks Committee to review the application.~~ **The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director's decision as to whether an alteration is minor or major.**
 3. **Notification shall be provided for the review of applications for major alterations and new construction, subject to the provisions of Section 17.72.110.**
 - a. The Historic Landmarks Committee shall meet within **30 (thirty)**~~25 (twenty-five)~~ days of the date the ~~completed~~ application was submitted to **deemed complete by** the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure **by the Planning Director or Historic Landmarks Committee, as applicable,** to review within **30 (thirty)**~~25 (twenty-five)~~ days shall be considered an approval of the application.
 - b. If the **Planning Director or** Historic Landmarks Committee, **as applicable,** finds the proposed activity to be in compliance with the provisions of this ordinance, they shall **approve the application** ~~the Planning Director, or his/her designee, to submit to the Building Department a permit clearance form.~~
 - c. If the **Planning Director or** Historic Landmarks Committee, **as applicable,** finds the proposed activity in noncompliance with the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.
- D. Waiver Process
A guideline or standard contained in this ordinance may be waived as part of the design review process when it can be demonstrated that the proposed design satisfies or exceeds the downtown design goals and objectives of this ordinance. If a waiver is requested, the applicant must explain in their application how the proposed design satisfies or exceeds these goals and objectives. A request for a waiver to the standards of this ordinance shall be reviewed by the McMinnville Historic Landmarks Committee, as described in Section 17.59.030(C)(2).
- E. Appeal
An appeal of a decision by the Planning Director or Historic Landmarks Committee, including an appeal of conditions placed on the permit by the

committee, may be made to the Planning Commission as outlined in Section 17.72.170. (Ord. 4920, §4, 2010; Ord. 4797 §1, 2003).

17.59.040 Review Criteria

- A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:
1. The City's historic preservation policies set forth in the Comprehensive Plan;
 2. **If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, The the City's historic preservation regulations in Chapter 17.65**~~ordinance (no. 4401), and in particular, the standards and guidelines~~ **criteria** contained in **Section 17.65.060(2)**~~Section 10;~~ and
 3. If applicable (waiver request), that all of the following circumstances are found to exist:
 - a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
 - b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
 - c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter. (Ord. 4797 §1, 2003).

[...]

Chapter 17.65HISTORIC PRESERVATIONSections:

- 17.65.010 Purpose
- 17.65.020 Definitions
- 17.65.030 Historic Resources Inventory
- 17.65.040 Certificate of Approval Process
- 17.65.050 Demolition, Moving, or New Construction
- 17.65.060 Exterior Alteration or Remodeling
- 17.65.070 Public Notice
- 17.65.080 Appeals
- 17.65.090 Violation, Procedure, and Penalty

17.65.010 Purpose. Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary for the following reasons:

- A. Stabilize and improve property values through restoration efforts;
- B. Promote the education of local citizens on the benefits associated with an active historic preservation program;
- C. Foster civic pride in the beauty and noble accomplishments of the past;
- D. Protect and enhance the City's attractions for tourists and visitors; and
- E. Strengthen the economy of the City.

Historic districts may have a separate set of regulatory controls and administrative procedures which take priority over this ordinance.

17.65.020 Definitions. For the purpose of this ordinance, certain terms and words are defined as follows: words in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is mandatory; the word "may" is discretionary; and the masculine gender includes the feminine gender. The following terms shall mean:

- A. Alteration: The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historic resource that results in a change in design, materials or appearance. Painting, reroofing, and general repairs are not alterations when the new materials and/or colors match those already in use.
- B. Certificate of Approval: A decision issued by the Planning Director or Historic Landmarks Committee, as applicable, to approve the alteration, demolition, or moving of a historic resource or landmark.
- C. Demolition: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.
- D. Exterior: Any portion of the outside of an historic resource.
- E. Historic District: A geographical definable area of local, state, or national historical significance, the boundaries of which have specifically been

- adopted by the City Council.
- F. Historic Landmark: Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory. Historic landmarks are also locally significant historic resources as defined by OAR 660-023-0200(1)(j).
 - G. Historic Resources: Any site, structure, building, district, or object that is included on the Historic Resources Inventory.
 - H. Historic Resources inventory: The product of the 1983/84 Historic Resources Survey. The initial inventory includes the resources which were evaluated and ranked by the McMinnville Historic Landmarks Committee. The inventory incorporates the surveys and inventories conducted in 1976, 1980, and 1983/84 and resources which may be included by action of the Historic Landmarks Committee under the provision of Section 17.65.030 of this chapter. The resources included in the inventory are classified as follows:
 - 1. Distinctive: Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
 - 2. Significant: Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
 - 3. Contributory: Resources not in themselves of major significance, but which enhance the overall historic character of the neighborhood or City. Removal or alteration would have a deleterious effect on the quality of historic continuity experienced in the community; or
 - 4. Environmental: This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise an historic context within the community.
 - I. Owner: As defined by OAR 660-023-0200(1)(h).

