City of McMinnville

**Kent Taylor Civic Hall**
**200 NE Second Street**
**McMinnville, OR 97128**

# Special Called City Council Meeting

**Wednesday, April 8, 2026**
**5:30 p.m.**
**REVISED 04/07/2026**

*Welcome! This meeting will be a hybrid (in-person & Zoom) Meeting. However, if you are not feeling well, please stay home and take care of yourself.*

***HOW TO PARTICIPATE IN THE PUBLIC HEARING ONLY:*** *Persons are invited to attend the City Council public hearing to observe the proceeding or to register any statements in person or by mail that might assist the City Council in making a decision. Testimony can be provided at the meeting in person or via teleconference or submitted in writing before the meeting.* ***Written Testimony****: Email Heather.Richards@mcminnvilleoregon.gov or mail to McMinnville Planning Division, 231 NE 5th Street McMinnville, OR 97128. by noon on Wednesday, April 8, 2026. If you want to bring written testimony to the public hearing, please bring 12 copies of your testimony for distribution.* ***Teleconference Testimony:*** *Pre-register to speak during the public hearing by providing your name and phone number, or Zoom name, to the Planning Division Office before 4:00 pm on Wednesday, April 8, 2026. During the public hearing, the City Recorder will read the list of those who pre-registered. When the City Recorder calls out your name, you will have three minutes to speak. You can preregister by emailing Heather.Richards@mcminnvilleoregon.gov or calling 503-474-5170.*

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*You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331, Frontier 29 or webstream here:*
*mcm11.org/live*

***SPECIAL CALLED CITY COUNCIL MEETING:***
*You may join online via Zoom Webinar Meeting:*
*https://mcminnvilleoregon.zoom.us/j/89681295029?pwd=uPbSXoTXdQNmxHaCGaSax0bppy7z5I.1*
*Or you can call in and listen via Zoom: 1-253- 215- 8782*
*Webinar ID: 896 8129 5029*

## 5:30 PM – SPECIAL CALLED MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC HEARING
   a. Public Hearing regarding **Ordinance No. 5174**: An Ordinance memorializing the City Council's decision for the McMinnville Industrial Promotions appeal of the Planning Commission's approval of MP 6-25.

3. ORDINANCE
   a. Consider the first reading with a possible second reading of **Ordinance No. 5174**: An Ordinance memorializing the City Council's decision for the McMinnville Industrial Promotions appeal of the Planning Commission's approval of MP 6-25.

4. **6:30 PM – INTERVIEWS FOR CITY COUNCIL WARD 3 VACANCY**
   a. Carson Benner (Pages 311 - 315)

**Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice:** Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702 or CityRecorderTeam@mcminnvilleoregon.gov.

b. Richard Smith (Pages **316** - **317**)
c. Artimus Johnson – Via Zoom (Pages **318** - **321**)
d. Josh Dillon (Pages **322** - **326**)
e. Katie Russ (Pages **327** - **330**)

5. DELIBERATIONS ON INTERVIEWS

6. COUNCIL APPOINTMENT
   a. Motion to appoint a candidate to fill Ward 3 vacant position.

7. ADJOURNMENT OF SPECIAL CALLED MEETING

City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

# STAFF REPORT

**DATE:** **April 8, 2026**
**TO:** **Adam Garvin, Interim City Manager**
**SUBMITTED BY:** **Heather Richards, Community Development Director**
**WRITTEN BY:** **Heather Richards, Community Development Director**
**SUBJECT:** **Ordinance No. 5174 – AP 3-26**

1. *Ordinance No. 5174,* An Ordinance memorializing the City Council's decision for the McMinnville Industrial Promotions appeal of the Planning Commission's approval of MP 6-25.

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**Report in Brief:**

This is a public hearing to consider the appeal of the Planning Commission's "***Approval with Conditions***" decision of a McMinnville Industrial Promotions (MIP) minor partition application (Docket MP 6-25).

MIP appealed the Planning Director's decision to the Planning Commission, contesting the language in condition of approval #5. Staff agreed with the appellant and recommended revised language to the Planning Commission. Planning Commission approved the revised language.

The City has not yet received the appeal application from MIP to understand the basis for the appeal, but MIP informed the City that they intended to appeal the Planning Commission decision.

Since the Planning Commission decision was rendered on March 19 and issued on March 20, MIP has until April 6, 2026, to submit an appeal. However, since MIP did not extend the deadline for the City's decision, the City must render a final written decision by April 11, 2026, to meet the statutory deadline for land-use decision making. Thus, this public hearing is being noticed appropriately as a precaution anticipating the appeal application.

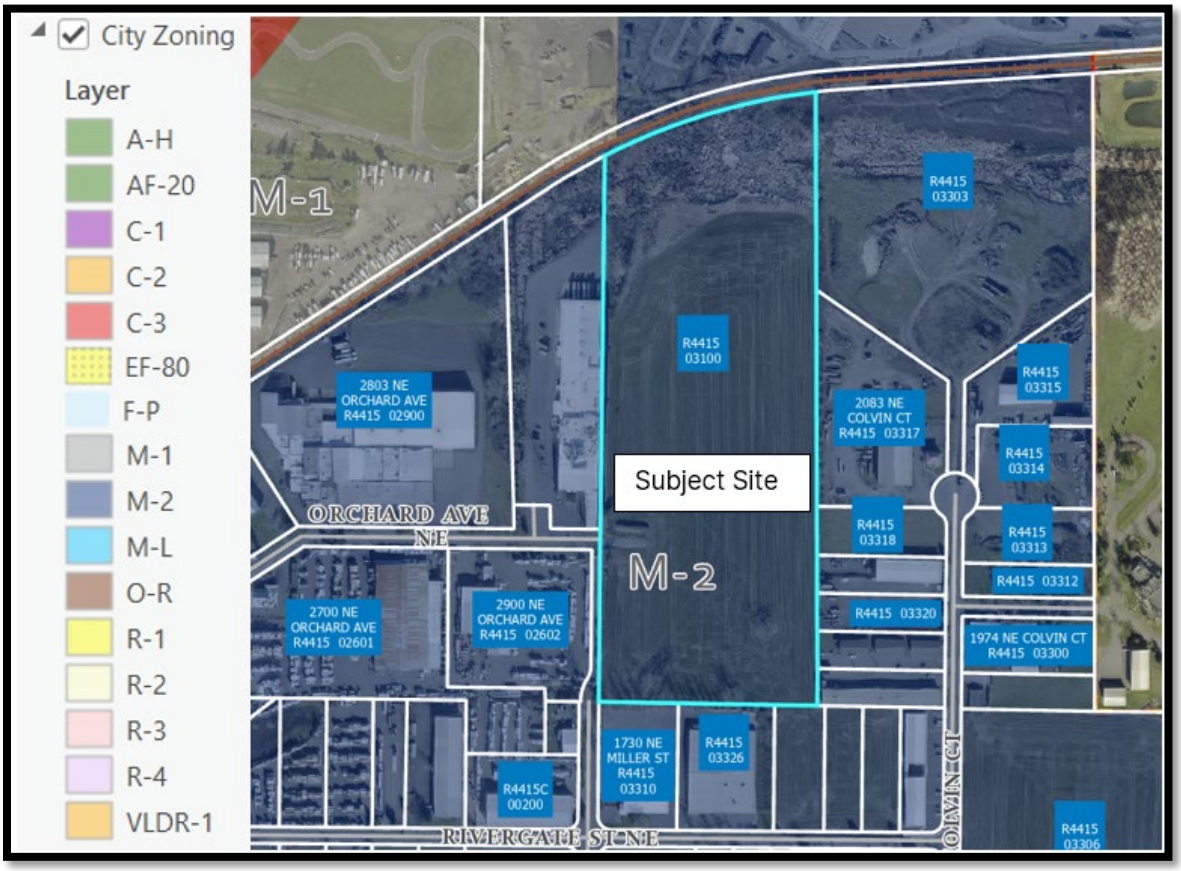
*Note: MIP submitted their appeal at the time of this meeting packet being posted. It is attached as Attachment 1, but has not been reviewed by city staff and legal counsel.*

**Background:**

The Tentative Partition (MP 6-25) was an application to partition an approximately 26-acre parcel of land into two (2) parcels: Parcel 1 (6.89 acres) and Parcel 2 (19.11 acres).

The subject site is zoned M-2 (General Industrial), is vacant, and contains a wetland in the northern portion. Surrounding uses are commercial and industrial. See **Figure 1** below.

**Figure1. Subject Site Location and Zoning**




The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and deemed complete on November 12, 2025. On November 13, 2025, notice of the application was referred to public agencies for review, and on November 14, 2025, notice of the application and a public comment period were noticed to surrounding property owners in accordance with Section 17.72.110. The Planning Director issued a decision on December 23, 2025. Written notification of

the decision of the Planning Director was provided to the applicant and property owner's representative on December 23, 2025.

An appeal to the decision was received from the Applicant on January 7, 2026. On January 27, 2026, the applicant submitted a request for a 30-day extension to the 120-day processing deadline in ORS 227.178 and Section 17.72.050 of the McMinnville Zoning Ordinance. The 120-day decision deadline is now April 11, 2026.

The applicant requested the following from the Planning Commission in their appeal application:

> The property owner/applicant is submitting this appeal of the Planning Director's Decision for City File MP 6-25. This appeal is submitted on January 7, 2026, within 15 days of the date of the City's Decision, and is therefore timely. The appeal concerns Condition of Approval No. 5 (including Condition of Approval No. 5.a.), listed on Page 2 and included on Page 7 of the Decision. Condition of Approval No. 5 requires construction of NE Miller Street along the western boundary of the site. The comments on Page 9 and findings included on Pages 19, 20, 21, 25, 26, 29, and 36 reference the City Transportation System Plan and a variety of provisions from the City Zoning Ordinance [e.g., MCC 17.53.060(C) and MCC 17.53.101(B)] as providing the basis for the condition. However, these citations and findings are insufficient to support Condition of Approval No. 5 as written. As evidenced in its application, the property owner is not opposed to constructing NE Miller Street. However, the property owner objects to building NE Miller Street in the manner required by Condition of Approval No. 5. Therefore, this appeal is filed.
>
> The Applicant has no legal authority to invoke the terms of the non remonstrance agreement on the adjacent property owner. It is the City's responsibility to do so since they are a party to the agreement.

Below is the original Condition of Approval #5 from the Decision Document dated December 23, 2025:

5. Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

a. Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
b. Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

Staff agreed with the applicant's request and recommended amended condition of approval language:

5. Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
    b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
    c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
    d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot

in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

And Condition #10 was added as well to clarify the process for invoking the terms of the non-remonstrance on the adjacent property owner.

10. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

At the Planning Commission public hearing, the applicant provided testimony objecting to the condition of approval language, essentially objecting to all language requiring sidewalk improvements associated with the land-division decision, and requesting deferral of all sidewalk improvements to the time of building permits per McMinnville Municipal Code, Section 12.12, which provides three different scenarios when the City of McMinnville can require sidewalks improvements.

After hearing from legal counsel and planning staff that Section 17.53.153 of the McMinnville Municipal Code requires that the City condition all land-division applications with sidewalk requirements prior to filing of a final plat, while allowing the applicant the opportunity to defer improvements per 17.53.075(D) and (E) with an agreement and (a) a surety bond, (b) an escrow agreement to withhold funds, (c) cash, or (d) a letter of credit. The Planning Commission voted to approve the original condition of approval language amendment requested by the applicant in the appeal application, and not to approve the requested amendments made by the applicant during the Planning Commission public hearing on March 19, 2026.

**Discussion:**

It is anticipated that MIP will be appealing the language requirements for sidewalks in conditions of approval #5 and #12 per the testimony provided by Kate Gowell from Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C., legal counsel for MIP. (Please see Attachment #5.)

Below is an itemization of the arguments as proposed in the testimony and the legal counsel and Planning Director response provided to the Planning Commission.

1. ***Section 17.53.153 applies only to subdivisions and not minor partitions. – The testimony argues that the nomenclature in 17.53.153 of "subdivider" and "subdivision" only applies to subdivisions and not to minor partitions.***

   *17.53.153Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:*

   *A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*

   *B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*

   *C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*

   *D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*

   *E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*

   *F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*

   *G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*

   *H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

The term "subdivider" is not defined in MMC Chapter 17 or elsewhere in the MMC. When a definition is not provided in the code itself, the legal practice is to defer to the common definition of the word. Merriam Webster dictionary defines a subdivider as the noun of "to divide into several parts".

City staff asked legal counsel to review this section of the code in terms of applicability to minor partitions previously as it was brought up during another MIP minor partition discussion (MP 5-19). City legal counsel concluded that since "subdivider" is not defined in the MMC or in ORS Chapter 92, that the common definition applies - a person or entity that divides property, independent on the number of parcels or lots created

This argument is reinforced based upon the context provided by the position of Section 17.53.153 in the code. Section 17.53.153 falls under a subheading of ***"Improvements"*** in the table of contents of Chapter 17.53, and not under ***"Subdivision"***, inferring that the section is not just applicable to subdivisions but is a component of the whole chapter and applicable to all land divisions identified in the chapter.

*Sections:*

*17.53.010 Purpose.*
*17.53.020 Scope of Regulations.*
*17.53.040 Planned Development.*

*Property Line Adjustment*
*17.53.050 Applicability.*
*17.53.051 Filing Procedures and Requirements.*
*17.53.053 Review and Tentative Approval Process.*
*17.53.055 Requirements for Final Property Line Adjustment Approval.*

*Partition*
*17.53.060 Submission of Tentative Partition Plan.*
*17.53.061 Submission of Final Partition Plat.*
*17.53.063 Filing of Final Partition Plat.*

*Subdivision*
*17.53.070 Submission of Tentative Subdivision Plan.*
*17.53.071 Preliminary Review of Tentative Subdivision Plan.*
*17.53.073 Preliminary Approval of Tentative Subdivision Plan.*
*17.53.075 Submission of Final Subdivision Plat.*
*17.53.077 Approval of Final Subdivision Plat.*
*17.53.079 Filing of Final Subdivision Plat.*

*Future Development Plan*
*17.53.080 Submission of Future Development Plan.*

*Expedited Land Division*
*17.53.090 Expedited Land Division.*
*17.53.091 Application for Expedited Land Division; Notice Requirements; Procedure; Appeal.*

*Approval of Streets and Ways*
*17.53.100 Creation of Streets.*
*17.53.101 Streets.*
*17.53.103 Blocks.*
*17.53.105 Lots.*
*17.53.110 Lot Grading.*
*17.53.120 Building Lines.*
*17.53.130 Large Lot Subdivision.*
*17.53.140 Left-over Land.*

*Improvements*

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

*Exceptions, Variances and Enforcement*
*17.53.160 Exceptions in the Case of Large Scale Development.*
*17.53.161 Exceptions in the Case of Hillside Development.*
*17.53.163 Variance Application.*
*17.53.165 Failure to Receive Notice - Not to Impair Hearing.*
*17.53.167 Enforcement.*

*17.53.170 Severability.*
*17.53.180 Violation-Procedure-Penalty.*

Further, If the City's interpretation of its code is that 17.53.153 did not apply to minor partition decisions, than the City would not have the ability to require all of the improvements identified in this section of the land division chapter to minor partitions, including water, sewer, electric, drainage, streets, sidewalks, private ways/drives, and street trees.

Lastly, even if the applicant's interpretation of MMC 17.53.153 was plausible, which is doubtful for the reasons explained above, MMC 17.53.153(F), the provision at issue, is the only provision of MMC 17.53.153 that does not use the undefined term "subdivider" or the word "subdivision." In other words, even if the city council interpreted the provisions of MMC 17.53.153 to apply only to subdivisions, that interpretation would encounter difficulty with regard to required improvements for Pedestrian Ways, because the language of (F) does not refer to subdivisions at all.

City staff reviewed the conditions of approval for minor partition decisions made by the City since 2015. In those decision documents, sidewalks prior to the final partition plat were required in 100% of the decisions that required street improvements, and 65% of the total applications.

In fact, another MIP minor partition decision (MP 5-19) from 2019 contained similar condition of approval language requiring sidewalks prior to the final partition plat being recorded. (Please see Attachment 10).

***2. The MMC did not provide MIP the applicant with adequate notice that sidewalks would be required as part of the land-use decision.***

The appellant points to 17.53.060 identifying that the language is not clear that sidewalks would be required as part of this land-use decision.

However, section 17.53.060(C)(1) states:

*Section 17.53.060(C) – Submission of Tentative Partition Plan*

*The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.*

This indicates that the Planning Director may require conditions of approval deemed necessary to carry out the McMinnville Comprehensive Plan but cannot require greater conditions than would be required if the entire parcel were subdivided, inferring that the City can require conditions per the ones detailed in Section 17.53.153, as Title 17 is Volume III of the McMinnville Comprehensive Plan. And as indicated above this has been a historical interpretation of the City for many years, including on past MIP minor partition land use decisions.

***3. MIP does not suggest that sidewalks will never be required – just that it should not be a condition precedent to recording the plat and that the City should rely on the implementation of Section 12.12.030 of the MMC to capture sidewalks as part of development.***

*Section 12.12.030 New construction and Remodeling.*

*A. It is hereby made the duty of every property owner whose property abuts upon any street that has been improved with hard-surface pavement or along any street, the grade of which has been established and which has been improved by excavating and bringing such street to an established grade, to construct a concrete sidewalk conforming to the ordinances of the city within 60 days from the completion of any structure located upon the property of such owner.*

*B. "Any structure" includes all dwellings, commercial and industrial buildings, and any remodeling of an existing structure wherein the new construction or remodeling exceeds 25 percent of the value of the improvements on the property as established by the Yamhill County tax assessor at the time a construction permit is obtained. (Ord. 4413 §3, 1987).*

Staff has been advised by three separate attorneys, that the Zoning Ordinance (Volume I of the Comprehensive Plan, Title 17 of the MMC) was enacted by the city's governing body and as such, city staff must comply with its provisions and cannot waive any of its provisions unless there is a provision in the Zoning Ordinance allowing staff to waive standards.

MMC 17.04.050 provides in part that "Except to the extent that this code provides decision-making authority to others, city planning staff shall administer this code and shall apply the standards and criteria in this code to all applications for approval required or authorized by this code."

The city council might be able to waive its provisions if something in the Zoning Ordinance or other provisions of the MMC allowed such a waiver, but staff and legal counsel could not find such a mechanism, and the City's application of its code can't be on an ad hoc basis, because land use decisions must be made by applying the land use regulations and other applicable law at the time of application.

Further, the Oregon Court of Appeals has cautioned against the practice of amending adopted legislation, or subverting its meaning, in the guise of interpreting it. Goose Hollow Foothills League v. City of Portland, 117 Or App 211, 218, 843 P2d 992 (1992) (citing 1000 Friends of Oregon v. Wasco County Court, 299 Or 344, 703 P2d207 (1985) and West Hills & Island Neighbors v. Multnomah Co., 68 Or App 782, 683 P2d 1032, rev den, 298 Or 150 (1984)) ("[T]o amend legislation de facto or to subvert its meaning in the guise of interpreting it, is not a permissible exercise.") The interpretational approach the applicant advocates has little support in the language of the MMC, and that approach runs the risk of subverting the meaning of MMC 17.53.153 in the guise of interpreting it.

In addition, Section 17.04.040 addresses the question of whether the city can just rely on Section 12.12 to avoid applying 17.53.153. It says:

> *"Most Restrictive Requirements Apply. Where the conditions and requirements imposed by any provision of this title are less restrictive, vary from or conflict with other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are most restrictive or the highest standard shall govern. When requirements of this title vary from or conflict with other provisions of the McMinnville Municipal Code, the more specific provision shall prevail over a more general provision."*

Section 17.53.153 is the "more specific provision" or the "more restrictive or the highest standard," since it applies to land division applications and Section 12.12 is the "more general provision" that applies to all new construction.

***4. Although the City has a provision for deferring the improvements required in Section 17.53.153 with a deferment agreement and surety, the surety required to defer the improvements could "quickly eclipse" the costs of $30,000 - $50,000 in sidewalk construction.***

Section 17.53.075 (D) and (E) allows improvements to be deferred with an agreement and surety consisting of either a bond, line of credit, cash or third-party escrow. Current practice for most developments is to use a bond or a line of credit with a bank. Recently Holt Homes provided a bond for the sidewalks that they are deferring in phase 7 of their subdivision (sidewalks were a requirement prior final partition plat recording), and the value of the sidewalks being deferred was $55,499. The premium for that bond was $153.00.

The City has also in the past accepted a letter from a bank verifying the line of credit in the developer's account was enough to cover the surety required.

***5. Building sidewalks prior to construction does not make logical sense since they can be damaged during construction which could happen years in the future.***

In addition to the information provided above that requires cities to implement their codes as written, there have also been recent ADA actions against cities that had codes that required sidewalks at land division, but did not require the construction of the sidewalk prior to platting nor collect surety so that the sidewalk could be built by the City if necessary as sidewalks are considered a necessary accessible path. And if there is adjacent development with sidewalks but no connectivity even though the City's code required it, the City would be found at fault.

***6. Utilizing concrete prematurely for development has a significant environmental impact.***

This discussion was not explored at the Planning Commission public hearing as it is not specifically relevant to the criteria for decision-making.

***Summary:***

The Planning Commission's decision was based on legal advice and the regulations identified in the MMC, particularly Title 17.

The Planning Commission and staff sympathize with MIP's arguments but it is clear that sidewalks have historically been required as conditions of approval of minor partitions prior to the recording of the final plat. What is also clear, is that the City, in some cases, did not actually require that the sidewalks be built or deferred with an agreement even though they were a requirement of the land-use decision and relied on Chapter 12.12.030 to capture the requirement of sidewalks at the time of construction.

In the past five years, three attorneys serving as land-use legal counsel have advised city staff that they cannot ignore the code nor ignore the requirements of the conditions of approval of the land-use decisions, and the City has started to implement either requiring the sidewalk improvement prior to recording of the final plat or deferring the improvements through a deferment agreement pursuant to Section 17.53.075 of the MMC.

If the City does not want to require sidewalks as a condition of land division approvals than the City could amend the MMC to clearly reflect when sidewalks will be required as part of development within the City of McMinnville.

The City recently received a grant to work with legal counsel and a development code expert to identify those elements of the code that need to change to be compliant with housing regulations that have passed in the past 5 – 10 years. In 2025, HB 2658 was passed, which prohibits municipalities with populations over 15,000 from requiring frontage improvements (curbs, sidewalks, gutters) as permit conditions for building renovations that don't increase square footage, cost under $150,000 and don't change occupancy classification.

As part of the code compliance work with state laws in the next 12 months, Section 12.12.030 of the MMC will need to be amended. Staff is recommending that the process would be a good time to discuss sidewalk improvements and when they are required, and to amend the code to make it clear what the city's intentions are with its regulations. The City could look at several options, including but not exclusive to:

- Require sidewalks as part of land division for residential development, but not industrial development as industrial land use division could have a longer holding period than residential and the surrounding neighborhood is not as reliant on the connectivity for accessibility.

- Require sidewalks only with building permits (will need an ADA review).

- Require sidewalks with all types of land division applications (similar to current practice).

Staff has met with some MIP representatives to discuss this opportunity. MIP representatives asked if they could be part of the dialogue, which staff would encourage.

**Attachments:**

1. Appeal of Planning Commission's Decision by McMinnville Industrial Promotions
2. March 20, 2026 Notice of Decision
3. March 19, 2026 AP 1-26 Decision Document of Planning Commission
4. March 19, 2026 Draft Planning Commission Minutes
5. Katherine Gowell, Public Testimony on behalf of MIP, March 19, 2026
6. Appeal of Planning Director's Decision by McMinnville Industrial Promotions
7. Email from MIP requesting extension of the land-use decision deadline
8. December 23, 2025 MP 6-25 Decision Document of Planning Director
9. Original Minor Partition Application
10. Minor Partition Approval Letter with Conditions of Approval, MP 5-19
11. Ordinance No. 5174
    a. Exhibit A to Ordinance No. 5174 – Docket AP 3-26 Decision Document

**Fiscal Impact:**

Appeal fees are not 100% cost recovery and are subsidized by the City of McMinnville. It is estimated that this appeal will cost approximately $3,000 in legal fees, $500 in public noticing and approximately 30 hours of staff time. The fee for the appeal is $1,350.

**Alternatives:**

**Alternative 1 [Staff Recommendation]**: **CONDUCT THE PUBLIC HEARING, DELIBERATE AND AFFIRM THE PLANNING COMMISSION DECISION BY APPROVING ORDINANCE NO. 5174** adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.

**Alternative 2**: **CONDUCT THE PUBLIC HEARING, DELIBERATE AND AMEND THE PLANNING COMMISSION DECISION BY APPROVING ORDINANCE NO. 5174** adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided with amendments.

**Alternative 3**: **CONDUCT THE PUBLIC HEARING, DELIBERATE AND APPROVE THE APPELLANT'S REQUEST BY APPROVING ORDINANCE NO. 5174** and provide findings for the approval.

City Of McMinnville

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

569-26-000078-PLNG

**Office Use Only:**
File No. AP 3-26
Date Received 4/1/2026
Fee $1,350.00
Receipt No. 212871
Received by JH

# Appeal Application

## Applicant Information

**Applicant is:** ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☒ Agent ☐ Other _____
☐ Provided testimony prior to this appeal.

Applicant Name McMinnville Industrial Promotions Phone [redacted]
Contact Name Doug Hurl Phone " "
*(If different than above)*
Address [redacted]
City, State, Zip McMinnville, OR 97128
Contact Email [redacted]

RECEIVED
APR 01 2026
COMMUNITY DEVELOPMENT CENTER

## Original Application Information

File No.: _____ Review Body: _____
Decision: _____ Date of Decision: _____
Date Decision Mailed: _____ Appeal Date Deadline: _____
Description of Original Application Request: _____

Appeal of a decision made by the following review body is requested:

☐ PLANNING DIRECTOR (See Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance for further information.)

☐ PLANNING COMMISSION (See Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance for further information.)

Please state in detail the basis for and issues raised in this appeal. You must identify the criteria and findings that you are appealing. Attach additional sheets as necessary.

Required sidewalks on Eastside of street.

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

- ☐ *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.**

Appellant's Signature

Date

City of McMinnville
PLANNING

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

www.mcminnvilleoregon.gov

**(Sent via email)**
March 20, 2026

Doug Hurl
McMinnville Industrial Promotions, Inc.
PO Box 328
McMinnville, OR 97128
[redacted]

Re: Appeal of Condition of Approval #5 of Docket MP 6-25, a Tentative Partition – Tax Lot R4415 03100

Dear Doug,

This is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, March 19, 2026, your appeal of Condition of Approval #5 of the MP 6-25 land-use decision was considered.

After conducting a public hearing, based on the material submitted, the testimony received, and the findings in the Decision Document, the Planning Commission found the applicable criteria were satisfied and voted to **APPROVE** the appeal with revised conditions.

Enclosed for your records is the Decision Document for the land use decisions. The Decision Document includes the Findings of Fact and Conclusionary Findings.

The Planning Commission's decision may be appealed to the McMinnville City Council if an appeal is filed within 15 days of the date of this Notice of Decision as specified in Section 17.72.180 of the McMinnville City Code.

Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Document with the Findings of Fact, Conclusionary Findings and Conditions of Approval is a separate document and is attached to this letter for the applicant and is also on file with the Planning Department.

If you have any questions regarding this matter, please contact me at (503) 474-5107.

Sincerely,

Heather Richards
Community Development Director

Attachments: *DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF TENTATIVE PARTITION OF TAX LOT R4415 03100. (Docket MP 6-25).*

Cc'd: Mike Bisset, mb.beavs.fan@gmail.com (via email)
Kate Gowell, kgowell@hrglawyers.com, (via email)

***Revised Conditions of Approval for MP 6-25:***

1. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

2. That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

3. The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

4. The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

5. Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
    b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
    c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
    d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

6. That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

7. That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

8. That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

9. Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

10. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

11. Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

12. ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

13. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

14. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

15. Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

16. If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

City of McMinnville

**PLANNING DEPARTMENT**, 231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

# PRECAUTIONARY NOTICE OF CITY COUNCIL PUBLIC HEARING APPEAL OF PLANNING COMMISSION DECISION – APPROVAL OF THE MCMINNVILLE INDUSTRIAL PROMOTIONS APPEAL REGARDING CONDITIONS OF APPROVAL ASSOCIATED WITH A MINOR PARTITION (MP 6-25)

**MP 6-25, Minor Partition,** request for approval to partition an approximately 26-acre parcel of land into two (2) parcels with the approximate size of 6.89 acres and 19.11 acres.

***Please note that the City has not received a written notice of appeal for this decision. This is a precautionary notice to meet noticing deadlines. If we receive written notice of appeal, we will follow up with a confirmation.***

NOTICE IS HEREBY GIVEN that in the event that a notice of appeal is received, the McMinnville City Council will hold a public hearing on the 8th day of April, 2026, at 5:30 PM in the Kent Taylor Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, for the consideration of an appeal of the Planning Commission approval of a Minor Partition (MP 6-25). This will be a hybrid meeting. The public may join the meeting in person or via a zoom link that will be posted on the city's website one week in advance of the public hearing. The public may provide written testimony in advance of the public hearing by sending it to Heather.Richards@mcminnvilleoregon.gov.

The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the public hearing of the City Council where this request will be reviewed, and a public hearing will be held. Please contact Heather Richards, Community Development Director, 503-474-5107, or Heather.Richards@mcminnvilleoregon.gov.

| | |
|---|---|
| **DOCKET NUMBER:** | AP 3-26 (Appeal) |
| **REQUEST:** | An appeal of the Planning Commission's decision on the appeal (AP 1-26) of a tentative partition application (MP 6-25). |
| **APPLICANT:** | Doug Hurl |
| **SITE LOCATION(S):** | No Address (see attached map) |
| **MAP & TAX LOT(S):** | R4415 03100 |
| **ZONE(S):** | M-2 (General Industrial) |
| **MMC REQUIREMENTS:** | MMC Sections 17.72.170 (see reverse side for specific review criteria) |
| **NOTICE DATE:** | March 20, 2026 |
| **PUBLIC HEARING DATE:** | April 8, 2026 at 5:30 PM. |

RECEIVED
APR 01 2026
COMMUNITY DEVELOPMENT CENTER

**HEARING LOCATION:** This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

**Meeting Location:**
Taylor Kent Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128

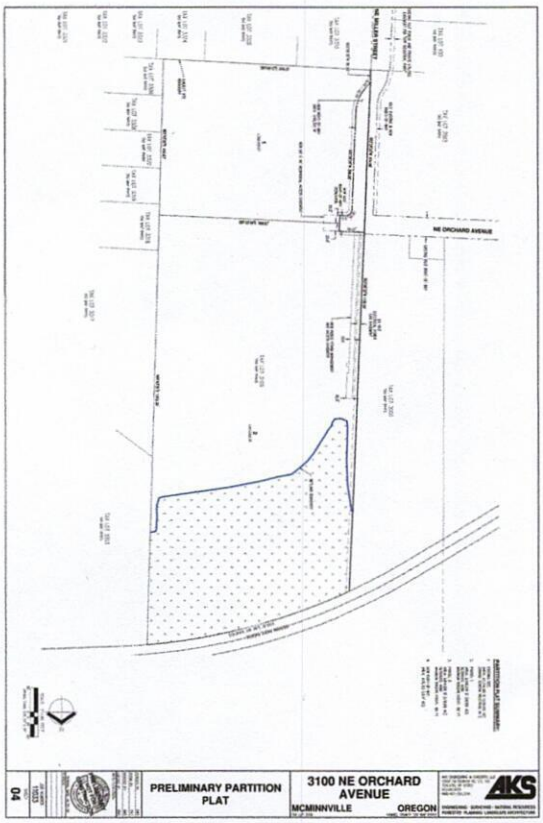
**Proceedings:** A staff report will be provided at least seven days before the public hearing. The City Council will conduct a public hearing, take testimony, and then decide to either approve or deny the application.

Persons are invited to attend these City Council public hearings to observe the proceedings, or to register any statements in person or by mail that might assist the City Council in making a decision. Testimony can be provided at the meeting in person or via zoom, or submitted in writing prior to the meeting. **Written Testimony**: Email Heather.Richards@mcminnvilleoregon.gov or mail to Planning Division, 231 NE Fifth Street, McMinnville, OR 97128 to be provided to the City Council in advance of the meeting. Parties wishing to submit written testimony during the hearing should include at least twelve (12) copies for distribution. **Oral Testimony:** During the public hearing, the City Recorder will read the list of those who sign up to provide testimony. Sign up cards will be available at the meeting. When the City Recorder calls out your name, you will have three minutes to speak.

**Appeal:** The decision of the City Council will be the final decision for the City of McMinnville, and it can be appealed to the Land Use Board of Appeals.

If anyone needs assistance in accessing the meeting via Zoom or phone, please contact the Planning Department, 24 hours in advance of the meeting, at 503-434-7311 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

**REVIEW CRITERIA:** McMinnville Municipal Code (MMC) Chapter 17.42 and Chapter 17.53 arethe review criteria for this application. Applicable Comprehensive Plan Goals and Policies also serve as criteria for land use decisions.



City of McMinnville
PLANNING

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

www.mcminnvilleoregon.gov

**(Sent via email)**
March 20, 2026

Doug Hurl
McMinnville Industrial Promotions, Inc.
PO Box 328
McMinnville, OR 97128
duck@oregon.com

Re: Appeal of Condition of Approval #5 of Docket MP 6-25, a Tentative Partition – Tax Lot R4415 03100

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Sincerely,

Heather Richards
Community Development Director

Attachments: *DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF TENTATIVE PARTITION OF TAX LOT R4415 03100. (Docket MP 6-25).*

Cc'd: Mike Bisset, mb.beavs.fan@gmail.com (via email)
Kate Gowell, kgowell@hrglawyers.com, (via email)

## *Revised Conditions of Approval for MP 6-25:*

1. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

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8. That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

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16. If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

City of McMinnville
PLANNING

Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

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**DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS OF THE PLANNING COMMISSION REVIEW OF AN APPEAL OF A DIRECTOR'S DECISION ON DOCKET MP 6-25.**

**DOCKET:** AP 1-26

**REQUEST:** An appeal of the Planning Director's decision on a Tentative Partition application (MP 6-25). The applicant is appealing the requirements of Condition of Approval #5 of that land-use decision.

**LOCATION:** Tax Lot R4415 03100

**ZONING:** M-2 (General Industrial)

**APPLICANT:** Doug Hurl

**PROPERTY OWNER:** McMinnville Industrial Properties

**STAFF:** Heather Richards, Community Development Director

**DATE DEEMED COMPLETE:** November 12, 2025. (120-day decision deadline extended by the applicant via email on 1.27.26 to April 11, 2026)

**DECISION-MAKING BODY:** McMinnville Planning Commission

**DATE & TIME:** March 19, 2026. A hybrid meeting, in person at McMinnville Civic Hall 200 NE 2nd St and online via Zoom. Zoom Online Meeting ID: 831 2090 5124, Meeting Password: 288880.

**PROCEDURE:** An appeal of a decision by the Planning Director may be made within 15 days of the date the written notice of the decision was mailed. If an appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the Planning Director and shall hold a public hearing on the appeal, subject to the procedure stated in Section 17.72.130. Notice of a Planning Commission hearing on an appeal of a decision of the Planning Director shall take the form of that provided for in Section 17.72.110(A).

**CRITERIA:** The applicable criteria for the appeal are the same criteria used in the original application review. The applicable criteria for a Tentative Partition are specified in Section 17.53.060 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to

be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** The Planning Commission's decision may be appealed to the City Council if an appeal is filed within 15 days of the date the decision is mailed as specified in Section 17.72.180 of the McMinnville City Code.

**COMMENTS:** This matter was referred to the City of McMinnville Engineering Division for comment due to the condition of approval language that was being appealed, and the City Engineer has provided revised condition of approval language. Notification of the appeal and public hearing were mailed to surrounding property owners, but no public comments or testimony were received by the Planning Division prior to the Planning Commission's decision.

## I. DECISION

Based on the findings and conclusionary findings, the Planning Commissions finds in favor of the applicant and **APPROVES WITH AMENDED CONDITIONS** Docket MP 6-25.

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**DECISION: APPROVAL WITH CONDITIONS**

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

Planning Commission: E Mudrak Date: 3/20/2026
Elena Mudrak, Vice - Chair of the McMinnville Planning Commission

Planning Division: Heather Richards Date: 3/20/26
Heather Richards, Community Development Director

Attachments:
Attachment 1 – Appeal Application

## II. APPLICATION SUMMARY:

This is an appeal of the Planning Director's decision for a Tentative Partition (MP 6-25) at a property with no address located at Tax Lot R4415 03100.

Below is the written appeal by the applicant:

> The property owner/applicant is submitting this appeal of the Planning Director's Decision for City File MP 6-25. This appeal is submitted on January 7, 2026, within 15 days of the date of the City's Decision, and is therefore timely. The appeal concerns Condition of Approval No. 5 (including Condition of Approval No. 5.a.), listed on Page 2 and included on Page 7 of the Decision. Condition of Approval No. 5 requires construction of NE Miller Street along the western boundary of the site. The comments on Page 9 and findings included on Pages 19, 20, 21, 25, 26, 29, and 36 reference the City Transportation System Plan and a variety of provisions from the City Zoning Ordinance [e.g., MCC 17.53.060(C) and MCC 17.53.101(B)] as providing the basis for the condition. However, these citations and findings are insufficient to support Condition of Approval No. 5 as written. As evidenced in its application, the property owner is not opposed to constructing NE Miller Street. However, the property owner objects to building NE Miller Street in the manner required by Condition of Approval No. 5. Therefore, this appeal is filed.
>
> The Applicant has no legal authority to invoke the terms of the non remonstrance agreement on the adjacent property owner. It is the City's responsibility to do so since they are a party to the agreement.

### *Background*

The Tentative Partition (MP 6-25) was an application to partition an approximately 26-acre parcel of land into two (2) parcels: Parcel 1 (6.89 acres) and Parcel 2 (19.11 acres). The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and deemed complete on November 12, 2025. On November 13, 2025, notice of the application was referred to public agencies for review, and on November 14, 2025, notice of the application and a public comment period were noticed to surrounding property owners in accordance with Section 17.72.110. The Planning Director issued a decision on December 23, 2025. Written notification of the decision of the Planning Director was provided to the applicant and property owner's representative on December 23, 2025.

An appeal to the decision was received from the Applicant on January 7, 2026. On January 27, 2026, the applicant submitted a request for a 30-day extension to the 120-day processing deadline in ORS 227.178 and Section 17.72.050 of the McMinnville Zoning Ordinance. The 120-day decision deadline is now April 11, 2026.

### *Subject Property*

The subject site is zoned M-2 (General Industrial), is vacant, and contains a wetland in the northern portion. Surrounding uses are commercial and industrial. See the ***Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.***

**Figure 1. Vicinity Map**

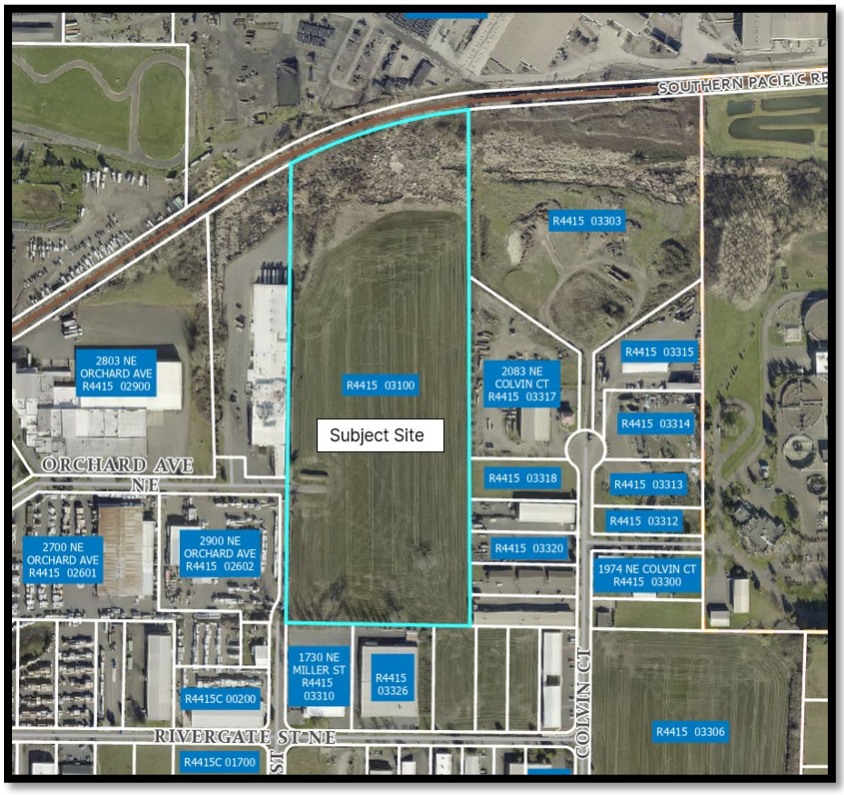
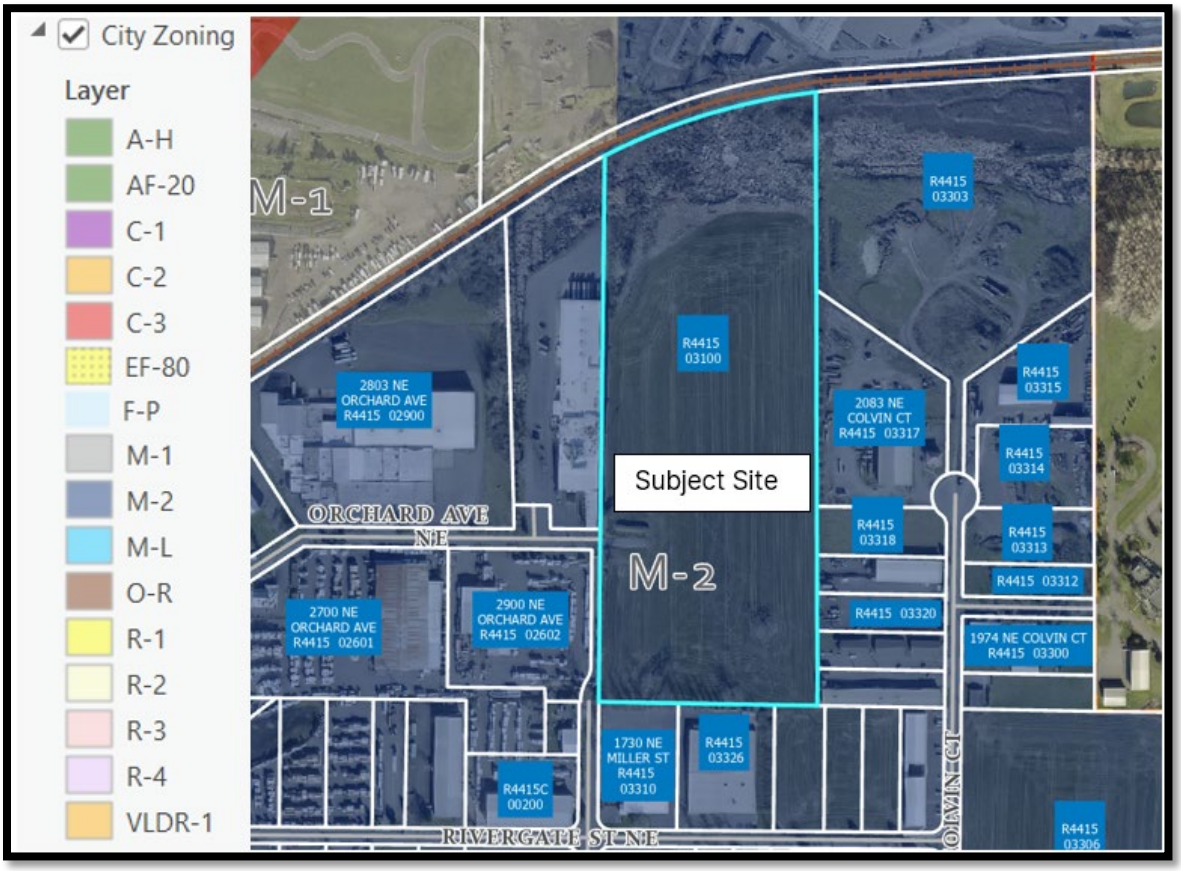



**Figure 2. Zoning Map**




Attachments:
Attachment 1 – Appeal Application

## *Summary of Criteria & Issues*

The application is subject to the standards and procedures established in Chapter 17.53 (Land Division Standards) of the Zoning Ordinance, which are intended to "[…] provide uniform procedures and standards for the subdivision and partitioning of land, and adjustment of property lines; to assure adequate width and arrangement of streets; to coordinate proposed development with plans for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to secure safety from fire, flood, slides, pollution, drainage or other dangers; to provide adequate light and air, recreation, education, and adequate transportation; to promote energy conservation; to protect in other ways the public health, safety, and welfare; and to promote the goals and policies of the McMinnville Comprehensive Plan." The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific criteria for reviewing tentative partition plans is Chapter 17.53, "Land Division" of Title 17, "Zoning Ordinance", of the McMinnville Municipal Code. In particular, section 17.53.060 of the McMinnville Municipal Code (MMC),.per below.

As a Type II land-use application, the criteria are clear and objective, and if the criteria are met the application needs to be approved.

> 17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:
>
> A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:
>
> 1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
> 2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
> 3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
> 4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
> 5. Outline and location of existing buildings to remain in place;
> 6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;

7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.
9. Contour lines related to City datum and having minimum intervals of two (2) feet.
10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.
13. Such additional information as required by the Planning Director.

B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.

C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
   1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.
   2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
   3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
   4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.

D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

Additionally, as required by the Land Division Standards, lots created by partition are required to conform to the zoning requirements of the area.

## III. CONDITIONS

1. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

2. That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

3. The applicant shall dedicate 41.5’ of Right-of-Way and 10’ Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

4. The applicant shall dedicate 50’ of Right-of-Way and 10’ Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

5. Per MMC 17.53.060(C), the City’s Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24’, and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28’ and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
    b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the

boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',

c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

6. That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

7. That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

8. That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

9. Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

10. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

11. Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

12. ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

13. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

14. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

15. Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

16. If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

## IV. FUTURE DEVELOPMENT NOTES

1. Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

## V. ATTACHMENTS

1. Appeal Application (on file with the Planning Department)

## VI. COMMENTS

### *Agency Comments*

The original application was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- McMinnville Building Division
    - No building division concerns or comments
- McMinnville Engineering Department
    - The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.
    - The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.
    - Per MMC 17.53.060(C), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.
        - Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
        - Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
        - Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
    - Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

- Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

- ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

- Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

- The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

Following the receipt of the Appeal by the Applicant, the following revised comment was received from the **Engineering Division**:

- The applicant shall dedicate 41.5’ of Right-of-Way and 10’ Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

- The applicant shall dedicate 50’ of Right-of-Way and 10’ Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

- Per MMC 17.53.060(C), the City’s Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    - Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24’, and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28’ and installation of standard curb and gutter with catchbasins on west side but would not require sidewalks on the west side.
    - Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32’,
    - Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
- Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot’s associated street frontage(s).

- At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent

improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

- Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

- Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

- ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

- Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

- The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the

subject site are required to connect to the sanitary sewer systems as soon as service is available.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

- McMinnville Fire District

  Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

- McMinnville Water and Light

  Power: McMinnville Water & Light has existing easements and power facilities located in the future buildout and ROW. Coordinate with McMinnville Water and Light for pole relocation and easement conflicts with future buildout of proposed parcels.

  Water: Although a 12" water main exists in the future Miller Street ROW extension to Orchard Avenue, water service does not currently exist to Tax Lot R4415 03100 and thus would not exist to the future partition without addition of water services.

- Yamhill Soil and Water Conservation District

  ***Staff Note:*** *The Yamhill Soil and Water Conservation District has provided comments to inform the applicant of recommendations for the property owner. These recommendations are not required as a condition of approval for the partition request.*

  - Noxious weeds have a negative economic impact on agricultural and forestry working lands and degrade wildlife habitat and public rights-of-way. The noxious weeds identified by the District as priorities for control can be found at: Yamhill County Priority Noxious Weed List 2024/2025.

  - Urban areas are prone to low biodiversity and often lack native vegetation to support wildlife. Creating "microhabitats" by planting native vegetation in urban areas can contribute to increasing biodiversity and habitat connectivity. The District owns and operates a native plant nursery at Miller Woods and offers free technical site visits to any resident in the county. More information on native vegetation can be found on the District's website at: https://yamhillswcd.org/services/plant-database/.

    These landowner management recommendations help protect and conserve natural resources for current and future residents of Yamhill County. Thank you for considering the District's recommendations.

*Public Comments*

Public notice was mailed to owners of properties within 300 feet of the subject site, as required by Section 17.72.120 of the McMinnville City Code. The Planning Division did not receive any public testimony prior to the public meeting.