17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiled in 1983/84, is hereby adopted and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance.

- A. The Historic Landmarks Committee shall be authorized to make all additions, deletions, and changes to the inventory. Any addition, deletion or change, including a reevaluation of the significance of any resource, shall conform to the requirements of this section.
- B. Any person may file an application with the Planning Director to amend the inventory by adding or deleting a resource or changing the level of significance of a resource. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Historic Landmarks Committee shall act on such an application within thirty (30) days of the date the application was deemed complete by the Planning Department. The Committee may delay action on an application for up to

thirty (30) days from the date of their meeting so that additional information needed for a decision can be obtained. The owner of the site which is under consideration and the applicant (if different) shall be notified of the time and place of the Historic Landmarks Committee review, although their presence shall not be necessary for action to be taken on the application.

- C. The Historic Landmarks Committee shall base each decision regarding additions or changes to the inventory on the following criteria:
1. History. The resource is associated with significant past events, persons, organizations, trends, or values which were important at the city, county, state, or national level. The age of the resource relative to other local development contributes to its historic significance;
 2. Style/Design. The resource is representative of a particular style or a type of construction. The uniqueness of the resource or its quality of composition, detailing, or craftsmanship contribute to its design significance. The resource was designated or constructed by a craftsman, contractor, designer, or architect of local, state, or national importance;
 3. Integrity. The resource retains original design elements, materials, and character with relatively minor alterations, if any; and
 4. Environment. The resource contributes to the character or continuity of the street or neighborhood.
 5. Consistency with the National Register Criteria for Evaluation as follows:
 - a. The resource is associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. The resource is associated with lives of significant persons in our past; or
 - c. The resource embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. The resource has yielded or may be likely to yield, information important in history or prehistory; and
 6. The designation of the resource is consistent with the priorities described in the historic preservation plan.
- D. The Historic Landmarks Committee shall allow owners of property to refuse addition to the inventory at any time during the designation process in Section 17.65.030. The Historic Landmarks Committee shall not include a site, structure, building, or object on the inventory if the owner objects to its designation on the public record. The Historic Landmarks Committee is not required to remove a historic resource from the inventory because an owner refuses to consent to designation.
- E. The Historic Landmarks Committee must remove a historic resource from the inventory if the designation was imposed on the property and the owner at the time of designation:

1. Has retained ownership since the time of designation; and
 2. Can demonstrate that the owner objected to the designation on the public record; and
 3. Was not provided an opportunity to object to the designation; or
 4. Requests that the Historic Landmarks Committee remove the resource from the inventory.
- F. Except as provided in Section 17.65.030 (E), the Historic Landmarks Committee shall base each decision regarding deletions from the inventory on the following criteria:
1. The resource has lost the qualities for which it was originally recognized; or
 2. Additional information shows that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing; or
 3. The Building Official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

17.65.040 Certificate of Approval Process. A property owner shall obtain a Certificate of Approval from the Historic Landmarks Committee, subject to the procedures listed in Section 17.65.050 and Section 17.65.060 of this chapter, prior to any of the following activities:

- A. The alteration, demolition, or moving of any historic landmark or any resource that is listed on the National Register for Historic Places;
 1. Accessory structures and non-contributing resources within a National Register for Historic Places nomination are excluded from the Certificate of Approval process.
- B. New construction on historical sites on which no structure exists;
- C. The demolition or moving of any historic resource.

17.65.050 Demolition, Moving, or New Construction. The property owner shall submit an application for a Certificate of Approval for the demolition or moving of an historic resource, any resource that is listed on the National Register for Historic Places, or for new construction on historical sites on which no structure exists. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Historic Landmarks Committee shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department to review the request. A failure to review within thirty (30) days shall be considered as an approval of the application.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.
- B. The Historic Landmarks Committee shall base its decision on the following criteria:
 1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
 2. The economic use of the historic resource and the reasonableness of

- the proposed action and their relationship to the historic resource preservation or renovation;
3. The value and significance of the historic resource;
 4. The physical condition of the historic resource;
 5. Whether the historic resource constitutes a hazard to the safety of the public or its occupants;
 6. Whether the historic resource is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
 7. Whether retention of the historic resource would cause financial hardship to the owner not outweighed by the public interest in the resource's preservation; and
 8. Whether retention of the historic resource would be in the best interests of a majority of the citizens of the City, as determined by the Historic Landmarks Committee, and, if not, whether the historic resource may be preserved by an alternative means such as through photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.
- C. If the structure for which a demolition permit request has been filed has been damaged in excess of seventy percent (70%) of its assessed value due to fire, flood, wind, or other natural disaster, the Planning Director may approve the application without processing the request through the Historic Landmarks Committee.
- D. The Historic Landmarks Committee shall hold a public hearing to consider applications for the demolition or moving of any resource listed on National Register consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.
- E. Any approval may be conditioned by the Planning Director or the Historic Landmarks Committee to secure interior and/or exterior documentation of the resource prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings or other details.
- F. If any proposed new construction is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the new construction shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