## VII. FINDINGS OF FACT – PROCEDURAL FINDINGS

1. The appeal application was submitted on January 7, 2026.

2. On January 27, 2026, the applicant submitted a request for a 30-day extension to the 120-day processing deadline in ORS 227.178 and Section 17.72.050 of the McMinnville Zoning Ordinance.

3. On February 27, 2026, notice of the application and the March 19, 2026, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

4. On March 13, 2025, notice of the application and the March 19, 2026, Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.

5. On November 19, 2026, the Planning Commission held a duly noticed public hearing to consider the request.

## VIII. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** R4415 03100

2. **Size:** 26 acres

3. **Comprehensive Plan Map Designation:** Industrial

4. **Zoning:**
    a. **Subject Property:** M-2
    b. Surrounding Properties
        1. North: M-2
        2. South: M-2
        3. East: M-2
        4. West: M-2

5. **Overlay Zones/Special Districts:** Northeast Industrial Area (Ordinance No. 4135), Airport Overlay Zone (Conical Zone)

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
    a. **Historic Resources:** None
    b. **Other:** Wetland on northern portion of the site.

8. **Other Features:**
    a. **Slopes:** The property is relatively flat.
    b. **Easements:** Power Easement (Film Vol. 134, Page 101), Water Easement (Film Vol. 186, Page 390)

9. **Utilities:**
    a. **Water:** Water service is located in Miller Street and Orchard Avenue.
    b. **Sewer:** Sewer service is located in Miller Street and Orchard Avenue.
    c. **Stormwater:** Stormwater service is available in Miller Street.
    d. **Other Services**: None.

10. **Transportation:** NE Mill Street and NE Orchard Avenue abut the project site; both streets are identified as local residential in the Transportation System Plan (TSP). The TSP Future Local Street Connections (Exhibit 2-1) identifies the extension of Local Streets through the subject site.

## IX. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Minor Partition are specified in Chapter 17.53 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### *Comprehensive Plan Volume II:*

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**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.**

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE:** None.

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Miller Street and NE Orchard Avenue as Local Residential. The project is subject to the McMinnville TSP.

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE: None.**

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Doran Drive and NE Hidden Meadow Drive as Local Residential. Highway 99W is identified as a Major Arterial subject to ODOT jurisdiction and improvement requirements. The project is subject to the McMinnville TSP.

**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 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The McMinnville Fire District was provided the opportunity to review and comment on the application. The Fire District provided comment, as is included under "Future Development Notes".

**CHAPTER IX URBANIZATION**

*Great Neighborhood Principles*

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied*

*together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The application is a current land-use application for a Minor Partition of the subject site, and Great Neighborhood Principles policies are applicable.

*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.*

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

    a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 & 2.** The subject site contains potential wetlands and two trees. The project proposes a stormwater system that may impact the wetland, and the applicant will be responsible for obtaining any necessary permits from the Department of State Lands. In addition, two trees are identified on site. The City of McMinnville does not currently have adopted inventories of significant natural features, including riparian corridors, tree groves, tree species, or landmark trees. However, per Section 17.58 of the McMinnville Municipal Code, a condition of approval has been drafted to inventory and strive to preserve trees five inches or greater at a height of 4.5 feet above the ground (DBH).

**CONDITION OF APPROVAL #1:** The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code, and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

**GOAL X-1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response to this Comprehensive Plan Goal and Policy.

**FINDING: SATISFIED.** The process for a Minor Partition provides an opportunity for citizen involvement through the public notice and comment period. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials, and the completed staff report prior to the McMinnville Planning Director's review of the request. All members of the public have access to provide testimony and ask questions during the public review process.

The process for an appeal of a Planning Director's decision includes a duly noticed public hearing with the Planning Commission.

*McMinnville Municipal Code:*

The following Sections of the McMinnville Municipal Code provide criteria applicable to the request:

*Chapter 17.42 M-2 General Industrial Zone*

*<u>17.42.010 Permitted Uses</u>. In an M-2 zone, the following uses and their accessory uses are permitted:*

*A. A use permitted in the M-1 zone (except for Child Care Center and Day Care Facility (Adult));*

*B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance, or any court of competent jurisdiction;*

*C. Manufacture, processing, and storage of grains or fertilizer;*
*D. Airport. (Ord. 5104 §2, 2021; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

***17.42.020 Conditional Uses**. In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:*

*A. Automobile wrecking yard;*
*B. Child Care Center, under the following provisions:*
1. *Operator must have the appropriate licenses required by state regulations, if applicable.*
*C. Day Care Facility (Adult), under the following provisions:*
1. *The structure is not a residence.*
2. *Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.*
3. *Operator must have the appropriate licenses required by state regulations.*
*D. Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600;*
*E. Junkyard;*
*F. Manufacture, use or storage of explosives;*
*G. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application. (Ord. 5104 §2, 2021; Ord. 4977 §1, 2014; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new uses.

**FINDING: SATISFIED.** No new uses are proposed or approved with this application.

***17.42.030 Yard Requirements**. Except as required in "A" and "B" below, there shall be no required yards in an M-2 zone:*

*A. Side yard shall not be less than fifty feet when adjacent to a residential zone;*
*B. Rear yard shall not be less than fifty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

***17.42.040 Building Height**. In an M-2 zone, a building shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new buildings, and no structures exist on the project site. As described previously, abutting properties are zoned M-2; therefore, there are no required yards for either parcel.

**FINDING: SATISFIED.** No new structures are proposed or approved with this application.

*Chapter 17.53 Land Division Standards*

*Land Division Standards - Partition*

***17.53.060 Submission of Tentative Partition Plan.** An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:*

***17.53.060(A):*** *There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:*

1. *The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;*
2. *Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;*
3. *Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;*
4. *For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;*
5. *Outline and location of existing buildings to remain in place;*
6. *Parcel layout showing size and relationship to existing or proposed streets and utility easements;*
7. *Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)*
8. *A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.*
9. *Contour lines related to City datum and having minimum intervals of two (2) feet.*
10. *Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.*
11. *Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.*
12. *Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.*
13. *Such additional information as required by the Planning Director.*

**APPLICANT'S RESPONSE:** The information required above is provided within this narrative and by additional application materials included as Exhibits A through E.

**FINDING: SATISFIED.** The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and were deemed complete on November 11, 2025.

***17.53.060(B).*** *Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS.** The application for a partition of the subject site was deemed complete on November 11, 2025. Notification was mailed to property owners within 100 feet of the subject site on November 14, 20245 No public comment was received during the notification period. Findings have been provided for applicable

criteria and standards of this Chapter, and it was found that the tentative plan substantially conforms to the requirements of this chapter with the provided conditions. This criterion has been met.

***17.53.060(C).*** *The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.*

1. *If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.*
2. *Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.*
3. *For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).*
4. *The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS #3 TO 5.** The subject site has not been partitioned within the past calendar year. The subject site is greater than one acre in size, and the applicant has submitted a future development plan in compliance with Section 17.53.080. The project is subject to the standards of the McMinnville Transportation System Plan. The applicant is responsible for the dedication of the right-of-way to conform to the plan.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street

improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.

b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

***17.53.060(D).*** *Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.*

**APPLICANT'S RESPONSE:** This provision is understood.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision consistent with this code requirement.

**CONDITION OF APPROVAL #6:** That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

***17.53.061 Submission of Final Partition Plat.*** *Within 12 (twelve) months after approval of the tentative plan, the partitioner shall prepare a final plat in conformance with the tentative plan as approved and submit the final plat to the City Engineering Department. Information required on the final plat shall be consistent with the requirements listed in ORS 92.050 and ORS 209.250. The partitioner shall submit the original drawing and two (2) exact copies thereof, and any supplementary information to the City Engineer.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #7:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of the decision.

**CONDITION OF APPROVAL #7:** That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

*17.53.063 Filing of Final Partition Plat. The partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #8:** A condition of approval has been included to confirm that the final plat shall be null and void if the plant is not recorded within 30 days after the last required signature has been obtained.

**CONDITION OF APPROVAL #8:** That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

*Land Division Standards – Future Development Plan*

*17.53.080 Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:*

*A. Any potential future lots (lot size shall be depicted).*
*B. Existing and proposed utilities including water, sewer and storm drains.*
*C. Streets and access points for potential future lots.*

*It shall be the responsibility of the Engineering Department and Planning Department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The Planning Director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:*

*A. The construction of streets and utilities or the dedication of right-of-way for future improvements.*
*B. Any easements as deemed necessary for the extension of utility services.*

**APPLICANT'S RESPONSE:** The Preliminary Partition Plat (Exhibit A) reflects planned right-of-way dedication and easements planned under this application. Additionally, the Future Development Plan (Exhibit A, Sheet 07) reflects street and utility improvements necessary to provide access and services to planned parcels. Also shown on the Future Development Plan are future improvements to be made by others (identified with blue hashed lines and as noted); as previously determined by City Staff. Those westerly

improvements that the City has already determined as required to be built by others, i.e. by owner of Tax Lot 2603, not by the Applicant, are shown solely to demonstrate that a full buildout of NE Miller Street and NE Orchard Avenue can ultimately be achieved. Conceptual full street buildouts are illustrated on the Future Street Cross Sections (Exhibit A, Sheet 08). That sheet is provided for illustrative purposes and to satisfy the requirements of 17.53.080.

For specific details of improvements included with this application, please refer to the Future Development Plan (Exhibit A, Sheet 07) and responses provided elsewhere in this narrative. Construction permits will be obtained for those improvements included with this application, as required. It is not anticipated that the parcels will be further divided in the future.

Should any future construction of streets and utilities not shown in Exhibit A (i.e. unanticipated infrastructure extension) occur, the alignment of the common boundary line between Parcel 1 and Parcel 2 and the centerline of NE Orchard Avenue will provide for the orderly extension of NE Orchard Avenue. These requirements are met.

**FINDING: SATISFIED.** The narrative and future development plan provided by the applicant adequately demonstrate compliance with this standard.

### *Land Division Standards – Approval of Streets and Ways*

#### *17.53.100 Creation of Streets.*

*A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:*

*1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;*

*2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;*

*3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.*

*B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the planned dedication of right-of-way for NE Miller Street and NE Orchard Avenue. The area of preliminarily planned right-of- way dedication is shown on the Preliminary Partition Plat (Exhibit A), and the same information required above is provided within Exhibit A. Ultimately, right-of-way dedication associated with this partition will be reflected on and created with the final partition plat. Street standards of Section 17.53.101 are addressed below.

**FINDING: NOT APPLICABLE.** The creation of streets and dedication of right-of-way associated with this partition will be reflected on the final partition plat, not by deed.

***17.53.101 Streets.***

***17.53.101(A) General****. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:*

1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
2. *Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or*
3. *Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the planned extensions of NE Orchard Avenue and NE Miller Street align with the existing roadway system to the greatest practical extent, given those obstructions within the unimproved segment of NE Miller Street previously described. While topographical constraints and existing obstructions within that segment of NE Miller Street present challenges, the planned alignment of streets has been thoughtfully designed around those obstructions. As shown in Exhibit A, planned roadway extensions prioritize accessibility for pedestrians and vehicles, and ensure efficient traffic flow in the immediate area. These provisions are met.

**FINDING: SATISIFIED.** The applicant has adequately demonstrated compliance with this standard.

***17.53.101(B) Rights-of-way and street widths****. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Street & Utility Plan & Profile provided in Exhibit A, the width of preliminarily planned right-of-way dedication is adequate for the extension and improvement of NE Miller Street and NE Orchard Avenue in accordance with Section 17.53.151 and City design standards. These requirements are met.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS # 3 AND 4.** The applicant shall dedicate appropriate right-of-way to meet the standards of a local residential street for NE Miller Street and NE Orchard Avenue, in compliance with both streets' McMinnville Transportation System Plan designation. In addition, the applicant shall make improvements as identified below to comply with Section 17.53.151 of this Chapter.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

***17.53.101(C) Reserve strips****. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.*

**APPLICANT'S RESPONSE:** Reserve strips or street plugs are not requested with this Partition application. This requirement does not apply.

**FINDING: NOT APPLICABLE.** Reserve strips or street plugs are not requested or required.

***17.53.101(D) Alignment****. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), planned extensions of NE Orchard Avenue and NE Miller Street are aligned with existing centerlines as far as is practicable. As previously described and as shown in Exhibit A, the planned extension of NE Miller Street necessarily includes an easterly curve before straightening out to intersect with NE Orchard Avenue at a right angle, as required. This minor realignment to meet on and off site constraints does not result in a "T" intersection. This application does not include "T" intersections. These requirements are met.

**FINDING: SATISFIED.** Site constraints make alignment with the existing street centerlines impractical. The intersection of NE Miller Street and NE Orchard Avenue exceeds the minimum 100-foot distance requirement between the centerlines of streets with approximately the same direction, with the nearest intersection (NE Orchard Avenue and Alpha Drive) at 1,750 feet.

***17.53.101(E). Future extension of streets****. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

**APPLICANT'S RESPONSE:** The preliminary planned northerly extension of NE Miller Street shown on the Preliminary Plans (Exhibit A) is identified as a Future Street Connection on Exhibit 2-1 of the McMinnville Transportation System Plan, providing the

connectivity required here. As previously described, the preliminarily planned extension of NE Orchard Avenue is designed to provide serviceability and access for future improvements on the planned parcels; and while it is not anticipated, a future further extension of NE Orchard Avenue could occur, given that it is designed to be centered on a common parcel boundary. The design of both extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E). This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 TO #5.** Exhibit 2-1 of the McMinnville Transportation System Plan identifies connectivity through the project site. The applicant has proposed extending NE Miller Street to NE Orchard Avenue to meet this requirement. Subject to the conditions of approval related to the dedication of the right-of-way and the required improvements, the proposal complies with this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5’ of Right-of-Way and 10’ Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50’ of Right-of-Way and 10’ Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), the City’s Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24’, and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28’ and installation of standard curb and gutter with catchbasins on west side but would not require sidewalks on the west side.
b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32’,
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the

partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

***17.53.101(F) Intersection angles****. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the extensions of NE Orchard Avenue and NE Miller Street are planned to intersect at a right angle. This requirement is met.

**FINDING: SATISFIED.** The proposed intersection is at a right angle.

***17.53.101(G) Existing streets****. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the preliminarily planned dedication of right-of-way for extensions of NE Miller Street and NE Orchard Avenue, as required here. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 AND #4.** Subject to the conditions requiring the dedication of right-of-way, the applicant meets this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

***17.53.101(H) Half streets****. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.*

**APPLICANT'S RESPONSE:** As evidenced by the Preliminary Plans (Exhibit A), improvements to NE Orchard Avenue and NW Miller Street are planned on and off the subject site. As shown in Exhibit A, the NE Orchard Avenue extension is preliminarily planned to be improved within a 50-foot- wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalks, a 24-foot-wide paved roadway, and ADA ramps; and the NE Miller Street extension is preliminarily planned to be improved within an up to ±66-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalk, a 28-foot-wide paved roadway, and an ADA ramp.

Improvements to both roadways not included with this application (i.e. improvements the City has determined are required to be completed by the owner of Tax Lot 2603) include additional roadway paving and curb along the north side of NE Miller Street, as well as additional roadway paving, curb, an ADA ramp, and 5-foot-wide sidewalk on the south side of NE Orchard Avenue, just west of NE Miller Street. Those future pedestrian improvements to be built by others on the south side of NE Orchard Avenue are designed to align with those planned to be provided by the Applicant under this application, as shown on the Future Development Plan (Exhibit A, Sheet 07). Therefore, this application does not include half streets, though half streets may be approved.

**FINDING: NOT APPLICABLE.** No half streets are proposed or approved.

***17.53.101(I)Cul-de-sacs.*** *A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.*

***17.53.101(J) Eyebrows.*** *Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication.*

**APPLICANT'S RESPONSE:** The application does not include cul-de-sacs or eyebrows. These requirements do not apply.

**FINDING: NOT APPLICABLE.** No cul-de-sacs or eyebrows are proposed or required.

***17.53.101(K) Street names.*** *Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.*

**APPLICANT'S RESPONSE:** This application does not include new streets. This requirement does not apply.

**FINDING: NOT APPLICABLE.** No new streets are proposed, extensions will maintain the exsisting name.

***17.53.101(L) Grades and curves.*** *Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:*

1. *A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.*
2. *Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).*

*Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.*

**APPLICANT'S RESPONSE:** As shown on the Future Street Cross Sections provided in Exhibit A, grades of NE Miller Street and NE Orchard Avenue do not exceed 12 percent and meet the centerline curve radii standard described above. These requirements are met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard.

***17.53.101 (M) Streets adjacent to a railroad right-of-way.*** *Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), NE Orchard Avenue, which runs parallel to the railroad right-of-way, provides adequate separation from the railroad. This requirement is met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard. The railroad is located along the northern portion of the site, adjacent to the wetland any street extension would require removal of the wetland. It is not necessary for a street to be installed parallel to the roadway.

***17.53.101(N) Frontage roads/streets****. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

***17.53.101(O) Alleys.*** *Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.*

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

***17.53.101(Q) Bikeways****. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)*

***17.53.101(R) Residential Collector Spacing****. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)*

**APPLICANT'S RESPONSE:** This application does not include frontage roads, alleys, private ways, collectors, or arterial streets.

**FINDING: NOT APPLICABLE.** The applicant has demonstrated compliance with this standard. No frontage roads, alleys, private ways, or bikeways are proposed or required as the project site does not abut an arterial, collector street, or has identified bikeway improvements in the Transportation System Plan.

***17.53.101(S) Sidewalks****. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.*

**APPLICANT'S RESPONSE:** As previously described, the design of planned street extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E), which included curb-tight sidewalk. As discussed at that conference, the 5-foot-wide curb-tight sidewalk included in this project is appropriate for the conditions of the site. Though very few street segments in the general vicinity of the subject site provide sidewalk, where they are provided, sidewalks are curb tight. Therefore, this requirement is met as practicable.

**FINDING: SATISFIED WITH CONDITIONS #5.** The applicant is required to improve NE Miller Street and NE Orchard Avenue, subject to the conditions of approval.

**CONDITION OF APPROVAL #5**: Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

***17.53.101(T) Park strips**. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.*

**APPLICANT'S RESPONSE:** This requirement is intended to ensure street-tree planting areas. As previously described, this application includes curb-tight sidewalks. Park strips cannot be accommodated by curb-tight sidewalks. Requirements for park strips and street trees were discussed at the pre-application conference, where it was determined that street trees can be planted on the planned parcels, and will be allowed within the planned 10- foot-wide public utility easements.

Street tree planting plans are not required to be submitted with this Partition application; however, it is anticipated that a street tree plan will be required to be submitted prior to the filing of a final plat application. Accordingly, street tree standards are not required to be addressed by the Applicant in this narrative, though the Applicant notes that 17.58.90.D provides that "...where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk". Therefore, as shown on the Preliminary Plans (Exhibit A), street tree planting area is

planned to be provided in accordance with this code and insofar as it applies to this application, this requirement will be met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated that park strips are not required as part of this project.

*17.53.101(U) Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-detached residential development of four or more lots or parcels, multi-dwelling housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager.*

**APPLICANT'S RESPONSE:** This application does not include gates.

**FINDING: NOT APPLICABLE.** No gates within the right-of-way are proposed or approved.

*17.53.103 Blocks.*

*A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The applicant has adequately identified how topographic limitations and surrounding street infrastructure limit the proposed block development.

*B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The proposed plans do not meet the length requirements identified within this Section. However, the applicant has justified an exception to this standard on the basis of topographic constraints and the location of adjoining streets.

*C. Easements.*

1. *Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*
2. *Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.*
3. *Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)*

**APPLICANT'S RESPONSE:** :As shown on the Preliminary Plans (Exhibit A), the application includes utility easements designed pursuant to applicable City standards, as well as a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard Avenue. This application does not include alteration to drainage ways and does not require pedestrian access tracts. These requirements are met, as applicable.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3 AND 4.** The applicant is required to provide utility easements as part of this project to comply with subsection (1). No water courses are to be traversed by the project, and no pedestrian way is required.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

*17.53.105 Lots.*

*17.53.105(A) Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.*

1. *Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Plans (Exhibit A), parcels are dimensioned appropriately for future industrial use. The MMZO does not establish minimum or maximum sizes for lots or parcels in the M-2 zoning district. These requirements are met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criterion.

*17.53.105(B) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcels are planned to abut streets other than an alley for at least 25 feet. This requirement is met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criteria.

*17.53.105(C) Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right*

*of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.*

**APPLICANT'S RESPONSE:** This application does not include through lots.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(D) Lot side lines.*** *The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcel lines are planned to run at right angles to abutting streets. This requirement is met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.060(E) Flag lots.*** *The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing. […]*

**APPLICANT'S RESPONSE:** This application does not include flag lots.

**FINDING: NOT APPLICABLE.** A flag lot is not proposed. Not applicable.

***17.53.110 Lot Grading.*** *Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:*

*A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.*
*B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*
*C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.*
*D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.*
*E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Grading & Utilities Plan included in Exhibit A, these requirements are met as applicable.

**FINDING: SATISFIED.** No grading is approved as part of this application. Future development is subject to lot grading standards found within MMC 17.53.110.

***17.53.120 Building Lines.*** *If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.*

**APPLICANT'S RESPONSE:** This application does not include special building setback li

**FINDING: NOT APPLICABLE.** No special building setback lines are proposed as part of this partition application.

***17.53.130 Large Lot Subdivision.*** *In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.*

**APPLICANT'S RESPONSE:** Please refer to the response previously provided to Section 17.53.080.

**FINDING: NOT APPLICABLE.** The proposal is not under review by the Planning Commission.

***17.53.140 Left-over Land.*** *Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the existing wetland on the project site is wholly located on planned Parcel 2, and that area has been specifically identified on the Preliminary Partition Plat. This requirement is met.

**FINDING: NOT APPLICABLE.** The proposed partition doesn't include left-over land. Parcel 2 contains sufficient area for development outside of the existing wetland.

*Improvements*

***17.53.150 Improvement Procedures****. In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards, or specifications adopted by the City, and shall be installed in accordance with the following procedure:*

*A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans shall be required before approval of the final plat. All plans shall be prepared in accordance with requirements of the City;*
*B. Work shall not be commenced until the City has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City has been notified;*
*C. Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest;*
*D. Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements and utilities when service connections are made;*
*E. Plans showing public improvements as built shall be filed with the City Engineer within 30 (thirty) days after acceptance of the improvements by the Engineer.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #9 & #10.** The proposed partition will be responsible for improvements to NE Miller Street and NE Orchard Avenue. Improvement procedures shall be met by the condition below.

**CONDITION OF APPROVAL #9:** Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

**CONIDITON OF APPROVAL #10:** At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

***17.53.151 Specifications for Improvements**. The City Engineer has submitted, and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:*

*A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;*
*B. Drainage facilities;*
*C. Sidewalks in pedestrian ways;*
*D. Sewers and sewage disposal facilities.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #11 AND 12.** The proposed partition will be responsible for improvements to NE Miller Street and NE Orchard Avenue. Improvements shall comply with the conditions below.

**CONDITION OF APPROVAL #11:** Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

**CONDITION OF APPROVAL #12:** ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

***17.53.153 Improvement Requirements.*** *The following improvements shall be installed at the expense of the subdivider:*

*A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*

*B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*

*C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*

*D. Drainage. Such grading shall be performed, and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*

*E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*

*F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*

*G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*

*H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITION OF APPROVALS #5, #13, #14, #15.** The proposed partition must comply with the above standards. The applicant will be responsible for improvements to NE Miller Street and NE Orchard Avenue and drainage. A Street Tree Plan is not required, subject to findings provided for MMC 17.58.100.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.

b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',

c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

**CONDITION OF APPROVAL #13:** That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

**CONDITION OF APPROVAL #14:** The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

**CONDITION OF APPROVAL #15:** Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

### *Chapter 17.58 Trees*

*17.58.020. Applicability. The provisions of this ordinance shall apply to:*

*A. Individual significant or historic trees as defined in this ordinance.*
*B. All trees with trunks located completely or partially within any public area or right-of-way;*
*C. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; [....]*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED.** The subject site is undergoing partition review to create new parcels with developable land and is subject to the standards of the Chapter.