17.65.060 Exterior Alteration or Remodeling. The property owner shall submit an application for a Certificate of Approval for any exterior alteration to an historic landmark or any resource that is listed on the National Register for Historic Places. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Planning Director shall determine whether the proposed activities constitute an alteration as defined in Section 17.65.020 (A) of this

chapter. The Historic Landmarks Committee shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department to review the request. A failure to review within thirty (30) days shall be considered as an approval of the application. Within five (5) working days after a decision has been rendered, the Planning Department shall provide written notice of the decision to all parties who participated.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.
- B. The Historic Landmarks Committee shall base its decision on the following criteria:
 1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
 2. The following standards and guidelines:
 - a. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
 - b. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - c. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
 - d. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 - f. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
 - g. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - i. The Guidelines for Historic Preservation as published by the United States Secretary of the Interior.
 3. The economic use of the historic resource and the reasonableness of the proposed alteration and their relationship to the public interest in

- the historic resource's preservation or renovation;
- 4. The value and significance of the historic resource; and
- 5. The physical condition of the historical resource.
- C. Any approval may be conditioned by the Historic Landmarks Committee to secure interior and/or exterior documentation of the resource prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings, or other details.
- D. If the historic landmark is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the exterior alteration shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

17.65.070 Public Notice.

- A. After the adoption of the initial inventory, all new additions, deletions, or changes to the inventory shall comply with subsection (c) of this section.
- B. Any Historic Landmark Committee review of a Certificate of Approval application for a historic resource or landmark shall comply with subsection (c) of this section.
- C. Prior to the meeting, owners of property located within 300 feet of the historic resource under consideration shall be notified of the time and place of the Historic Landmarks Committee meeting and the purpose of the meeting. If reasonable effort has been made to notify an owner, failure of the owner to receive notice shall not impair the validity of the proceedings.

17.65.080 Appeals.

- A. Any appeal of a decision by the Historic Landmarks Committee, including an appeal of conditions placed on the approval of a Certificate of Approval by the committee, may be made to the City Planning Commission within fifteen (15) days of the date the written notice of the decision is mailed.
- B. If the appeal is filed, the Planning Commission shall receive a report and a recommendation from the Historic Landmarks Committee and shall hold a public hearing on the appeal consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance. Any permit shall be invalid and no work shall be undertaken during the appeal process.

17.65.090 Violation, Procedure, and Penalty.

- A. All historic resources shall be preserved against decay and deterioration, and kept free of structural defects by the owner or other person(s) or entities who may have legal possession, custody and control thereof. Demolition by neglect shall be prohibited.

B. Violations of the provisions of this chapter or other applicable provisions of this code are subject to the provisions of Chapter 17.03 (General Provisions).

Chapter 17.72

APPLICATIONS AND REVIEW PROCESS

[...]

17.72.090 Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter. (Ord. 4984 §1, 2014).

<u>Review Process</u>	<u>Land Use Application</u>	<u>Zoning Ordinance Reference</u>
Applications and Permits-Director’s Review Without Notification	Home Occupation Permit	17.67
	Large Format Commercial Design Review (standard)	17.56.040
	Manufactured Home Park Permit	Ord. No.4220
	Model Home Permit	17.54.060
	Property Line Adjustment	17.53.050
	Recreational Vehicle Park Permit	Ord. No.4220-Section 12
	Temporary Living Unit Permit	17.54.070
	<u>Downtown Design Review (minor alterations)</u>	<u>17.59.030-040</u>
Applications-Director’s Review with Notification	Administrative Variance	17.74.080-090
	Bed and Breakfast	17.12.010(N)
	Classification of an Unlisted Use	17.54.010
	Large Format Commercial Design Review (variation to prescribed standards)	17.56.040
	Partition	17.53.060
	Subdivision-up to 10 lots	17.53.070
	Three Mile Lane Design Review	Ord. Nos. 4131, 4572
	Transitional Parking Permit	17.60.130
	Vacation Home Rental	17.12.010(O)
	<u>Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)</u>	<u>17.59.030-040</u>
Applications Public Hearing-Planning Commission	Annexations* **	Ord. No. 4357
	Appeal of Director’s Decision	17.72.170
	Application (Director’s Decision) for which a Public Hearing is Requested	17.72.120
	Comprehensive Plan Map or Text Amendment*	17.74.020
	Conditional Use Permit	17.74.030-060
	Planned Development Amendment*	17.74.070