### *17.58.040. Tree Removal/Replacement*

*A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. [...] Applications*

*shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. [...] The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. [...]*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), two trees exist partially within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application seeks the removal of those two trees, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace those trees that are removed to accommodate this project. As demonstrated by the Preliminary Plans (Exhibit A), other trees on the subject site will be preserved.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.*

*C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.*

*D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event*

*that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.*

*E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*F. Other conditions may be attached to the permit approval by the Manager or Landscape Review Committee as deemed necessary.*

*G. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** This provision is understood. Planting of street trees will be in accordance with applicable City standards, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

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subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*17.58.050 Application Review and Criteria.*

*A. Application for Simple Tree Removal Permit.*

*1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:*

*a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.*

*b. The tree is dead or in an advanced state of decline.*

*c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.*

*d. Tree is infested with pests or disease.*

*e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.*

*f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.*

*g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.*

*h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.*

*3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as

part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

4. *At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*B. Application for Tree Major Pruning Permit.*

*1. Review. Applications for major pruning of trees shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for major pruning shall meet all of the following criteria:*

*a. The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.*

*b. The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.*

*c. The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).*

*d. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.*

*3. Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.*

*4. At the Manager's discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** This application does not include a Complex Tree Removal Permit and such a permit is not anticipated to be required for this partition.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*17.58.080 Street Tree Planting - When Required. All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a*

*public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).*

**APPLICANT'S RESPONSE:** It is anticipated that street tree installation will be conditionally required to be installed. As described previously in this narrative, this partition and associated improvements are designed to accommodate future street tree planting, as required.

**FINDING: NOT APPLICABLE.** NE Miller Street and NE Orchard Avenue are not to be improved with a designated curb-site planting strip or planting island and therefore is not subject to the requirements of street tree planting, including the requirement for a Street Tree Plan.

City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

# MINUTES

**March 19, 2026** **6:30 pm**
**Planning Commission** **Hybrid Meeting**
**Regular Meeting** **McMinnville, Oregon**

| | |
|---|---|
| **Members Present:** | Brian Everest, Rachel Flores, Meg Murray (zoom), Abigail Neilan, and Elena Mudrak |
| **Members Absent:** | Sidonie Winfield, Sylla McClellan, Matt Jones, and Brian Randall |
| **Staff Present:** | Tom Schauer – Senior Planner, Heather Richards – Community Development Director, and Missy Ryan – Contract Land Use Legal Counsel |
| **Guests:** | None |

DRAFT

1. **Call to Order**

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

2. **Citizen Comments**

   None.

3. **Minutes**
   a) **February 19, 2026**

   Commissioner Everest moved to approve the February 19, 2026, meeting minutes. The motion was seconded by Commissioner Neilan and approved unanimously 5-0.

4. **Public Hearings**
   A. **Quasi-Judicial Hearing: Appeal (AP 1-26). Property east of the easterly terminus of NW Orchard Avenue, Tax Lot R4415 03100**

   Vice Chair Mudrak opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

   Vice Chair Mudrak asked if any Commissioner had visited the site. Most of the Commission had.

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

Staff Presentation: Community Development Director Richards said the applicant submitted a minor partition application to divide the lot into two parcels, which was an administrative decision. It was approved with conditions. The applicant was appealing one of the conditions, Condition #5. Staff agreed with the appeal and provided two amended conditions of approval. She discussed the subject site, unique topography, original condition to improve the full street, revised conditions that would require the street to be built 24 feet wide with curb and sidewalk on one side, and the City would move forward with an agreement with the neighboring property to finish the street.

There was discussion regarding the process for the improvements to be built by the neighboring property.

Appellant's Testimony: Kate Gowell, attorney representing the appellant, explained the changes to Condition #5 proposed by the applicant, striking the sidewalk requirements and striking the requirement to provide security for deferring the street improvements. She also would like Condition #12 changed, striking the requirement to construct the driveways and improvements related to the sidewalks. The applicant thought it was reasonable to defer sidewalk and driveway construction until development and plans were solidified and applied for with the City in the normal course of property construction. She explained the code staff used to require building of the street improvements at the time of recording the plat and how she thought it applied to subdivisions, not partitions. Also, the applicant did not have adequate notice that they would be required to build sidewalks and should not be required to do so before approval of the final plat for the partition. They were not suggesting that sidewalks would never be constructed, just that it should not be a condition to recording of the plat. The most practical timing was pulling of the permit when the property would be developed. She had looked at past minor partition decisions, and they were not required to file for a partition plat or do improvements. She thought it was unreasonable to ask the applicant to provide a surety bond that the improvements would be done in the future when development plans for the property had not been finalized and might not occur for years.

There was discussion regarding the changes to Condition #5, sidewalks on the east side and not west side due to the embankment and topography, how they would still be putting in the road, and change to Condition #12 to coincide with the changes to Condition #5.

Proponents: Doug Hurl was speaking for McMinnville Industrial Promotion, the appellant. They had been around for a long time. This was the last piece of road in the Industrial Park that they had developed in the 1970s. There were main water and electric lines where the road should go. To put the road in the lower level, they would have to move those lines. They wanted to put the road in up top and partition the land into two pieces. They wanted to bring industrial jobs to the City and be good citizens. Sidewalks were expensive and they didn't know where the curb cuts would be yet.

Mike Bisset, McMinnville Industrial Promotion Board Member, had been the City's Community Development Director before he retired. Historically, the sidewalks were required at the time of building permit for properties that were vacant. They also had not required a bond for sidewalks in past partition applications. It did not occur with residential subdivisions either and there were a number of different subdivisions that would eventually have sidewalks. None of those required bonds at the time the subdivision plat was recorded. They asked that the requirement be applied as it had been historically, at the time of the building permit. Bonding for the sidewalks was expensive and would drive up the cost of development.

Opponents: None.

Community Development Director Richards discussed the triggers for requiring sidewalks in the code, legal opinion that this applied to any subdivision of land and that staff should require the improvements and if deferred there needed to be an agreement with a surety, and how other subdivisions that were underway did not have sidewalks but they had done a deferment agreement. This decision would set a precedent moving forward in how the code was interpreted. The applicant had provided new testimony that she did not know was part of the appeal and she needed time to review it.

Ms. Gowell did not think the surety was a requirement in the code, but if it could be a requirement when the building permit was pulled, that would be acceptable.

City Attorney Ryan said the difficult position the City had been put in was what the code said and she did not see any mechanism in the code to waive the requirement. Her advice was the City follow what the code said. The applicant's interpretation not only affected this application but was an interpretation of the code that would become the interpretation going forward. The 120-day deadline was April 11 and the Commission would not be able to hold another meeting before the deadline. They could request an extension from the appellant.

Commissioner Neilan moved to close the public hearing and public record; Seconded by Commissioner Everest. The motion passed unanimously 5-0.

Vice Chair Mudrak closed the public hearing.

The applicant waived the 7-day period for submitting final written arguments in support of the application.

Commission Deliberation: The Commission understood the need to keep costs low and the fact there was not a design proposed and they could possibly have to rip out sidewalks if they were put in the wrong place now was unfortunate. Having sidewalks in the area would encourage development of the land. However, the sidewalks could be deferred with a surety bond. They thought the requirement was clear in the code, and they had to follow it.

Commissioner Everest MOVED to FAVOR the appeal and APPROVE the amended decision document and findings with the amended conditions for the minor partition as presented by staff for document AP 1-26; SECONDED by Commissioner Neilan. The motion PASSED unanimously 5-0.

### B. Quasi-Judicial Hearing: Zone Change (ZC 2-24) and Subdivision Tentative Plan (S 2-24), 1465 & 1525 SW Cypress Ln., Tax Lot R4430AD 00100 & 00201

Vice Chair Mudrak opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Vice Chair Mudrak asked if any Commissioner had visited the site. Most of the Commission had.

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

Staff Presentation: Senior Planner Schauer said this was a concurrent application for a zone change from EF-80 and R-1 to R-3 and a 9-lot subdivision. He described the subject property, vicinity map, current zoning, proposed zoning, subdivision plan, annexation agreement, easements, connection to City services, development in two phases, review criteria for the zone change, criteria for the subdivision, conditions, and staff recommendation for approval with additional conditions.

There was discussion regarding extending City services to the property and access easements.

Applicant's Testimony: Bruce Cook, applicant, said this was a unique site with properties developed around it and they were trying to fit in. There was R-3 to the north and the City was interested in higher density. All the criteria had been met.

Proponents: None

Opponents: Vanessa Hawkins, McMinnville resident, was not opposed to development of the land, but she was opposed to extending Emily Drive. She questioned whether emergency vehicles could get in and out as there was only one entrance/exit point. There were already parking issues and traffic, and the street could not handle more. She thought access should be off Cypress. She asked if there was a plan for sidewalks and fire hydrants.

David Poe, McMinnville resident, spoke about the parking issues on the street. Adding cars would make the problem worse and there was no dedicated way in or out on the other end. It was not safe for pedestrians and emergency vehicles would not be able to turn around.

Jose ??, McMinnville resident, said Emily Drive was very narrow with cars parked on the street and there was only one entry point. When there was a fire a couple of years ago, the road was closed. He asked about the access on the private driveway and if it was wide enough for emergency vehicles in case the main entry was closed or for residents to leave in an emergency. There was no way to park more vehicles on the road.

Rebuttal: Mr. Cook said originally they had designed it with no exit out to Cypress and the Fire Department approved it, but he thought it was important to put that in. It would be a second access for emergency vehicles. There would be sidewalks in the subdivision and along the alleyway to Cypress. He appreciated that the street was tight. The amount of homes they were adding was well within the framework for what the street was designed for. The private drive could be used in emergencies.

Community Development Director Richards noted the Fire Department reviewed the plan and approved it.

Mr. Poe wanted to present more information and requested the hearing be continued.

The Commission requested a representative from the Fire Department attend the next meeting.

Commissioner Murray MOVED to CONTINUE the hearing for Zone Change (ZC 2-24) and Subdivision Tentative Plan (S 2-24), 1465 & 1525 SW Cypress Ln, to April 2, 2026; SECONDED by Commissioner Flores. The motion PASSED unanimously 5-0.

## 5. Action Items

### A. Deliberations: Natural Hazards Planning (G 3-22)

Vice Chair Mudrak said the public hearing for this item was held in February and they had closed the hearing and record, but continued deliberations to a future meeting which was now before the Commission. No new testimony would be taken.

Community Development Director Richards explained the recommended products for the natural hazards work, where they were in the discussion, nomenclature for the overlay zone that would not be a liability for property value and insurance provisions, and adding a provision to the assessment language that identified impacts of proposed development on adjacent sites.

There was discussion regarding the suggested overlay/sub district nomenclature and what was most commonly used in Oregon, leaning towards the “Managed Development Overlay” language, and in favor of staff’s recommendation for the geological site assessment and geotechnical report of a property to be conducted within 200 feet of the subject property measured from the property boundaries.

Commissioner Everest MOVED to RECOMMEND the City Council adopt the McMinnville Natural Hazards Planning Program per docket G 3-22 as amended by the Planning Commission on March 19, 2026 utilizing the “Managed Development Overlay” proposed overlay name and “Managed Development Area” and “Limited Development Area” sub district area names as well as the 200 feet for the property assessments; SECONDED by Commissioner Neilan. The motion PASSED unanimously 5-0.

## 6. Commissioner Comments

None.

## 7. Staff Comments

Senior Planner Schauer discussed upcoming meetings.

Community Development Director Richards acknowledged there were problems in the code and hoped the upcoming development code amendments could address some of the issues that were discussed tonight.

## 8. Adjournment

Vice Chair Mudrak adjourned the meeting at 8:39 p.m.

The Law Firm Of
Haugeberg, Rueter, Gowell,
Fredricks & Higgins, P.C.

Douglas S. Fredricks, LL.M. Tax*
Dianne L. Haugeberg, LL.M. Tax*
Karin A. Moshier
Tyler C. Yeoman-Millette
Katherine L. Gowell**
Mikayla E. Wallace
Allison L.A. Rude
*Also admitted in California
**Also admitted in Colorado

March 19, 2026

City of McMinnville Planning Commission
231 NE Fifth St.
McMinnville, OR 97128

***Re: Completeness for Tentative Partition (MP 6-25)***
***Orchard Ave- Tax Lot R4415 03100***

Dear Planning Commission:

This office represents McMinnville Industrial Promotions, Inc. (herein "MIP") regarding its application to partition the property located at Orchard Avenue, McMinnville, OR 97128, Tax Lot R4415 03100. MIP's application to partition this tax lot was submitted on October 13, 2025, supplemented with additional information thereafter, and it was assigned docket number MP 6-25. We received the Tentative Partition Approval letter on December 23, 2025. MIP filed an appeal (AP 1-26) related to specific conditions to approval that MIP requests consideration for deferral. We will address each of the items raised in the letter in turn.

City Staff has recommended certain conditions to approval for the minor partition plat, which was provided in the packet ahead of the meeting. While MIP has worked with staff to make adjustments to the conditions for approval, MIP feels it necessary to appeal condition #5. Minor changes are requested to condition #12 for clarification purposes. The items in red are suggested deletions and/or insertions:

**Condition #5:** Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: ~~curb-tight sidewalk on the east side of the street~~, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of

increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side ~~but would not require sidewalks on the west side.~~

b. Improvements on of NE Orchard Avenue to include: ~~sidewalk on the north and south side of the street,~~ Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32'.
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. No sidewalk is required on the south side of NE Orchard Street. ~~Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).~~ Per MMC 12.12.030, at the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s), as specified above.

MIP suggests that condition #12 is revised to conform with the suggested revisions to condition #5:

**Condition #12:** ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ at the time such improvements are constructed. ~~prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of-way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.~~

As you can see, the only request of MIP is to appropriately defer sidewalk and driveway construction once development plans are solidified and applied for with the City in the normal course of property construction. The reason for this approach makes fiscal and logical sense, and complies with the City of McMinnville Code, as described below:

1.) First, Planning Staff have justified requiring sidewalks to be constructed under Section MMC 17.53.153. Generally, Chapter 17.53 details land division standards in the City of McMinnville. Applicable here, Section 17.53.060-17.53.063 governs partitions and Section 17.53.070-17.53.079 governs subdivisions. Under each respective section, the code names the land divider with particularity. Related to partitions, the land divider is called the "partitioner". Under the section governing subdivisions the land divider is referred to as the "subdivider". Similarly, under the section governing lot line adjustments, the person submitting the land use application is called the "applicant".

Section 17.53.153 (the Section Staff is relying on to justify the improvements before recording the plat) states the following:

> The following shall be installed at the expense of the **subdivider:**
>
> A. *Water supply system.* All lots within a **subdivision** shall be served by the city water supply system.
>
> B. *Electrical system.* All lots within a **subdivision** shall be served by the city electrical system.
>
> C. *Sewer system.* All lots within a **subdivision** shall be served by the city sewer system.
>
> D. *Drainage.* Such grading shall be performed and drainage facilities installed conforming to city specifications as are necessary to provide proper drainage within the **subdivision** and other affected areas in order to assure healthful, convenient conditions for the residents of the **subdivision** and for the general public. Drainage facilities in the **subdivision** shall be connected to drainage ways or storm sewers outside the **subdivision**. Dikes and pumping systems shall be installed, if necessary, to protect the **subdivision** against flooding or other inundations.
>
> E. *Streets.* The **subdivider** shall grade and improve streets in the **subdivision**, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with city specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
>
> F. *Pedestrian ways.* A paved sidewalk not less than five feet wide shall be installed in the center of pedestrian ways.
>
> G. *Private way/drive*. The **subdivider** shall grade and improve to conform to city specifications in terms of structural standards.
>
> H. *Street trees* consistent with the requirements of Chapter17.58 MMC and an approved street tree plan for the **subdivision**.

It is clear this section of the code is meant to apply to subdivisions. The specific sections of the code governing minor partitions do not have these requirements. MIP was informed that current legal counsel has interpreted "subdivider" under 17.53.153 to include **all** land divisions. This interpretation is unreasonably expansive and questions why minor partitions would be treated differently from subdivision under the code if this interpretation were true. MIP is not a developer creating a subdivision. Subdivisions do require specific improvements and plans and are subject to a design review process. Those requirements for subdivisions do not apply to this application. Further, these requirements and improvements are not standard in the area of the City where the property is located.

2.) Second, the provisions of the McMinnville Code applied to this minor partition application to support requiring sidewalk development as described above are not specific and too general to provide MIP sufficient notice at the time of applying that those requirements would be applied to this minor partition application and must be satisfied before recordation of the final plat. To support condition of approval #5 related to sidewalks, the City cited MMC 17.53.060(C), which states:

> C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
>
> > 1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.
> >
> > 2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
> >
> > 3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
> >
> > 4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.

Subsection (C)1 above does not apply to this minor partition. Subsection (C)2 above is satisfied through the future development plan submitted with the application and the arrangement of this partition has accounted for future partitions or subdivisions. Subsections (C)3 and (C)4 above have been satisfied through the decision effective date and appeal process.

Nowhere in MMC 17.53.060(C) states with specificity that MIP would be required to construct sidewalks nor to what extent and design would be applied to those sidewalks. MIP is entitled to rely on the code provisions as they are stated at the time of application. At this time, no citations to the code have been provided that would be an adequately specific basis for imposing condition number 5 on MIP in the form stated above. Further, City Staff have not cited any specific provision of the McMinnville Comprehensive Plan as would require development of sidewalks to carry out those specific provisions of the Comprehensive Plan.

Due to the lack of specificity in MMC 17.53.060(C), MIP did not have adequate notice of the requirement to develop sidewalks as stated in original condition number 5 and accordingly, should not be required to do so before approval of the final plat for this minor partition application.

3.) Third, MIP does not suggest that sidewalks will never be required- just that it should not be a condition precedent to recording the plat. More appropriately, the Planning Commission should implement Section MMC 12.12.030 governing streets, sidewalks, and public places, to provide the mechanism for the timing of the sidewalk installation. The most practical timing for this is at the time of pulling a permit for development, which the City has total control over. At that point, the parties are required to undergo a more rigorous approval process and have development plans finalized through the process for building development on the property and actual construction. I pulled historical minor partition decision from the City. It is clear that it used to be routine for minor partition approvals to be silent on, and not impose any requirement for, installing curb, sidewalk, or gutter (which at times included the justification in the application that it was a partition and not subdivision so no new streets or improvements were required) **or** for the parties to agree to a deferral agreement or waiver of the right of remonstrance for future improvements. Between these decisions and now, no applicable Code amendments have been made to support this policy change.

4.) Staff mentioned that MIP could defer these improvements, but they would have to provide security for the improvements via a surety bond, letter of credit, or payment of cash to the City and/or tie up funds in a third-party escrow. This is an unreasonable requirement when development plans for the property are not formalized and may not materialize for many years. In the past on a separate application, MIP has paid on a surety bond for multiple years on property they did not even own—all to try an accommodate the City's unreasonable requirement for improvements on the frontage of vacant land. In this particular case, the City is asking for MIP to pre-construct $30,000-$50,000 in sidewalks to nowhere that no one will use. The alternative is for MIP to provide a surety bond, but the costs of such bond could quickly eclipse the initial cost of the improvement depending on when the property is developed. The sidewalk improvements are material in cost, and acts as an additional fee to complete a partition of vacant land, one that is excessive and unnecessary.

5.) The requirement to construct sidewalks prior to development does not make logical sense, nor is it efficient. Under minor partitions, specific development plans are not underway as you would have in a subdivision. When sidewalks are built in advance of property development, they are damaged during construction or need to be torn out and rebuilt to accommodate actual site design. Installing these improvements are a waste of time and money, and chills development as they are likely required to be constructed, dismantled, and reconstructed. This has the unintended consequences of only allowing development by individuals or companies with significant excess capital and can shoulder the added expense and waste.

6.) Finally, utilizing concrete for development has a significant environmental impact. Manufacture and application of concrete contribute largely to carbon dioxide emissions, and other health concerns. Installing Concrete unnecessarily and then landfilling it is at odds with the City's strategic goal of spurring economic growth and development for all residents.

MIP is not asking that ANY applicable code be ignored or violated. City staff has imposed conditions of approval that the code specifies are for subdivisions, a different activity than what is considered here. Installation of sidewalks at this time does not make planning or economic sense and should be required when development actually occurs.

MIP respectfully requests that the Planning Commission revise Condition #5 and Condition #12 as provided in this testimony.

Thank you for your time and consideration. If there are any further questions, please contact me at kgowell@hrglawyers.com.

Sincerely,

Katherine Gowell

569-26-000004-PLNG

City Of McMinnville

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

**Office Use Only:**
File No. AP 1-26
Date Received 1/7/26
Fee $250.00
Receipt No. 212410
Received by JH

# Appeal Application

## Applicant Information

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

☐ Provided testimony prior to this appeal.

Applicant Name McMinnville Industrial Promotions, Inc. Phone _____

Contact Name Dog Hurl Phone _____
*(If different than above)*

Address [redacted]

City, State, Zip McMinnville, OR 97128

Contact Email [redacted]

## Original Application Information

File No.: MP 6-25 Review Body: Planning Director

Decision: Approval with Conditions Date of Decision: December 23, 2025

Date Decision Mailed: via email 12/23/2026 Appeal Date Deadline: January 7, 2026

Description of Original Application Request:

An application to partition an approximately 26-acre industrial property into two (2) parcels with the approximate size of 6.89 acres (Parcel 1) and 19.11 acres (Parcel 2). As part of the application, portions of public streets (NE Miller Street and NE Orchard Avenue) are planned to be constructed.

Appeal of a decision made by the following review body is requested:

☑ PLANNING DIRECTOR (See Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance for further information.)

☐ PLANNING COMMISSION (See Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance for further information.)

Please state in detail the basis for and issues raised in this appeal. You must identify the criteria and findings that you are appealing. Attach additional sheets as necessary.

The property owner/applicant is submitting this appeal of the Planning Director's Decision for City File MP 6-25. This appeal is submitted on January 7, 2026, within 15 days of the date of the City's Decision, and is therefore timely. The appeal concerns Condition of Approval No. 5 (including Condition of Approval No. 5.a.), listed on Page 2 and included on Page 7 of the Decision. Condition of Approval No. 5 requires construction of NE Miller Street along the western boundary of the site. The comments on Page 9 and findings included on Pages 19, 20, 21, 25, 26, 29, and 36 reference the City Transportation System Plan and a variety of provisions from the City Zoning Ordinance [e.g., MCC 17.53.060(C) and MCC 17.53.101(B)] as providing the basis for the condition. However, these citations and findings are insufficient to support Condition of Approval No. 5 as written. As evidenced in its application, the property owner is not opposed to constructing NE Miller Street. However, the property owner objects to building NE Miller Street in the manner required by Condition of Approval No. 5. Therefore, this appeal is filed.

THE APPLICANT HAS NO LEGAL AUTHORITY TO INVOKE THE TERMS OF THE NON REMONSTRANCE AGREEMENT ON THE ADJACENT PROPERTY OWNER. IT IS THE CITYS RESPONSIBILITY TO DO SO SINCE THEY ARE A PARTY TO THE AGREEMENT.

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

☑ *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.**

Appellant's Signature

1/7/2026
Date

# Appeal
## Information & Submittal Requirements

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

### Overview

Land use decisions, whether from the Planning Director or Planning Commission, may be appealed within 15 (fifteen) days of the date the decision is reduced to writing. Appeals of the Planning Director's decision are presented to the Planning Commission while appeals of a Planning Commission decision go before the City Council. Appeals presented before either body are subject to a public hearing. Decisions by the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice is mailed. Further information regarding appeals can be found in Chapter 17.72 (Applications & Review Process) of the Zoning Ordinance.

### Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- ☑ A completed Appeal application form.
- ☑ Payment of the applicable review fee.

### Review Process

An application for an appeal is subject to review by the Planning Commission or City Council at a public hearing as provided in Section 17.72.130 (Public Hearing Process) of the Zoning Ordinance.

**Taylor Graybehl**

**From:**
**Sent:**
**To:**
**Cc:**
**Subject:** Extension

This message originated outside of the City of McMinnville.

Taylor,
I am requesting a 30-day extension to the 120-day processing deadline in ORS 227.178 and Section 17.72.050 of the McMinnville Zoning Ordinance and the timelines specified in the McMinnville Zoning Ordinance of my application, Dockets AP 1-26.
Thank you,
Doug Hurl
President
McMinnville Industrial Promotions

City of McMinnville
PLANNING

Planning Division
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TENTATIVE PARTITION AT R4415 03100**

**DOCKET:** MP 6-25 (Tentative Partition)

**REQUEST:** Approval to partition an approximately 26-acre parcel of land into two (2) parcels with the approximate size of 6.89 acres and 19.11 acres.

**LOCATION:** Tax Lot R4415 03100

**ZONING:** M-2 (General Industrial)

**APPLICANT:** Lucas Eshelbach on behalf of AKS Engineering & Forestry, LLC

**PROPERTY OWNER:** McMinnville Industrial Promotions, Inc.

**STAFF:** Taylor Graybehl, Senior Planner

**DATE DEEMED COMPLETE:** November 13, 2025

**DECISION MAKING BODY & ACTION:** The McMinnville Planning Director makes the final decision unless the Planning Director's decision is appealed to the Planning Commission.

**DECISION DATE & LOCATION:** December 23, 2025 Community Development Center, 231 NE 5th Street, McMinnville, Oregon.

**PROCEDURE:** An application for a Tentative Partition is processed in accordance with the procedures in Section 17.72.110 of the Zoning Ordinance.

**CRITERIA:** The applicable criteria for a Tentative Partition are specified in Section 17.53.060 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** As specified in Section 17.72.170 of the Zoning Ordinance, the Planning Director's decision may be appealed to the Planning Commission within fifteen (15) calendar days of the date the written notice of decision is

mailed. The City's final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Wastewater Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Their comments are provided in this document.

**DECISION**

Based on the findings and conclusionary findings, the Planning Director finds the applicable criteria are satisfied with conditions and **APPROVES** the Tentative Partition (MP 6-25), **subject to the conditions of approval provided in Section II of this document.**

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

**DECISION: APPROVAL WITH CONDITIONS**

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

Planning Division: _____ Date: December 23, 2025
David Berniker, Planning Manager

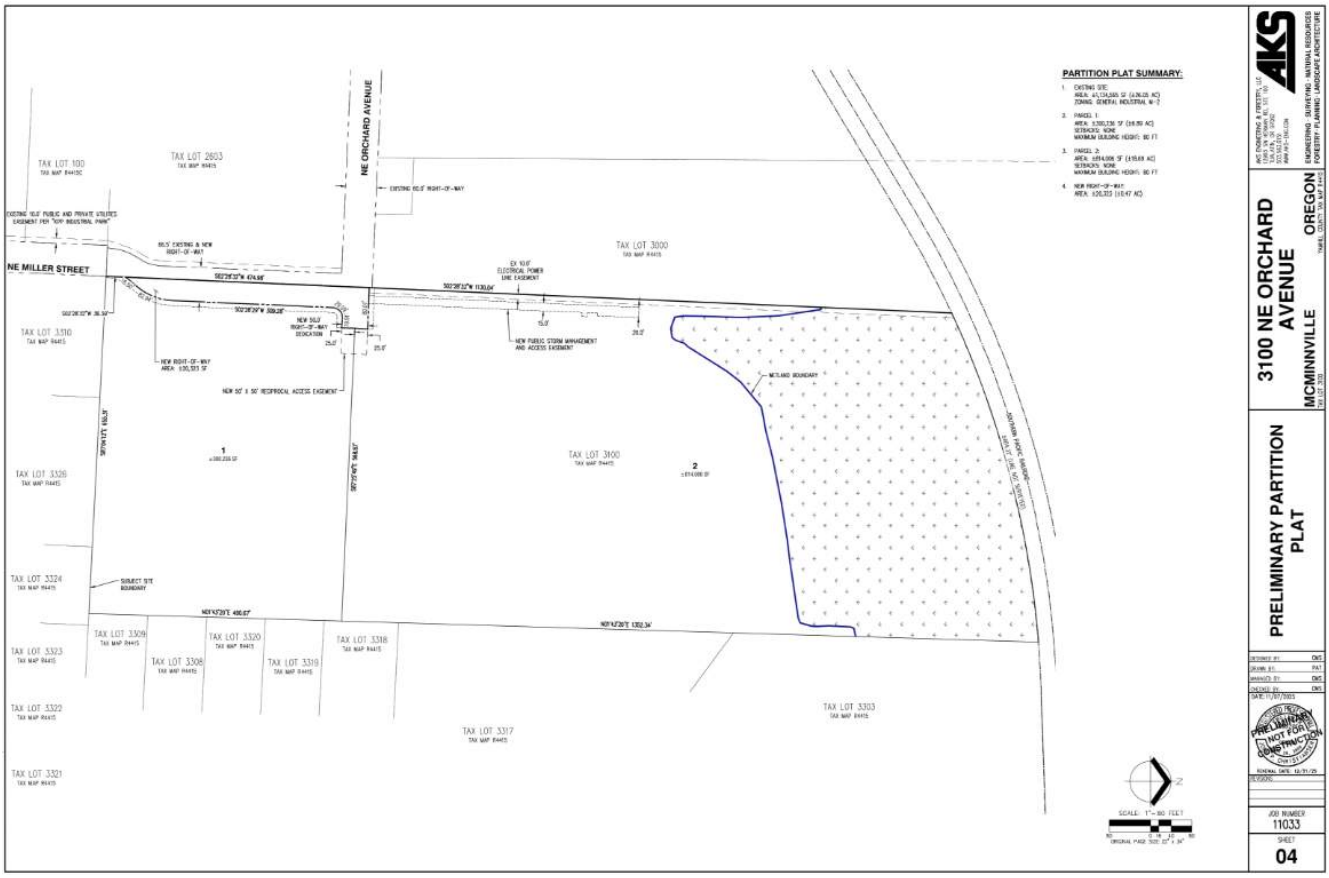
Attachments:
Attachment 1 – Application and Attachments

## I. APPLICATION SUMMARY:

### *Subject Property & Request*

The proposal is an application for a tentative partition (MP 6-25) to partition an approximately 26-acre parcel of land into two (2) parcels: Parcel 1 (6.89 acres) and Parcel 2 (19.11 acres). The project includes the extension of NE Miller Street and NE Orchard Avenue, with associated right-of-way dedication and a reciprocal access easement, and a stormwater management system on Parcel 2.

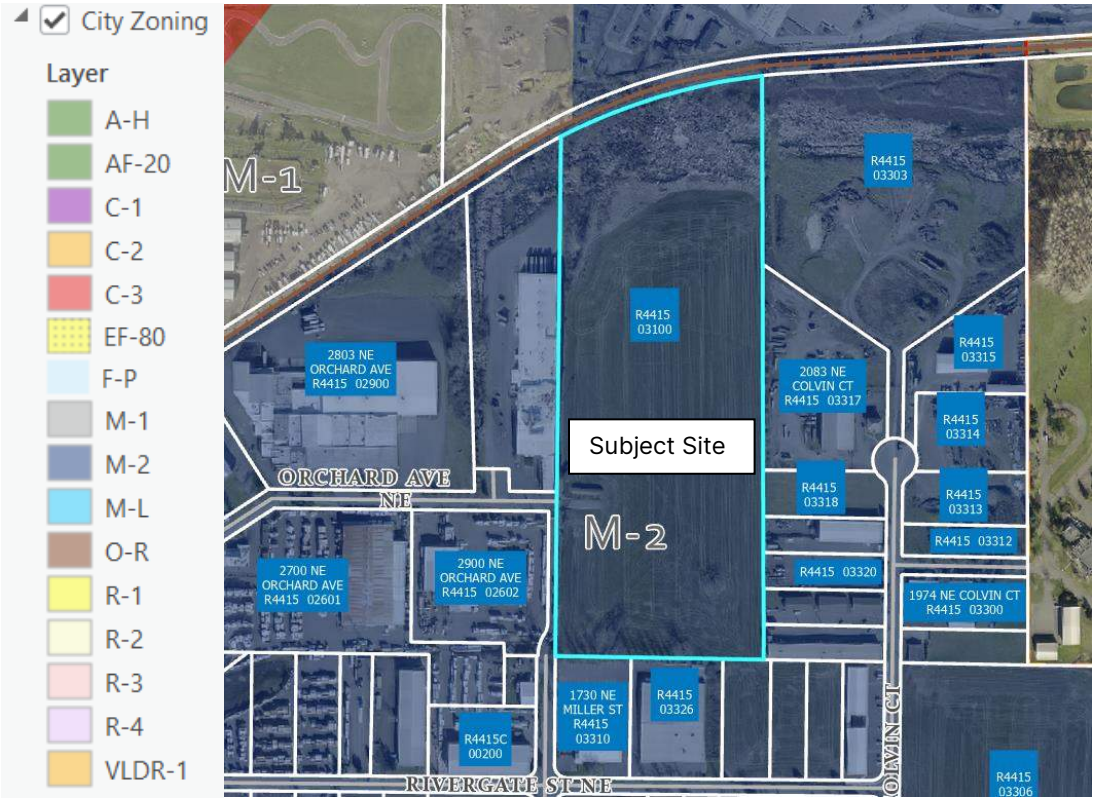
**Figure 1. Applicant's Proposed Partition Plan**




The subject site is zoned M-2 (General Industrial), is vacant, and contains a wetland in the northern portion. Surrounding uses are commercial and industrial. See the ***Vicinity Map (Figure 2) and Zoning Map (Figure 3) below.***

## Figure 2. Vicinity Map

## Figure 3. Zoning Map



***Summary of Criteria***

The application is subject to the standards and procedures established in Chapter 17.53 (Land Division Standards) of the Zoning Ordinance, which are intended to "[…] provide uniform procedures and standards for the subdivision and partitioning of land, and adjustment of property lines; to assure adequate width and arrangement of streets; to coordinate proposed development with plans for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to secure safety from fire, flood, slides, pollution, drainage or other dangers; to provide adequate light and air, recreation, education, and adequate transportation; to promote energy conservation; to protect in other ways the public health, safety, and welfare; and to promote the goals and policies of the McMinnville Comprehensive Plan." The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific criteria for reviewing tentative partition plans is Section 17.53.060 of the McMinnville Municipal Code (MMC), as per below. As a Type II land-use application, the criteria are clear and objective, and if the criteria are met the application needs to be approved.

> 17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:
>
> A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:
>
> 1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
> 2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
> 3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
> 4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
> 5. Outline and location of existing buildings to remain in place;
> 6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;
> 7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
> 8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.
> 9. Contour lines related to City datum and having minimum intervals of two (2) feet.

10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.
13. Such additional information as required by the Planning Director.

B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.

C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
   1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.
   2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
   3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
   4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.

D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

Additionally, as required by the Land Division Standards, lots created by partition are required to conform to the zoning requirements of the area.

## II. CONDITIONS:

1. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of

State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

2. That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

3. The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

4. The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

5. Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

    a. Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
    b. Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
    c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

6. That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

7. That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

8. That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

9. Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

10. Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

11. ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

12. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

13. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

14. Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

15. If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

## III. FUTURE DEVELOPMENT NOTES

1. Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

## IV. ATTACHMENTS:

1. MP 6-25 Application and Attachments (on file with the Planning Division)

## V. COMMENTS:

### Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- McMinnville Building Division
    - No building division concerns or comments
- McMinnville Engineering Department
    - The applicant shall dedicate 41.5’ of Right-of-Way and 10’ Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.
    - The applicant shall dedicate 50’ of Right-of-Way and 10’ Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.
    - Per MMC 17.53.060(C), the City’s Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.
        - Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28’,

- Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
- Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

- Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

- Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

- ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

- Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

- The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

- McMinnville Fire District

  Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

- McMinnville Water and Light

  Power: McMinnville Water & Light has existing easements and power facilities located in the future buildout and ROW. Coordinate with McMinnville Water and Light for pole relocation and easement conflicts with future buildout of proposed parcels.

  Water: Although a 12" water main exists in the future Miller Street ROW extension to Orchard Avenue, water service does not currently exist to Tax Lot R4415 03100 and thus would not exist to the future partition without addition of water services.

- Yamhill Soil and Water Conservation District

  ***Staff Note:*** *The Yamhill Soil and Water Conservation District has provided comments to inform the applicant of recommendations for the property owner. These recommendations are not required as a condition of approval for the partition request.*

  - Noxious weeds have a negative economic impact on agricultural and forestry working lands and degrade wildlife habitat and public rights-of-way. The noxious weeds identified by the District as priorities for control can be found at: Yamhill County Priority Noxious Weed List 2024/2025.

  - Urban areas are prone to low biodiversity and often lack native vegetation to support wildlife. Creating "microhabitats" by planting native vegetation in urban areas can contribute to increasing biodiversity and habitat connectivity. The District owns and operates a native plant nursery at Miller Woods and offers free technical site visits to any resident in the county. More information on native vegetation can be found on the District's website at: https://yamhillswcd.org/services/plant-database/.

    These landowner management recommendations help protect and conserve natural resources for current and future residents of Yamhill County. Thank you for considering the District's recommendations.

**Public Comments**

Notice of this request was mailed to property owners located within 100 feet of the subject site. No public testimony was received.

## VI. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on October 13, 2025.

2. The application was initially deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, which were deemed on November 11, 2025.

3. On November 13, 2025, notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.110 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Northwest Natural Gas; and ODOT Region 2.

   Comments received from agencies are addressed in Section IV of the Decision Document.

4. On November 14, 2025 notice of the application and public comment period was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance.

   No public testimony was received by the Planning Department with the public comment period.

5. The 14-day public comment period closed on November 28, 2025.

6. The Planning Director issued a decision on December 23, 2025.

## VII. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** R4415 03100

2. **Size:** 26 acres

3. **Comprehensive Plan Map Designation:** Industrial

4. **Zoning:**
   a. **Subject Property:** M-2
   b. Surrounding Properties
      1. North: M-2
      2. South: M-2
      3. East: M-2
      4. West: M-2

5. **Overlay Zones/Special Districts:** Northeast Industrial Area (Ordinance No. 4135), Airport Overlay Zone (Conical Zone)

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
   a. **Historic Resources:** None
   b. **Other:** Wetland on northern portion of the site.

8. **Other Features:**
   a. **Slopes:** The property is relatively flat.
   b. **Easements:** Power Easement (Film Vol. 134, Page 101), Water Easement (Film Vol. 186, Page 390)

9. **Utilities:**
   A. **Water:** Water service is located in Miller Street and Orchard Avenue.
   B. **Sewer:** Sewer service is located in Miller Street and Orchard Avenue.
   C. **Stormwater:** Stormwater service is available in Miller Street.
   D. **Other Services:** None.

10. **Transportation:** NE Mill Street and NE Orchard Avenue abut the project site; both streets are identified as local residential in the Transportation System Plan (TSP). The TSP Future Local Street Connections (Exhibit 2-1) identifies the extension of Local Streets through the subject site.

## VIII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Minor Partition are specified in Chapter 17.53 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### ***Comprehensive Plan Volume II:***

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**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.**

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended*

*projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE:** None.

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Miller Street and NE Orchard Avenue as Local Residential. The project is subject to the McMinnville TSP.

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE: None.**

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Doran Drive and NE Hidden Meadow Drive as Local Residential. Highway 99W is identified as a Major Arterial subject to ODOT jurisdiction and improvement requirements. The project is subject to the McMinnville TSP.

**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 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The McMinnville Fire District was provided the opportunity to review and comment on the application. The Fire District provided comment, as is included under "Future Development Notes".

**CHAPTER IX URBANIZATION**

***GREAT NEIGHBORHOOD PRINCIPLES***

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring*

*value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The application is a current land-use application for a Minor Partition of the subject site, and Great Neighborhood Principles policies are applicable.

*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.*

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

    a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 & 2.** The subject site contains potential wetlands and two trees. The project proposes a stormwater system that may impact the wetland, and the applicant will be responsible for obtaining any necessary permits from the Department of State Lands. In addition, two trees are identified on site. The City of McMinnville does not currently have adopted inventories of significant natural features, including riparian corridors, tree groves, tree species, or landmark trees. However, per Section 17.58 of the McMinnville Municipal Code, a condition of approval has been drafted to inventory and strive to preserve trees five inches or greater at a height of 4.5 feet above the ground (DBH).

**CONDITION OF APPROVAL #1:** The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls,

the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code, and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

**GOAL X-1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response to this Comprehensive Plan Goal and Policy.

**FINDING: SATISFIED.** The process for a Minor Partition provides an opportunity for citizen involvement through the public notice and comment period. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials, and the completed staff report prior to the McMinnville Planning Director's review of the request. All members of the public have access to provide testimony and ask questions during the public review process.

***McMinnville Municipal Code:***

The following Sections of the McMinnville Municipal Code provide criteria applicable to the request:

***Chapter 17.42 M-2 General Industrial Zone***

***17.42.010 Permitted Uses****. In an M-2 zone, the following uses and their accessory uses are permitted:*

*A. A use permitted in the M-1 zone (except for Child Care Center and Day Care Facility (Adult));*

*B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance, or any court of competent jurisdiction;*
*C. Manufacture, processing, and storage of grains or fertilizer;*
*D. Airport. (Ord. 5104 §2, 2021; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

***17.42.020 Conditional Uses**. In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:*
*A. Automobile wrecking yard;*
*B. Child Care Center, under the following provisions:*
1. *Operator must have the appropriate licenses required by state regulations, if applicable.*
*C. Day Care Facility (Adult), under the following provisions:*
1. *The structure is not a residence.*
2. *Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.*
3. *Operator must have the appropriate licenses required by state regulations.*
*D. Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600;*
*E. Junkyard;*
*F. Manufacture, use or storage of explosives;*
*G. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application. (Ord. 5104 §2, 2021; Ord. 4977 §1, 2014; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new uses.

**FINDING: SATISFIED.** No new uses are proposed or approved with this application.

***17.42.030 Yard Requirements**. Except as required in "A" and "B" below, there shall be no required yards in an M-2 zone:*
*A. Side yard shall not be less than fifty feet when adjacent to a residential zone;*
*B. Rear yard shall not be less than fifty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

***17.42.040 Building Height**. In an M-2 zone, a building shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new buildings, and no structures exist on the project site. As described previously, abutting properties are zoned M-2; therefore, there are no required yards for either parcel.

**FINDING: SATISFIED.** No new structures are proposed or approved with this application.

***Chapter 17.53 Land Division Standards***

***Land Division Standards - Partition***

***17.53.060 Submission of Tentative Partition Plan.*** *An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:*

***17.53.060(A):*** *There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:*

1. *The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;*
2. *Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;*
3. *Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;*
4. *For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;*
5. *Outline and location of existing buildings to remain in place;*
6. *Parcel layout showing size and relationship to existing or proposed streets and utility easements;*
7. *Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)*
8. *A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.*
9. *Contour lines related to City datum and having minimum intervals of two (2) feet.*
10. *Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.*
11. *Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.*
12. *Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.*
13. *Such additional information as required by the Planning Director.*

**APPLICANT'S RESPONSE:** The information required above is provided within this narrative and by additional application materials included as Exhibits A through E.

**FINDING: SATISFIED.** The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and were deemed complete on November 11, 2025.

***17.53.060(B).*** *Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS.** The application for a partition of the subject site was deemed complete on November 11, 2025. Notification was mailed to property owners within 100 feet of the subject site on November 14, 20245 No public comment was received during the notification period. Findings have been provided for applicable criteria and standards of this Chapter, and it was found that the tentative plan substantially conforms to the requirements of this chapter with the provided conditions. This criterion has been met.

***17.53.060(C).*** *The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.*

1. *If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.*
2. *Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.*
3. *For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).*
4. *The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS #3 TO 5.** The subject site has not been partitioned within the past calendar year. The subject site is greater than one acre in size, and the applicant has submitted a future development plan in compliance with Section 17.53.080. The project is subject to the standards of the McMinnville Transportation System Plan. The applicant is responsible for the dedication of the right-of-way to conform to the plan.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date

7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

a. Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
b. Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

***17.53.060(D).*** *Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.*

**APPLICANT'S RESPONSE:** This provision is understood.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision consistent with this code requirement.

**CONDITION OF APPROVAL #4:** That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

***17.53.061 Submission of Final Partition Plat.*** *Within 12 (twelve) months after approval of the tentative plan, the partitioner shall prepare a final plat in conformance with the tentative plan as approved and submit the final plat to the City Engineering Department. Information required on the final plat shall be consistent with the requirements listed in ORS 92.050 and ORS 209.250. The partitioner shall submit the original drawing and two (2) exact copies thereof, and any supplementary information to the City Engineer.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #7:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of the decision.

**CONDITION OF APPROVAL #7:** That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be

consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

***17.53.063 Filing of Final Partition Plat.*** *The partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #8:** A condition of approval has been included to confirm that the final plat shall be null and void if the plant is not recorded within 30 days after the last required signature has been obtained.

**CONDITION OF APPROVAL #8:** That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

***Land Division Standards – Future Development Plan***

***17.53.080 Submission of Future Development Plan.*** *A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:*

*A. Any potential future lots (lot size shall be depicted).*
*B. Existing and proposed utilities including water, sewer and storm drains.*
*C. Streets and access points for potential future lots.*

*It shall be the responsibility of the Engineering Department and Planning Department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The Planning Director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:*

*A. The construction of streets and utilities or the dedication of right-of-way for future improvements.*
*B. Any easements as deemed necessary for the extension of utility services.*

**APPLICANT'S RESPONSE:** The Preliminary Partition Plat (Exhibit A) reflects planned right-of-way dedication and easements planned under this application. Additionally, the Future Development Plan (Exhibit A, Sheet 07) reflects street and utility improvements necessary to provide access and services to planned parcels. Also shown on the Future Development Plan are future improvements to be made by others (identified with blue hashed lines and as noted); as previously determined by City Staff. Those westerly improvements that the City has already determined as required to be built by others, i.e. by owner of Tax Lot 2603, not by the Applicant, are shown solely to demonstrate that a full buildout of NE Miller Street and NE Orchard Avenue can ultimately be achieved. Conceptual full street buildouts are illustrated on the Future Street Cross Sections (Exhibit A, Sheet 08). That sheet is provided for illustrative purposes and to satisfy the requirements of 17.53.080.

For specific details of improvements included with this application, please refer to the Future Development Plan (Exhibit A, Sheet 07) and responses provided elsewhere in this narrative. Construction permits will be obtained for those improvements included with this application, as required. It is not anticipated that the parcels will be further divided in the future.

Should any future construction of streets and utilities not shown in Exhibit A (i.e. unanticipated infrastructure extension) occur, the alignment of the common boundary line between Parcel 1 and Parcel 2 and the centerline of NE Orchard Avenue will provide for the orderly extension of NE Orchard Avenue. These requirements are met.

**FINDING: SATISFIED.** The narrative and future development plan provided by the applicant adequately demonstrate compliance with this standard.

***Land Division Standards – Approval of Streets and Ways***

***17.53.100 Creation of Streets.***

*A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:*

*1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;*

*2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;*

*3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.*

*B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the planned dedication of right-of-way for NE Miller Street and NE Orchard Avenue. The area of preliminarily planned right-of- way dedication is shown on the Preliminary Partition Plat (Exhibit A), and the same information required above is provided within Exhibit A. Ultimately, right-of-way dedication associated with this partition will be reflected on and created with the final partition plat. Street standards of Section 17.53.101 are addressed below.

**FINDING: NOT APPLICABLE.** The creation of streets and dedication of right-of-way associated with this partition will be reflected on the final partition plat, not by deed.

***17.53.101 Streets.***

***17.53.101(A) General****. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:*

1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
2. *Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or*
3. *Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the planned extensions of NE Orchard Avenue and NE Miller Street align with the existing roadway system to the greatest practical extent, given those obstructions within the unimproved segment of NE Miller Street previously described. While topographical constraints and existing obstructions within that segment of NE Miller Street present challenges, the planned alignment of streets has been thoughtfully designed around those obstructions. As shown in Exhibit A, planned roadway extensions prioritize accessibility for pedestrians and vehicles, and ensure efficient traffic flow in the immediate area. These provisions are met.

**FINDING: SATISIFIED.** The applicant has adequately demonstrated compliance with this standard.

***17.53.101(B) Rights-of-way and street widths.*** *The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Street & Utility Plan & Profile provided in Exhibit A, the width of preliminarily planned right-of-way dedication is adequate for the extension and improvement of NE Miller Street and NE Orchard Avenue in accordance with Section 17.53.151 and City design standards. These requirements are met.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS # 3 AND 4.** The applicant shall dedicate appropriate right-of-way to meet the standards of a local residential street for NE Miller Street and NE Orchard Avenue, in compliance with both streets' McMinnville Transportation System Plan designation. In addition, the applicant shall make improvements as identified below to comply with Section 17.53.151 of this Chapter.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

***17.53.101(C) Reserve strips**. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.*

**APPLICANT'S RESPONSE:** Reserve strips or street plugs are not requested with this Partition application. This requirement does not apply.

**FINDING: NOT APPLICABLE.** Reserve strips or street plugs are not requested or required.

***17.53.101(D) Alignment.** As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), planned extensions of NE Orchard Avenue and NE Miller Street are aligned with existing centerlines as far as is practicable. As previously described and as shown in Exhibit A, the planned extension of NE Miller Street necessarily includes an easterly curve before straightening out to intersect with NE Orchard Avenue at a right angle, as required. This minor realignment to meet on and off site constraints does not result in a "T" intersection. This application does not include "T" intersections. These requirements are met.

**FINDING: SATISFIED.** Site constraints make alignment with the existing street centerlines impractical. The intersection of NE Miller Street and NE Orchard Avenue exceeds the minimum 100-foot distance requirement between the centerlines of streets with approximately the same direction, with the nearest intersection (NE Orchard Avenue and Alpha Drive) at 1,750 feet.