	Legislative Amendment *	17.72.120
	Subdivision (more than 10 lots)	17.53.070
	Variance	17.74.100-130
	Zone Change*	17.74.020
Public Hearing- City Council	Appeal of Planning Commission's Decision	17.72.180
	Hearings Initiated by City Council	17.72.130
MUAMC***	Urban Growth Boundary (UGB) Amendment	Ord. Nos. 4130,4146
<u>Public Hearing - Historic Landmarks Committee</u>	<u>Demolition of National Register of Historic Places Structure</u>	<u>17.65.050 (D)</u>

* Following Public Hearing, Planning Commission makes recommendation to City Council

** Following City Council recommendation, Annexation requests are subject to voter approval

*** McMinnville Urban Area Management Commission

17.72.100 Applications and Permits – Director's Review without Notification.

The following applications are subject to the Planning Director's review for which a decision shall be made within 20 (twenty) working days from the date that a complete application is received. Applications shall be submitted as required in Section 17.72.020.

▪ **Downtown Design Review (minor alterations)**

- Home Occupation Permit
- Large Format Commercial Development (not involving a variation to standards)
- Mobile Home Park Permit
- Model Home Permit
- Property Line Adjustment
- Recreational Vehicle Permit
- Temporary Living Unit Permit

Notice to neighboring property owners for the above land use applications and permits is not provided. Prior to a decision, the Director may forward the application to other City departments for review and comment. The Planning Department shall provide written notice of the decision to all parties who participated and, in the case of a Temporary Living Unit permit, to the abutting property owners.

17.72.110 Applications – Director's Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- Administrative Variance
- Bed and Breakfast (Less than three (3) guest sleeping rooms)
- Classification of an Unlisted Use
- Downtown Design Review (**major alterations or waivers, reviewed by Historic Landmarks Committee**)
- Large Format Commercial Development (variation to standard)
- Tentative Partition
- Tentative Subdivision (up to 10 lots)

- Three Mile Lane Design Review
- Transitional Parking Permit
- Vacation Home Rental
 - A. Notice of the request shall be provided to owners of property within 100 feet of the site for which the application is made. For applications involving classification of an unlisted use, the only notification provided shall be that published in a newspaper of general circulation a minimum of 14 (fourteen) days prior to a decision being rendered. Notices for applications listed in Section 17.72.110 shall:
 1. Provide a 14 (fourteen) day period for submission of written comments prior to the decision;
 2. State that issues which may provide the basis for an appeal to the Land Use Board of appeals (LUBA) shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 3. List, by commonly used citation, the applicable criteria for the decision;
 4. Set forth the street address or other easily understood geographical reference to the subject property;
 5. State the place, date and time that comments are due;
 6. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 7. Include the name and phone number of a local government contact person;
 8. Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and
 9. Briefly summarize the local decision making process for the land use decision being made.
 - B. During the 14 (fourteen) day comment period, a person who has received notice may request a public hearing following the procedure as outlined in Section 17.72.120.
 - C. The Director or designee shall make a decision for the above applications within 30 (thirty) days following the close of the 14 (fourteen) day comment period. The Director's decision may be appealed as outlined in Section 17.72.170. (Ord. 4984 §1, 2014).

17.72.120 Applications – Public Hearings. The Planning Commission shall hold at least one public hearing on the following land use applications.

- Annexation
- Appeal of a Planning Director's Decision
- Application with Director's decision for which a public hearing is requested
- Comprehensive Plan Map Amendment
- Comprehensive Plan Text Amendment
- Conditional Use Permit
- **Demolition of National Register of Historic Places Structure (Public hearing held by the Historic Landmarks Committee)**
- Planned Development

- Planned Development Amendment
- Tentative Subdivision (more than 10 lots)
- Urban Growth Boundary Amendment
- Variance
- Zone Change
- Zoning Ordinance Text Amendment
- Any application listed in Section 17.72.110 for which a public hearing is requested.

The above applications are subject to the following submittal, notice, and hearing requirements:

- A. Applications must be filed not less than 35 (thirty-five) days prior to the date of the public hearing. Applications other than those involving text amendments or other legislative matters shall be reviewed for completeness as outlined above in Section 17.72.040.
- B. The Director shall send a copy of the proposal to any agency or City department identified by the Director as having interest in the proposal including those agencies and departments responsible for determining compliance with state and federal requirements. The notified agency may provide written comment regarding the proposal.
- C. An application to amend the comprehensive plan map, zoning ordinance text, comprehensive plan text or other application requiring notice to the Department of Land Conservation (DLC) and Development Commission as a “post acknowledgment plan amendment” shall be submitted to the Planning Department a minimum of 55 (fifty-five) days prior to the date of the public hearing so that notice of the application can be provided to the DLC.
- D. Notice of the public hearing shall be published in a newspaper of general circulation in the City, not less than five (5) days nor more than 15 (fifteen) days prior to the date of the public hearing.
- E. Written notice of a variance request shall be mailed to the applicant and all property owners within 100 feet of the exterior boundary of the subject property, and within 200 feet of the exterior boundary of the subject property for an application for a conditional use permit not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.
- F. Written notice of a request for applications other than those involving text amendments or other legislative matters shall be mailed to the applicant and all property owners within 300 feet of the exterior boundary of the subject property, not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.

Written notice of an application to change a zone for all or part of a mobile home park shall be provided for the tenants of a mobile home park at least 20 (twenty) days but not more than 40 (forty) days before the date of the first public hearing on the applications. (Ord. 4984 §1, 2014).

[...]

Chapter 17.65

HISTORIC PRESERVATIONSections:

17.65.010	Purpose
17.65.020	Definitions
17.65.030	Historic Resources Inventory
17.65.040	Certificate of Approval Process
17.65.050	Demolition, Moving, or New Construction
17.65.060	Exterior Alteration or Remodeling
17.65.070	Public Notice
17.65.080	Appeals
17.65.090	Violation, Procedure, and Penalty

17.65.010 Purpose. Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary for the following reasons:

- A. Stabilize and improve property values through restoration efforts;
- B. Promote the education of local citizens on the benefits associated with an active historic preservation program;
- C. Foster civic pride in the beauty and noble accomplishments of the past;
- D. Protect and enhance the City's attractions for tourists and visitors; and
- E. Strengthen the economy of the City.

Historic districts may have a separate set of regulatory controls and administrative procedures which take priority over this ordinance.

17.65.020 Definitions. For the purpose of this ordinance, certain terms and words are defined as follows: words in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is mandatory; the word "may" is discretionary; and the masculine gender includes the feminine gender. The following terms shall mean:

- A. Alteration: The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an **historic resource that results in a change in design, materials or appearance. Painting, reroofing, and general repairs are not alterations when the new materials and/or colors match those already in use.** historical landmark.
- B. **Certificate of Approval: A decision issued by the Planning Director or Historic Landmarks Committee, as applicable, to approve the alteration, demolition, or moving of a historic resource or landmark.**
- C. Demolition: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.
- D. Exterior: Any portion of the outside of an historic resource.
- E. Historic District: A geographical definable area of local, state, or national historical significance, the boundaries of which have specifically been adopted

by the City Council.

- F. Historic Landmark: Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory. **Historic landmarks are also locally significant historic resources as defined by OAR 660-023-0200(1)(j).**
- G. Historic Resources: Any site, structure, building, district, or object that is included on the Historic Resources Inventory.
- H. Historic Resources inventory: The product of the 1983/84 Historic Resources Survey. The initial inventory includes the resources which were evaluated and ranked by the McMinnville Historic Landmarks Committee. The inventory incorporates the surveys and inventories conducted in 1976, 1980, and 1983/84 and resources which may be included by action of the Historic Landmarks Committee under the provision of Section **17.65.0306** of this ~~chapter~~ ordinance. The resources included in the inventory are classified as follows:
 - 1. Distinctive: Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
 - 2. Significant: Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
 - 3. Contributory: Resources not in themselves of major significance, but which enhance the overall historic character of the neighborhood or City. Removal or alteration would have a deleterious effect on the quality of historic continuity experienced in the community; or
 - 4. Environmental: This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise an historic context within the community.
- ~~I. Notice of Delay: A notice submitted to the Building Department by the Planning Director which indicates that an application does not conform with the requirements of the Historic Landmarks Ordinance and sets forth delay periods on the issuance of a building permit, a demolition permit, or a moving permit for an historic landmark.~~
- ~~J. Permit Clearance: indication that an application conforms with the requirements of the Historic Landmarks Ordinance and which must be submitted to the Building Department by the Planning Director prior to any building permit, demolition permit, or moving permit being issued for an historic landmark.~~
- I. Owner: As defined by OAR 660-023-0200(1)(h).**

17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiled in 1983/84, is hereby adopted and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance.

- A. The Historic Landmarks Committee shall be authorized to make all additions, deletions, and changes to the inventory. Any addition, deletion or change, including a reevaluation of the significance of any resource, shall conform to the requirements of this section.