***17.53.101(E). Future extension of streets.** Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

**APPLICANT'S RESPONSE:** The preliminary planned northerly extension of NE Miller Street shown on the Preliminary Plans (Exhibit A) is identified as a Future Street Connection on Exhibit 2-1 of the McMinnville Transportation System Plan, providing the connectivity required here. As previously described, the preliminarily planned extension of NE Orchard Avenue is designed to provide serviceability and access for future improvements on the planned parcels; and while it is not anticipated, a future further extension of NE Orchard Avenue could occur, given that it is designed to be centered on a common parcel boundary. The design of both extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E). This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 TO 5.** Exhibit 2-1 of the McMinnville Transportation System Plan identifies connectivity through the project site. The applicant has proposed extending NE Miller Street to NE Orchard Avenue to meet this requirement. Subject to the conditions of approval related to the dedication of the right-of-way and the required improvements, the proposal complies with this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

a. Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
b. Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

***17.53.101(F) Intersection angles****. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the extensions of NE Orchard Avenue and NE Miller Street are planned to intersect at a right angle. This requirement is met.

**FINDING: SATISFIED.** The proposed intersection is at a right angle.

***17.53.101(G) Existing streets.*** *Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the preliminarily planned dedication of right-of-way for extensions of NE Miller Street and NE Orchard Avenue, as required here. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 AND #4.** Subject to the conditions requiring the dedication of right-of-way, the applicant meets this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

***17.53.101(H) Half streets.*** *Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.*

**APPLICANT'S RESPONSE:** As evidenced by the Preliminary Plans (Exhibit A), improvements to NE Orchard Avenue and NW Miller Street are planned on and off the subject site. As shown in Exhibit A, the NE Orchard Avenue extension is preliminarily planned to be improved within a 50-foot- wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalks, a 24-foot-wide paved roadway, and ADA ramps; and the NE Miller Street extension is preliminarily planned to be improved within an up to ±66-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalk, a 28-foot-wide paved roadway, and an ADA ramp.

Improvements to both roadways not included with this application (i.e. improvements the City has determined are required to be completed by the owner of Tax Lot 2603) include additional roadway paving and curb along the north side of NE Miller Street, as well as additional roadway paving, curb, an ADA ramp, and 5-foot-wide sidewalk on the south side of NE Orchard Avenue, just west of NE Miller Street. Those future pedestrian improvements to be built by others on the south side of NE Orchard Avenue are designed to align with those planned to be provided by the Applicant under this application, as shown on the Future Development Plan (Exhibit A, Sheet 07). Therefore, this application does not include half streets, though half streets may be approved.

**FINDING: NOT APPLICABLE.** No half streets are proposed or approved.

***17.53.101(I)Cul-de-sacs.*** *A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.*

***17.53.101(J) Eyebrows.*** *Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication.*

**APPLICANT'S RESPONSE:** The application does not include cul-de-sacs or eyebrows. These requirements do not apply.

**FINDING: NOT APPLICABLE.** No cul-de-sacs or eyebrows are proposed or required.

***17.53.101(K) Street names.*** *Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.*

**APPLICANT'S RESPONSE:** This application does not include new streets. This requirement does not apply.

**FINDING: NOT APPLICABLE.** No new streets are proposed, extensions will maintain the exsisting name.

***17.53.101(L) Grades and curves.*** *Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:*

1. *A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.*
2. *Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).*

*Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.*

**APPLICANT'S RESPONSE:** As shown on the Future Street Cross Sections provided in Exhibit A, grades of NE Miller Street and NE Orchard Avenue do not exceed 12 percent

and meet the centerline curve radii standard described above. These requirements are met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard.

***17.53.101 (M) Streets adjacent to a railroad right-of-way.*** *Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), NE Orchard Avenue, which runs parallel to the railroad right-of-way, provides adequate separation from the railroad. This requirement is met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard. The railroad is located along the northern portion of the site, adjacent to the wetland any street extension would require removal of the wetland. It is not necessary for a street to be installed parallel to the roadway.

***17.53.101(N) Frontage roads/streets****. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

***17.53.101(O) Alleys.*** *Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.*

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

***17.53.101(Q) Bikeways****. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)*

***17.53.101(R) Residential Collector Spacing.*** *Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)*

**APPLICANT'S RESPONSE:** This application does not include frontage roads, alleys, private ways, collectors, or arterial streets.

**FINDING: NOT APPLICABLE.** The applicant has demonstrated compliance with this standard. No frontage roads, alleys, private ways, or bikeways are proposed or required as the project site does not abut an arterial, collector street, or has identified bikeway improvements in the Transportation System Plan.

***17.53.101(S) Sidewalks****. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.*

**APPLICANT'S RESPONSE:** As previously described, the design of planned street extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E), which included curb-tight sidewalk. As discussed at that conference, the 5-foot-wide curb-tight sidewalk included in this project is appropriate for the conditions of the site. Though very few street segments in the general vicinity of the subject site provide sidewalk, where they are provided, sidewalks are curb tight. Therefore, this requirement is met as practicable.

**FINDING: SATISFIED WITH CONDITIONS #5.** The applicant is required to improve NE Miller Street and NE Orchard Avenue, subject to the conditions of approval.

**CONDITION OF APPROVAL #5**: Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

a. Improvements on of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

***17.53.101(T) Park strips****. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street*

*trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.*

**APPLICANT'S RESPONSE:** This requirement is intended to ensure street-tree planting areas. As previously described, this application includes curb-tight sidewalks. Park strips cannot be accommodated by curb-tight sidewalks. Requirements for park strips and street trees were discussed at the pre-application conference, where it was determined that street trees can be planted on the planned parcels, and will be allowed within the planned 10- foot-wide public utility easements.

Street tree planting plans are not required to be submitted with this Partition application; however, it is anticipated that a street tree plan will be required to be submitted prior to the filing of a final plat application. Accordingly, street tree standards are not required to be addressed by the Applicant in this narrative, though the Applicant notes that 17.58.90.D provides that "...where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk". Therefore, as shown on the Preliminary Plans (Exhibit A), street tree planting area is planned to be provided in accordance with this code and insofar as it applies to this application, this requirement will be met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated that park strips are not required as part of this project.

***17.53.101(U) Gates**. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-detached residential development of four or more lots or parcels, multi-dwelling housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager.*

**APPLICANT'S RESPONSE:** This application does not include gates.

**FINDING: NOT APPLICABLE.** No gates within the right-of-way are proposed or approved.

***17.53.103 Blocks.***

*A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block

pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The applicant has adequately identified how topographic limitations and surrounding street infrastructure limit the proposed block development.

*B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The proposed plans do not meet the length requirements identified within this Section. However, the applicant has justified an exception to this standard on the basis of topographic constraints and the location of adjoining streets.

*C. Easements.*

*1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*

2. *Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.*
3. *Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)*

**APPLICANT'S RESPONSE:** :As shown on the Preliminary Plans (Exhibit A), the application includes utility easements designed pursuant to applicable City standards, as well as a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard Avenue. This application does not include alteration to drainage ways and does not require pedestrian access tracts. These requirements are met, as applicable.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3 AND 4.** The applicant is required to provide utility easements as part of this project to comply with subsection (1). No water courses are to be traversed by the project, and no pedestrian way is required.

**CONDITION OF APPROVAL #1:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

**CONDITION OF APPROVAL #2:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C), MMC 17.53.101(B), and the City's Transportation System Plan.

***17.53.105 Lots.***

***17.53.105(A) Size and shape.*** *Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.*

1. *Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Plans (Exhibit A), parcels are dimensioned appropriately for future industrial use. The MMZO does not establish minimum or maximum sizes for lots or parcels in the M-2 zoning district. These requirements are met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criterion.

***17.53.105(B) Access.*** *Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcels are planned to abut streets other than an alley for at least 25 feet. This requirement is met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(C) Through Lots.*** *Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.*

**APPLICANT'S RESPONSE:** This application does not include through lots.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(D) Lot side lines.*** *The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcel lines are planned to run at right angles to abutting streets. This requirement is met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.060(E) Flag lots.*** *The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing. […]*

**APPLICANT'S RESPONSE:** This application does not include flag lots.

**FINDING: NOT APPLICABLE.** A flag lot is not proposed. Not applicable.

***17.53.110 Lot Grading.*** *Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:*

*A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.*
*B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*
*C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.*

*D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.*

*E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Grading & Utilities Plan included in Exhibit A, these requirements are met as applicable.

**FINDING: SATISFIED.** No grading is approved as part of this application. Future development is subject to lot grading standards found within MMC 17.53.110.

***17.53.120 Building Lines.*** *If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.*

**APPLICANT'S RESPONSE:** This application does not include special building setback li

**FINDING: NOT APPLICABLE.** No special building setback lines are proposed as part of this partition application.

***17.53.130 Large Lot Subdivision.*** *In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.*

**APPLICANT'S RESPONSE:** Please refer to the response previously provided to Section 17.53.080.

**FINDING: NOT APPLICABLE.** The proposal is not under review by the Planning Commission.

***17.53.140 Left-over Land.*** *Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the existing wetland on the project site is wholly located on planned Parcel 2, and that area has been specifically identified on the Preliminary Partition Plat. This requirement is met.

**FINDING: NOT APPLICABLE.** The proposed partition doesn't include left-over land. Parcel 2 contains sufficient area for development outside of the existing wetland.

***Improvements***

***17.53.150 Improvement Procedures****. In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards, or specifications adopted by the City, and shall be installed in accordance with the following procedure:*

*A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans shall be required before approval of the final plat. All plans shall be prepared in accordance with requirements of the City;*
*B. Work shall not be commenced until the City has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City has been notified;*
*C. Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest;*
*D. Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements and utilities when service connections are made;*
*E. Plans showing public improvements as built shall be filed with the City Engineer within 30 (thirty) days after acceptance of the improvements by the Engineer.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #9.** The proposed partition will be responsible for improvements to NE Miller Street and NE Orchard Avenue. Improvement procedures shall be met by the condition below.

**CONDITION OF APPROVAL #9:** Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

***17.53.151 Specifications for Improvements**. The City Engineer has submitted, and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:*
*A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;*
*B. Drainage facilities;*
*C. Sidewalks in pedestrian ways;*
*D. Sewers and sewage disposal facilities.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #10 AND 11.** The proposed partition will be responsible for improvements to NE Miller Street and NE Orchard Avenue. Improvements shall comply with the conditions below.

**CONDITION OF APPROVAL #10:** Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

**CONDITION OF APPROVAL #11:** ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

***17.53.153 Improvement Requirements.*** *The following improvements shall be installed at the expense of the subdivider:*

*A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*
*B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*
*C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*
*D. Drainage. Such grading shall be performed, and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*
*E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*
*F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*
*G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*
*H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITION OF APPROVALS #5.** The proposed partition must comply with the above standards. The applicant will be responsible for improvements to NE Miller Street and NE Orchard Avenue and drainage. A Street Tree Plan is not required, subject to findings provided for MMC 17.58.100.

**CONDITION OF APPROVAL #5, 12, AND 14:** Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

a. Improvements on of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',

b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

**CONDITION OF APPROVAL #12:** That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

**CONDITION OF APPROVAL #13:** The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

**CONDITION OF APPROVAL #14:** Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

***Chapter 17.58 Trees***

*17.58.020. Applicability. The provisions of this ordinance shall apply to:*

*A. Individual significant or historic trees as defined in this ordinance.*
*B. All trees with trunks located completely or partially within any public area or right-of-way;*
*C. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; [....]*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED.** The subject site is undergoing partition review to create new parcels with developable land and is subject to the standards of the Chapter.

***17.58.040. Tree Removal/Replacement***

*A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. [...] Applications shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. [...] The*

*Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. [...]*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), two trees exist partially within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application seeks the removal of those two trees, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace those trees that are removed to accommodate this project. As demonstrated by the Preliminary Plans (Exhibit A), other trees on the subject site will be preserved.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.*

*C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.*

*D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of*

*approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.*

*E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*F. Other conditions may be attached to the permit approval by the Manager or Landscape Review Committee as deemed necessary.*

*G. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** This provision is understood. Planting of street trees will be in accordance with applicable City standards, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the

subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*17.58.050 Application Review and Criteria.*

*A. Application for Simple Tree Removal Permit.*

*1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:*

*a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.*

*b. The tree is dead or in an advanced state of decline.*

*c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.*

*d. Tree is infested with pests or disease.*

*e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.*

*f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.*

*g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.*

*h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.*

*3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as

part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

4. *At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

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*B. Application for Tree Major Pruning Permit.*

1. *Review. Applications for major pruning of trees shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*
2. *Criteria. Each tree proposed for major pruning shall meet all of the following criteria:*
   a. *The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.*
   b. *The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.*
   c. *The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).*
   d. *If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.*
3. *Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.*
4. *At the Manager's discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** This application does not include a Complex Tree Removal Permit and such a permit is not anticipated to be required for this partition.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

***17.58.080 Street Tree Planting - When Required.*** *All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be*

*required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).*

**APPLICANT'S RESPONSE:** It is anticipated that street tree installation will be conditionally required to be installed. As described previously in this narrative, this partition and associated improvements are designed to accommodate future street tree planting, as required.

**FINDING: NOT APPLICABLE.** NE Miller Street and NE Orchard Avenue are not to be improved with a designated curb-site planting strip or planting island and therefore is not subject to the requirements of street tree planting, including the requirement for a Street Tree Plan.

TG

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

**Deemed Complete**
**November 11, 2025**
**Community Development Center**

**Office Use Only:**
File No. MP 6-25
Date Received 10/13/2025
Fee $2,014.00+$2,725.73 Eng Fee
Receipt No. 212084
Received by AW

569-25-000232-PLNG

# Partition Application

## *Applicant Information*

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

Applicant Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant

Applicant's Consultant AKS Engineering & Forestry, LLC, Lucas Eschelbach Phone 503-563-6161
*(If different than above)*

Address 12965 SW Herman Road, Suite 100

City, State, Zip Tualatin, OR 97062

Contact Email lucas.eschelbach@aks-eng.com

## *Property Owner Information*

Property Owner Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant
*(If different than above)*

Contact Name Please Contact Applicant's Consultant

Address PO Box 328

City, State, Zip McMinnville, OR 97128

Contact Email Please Contact Applicant's Consultant

Doug Hurl
duck@oregon.com
503-434-8097

## *Site Location and Description*

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

Property Address No Situs Address

Assessor Map No. R4 415 03100 - Total Site Area ±1,134,565 SF (±26-acres)

Subdivision NA Block NA Lot NA

Comprehensive Plan Designation Industrial Zoning Designation General Industrial (M-2)

## ***General Description of Subject Property***

1. Proposed Parcel Size: #1 ±300,236 square feet #2 ±814,006 square feet

2. Current Land Use: Unimproved, Agricultural (sod and grass seed)

3. Purpose of the partition request: Please see the attached narrative

4. Topography: Please see the attached narrative

5. Method of Sewage Disposal: Served by City sewer. Please see the attached narrative.
   *(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)*

6. Water Supply: Served by City water. Please see the attached narrative.

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), indicating all required information as listed in the information sheet and in Section 17.53.060 (Submission of Tentative Partition Plan) of the Zoning Ordinance, or, if applicable, Section 17.53.080 (Submission of Future Development Plan).*
- ☑ *A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.*
- ☑ *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 — Date

Property Owner's Signature — Date 06 OCT 2025

## ***General Description of Subject Property***

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- ☑ *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 — Date: 10/9/2025

Property Owner's Signature / MP - President — Date: 10/9/2025

# 3100 NE Orchard Avenue
# Two-Parcel Partition

**Date:** October 2025

**Submitted to:** City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128

**Applicant:** McMinnville Industrial Promotions, Inc.
PO Box 328
McMinnville, OR 97128

**AKS Job Number:** 11033

AKS ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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## Exhibits

**Exhibit A:** Preliminary Plans (Updated November 2025)
**Exhibit B:** Partition Application Form
**Exhibit C:** Title Report
**Exhibit D:** Yamhill County Assessor's Map
**Exhibit E:** Pre-Application Plans

# Land Use Application for a Two-Parcel Partition

| | |
|---|---|
| **Submitted to:** | City of McMinnville<br>Planning Department<br>231 NE Fifth Street<br>McMinnville, OR 97128 |
| **Applicant:** | McMinnville Industrial Promotions, Inc.<br>PO Box 328<br>McMinnville, OR 97128 |
| **Property Owner:** | McMinnville Industrial Promotions, Inc.<br>PO Box 328<br>McMinnville, OR 97128 |
| **Applicant's Consultant:** | AKS Engineering & Forestry, LLC<br>12965 SW Herman Road, Suite 100<br>Tualatin, OR 97062<br><br>Contact(s): Cody Street and Lucas Eschelbach<br>Email: streetc@aks-eng.com; lucas.eschelbach@aks-eng.com<br>Phone: (503) 563-6151 |
| **Site Location:** | No Situs Address, at the easterly terminus of NE Orchard Avenue, McMinnville, OR 97128 |
| **Yamhill County Assessor's Map:** | 4 4 15; Tax Lot 3100 |
| **Site Size:** | ±26.05-acres |
| **Land Use District:** | M-2 General Industrial Zone (M-2) |

## I. Executive Summary

McMinnville Industrial Promotions, Inc. (Applicant) is submitting this application for a Partition to create two parcels for future industrial use.

The subject property abuts two public rights-of-way (NE Miller Street and NE Orchard Avenue) but can only be accessed via NE Orchard Avenue as the abutting segment of right-of-way dedicated for the northerly extension of NE Miller Street is of substandard width and unimproved. That segment of right-of-way is presently used as a storage area for business operations on the adjacent property to the west (Tax Lot 2603) and is encumbered by overhead power lines, further limiting access to the subject property. To provide public roadway access to both planned parcels, this partition application includes the dedication of right-of-way for the easterly extension and improvement of NE Orchard Avenue, the northerly extension and improvement of NE Miller Street, and a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard Avenue. Additionally, this application includes easterly extensions of the public water main and public sewer main running within NE Orchard Avenue, allowing for future service connections for later improvements on the planned parcels. Also included in this application is a new stormwater main that is planned to run from NE Miller Street onto Parcel 2 and into a planned stormwater pond. Easements for that public stormwater facility and for future public utilities are also included with this Partition application.

This application includes the City of McMinnville (City) application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## II. Site Description/Setting

The subject property (project site) is a single tax lot that comprises ±26.05 acres of General Industrial (M-2)-zoned land within McMinnville city limits. Historically, the unimproved project site has been used for the cultivation of sod and grass seed.

The project site is located immediately south of the Southern Pacific Railroad, equidistant from Oregon Route (OR) 99W to the north and the South Yamhill River to the south. As described in the Executive Summary above, the project site abuts an unimproved segment of NE Miller Street and the terminus of NE Orchard Avenue, local streets under the jurisdiction of the City of McMinnville (City). Excepting two vacant properties to the east and the railroad right-of-way to the north, properties surrounding the subject site house various industrial uses. Properties abutting the subject site are zoned M-2.

## III. Applicable Review Criteria

This application involves a "limited land use decision" as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in the McMinnville Zoning Ordinance (MMZO). Pursuant to ORS 197.195(1) comprehensive plan provisions (as well as goals, policies, etc. from within the adopted elements of the comprehensive plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to comprehensive plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the Applicant does not

waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

## CITY OF MCMINNVILLE ZONING ORDINANCE

### Title 17 – ZONING

#### Chapter 17.42 – M-2 GENERAL INDUSTRIAL ZONE

**17.42.010 Permitted uses.**

In an M-2 zone, the following uses and their accessory uses are permitted:

A. A use permitted in the M-1 zone (except for child care center and day care facility (adult));

B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 MMC (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance or any court of competent jurisdiction;

C. Manufacture, processing, and storage of grains or fertilizer;

D. Airport.

**17.42.020 Conditional uses.**

In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74 MMC:

A. Automobile wrecking yard;

B. Child Care Center, under the following provisions:

1. Operator must have the appropriate licenses required by state regulations, if applicable;

C. Day Care Facility (Adult), under the following provisions:

1. The structure is not a residence.

2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code), as amended, are met.

3. Operator must have the appropriate licenses required by state regulations;

D. Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600;

E. Junkyard;

F. Manufacture, use or storage of explosives;

G. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application.

**Response:** This application does not include new uses.

17.42.030 Yard requirements.

Except as required in "A" and "B" below, there shall be no required yards in an M-2 zone:

A. Side yard shall not be less than 50 feet when adjacent to a residential zone;

B. Rear yard shall not be less than 50 feet when adjacent to a residential zone.

**Response:** This application does not include new buildings, and no structures exist on the project site. As described previously, abutting properties are zoned M-2; therefore, there are no required yards for either parcel.

Chapter 17.53 – LAND DIVISION STANDARDS*

Partition

17.53.060 Submission of Tentative Partition plan.

An application to partition land shall be submitted in accordance with the application submittal procedures as stated in MMC 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:

A. There shall be submitted to the planning department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:

1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;

2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;

3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;

4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;

5. Outline and location of existing buildings to remain in place;

6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;

7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site.

8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.

9. Contour lines related to City datum and having minimum intervals of two (2) feet.

10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.

11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.

12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.

13. Such additional information as required by the Planning Director.

**Response:** The information required above is provided within this narrative and by additional application materials included as Exhibits A through E.

B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.

C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.

1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the planning director should determine, in his judgment, that the entire parcel is in the process of being subdivided.

2. Where a parcel is proposed to be divided into units of one acre or more, the planning director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.

3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).

4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.

**Response:** These provisions are understood and are to be carried out by the City review authority.

D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

**Response:** This provision is understood.

17.53.061 Submission of Final Partition Plat.

Within 12 (twelve) months after approval of the tentative plan, the partitioner shall prepare a final plat in conformance with the tentative plan as approved and submit the final plat to the city engineering department. Information required on the final plat shall be consistent with the requirements listed in ORS 92.050 and 209.250. The partitioner shall submit the original drawing and two (2) exact copies thereof, and any supplementary information to the City Engineer.

17.53.063 Filing of Final Partition Plat.

The partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

**Response:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

Future Development Plan

17.53.080 Submission of Future Development plan.

A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

A. Any potential future lots (lot size shall be depicted).

B. Existing and proposed utilities including water, sewer and storm drains.

C. Streets and access points for potential future lots.

It shall be the responsibility of the engineering department and planning department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The planning director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:

A. The construction of streets and utilities or the dedication of right-of-way for future improvements.

B. Any easements as deemed necessary for the extension of utility services.

**Response:** The Preliminary Partition Plat (Exhibit A) reflects planned right-of-way dedication and easements planned under this application. Additionally, the Future Development Plan (Exhibit A, Sheet 07) reflects street and utility improvements necessary to provide access and services to planned parcels. Also shown on the Future Development Plan are future improvements to be made by others (identified with blue hashed lines and as noted); as previously determined by City Staff. Those westerly improvements that the City has already determined as required to be built by others, i.e. by owner of Tax Lot 2603, not by the Applicant, are shown solely to demonstrate that a full buildout of NE Miller Street and NE Orchard Avenue can ultimately be achieved. Conceptual full street buildouts are illustrated on the Future Street Cross Sections (Exhibit A, Sheet 08). That sheet is provided for illustrative purposes and to satisfy the requirements of 17.53.080.

For specific details of improvements included with this application, please refer to the Future Development Plan (Exhibit A, Sheet 07) and responses provided elsewhere in this narrative. Construction permits will be obtained for those improvements included with this application, as required. It is not anticipated that the parcels will be further divided in the future.

Should any future construction of streets and utilities not shown in Exhibit A (i.e. unanticipated infrastructure extension) occur, the alignment of the common boundary

line between Parcel 1 and Parcel 2 and the centerline of NE Orchard Avenue will provide for the orderly extension of NE Orchard Avenue. These requirements are met.

Approval of Streets and Ways

17.53.100 Creation of Streets.

A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:

1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;

2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;

3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.

B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.

**Response:** As described previously, this application includes the planned dedication of right-of-way for NE Miller Street and NE Orchard Avenue. The area of preliminarily planned right-of-way dedication is shown on the Preliminary Partition Plat (Exhibit A), and the same information required above is provided within Exhibit A. Ultimately, right-of-way dedication associated with this partition will be reflected on and created with the final partition plat. Street standards of Section 17.53.101 are addressed below.

(…)

17.53.101 Streets.

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the

configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

**Response:** As shown on the Preliminary Plans (Exhibit A), the planned extensions of NE Orchard Avenue and NE Miller Street align with the existing roadway system to the greatest practical extent, given those obstructions within the unimproved segment of NE Miller Street previously described. While topographical constraints and existing obstructions within that segment of NE Miller Street present challenges, the planned alignment of streets has been thoughtfully designed around those obstructions. As shown in Exhibit A, planned roadway extensions prioritize accessibility for pedestrians and vehicles, and ensure efficient traffic flow in the immediate area. These provisions are met.