- B. Any person may file an application with the Planning Director to amend the inventory by adding or deleting a resource or changing the level of significance of a resource. **Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance.** The Historic Landmarks Committee shall act on such an application within **thirty (30) ~~twenty-one (21)~~ days of the date the application was deemed complete by the Planning Department.** ~~days of the date of the application.~~ The Committee may delay action on an application for up to thirty (30) days from the date of their meeting so that additional information needed for a decision can be obtained. The owner of the site which is under consideration and the applicant (if different) shall be notified of the time and place of the Historic Landmarks Committee review, although their presence shall not be necessary for action to be taken on the application.
- C. The Historic Landmarks Committee shall base each decision regarding additions, ~~deletions,~~ or changes to the inventory on the following criteria:
1. History. The resource is associated with significant past events, persons, organizations, trends, or values which were important at the city, county, state, or national level. The age of the resource relative to other local development contributes to its historic significance;
 2. Style/Design. The resource is representative of a particular style or a type of construction. The uniqueness of the resource or its quality of composition, detailing, or craftsmanship contribute to its design significance. The resource was designated or constructed by a craftsman, contractor, designer, or architect of local, state, or national importance;
 3. Integrity. The resource retains original design elements, materials, and character with relatively minor alterations, if any; and
 4. Environment. The resource contributes to the character or continuity of the street or neighborhood.
 5. **Consistency with the National Register Criteria for Evaluation as follows:**
 - a. **The resource is associated with events that have made a significant contribution to the broad patterns of our history; or**
 - b. **The resource is associated with lives of significant persons in our past; or**
 - c. **The resource embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or**
 - d. **The resource has yielded or may be likely to yield, information important in history or prehistory; and**
 6. **The designation of the resource is consistent with the priorities described in the historic preservation plan.**
- D. **The Historic Landmarks Committee shall allow owners of property to refuse addition to the inventory at any time during the designation process in Section 17.65.030. The Historic Landmarks Committee shall**

- not include a site, structure, building, or object on the inventory if the owner objects to its designation on the public record. The Historic Landmarks Committee is not required to remove a historic resource from the inventory because an owner refuses to consent to designation.
- E. The Historic Landmarks Committee must remove a historic resource from the inventory if the designation was imposed on the property and the owner at the time of designation:
1. Has retained ownership since the time of designation; and
 2. Can demonstrate that the owner objected to the designation on the public record; and
 3. Was not provided an opportunity to object to the designation; or
 4. Requests that the Historic Landmarks Committee remove the resource from the inventory.
- F. Except as provided in Section 17.65.030 (E), the Historic Landmarks Committee shall base each decision regarding deletions from the inventory on the following criteria:
1. The resource has lost the qualities for which it was originally recognized; or
 2. Additional information shows that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing; or
 3. The Building Official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

17.65.040 Permit Application Certificate of Approval Process. An application for a building permit, moving permit, or a demolition permit for an building, structure, site, or object shall be submitted to the Building Official and shall be subject to procedures listed in (a), (b), and (c) below and in Sections 8 and 9. A property owner shall obtain a Certificate of Approval from the Historic Landmarks Committee, subject to the procedures listed in Section 17.65.050 and Section 17.65.060 of this chapter, prior to any of the following activities:

- A. The alteration, demolition, or moving of any historic landmark or any resource that is listed on the National Register for Historic Places;
1. Accessory structures and non-contributing resources within a National Register for Historic Places nomination are excluded from the Certificate of Approval process.
- B. New construction on historical sites on which no structure exists;
- C. The demolition or moving of any historic resource.
- (a) —“Environmental” Resources. The permit application process shall proceed as usual and no additional procedures shall apply to any resource classified as “environmental” on the Historic Resource Inventory.
- (b) —“Contributory” Resources. Upon receipt of an application or an inquiry regarding a building permit, moving permit, or demolition permit for any historic resource classified as “contributory” on the Historic Resources Inventory, the Building Official shall provide the property owner with information about the City’s

historic preservation program. The permit application process shall then proceed as usual.

(c) "Historic Landmarks." The following procedures apply:

(1) Upon receipt of an inquiry regarding an application for the moving, alteration, or demolition of an historic landmark, the Building Official shall inform the Planning Director who shall direct the potential applicant to make application with the Historic Landmarks Committee.

(2) Application for a building permit, moving permit, or demolition permit for an historic landmark must include an application for permit clearance. Any application to the Historic Landmarks Committee for alteration or demolition of an historic landmark shall be processed as an application for permit clearance. The application for permit clearance shall be in such form and detail as the Historic Landmarks Committee and Planning Director prescribe, and this may require the following: written description of proposal, legal description of property, site plan, minimum of five (5) exterior photographs, materials list, and architectural drawings of any proposed alterations.

17.65.050 Demolition, Moving, or New Construction. The Building Official shall submit all requests **The property owner shall submit an application for a Certificate of Approval** for the demolition or moving of an historic **resource, any resource that is listed on the National Register for Historic Places, landmark and or for** new construction on historical sites (landmarks) on which no structure exists, to the Planning Director who shall, within twenty-one (21) days, schedule a meeting of the **Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance.** The Historic Landmarks Committee **shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department** to review the request. A failure to review within **thirty (30)** twenty-one (21) days shall be considered as an approval of the application.

- A. The Historic Landmarks Committee may approve, approve with conditions, or **deny the application.** delay the issuance of a demolition permit, moving permit, or building permit. The Historic Landmarks Committee may delay a permit for up to one hundred twenty (120) days from the date the request is received by the Building Department during which time they will provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs. If the permit request affects a "distinctive" resource, the delay period may be extended an additional sixty (60) days.
- B. The Historic Landmarks Committee shall base its decision on the following criteria:
1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
 2. The economic use of the historic **resource** landmark and the reasonableness of the proposed action and their relationship to the historic **resource** landmark's preservation or renovation;
 3. The value and significance of the historic **resource** landmark:

4. The physical condition of the historic resourcelandmark;
 5. Whether the historic resourcelandmark constitutes a hazard to the safety of the public or its occupants;
 6. Whether the historic resourcelandmark is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
 7. Whether retention of the historic resourcelandmark would cause financial hardship to the owner not outweighed by the public interest in the resourcelandmark's preservation; and
 8. Whether retention of the historic resourcelandmark would be in the best interests of a majority of the citizens of the City, as determined by the Historic Landmarks Committee, and, if not, whether the historic resourcelandmark may be preserved by an alternative means such as through photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.
- C. If the structure for which a demolition permit request has been filed has been damaged in excess of seventy percent (70%) of its assessed value due to fire, flood, wind, or other natural disaster, ~~permit clearance may be given by the Planning Director~~ **may approve the application** without processing the request through the Historic Landmarks Committee.
- D. **The Historic Landmarks Committee shall hold a public hearing to consider applications for the demolition or moving of any resource listed on National Register consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.**
- E. Any ~~permit~~**approval** may be conditioned by the Planning Director or the Historic Landmarks Committee to secure interior and/or exterior documentation of the resourcelandmark prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any ~~permit~~**approval** may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings or other details.
- F. **If any proposed new construction is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the new construction shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).**

17.65.060 Exterior Alteration or Remodeling. ~~The Building Official shall submit to the Planning Director all building permit requests~~ **The property owner shall submit an application for a Certificate of Approval for any exterior alteration to an historic historical landmark or any resource that is listed on the National Register for Historic Places. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Planning Director shall determine whether the proposed activities constitute an alteration as defined in Section 17.65.020 (A) of this chapter.** ~~The Planning Director shall, within five (5) working days, review the permit~~

application for compliance with the requirements as set out in Section 10 of this ordinance. **The Historic Landmarks Committee shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department to review the request. A failure to review within thirty (30) days shall be considered as an approval of the application. Within five (5) working days after a decision has been rendered, the Planning Department shall provide written notice of the decision to all parties who participated.**

- A. If the Planning Director finds the proposed alterations to be in compliance with Section 10, he shall submit to the Building Department a permit clearance form which will indicate that the requirements of this chapter have been satisfied by the request. **The Historic Landmarks Committee may approve, approve with conditions, or deny the application.**
- B. If the Planning Director finds the proposed alteration to be in noncompliance with the requirements of Section 10, he shall immediately issue a “notice of delay” to the Building Official and call for a meeting of the Historic Landmarks Committee to review the application. **The Historic Landmarks Committee shall base its decision on the following criteria:**
 1. The Historic Landmarks Committee shall meet within twenty-one (21) days of the date the completed permit application was submitted to the Building Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his/her presence shall not be necessary for action on the plans. A failure to review within twenty-one (21) days shall be considered an approval of the application. **The City’s historic policies set forth in the comprehensive plan and the purpose of this ordinance;**
 2. If the Historic Landmarks Committee finds the proposed alterations to be in compliance with Section 10, they shall direct the Planning Director to submit to the Building Department a permit clearance form. **The following standards and guidelines:**
 - a. **A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.**
 - b. **The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**
 - c. **Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.**
 - d. **Changes to a property that have acquired historic significance in their own right will be retained and preserved.**
 - e. **Distinctive materials, features, finishes, and construction**

- techniques or examples of craftsmanship that characterize a property will be preserved.
- f. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
 - g. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - i. The Guidelines for Historic Preservation as published by the United States Secretary of the Interior.
3. ~~If the Historic Landmarks Committee finds the proposed alterations to be in noncompliance with Section 10, they must:~~
- a. ~~Approve the application subject to compliance with conditions which will bring the application into conformance with Section 10. Permit clearance will be subject to said conditions; or~~
 - b. ~~Direct the Planning Director to issue a notice of delay which places up to a sixty-day (60) delay from the date of the committee action on issuance of a building permit for the proposed alteration and provide the applicant with information concerning local, state, and federal preservation programs. If the proposed alteration affects a "distinctive" resource, the delay period may be extended an additional sixty (60) days.~~
3. The economic use of the historic resource and the reasonableness of the proposed alteration and their relationship to the public interest in the historic resource's preservation or renovation;
 4. The value and significance of the historic resource; and
 5. The physical condition of the historical resource.
- C. Any ~~permit~~**approval** may be conditioned by the ~~Planning Director or the Historic Landmarks Committee~~ to secure interior and/or exterior documentation of the ~~resource~~**landmark** prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any ~~permit~~**approval** may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings, or other details.
- D. If the historic landmark is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the exterior alteration shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