B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table. Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

**Response:** As shown on the Preliminary Street & Utility Plan & Profile provided in Exhibit A, the width of preliminarily planned right-of-way dedication is adequate for the extension and improvement of NE Miller Street and NE Orchard Avenue in accordance with Section 17.53.151 and City design standards. These requirements are met.

C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

**Response:** Reserve strips or street plugs are not requested with this Partition application. This requirement does not apply.

D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

**Response:** As shown on the Preliminary Plans (Exhibit A), planned extensions of NE Orchard Avenue and NE Miller Street are aligned with existing centerlines as far as is practicable. As previously described and as shown in Exhibit A, the planned extension of NE Miller Street necessarily includes an easterly curve before straightening out to intersect with NE Orchard Avenue at a right angle, as required. This minor realignment to meet on and off site constraints does not result in a "T" intersection. This application does not include "T" intersections. These requirements are met.

| Complete Street Design Standards | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Arterial | | Collector | | Neighborhood Connector | Local Residential | Alley |
| | | | | Major | Minor | Major | Minor | | | |
| Streetscape | Street Profile | Bike | Auto/Truck Amenities (lane widths) [1] | 2-4 lanes (12 ft.) | 2 lanes (11 ft.) | 2 lanes (11 ft.) | 2 lanes (10 ft.) | See Street Width | See Street Width | 20 ft. |
| | | | Median / Center Turn Lane | 14 ft. | 12 ft. | 12 ft. | 10 ft. | None | None | None |
| | | | Bike Facility [2] | 2 lanes (6 ft.) | 2 lanes (6 ft.) | 2 lanes (5 ft.) | 2 lanes (5 ft.) or shared lane | Shared Lane | Shared Lane | None |
| | | | Curb-to-curb Street Width [3]<br>On-Street Parking<br>Two Sides<br>None | na<br>74 ft. | na<br>46 ft. | na<br>44 ft. | 30 or 40 ft.<br>30 or 40 ft. | 28 ft. | 28 ft. | Not Apply |
| | | Pedestrian Zone (with ADA requirement) | Pedestrian Amenities [4]<br>Sidewalks (both sides)<br>Planter Strips | 8 ft.<br>Com | 5 ft.<br>Res<br>10-12 ft.<br>Com<br>6 ft.<br>Res<br>na Com | 5 ft.<br>Res<br>10-12 ft.<br>Com<br>6 ft.<br>Res<br>na Com | 5 ft. Res<br>10-12 ft.<br>Com<br>6 ft. Res<br>na Com | 5 ft.<br>5 ft. Res | 5 ft.<br>5 ft. Res | None<br>None |
| | | | Preferred Adjacent Land Use – Intensity | High | Medium to High | Medium | Medium | Medium to Low | Low | Low |
| | | Traffic Management | Maximum Average Daily Traffic | 32,000 | 20,000 | 16,000 | 10,000 | 1,200 – 3,000 | 1,200 | 500 |
| | | | Traffic Calming | Not Typical | Not Typical | Not Typical | Permissible / Not Typical | Permissible/ Not Typical | Typical | Not Typical |
| | | | Managed Speed [5] | 35 mph | 30-35 mph | 25-30 mph | 25 mph | 25 mph | 15-25 mph | 10 mph |
| | | | Through-traffic Connectivity | Primary | Typical | Typical | Typical | Not Typical | Not Permissible | Not Permissible |
| | | | Access Control | Yes | Yes | Some | Some | No | No | No |
| | | | Maximum Grade | 6% | 6% | 10% | 10% | 12% | 12% | 12% |
| | | | Right-of-Way: | 104 ft. | 96 ft. | 74 ft. | 56 ft. (no bike lane)<br>66 ft. (bike lane) | 50 ft. | 50 ft. | 20 ft. |

| Complete Street Design Standards |
|---|
| General Design Notes;<br>Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lanes widths shall be 12 feet.<br>An absolute minimum bike lane width for safety concern is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur in locations where existing development along an established route or other physical constraint preclude construction of the preferred facility width.<br>Street design for each development shall provide for emergency and fire vehicle access.<br>Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.<br>Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.<br>None with on-street parking<br>Street Design Standard Notes:<br>Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.<br>The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area.<br>The right-of-way, street width, improvement standards, and turnaround radius of commercial/industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.<br>Intersection curb radii shall not be less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within a 60-foot distance of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and installation of "No Parking" signs as approved by the City Engineering Department.<br>Sidewalks and planting strips shall not be required along eyebrows.<br>For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department. |

E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

**Response:** The preliminary planned northerly extension of NE Miller Street shown on the Preliminary Plans (Exhibit A) is identified as a Future Street Connection on Exhibit 2-1 of the McMinnville Transportation System Plan, providing the connectivity required here. As previously described, the preliminarily planned extension of NE Orchard Avenue is designed to provide serviceability and access for future improvements on the planned parcels; and while it is not anticipated, a future further extension of NE Orchard Avenue could occur, given that it is designed to be centered on a common parcel boundary. The design of both extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E). This requirement is met.

F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser

distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

**Response:** As shown on the Preliminary Plans (Exhibit A), the extensions of NE Orchard Avenue and NE Miller Street are planned to intersect at a right angle. This requirement is met.

G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

**Response:** As described previously, this application includes the preliminarily planned dedication of right-of-way for extensions of NE Miller Street and NE Orchard Avenue, as required here. This requirement is met.

H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

**Response:** As evidenced by the Preliminary Plans (Exhibit A), improvements to NE Orchard Avenue and NW Miller Street are planned on and off the subject site. As shown in Exhibit A, the NE Orchard Avenue extension is preliminarily planned to be improved within a 50-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalks, a 24-foot-wide paved roadway, and ADA ramps; and the NE Miller Street extension is preliminarily planned to be improved within an up to ±66-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalk, a 28-foot-wide paved roadway, and an ADA ramp.

Improvements to both roadways not included with this application (i.e. improvements the City has determined are required to be completed by the owner of Tax Lot 2603) include additional roadway paving and curb along the north side of NE Miller Street, as well as additional roadway paving, curb, an ADA ramp, and 5-foot-wide sidewalk on the south side of NE Orchard Avenue, just west of NE Miller Street. Those future pedestrian improvements to be built by others on the south side of NE Orchard Avenue are designed to align with those planned to be provided by the Applicant under this application, as shown on the Future Development Plan (Exhibit A, Sheet 07). Therefore, this application does not include half streets, though half streets may be approved.

I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor

street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

**Response:** The application does not include cul-de-sacs or eyebrows. These requirements do not apply.

K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

**Response:** This application does not include new streets. This requirement does not apply.

L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.

2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

3. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the planning commission may accept sharper curves.

**Response:** As shown on the Future Street Cross Sections provided in Exhibit A, grades of NE Miller Street and NE Orchard Avenue do not exceed 12 percent and meet the centerline curve radii standard described above. These requirements are met.

M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future

grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

**Response:** As shown on the Preliminary Plans (Exhibit A), NE Orchard Avenue, which runs parallel to the railroad right-of-way, provides adequate separation from the railroad. This requirement is met.

N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

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

Q. Bikeways. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)

R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)

**Response:** This application does not include frontage roads, alleys, private ways, collectors, or arterial streets.

S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

**Response:** As previously described, the design of planned street extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by

comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E), which included curb-tight sidewalk. As discussed at that conference, the 5-foot-wide curb-tight sidewalk included in this project is appropriate for the conditions of the site. Though very few street segments in the general vicinity of the subject site provide sidewalk, where they are provided, sidewalks are curb tight. Therefore, this requirement is met as practicable.

> T. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

**Response:** This requirement is intended to ensure street-tree planting areas. As previously described, this application includes curb-tight sidewalks. Park strips cannot be accommodated by curb-tight sidewalks. Requirements for park strips and street trees were discussed at the pre-application conference, where it was determined that street trees can be planted on the planned parcels, and will be allowed within the planned 10-foot-wide public utility easements.

Street tree planting plans are not required to be submitted with this Partition application; however, it is anticipated that a street tree plan will be required to be submitted prior to the filing of a final plat application. Accordingly, street tree standards are not required to be addressed by the Applicant in this narrative, though the Applicant notes that 17.58.90.D provides that "*…where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk*". Therefore, as shown on the Preliminary Plans (Exhibit A), street tree planting area is planned to be provided in accordance with this code and insofar as it applies to this application, this requirement will be met.

> U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-detached residential development of four or more lots or parcels, multi-dwelling housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager. (Ord. 5023, §2, 2017; Ord. 4922, §4B, 2010; Amended 8/14/07 by Ordinance No. 4879.)

**Response:** The application does not include gates.

> 17.53.103 Blocks.
>
> A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
>
> B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets

justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

**Response:** As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved.

As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

C. Easements.

1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

**Response:** As shown on the Preliminary Plans (Exhibit A), the application includes utility easements designed pursuant to applicable City standards, as well as a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard

Avenue. This application does not include alteration to drainage ways and does not require pedestrian access tracts. These requirements are met, as applicable.

17.53.105 Lots.

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), parcels are dimensioned appropriately for future industrial use. The MMZO does not establish minimum or maximum sizes for lots or parcels in the M-2 zoning district. These requirements are met.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-detached, common wall, or duplex residential use, unless no other access point is practical.

**Response:** As shown on the Preliminary Plans (Exhibit A), parcels are planned to abut streets other than an alley for at least 25 feet. This requirement is met.

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

**Response:** This application does not include through lots.

D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

**Response:** As shown on the Preliminary Plans (Exhibit A), parcel lines are planned to run at right angles to abutting streets. This requirement is met.

E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

**Response:** This application does not include flag lots.

17.53.110 Lot Grading.

Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.

D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.

E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

**Response:** As demonstrated by the Preliminary Grading & Utilities Plan included in Exhibit A, these requirements are met as applicable.

17.53.120 Building Lines.

If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

**Response:** This application does not include special building setback lines.

17.53.130 Large Lot Subdivision.

In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the planning commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

**Response:** Please refer to the response previously provided to Section 17.53.080.

17.53.140 Left-over Land.

Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

**Response:** As shown on the Preliminary Plans (Exhibit A), the existing wetland on the project site is wholly located on planned Parcel 2, and that area has been specifically identified on the Preliminary Partition Plat. This requirement is met.

Chapter 17.58 – TREES

17.58.040 Tree Removal/Replacement.

A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Applications shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, except as authorized in Section 17.58.050. Requests for tree removal within the Downtown Tree Zone shall be submitted to the City. Such requests shall be acted upon as soon as practicable, with

consideration given to public safety, value of the tree to the public, and work schedules. The Manager should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Manager may be appealed to the Planning Commission if written notice of the appeal is filed with the City within 15 (fifteen) days of the committee's or Manager's decision. A decision made by the Manager in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

**Response:** As shown on the Preliminary Plans (Exhibit A), two trees exist partially within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application seeks the removal of those two trees, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace those trees that are removed to accommodate this project. As demonstrated by the Preliminary Plans (Exhibit A), other trees on the subject site will be preserved.

B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.

C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

**Response:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction

of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Manager's or Landscape Review Committee's decision. The Manager or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

G. Other conditions may be attached to the permit approval by the Manager or Landscape Review Committee as deemed necessary.

**Response:** The Applicant plans to complete the tree removal within six months of approval. However, the Applicant requests that the City condition this approval such that tree removal may commence concurrently with preliminarily planned infrastructure installation. This approach will ensure that trees are not removed prematurely and will survive if any future modifications to the plan allow.

H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.

**Response:** This provision is understood. Planting of street trees will be in accordance with applicable City standards, as required.

17.58.050 Application Review and Criteria.

A. Application for Simple Tree Removal Permit.

1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.

2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:

a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.

b. The tree is dead or in an advanced state of decline.

c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.

d. Tree is infested with pests or disease.

e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary

abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.

f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.

g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.

h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.

**Response:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager.

**Response:** An arborist verification of tree health can be provided, as required. However, it is not anticipated to be necessary given the location of trees within the area planned for future right-of-way extensions.

4. At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.

**Response:** Planned tree removal is not anticipated to be deemed necessary for review by the Landscape Review Committee.

(…)

C. Application for Complex Tree Removal Permit.

1. Review. Applications for complex tree removal permits shall be reviewed by the Landscape Review Committee in accordance with the procedures of this Chapter on a form containing information required by the Manager.

2. Criteria. An application for a complex tree removal permit shall meet all of the following criteria:

a. The tree removal is necessary to address a public purpose that is not addressed by the criteria for a Simple Tree Removal Permit, and the application does not merely circumvent the requirements for a Simple Tree Removal Permit.

b. The tree removal is necessary to promote the public health, safety, welfare, and/or to accomplish a public purpose or program identified in the City's adopted plans, goals, and/or policies.

c. The tree removal will be consistent with the overall furtherance of a healthy urban forest, including healthy, attractive street trees.

3. The Landscape Review Committee may apply conditions of approval as specified in this Chapter and as may be necessary to offset the impact of the tree removal.

4. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.

**Response:** This application does not include a Complex Tree Removal Permit and such a permit is not anticipated to be required for this partition.

(…)

17.58.080 Street Tree Planting – When Required.

All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

**Response:** It is anticipated that street tree installation will be conditionally required to be installed. As described previously in this narrative, this partition and associated improvements are designed to accommodate future street tree planting, as required.

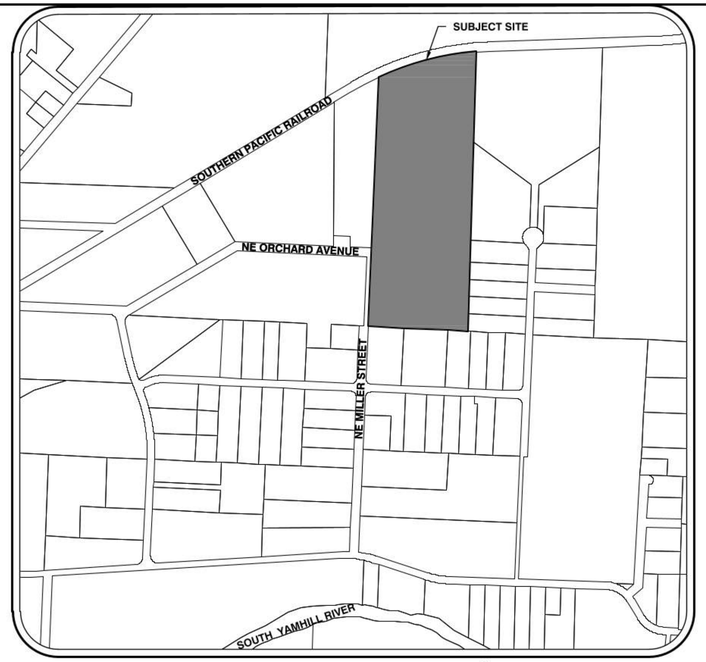
## IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the McMinnville Zoning Ordinance. The evidence in the record is substantial and supports approval of the application.

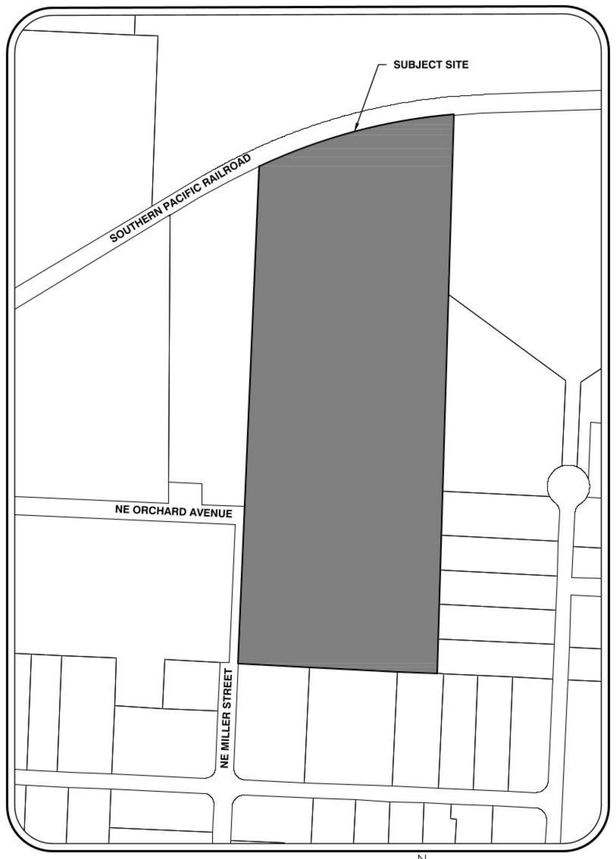
# **Exhibit A:** Preliminary Plans (Updated November 2025)

# 3100 NE ORCHARD AVENUE

## PARTITION APPLICATION
### PRELIMINARY PLANS




**VICINITY MAP**
SCALE: 1" = 500'




**SITE MAP**
SCALE: 1" = 250'

**APPLICANT:**
MCMINNVILLE INDUSTRIAL PROMOTIONS
PO BOX 328
MCMINNVILLE, OR 97128

**LAND USE PLANNING / CIVIL ENGINEERING / SURVEYING FIRM:**
AKS ENGINEERING & FORESTRY, LLC
CONTACT: CODY STREET
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PH: 503-563-6151
FAX: 503-563-6152
EM: STREETC@AKS-ENG.COM

**PROJECT LOCATION:** SOUTH OF HWY 99W AND NORTH OF THE SOUTH YAMHILL RIVER.

**PROPERTY DESCRIPTION:** TAX LOT 3100 YAMHILL COUNTY ASSESSOR'S MAP R4415. LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON.

**EXISTING LAND USE:** AGRICULTURAL PRODUCTION OF GRASS SEED / SOD.

**PROJECT PURPOSE:** TWO-PARCEL PARTITION.

**ZONING DISTRICT:** GENERAL INDUSTRIAL (M-2).

**HORIZONTAL DATUM:** COORDINATES ARE BASED ON OREGON STATE PLANE NORTH ZONE 3601, NAD83 (2011).

**VERTICAL DATUM:** ELEVATIONS ARE BASED ON NGS BENCHMARK RD0847. ELEVATION = 121.06 FEET (NAVD 88).

## LEGEND

| | EXISTING | PROPOSED | | EXISTING | PROPOSED |
|---|---|---|---|---|---|
| DECIDUOUS TREE | | | STORM DRAIN CLEAN OUT | | |
| CONIFEROUS TREE | | | STORM DRAIN CATCH BASIN | | |
| | | | STORM DRAIN AREA DRAIN | | |
| FIRE HYDRANT | | | STORM DRAIN MANHOLE | | |
| WATER BLOWOFF | | | GAS METER | | |
| WATER METER | | | GAS VALVE | | |
| WATER VALVE | | | GUY WIRE ANCHOR | | |
| DOUBLE CHECK VALVE | | | UTILITY POLE | | |
| AIR RELEASE VALVE | | | POWER VAULT | P | P |
| SANITARY SEWER CLEAN OUT | | | POWER JUNCTION BOX | | |
| SANITARY SEWER MANHOLE | | | POWER PEDESTAL | | |
| SIGN | | | COMMUNICATIONS VAULT | C | C |
| STREET LIGHT | | | COMMUNICATIONS JUNCTION BOX | | |
| MAILBOX | MB | MB | COMMUNICATIONS RISER | | |

| | EXISTING | PROPOSED |
|---|---|---|
| RIGHT-OF-WAY LINE | | |
| BOUNDARY LINE | | |
| PROPERTY LINE | | |
| CENTERLINE | | |
| DITCH | | |
| CURB | | |
| EDGE OF PAVEMENT | | |
| GUTTER | | |
| EASEMENT | | |
| FENCE LINE | | |
| GRAVEL EDGE | | |
| POWER LINE | PWR | PWR |
| OVERHEAD WIRE | OHW | OHW |
| COMMUNICATIONS LINE | COM | COM |
| FIBER OPTIC LINE | CFO | CFO |
| GAS LINE | GAS | GAS |
| STORM DRAIN LINE | STM | STM |
| SANITARY SEWER LINE | SAN | SAN |
| WATER LINE | WAT | WAT |
| RECLAIMED WATER LINE | RPWAT | RPWAT |

## SHEET INDEX


01 COVER SHEET
02 EXISTING CONDITIONS PLAN
03 EXISTING CONDITIONS PLAN
04 PRELIMINARY PARTITION PLAT
05 PRELIMINARY PARTITION PLAT WITH AERIAL PHOTOGRAPH
06 PRELIMINARY GRADING & UTILITIES PLAN
07A DETAILED FUTURE DEVELOPMENT PLAN
07B FUTURE DEVELOPMENT PLAN
08 FUTURE STREET CROSS SECTIONS



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM


AKS ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

3100 NE ORCHARD AVENUE
MCMINNVILLE OREGON
TAX LOT 3100 YAMHILL COUNTY TAX MAP R4415

COVER SHEET

DESIGNED BY: CMS
DRAWN BY: PAT
MANAGED BY: CMS
CHECKED BY: CMS
DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
CODY P. CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER 11033