~~Old Section 10 of Ord. No. 4401 Standards and Guidelines for the Exterior Alteration of an Historic Landmark. Generally, an application for exterior alteration of an historic landmark shall be approved if the change or the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building and shall generally be disapproved if found detrimental to or otherwise adversely affecting the architectural significance, the integrity of historical appearance, and the educational and historical value of the building.~~

~~A. The following guidelines apply to exterior alterations to historical buildings:~~

- ~~1. Retention of original construction. So far as possible, all original exterior materials and details shall be preserved or replaced to match the original.~~
- ~~2. Height. Additional stories may be added to historic buildings provided that:
 - ~~a. (aa) The added height complies with requirements of the building and zoning codes;~~
 - ~~b. (bb) The added height does not exceed that which was traditional for the style of the building;~~
 - ~~c. (cc) The added height does not alter the traditional scale and proportions of the building style; and~~
 - ~~d. (dd) The added height is visually compatible with adjacent historic buildings;~~~~
- ~~3. Bulk. Horizontal additions may be added to historic buildings provided that:
 - ~~a. (aa) The bulk of the addition does not exceed that which was traditional for the building style;~~
 - ~~b. (bb) The addition maintains the traditional scale and proportion of the building; and~~
 - ~~c. (cc) The addition is visually compatible with adjacent historic buildings.~~~~
- ~~4. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.~~
- ~~5. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solid (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.~~
- ~~6. Materials, Color, and Texture. The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.~~
- ~~7. Lighting and Other Appurtenances. Exterior lighting and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.~~

~~A. The Historic Landmarks Committee shall base their decision on the following criteria:~~

- ~~1. Compliance with the guidelines in Section 10(a);~~
- ~~2. The City's historic preservation policies set forth in the Comprehensive Plan and the purpose statement of this ordinance;~~
- ~~3. The economic use of the historic landmark and the reasonableness of the proposed alteration and their relationship to the public interest in the historic~~

landmark's preservation or renovation;

4. The value and significance of the historic landmark;
5. The physical condition of the historical landmark; and
6. The general compatibility and aesthetics of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the existing landmark.

17.65.070 Public Notice. Public notice requirements shall be as follows:

- A. After the adoption of the initial inventory, all new additions, deletions, or changes to the inventory shall comply with subsection (c) **of this section.**
- B. Any Historic Landmark Committee review of an **Certificate of Approval** application for a **historic resource or landmark** building permit, moving permit, or demolition permit shall comply with subsection (c) **of this section.**
- C. Prior to the meeting, the owners of historic landmarks **owners of property** located within 300 feet of the historic resource under consideration shall be notified of the time and place of the Historic Landmarks Committee meeting and the purpose of the meeting. If reasonable effort has been made to notify an owner, failure of the owner to receive notice shall not impair the validity of the proceedings.

17.65.080 Appeals.

- A. Any appeal of a decision by the Historic Landmarks Committee, including an appeal of conditions placed on a permit **the approval of a Certificate of Approval** by the committee, may be made to the City Planning Commission within **fifteen (15)** ten (10) days of the **date the written notice of the decision is mailed.** Historic Landmarks Committee's decision.
- B. If the appeal is filed, the Planning Commission shall receive a report and a recommendation from the Historic Landmarks Committee and shall hold a public hearing on the appeal at their next regularly scheduled meeting **consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.** Public notice of an appeal shall be made according to Section 11(c) of this ordinance. Any permit shall be invalid and no work shall be undertaken during the appeal process.

17.65.090 Violation, Procedure, and Penalty.

- A. **All historic resources shall be preserved against decay and deterioration, and kept free of structural defects by the owner or other person(s) or entities who may have legal possession, custody and control thereof. Demolition by neglect shall be prohibited.**
- B. **Violations of the provisions of this chapter or other applicable provisions of this code are subject to the provisions of Chapter 17.03 (General Provisions).**
- A. A uniform complaint, or citation to appear, may be issued to the owner or occupier of property being used or altered in violation of the Historic Landmarks Ordinance, requiring said owner or occupier to appear in court regarding a violation of the Historic Landmarks Ordinance.

- ~~B. A trial shall be heard before the judge without a jury. No appeal from the decision may be taken. The standard of proof required shall be by a preponderance of the evidence.~~
- ~~C. A person convicted of violating a provision of the Historic Landmarks Ordinance shall, upon conviction, be punished by a fine of not more than five hundred (500) dollars except for demolition of a structure which shall be as provided for in Section 11(d) below.~~
- ~~D. A person convicted of demolishing an historic landmark without first securing a demolition permit shall, upon conviction, be punished by a fine of not more than fifteen hundred (\$1,500) dollars.~~
- ~~E. In the event of the owner/occupier fails to pay a fine imposed upon conviction of a violation, the court may issue a Show Cause Order to the individual so charged and require his/her presence in court to set forth the reasons for said failure to pay. If good and sufficient reasons do not exist, the court may request the Council to adopt an ordinance making the amount a lien against the property.~~

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