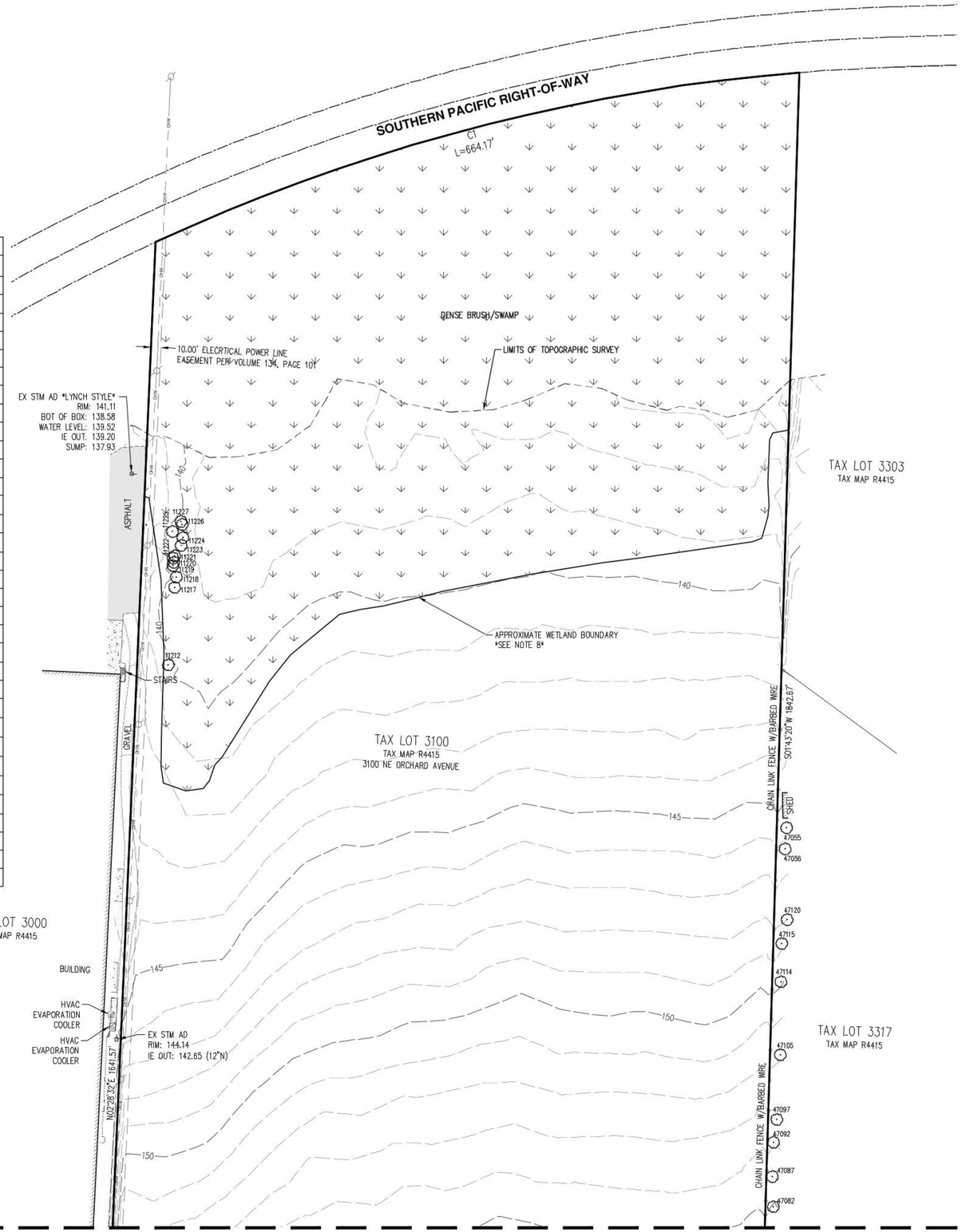
SHEET 01

AKS DRAWING FILE: 11033 20250606 VICINITY MAP.DWG | LAYOUT: COVER SHEET

| CURVE TABLE | | | | |
|---|---|---|---|---|
| CURVE | RADIUS | DELTA | LENGTH | CHORD |
| C1 | 1879.87' | 20°14'35" | 664.17' | N75°14'34"E 660.73' |

| TREE TABLE | | |
|---|---|---|
| TREE NUMBER | TYPE | DBH (IN.) |
| 10182 | CONIFEROUS | 18 |
| 10201 | DECIDUOUS | 11 |
| 10202 | DECIDUOUS | 10 |
| 10203 | DECIDUOUS | 11 |
| 10204 | DECIDUOUS | 9 |
| 10646 | DECIDUOUS | 27 |
| 10647 | DECIDUOUS | 15 |
| 10648 | DECIDUOUS | 9 |
| 10649 | DECIDUOUS | 19 |
| 10650 | DECIDUOUS | 20 |
| 10653 | DECIDUOUS | 16 |
| 10670 | DECIDUOUS | 12,12,15 |
| 10671 | DECIDUOUS | 7,7 |
| 10739 | DECIDUOUS | 8 |
| 10765 | DECIDUOUS | 6 |
| 10815 | DECIDUOUS | 21 |
| 10818 | DECIDUOUS | 25 |
| 10823 | DECIDUOUS | 11 |
| 10851 | DECIDUOUS | 25 |
| 10854 | DECIDUOUS | 22 |
| 10855 | DECIDUOUS | 24 |
| 10882 | DECIDUOUS | 38 |
| 10891 | DECIDUOUS | 24 |
| 10894 | DECIDUOUS | 24 |
| 10898 | DECIDUOUS | 35 |
| 10903 | DECIDUOUS | 25 |
| 10904 | DECIDUOUS | 30 |
| 10911 | DECIDUOUS | 18 |
| 10912 | DECIDUOUS | 18 |
| 10916 | DECIDUOUS | 22 |
| 10917 | DECIDUOUS | 18 |
| 10919 | DECIDUOUS | 18 |
| 10922 | DECIDUOUS | 16 |
| 10924 | DECIDUOUS | 15 |

| TREE TABLE | | |
|---|---|---|
| TREE NUMBER | TYPE | DBH (IN.) |
| 10925 | DECIDUOUS | 40 |
| 10967 | DECIDUOUS | 11 |
| 10971 | DECIDUOUS | 6 |
| 10972 | DECIDUOUS | 9 |
| 10983 | DECIDUOUS | 6 |
| 10984 | CONIFEROUS | 11 |
| 11122 | CONIFEROUS | 20 |
| 11212 | DECIDUOUS | 12 |
| 11217 | DECIDUOUS | 6,10,10,13,17 |
| 11218 | DECIDUOUS | 25 |
| 11219 | DECIDUOUS | 24 |
| 11220 | DECIDUOUS | 19 |
| 11221 | DECIDUOUS | 7,8,9 |
| 11222 | DECIDUOUS | 12 |
| 11223 | DECIDUOUS | 9,11 |
| 11224 | DECIDUOUS | 9 |
| 11225 | DECIDUOUS | 15 |
| 11226 | DECIDUOUS | 7 |
| 11227 | DECIDUOUS | 7 |
| 47055 | DECIDUOUS | 6 |
| 47056 | DECIDUOUS | 6,8 |
| 47065 | DECIDUOUS | 6 |
| 47068 | DECIDUOUS | 6 |
| 47077 | DECIDUOUS | 6,6 |
| 47082 | DECIDUOUS | 6,7 |
| 47087 | DECIDUOUS | 6,7,8 |
| 47092 | DECIDUOUS | 8,13 |
| 47097 | DECIDUOUS | 6,8,10 |
| 47105 | DECIDUOUS | 6,7,10 |
| 47114 | DECIDUOUS | 6 |
| 47115 | DECIDUOUS | 6 |
| 47120 | DECIDUOUS | 6 |
| 47128 | DECIDUOUS | 41 |




## LEGEND

| | EXISTING | | EXISTING |
|---|---|---|---|
| DECIDUOUS TREE | | STORM DRAIN CLEAN OUT | |
| CONIFEROUS TREE | | STORM DRAIN CATCH BASIN | |
| FIRE HYDRANT | | STORM DRAIN AREA DRAIN | |
| WATER BLOWOFF | | STORM DRAIN MANHOLE | |
| WATER METER | | GAS METER | |
| WATER VALVE | | GAS VALVE | |
| DOUBLE CHECK VALVE | | GUY WIRE ANCHOR | |
| AIR RELEASE VALVE | | UTILITY POLE | |
| SANITARY SEWER CLEAN OUT | | POWER VAULT | |
| SANITARY SEWER MANHOLE | | POWER JUNCTION BOX | |
| SIGN | | POWER PEDESTAL | |
| STREET LIGHT | | COMMUNICATIONS VAULT | |
| MAILBOX | | COMMUNICATIONS JUNCTION BOX | |
| | | COMMUNICATIONS RISER | |

| EXISTING | |
|---|---|
| RIGHT-OF-WAY LINE | |
| BOUNDARY LINE | |
| PROPERTY LINE | |
| CENTERLINE | |
| DITCH | |
| CURB | |
| EDGE OF PAVEMENT | |
| EASEMENT | |
| FENCE LINE | |
| GRAVEL EDGE | |
| POWER LINE | PWR |
| OVERHEAD WIRE | OHW |
| COMMUNICATIONS LINE | COM |
| FIBER OPTIC LINE | OFO |
| GAS LINE | GAS |
| STORM DRAIN LINE | STM |
| SANITARY SEWER LINE | SAN |
| WATER LINE | WAT |

**NOTES:**

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBERS 22191987 & 22191992. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED IN JUNE & JULY, 2022, AND SEPTEMBER 16, 2025.
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK RD0847. ELEVATION = 121.06 FEET (NAVD 88).
4. THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
5. BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
6. CONTOUR INTERVAL IS 1 FOOT.
7. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.
8. WETLANDS SHOWN WERE DERIVED FROM A PDF OVERLAY OF "WETLAND DELINEATION/DETERMINATION REPORT" BY OREGON DEPARTMENT OF STATE LANDS DATED 05/02/2025 AND ARE APPROXIMATE.
9. EASEMENTS SHOWN ARE BASED ON A TITLE REPORT FROM FIRST AMERICAN TITLE COMPANY WITH AN EFFECTIVE DATE OF SEPTEMBER 16, 2025, AND ORDER NUMBER 1039-4309602.

N

SCALE: 1"=60 FEET

60 0 12 30 60

ORIGINAL PAGE SIZE: 22" x 34"

SEE SHEET 03

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FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

# 3100 NE ORCHARD AVENUE

OREGON
YAMHILL COUNTY TAX MAP R4415
MCMINNVILLE
TAX LOT 3100

# EXISTING CONDITIONS PLAN

DESIGNED BY:
DRAWN BY: ML
MANAGED BY: RDR
CHECKED BY: MTB
DATE: 09/22/2025

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 9, 2024
ERIC NYGREN
091799PLS
RENEWS: 12/31/2026

REVISIONS

JOB NUMBER
11033

SHEET
02

AKS DRAWING FILE: 9510 EXCOND - COPY.DWG | LAYOUT: EXISTING CONDITIONS PLAN

SEE SHEET 02

TAX LOT 3000
TAX MAP R4415

BUILDING

HVAC EVAPORATION COOLER

HVAC EVAPORATION COOLER

APPROXIMATE LOCATION OF 7 TRANSMISSION LINES

EX STM AD
RIM: 144.14
IE OUT: 142.65 (12"N)

N02°28'32"E 1641.57'

BPA TOWER

GRAVEL

10.00' ELECTRICAL POWER LINE EASEMENT PER VOLUME 134, PAGE 101

CHAIN LINK FENCE W/BARBED WIRE

CONCRETE WALL

ASPHALT

12" WATER

4" STEEL

END OF SAN/ LOCATES

NE ORCHARD AVENUE

12" CONC

30'

GRAVEL

GRAVEL

END OF WATER AND GAS LOCATES

EX 12" DI CULVERT
IE: 144.60 (E)
IE: 144.37 (W)

EX 12" CONC CULVERT
IE: 144.74 (E)
IE: 144.82 (W)

EX 12" CONC CULVERT
IE: 145.20 (E)
IE: 144.43 (W)

CHAIN LINK FENCE W/BARBED WIRE

EX 6" CPP CULVERT
IE: 146.62

CONCRETE COLUMNS

VAULT COULD NOT OPEN

EX SAN MH
RIM: 147.39
IE IN: 141.57 (6"N)
IE IN: 141.49 (10"E)
IE OUT: 141.37 (12"W)

UNABLE TO LOCATE EAST END OF PIPE

10.00' UTILITY EASEMENT PER PP NO. 2012-10

APPROXIMATE LOCATION OF WATER AND GAS LINES (NOT LOCATED)

TAX LOT 2603
TAX MAP R4415

NE MILLER STREET

25'

REFLECTIVE BARRICADE

EX STM CB
RIM: 156.83
IE IN: 153.40 (12"E)
IE OUT: 153.36 (12"SW)
SUMP: 151.99

END OF WATER AND GAS LOCATES

VARIABLE WIDTH

EX STM CB
RIM: 156.74
IE IN: 154.31 (10"E)
IE OUT: 154.08 (12"W)
SUMP: 152.18

EX SAN MH
RIM: 157.39
IE IN: 142.30 (8"E)
IE IN: 142.15 (10"S)
IE OUT: 142.03 (12"W)

SIGN

APPROXIMATE LOCATION OF TOWER

EX STM MH
RIM: 158.44
IE IN: 153.01 (12"NE)
IE IN: 152.94 (12"SE)
IE OUT: 152.79 (12"W)

12" WATER

ASPHALT

N87°04'12"W 655.31'

4" STEEL

4" WATER RISER

WOOD POST

EX STM CB
RIM: 158.65
IE IN: 156.32 (10"E)
IE OUT: 155.92 (12"NW)
SUMP: 153.82

BUILDING

EX STM AD *LYNCH STYLE*
RIM: 160.60
BOT OF BOX: 158.02
WATER LEVEL: 158.46
IE OUT: 158.44 (10"W)
SUMP: 156.34

10.00' PUBLIC AND PRIVATE UTILITIES EASEMENT PER "KPP INDUSTRIAL PARK"

TAX LOT 3100
TAX MAP R4415
3100 NE ORCHARD AVENUE

TAX LOT 3310
TAX MAP R4415

TAX LOT 3326
TAX MAP R4415

TAX LOT 3324
TAX MAP R4415

TAX LOT 3317
TAX MAP R4415

TAX LOT 3318
TAX MAP R4415

TAX LOT 3319
TAX MAP R4415

TAX LOT 3320
TAX MAP R4415

TAX LOT 3308
TAX MAP R4415

TAX LOT 3309
TAX MAP R4415

CHAIN LINK FENCE W/BARBED WIRE

S01°43'20"W 1842.67'

CONCRETE WALL

EXTRUDED CURB

SHED

BUILDING

GRAVEL

## LEGEND

| EXISTING | | EXISTING |
|---|---|---|
| DECIDUOUS TREE | | STORM DRAIN CLEAN OUT |
| CONIFEROUS TREE | | STORM DRAIN CATCH BASIN |
| FIRE HYDRANT | | STORM DRAIN AREA DRAIN |
| WATER BLOWOFF | | STORM DRAIN MANHOLE |
| WATER METER | | GAS METER |
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| MAILBOX | | COMMUNICATIONS JUNCTION BOX |
| | | COMMUNICATIONS RISER |

| EXISTING | |
|---|---|
| RIGHT-OF-WAY LINE | |
| BOUNDARY LINE | |
| PROPERTY LINE | |
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| DITCH | |
| CURB | |
| EDGE OF PAVEMENT | |
| EASEMENT | |
| FENCE LINE | |
| GRAVEL EDGE | |
| POWER LINE | PWR |
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| STORM DRAIN LINE | STM |
| SANITARY SEWER LINE | SAN |
| WATER LINE | WAT |

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6. CONTOUR INTERVAL IS 1 FOOT.
7. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.
8. WETLANDS SHOWN WERE DERIVED FROM A PDF OVERLAY OF "WETLAND DELINEATION/DETERMINATION REPORT" BY OREGON DEPARTMENT OF STATE LANDS DATED 05/02/2025 AND ARE APPROXIMATE.
9. EASEMENTS SHOWN ARE BASED ON A TITLE REPORT FROM FIRST AMERICAN TITLE COMPANY WITH AN EFFECTIVE DATE OF SEPTEMBER 16, 2025, AND ORDER NUMBER 1039-4309602.

N

SCALE: 1"=60 FEET

60 0 12 30 60

ORIGINAL PAGE SIZE: 22" x 34"

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TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

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# 3100 NE ORCHARD AVENUE

OREGON
YAMHILL COUNTY TAX MAP R4415
MCMINNVILLE
TAX LOT 3100

# EXISTING CONDITIONS PLAN

DESIGNED BY:
DRAWN BY: ML
MANAGED BY: RDR
CHECKED BY: MTB
DATE: 09/22/2025

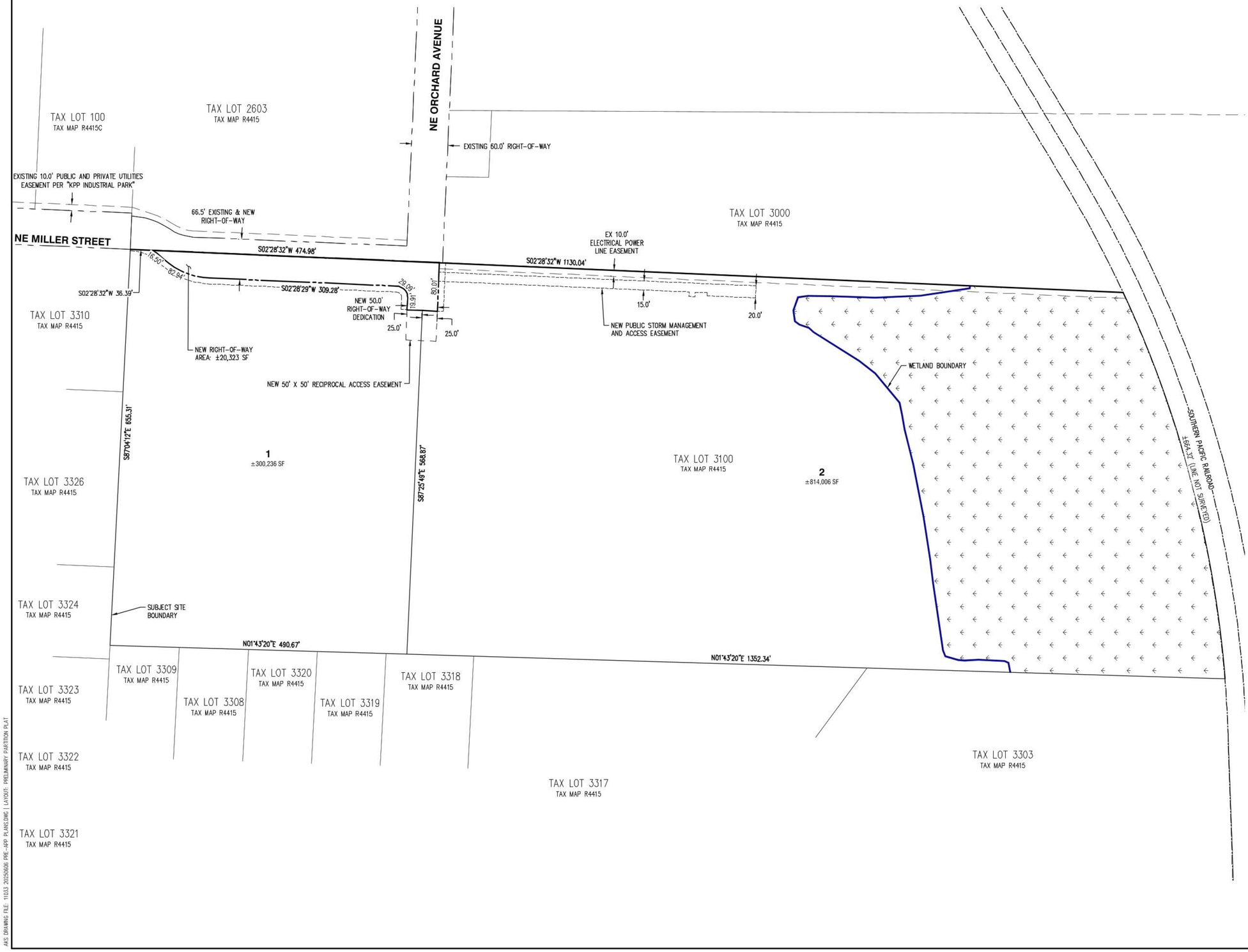
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 9, 2024
ERIC NYGREN
091799PLS
RENEWS: 12/31/2026

REVISIONS

JOB NUMBER
11033

SHEET
03

AKS DRAWING FILE: 9510 EXCOND - COPY.DWG | LAYOUT: 02




## PARTITION PLAT SUMMARY:

1. EXISTING SITE:
   AREA: ±1,134,565 SF (±26.05 AC)
   ZONING: GENERAL INDUSTRIAL M-2
2. PARCEL 1:
   AREA: ±300,236 SF (±6.89 AC)
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
3. PARCEL 2:
   AREA: ±814,006 SF (±18.69 AC)
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
4. NEW RIGHT-OF-WAY:
   AREA: ±20,323 (±0.47 AC)

SCALE: 1" = 80 FEET
80 0 16 40 80
ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

OREGON
YAMHILL COUNTY TAX MAP R4415
MCMINNVILLE
TAX LOT 3100

# PRELIMINARY PARTITION PLAT

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 29, 2005
CHRISTIAN S. CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER
11033

SHEET
04

Revised on 04.07.2026
167 of 330

AKS DRAWING FILE: 11033 20250606 PRE-APP PLANS.DWG | LAYOUT: PRELIMINARY PARTITION PLAT

## PARTITION PLAT SUMMARY:

1. EXISTING SITE:
   AREA: ±1,134,565 SF (±26.05 AC)
   ZONING: GENERAL INDUSTRIAL M-2
2. PARCEL 1:
   AREA: ±300,236 SF (±6.89 AC)
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
3. PARCEL 2:
   AREA: ±814,006 SF (±18.69 AC)
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
4. NEW RIGHT-OF-WAY:
   AREA: ±20,323 (±0.47 AC)

SCALE: 1" = 80 FEET
80 0 16 40 80
ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
YAMHILL COUNTY TAX MAP R4415
TAX LOT 3100

# PRELIMINARY PARTITION PLAT WITH AERIAL PHOTOGRAPH

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION

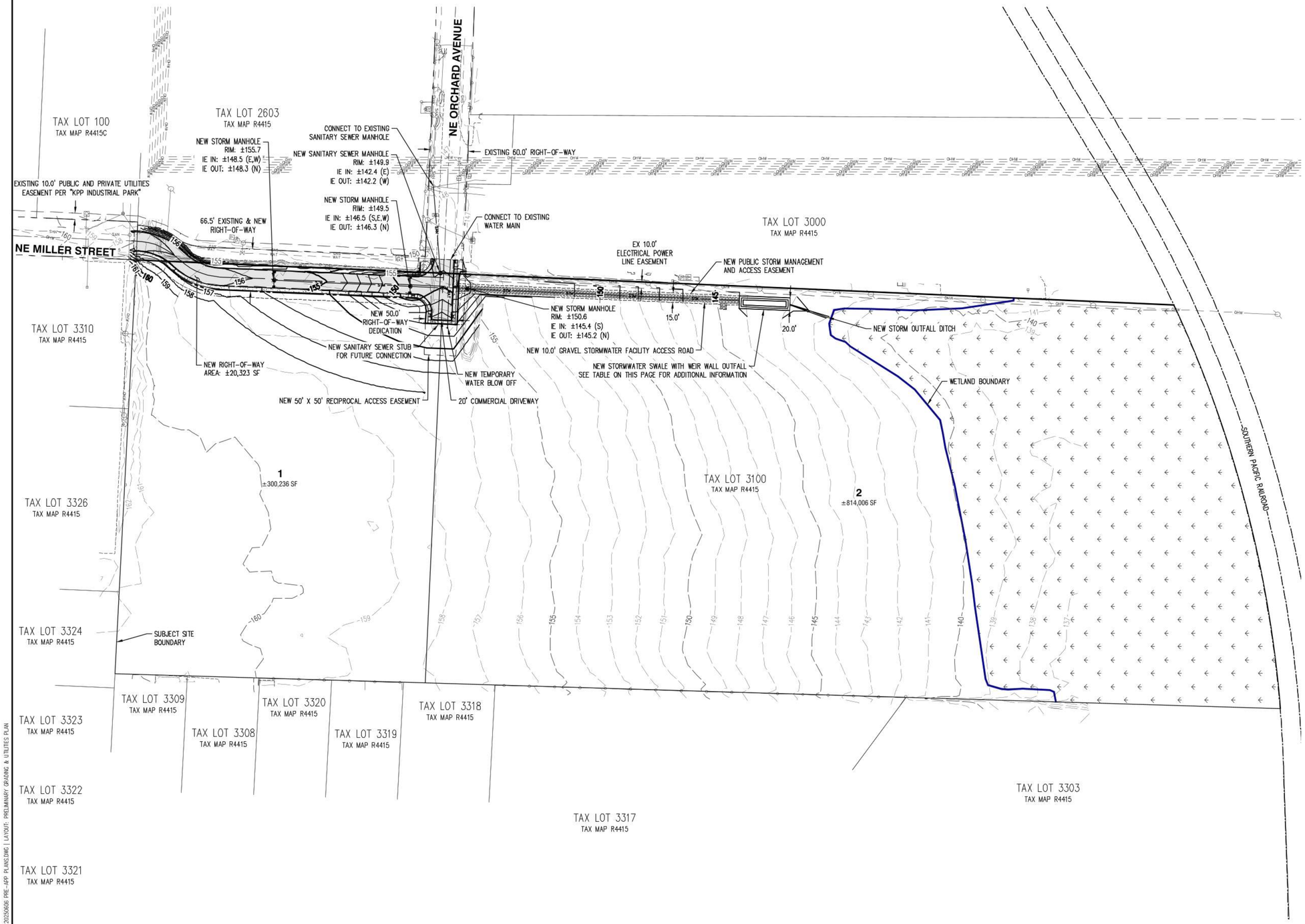
RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER
11033

SHEET
05

AKS DRAWING FILE: 11033 20250606 PRE-APP PLANS.DWG | LAYOUT: PRELIMINARY PARTITION PLAT WITH AERIAL PHOTOGRAPH




## STORMWATER FACILITY

| | |
|---|---|
| FACILITY TYPE: | SWALE |
| OUTFALL STRUCTURE: | V-NOTCH WEIR WALL |
| TOP OF SWALE ELEVATION: | 144' |
| BOTTOM OF SWALE ELEVATION: | 142' |
| SURFACE AREA: | ±1,600 SF |
| NEW IMPERVIOUS SURFACE*: | |
| STREET | ±17,210 SF |
| SIDEWALK: | ±3,500 SF |
| TOTAL: | ±20,710 SF |
| DESIGN STORM: | 10 YEAR |
| MAXIMUM STORAGE: | ±2,040 CF |
| PEAK STORAGE: | ±1,440 CF |
| PEAK OUTFLOW RATE: | ±0.17 CFS |
| PEAK OUTFLOW VELOCITY: | ±2.37 FPS |

*SWALE IS SIZED FOR THE FULL RIGHT-OF-WAY BUILDOUT, INCLUDING IMPROVEMENTS BY OTHERS. SEE SHEET 07A FOR ADDITIONAL CONTEXT.

## LEGEND

- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- FINISHED GRADE CONTOUR (1 FT)
- FINISHED GRADE CONTOUR (5 FT)

N

SCALE: 1"= 80 FEET

80 0 16 40 80

ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
TAX LOT 3100 YAMHILL COUNTY TAX MAP R4415

# PRELIMINARY GRADING & UTILITIES PLAN

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER OREGON JULY 29, 2003 CHRISTIANSEN

PRELIMINARY NOT FOR CONSTRUCTION

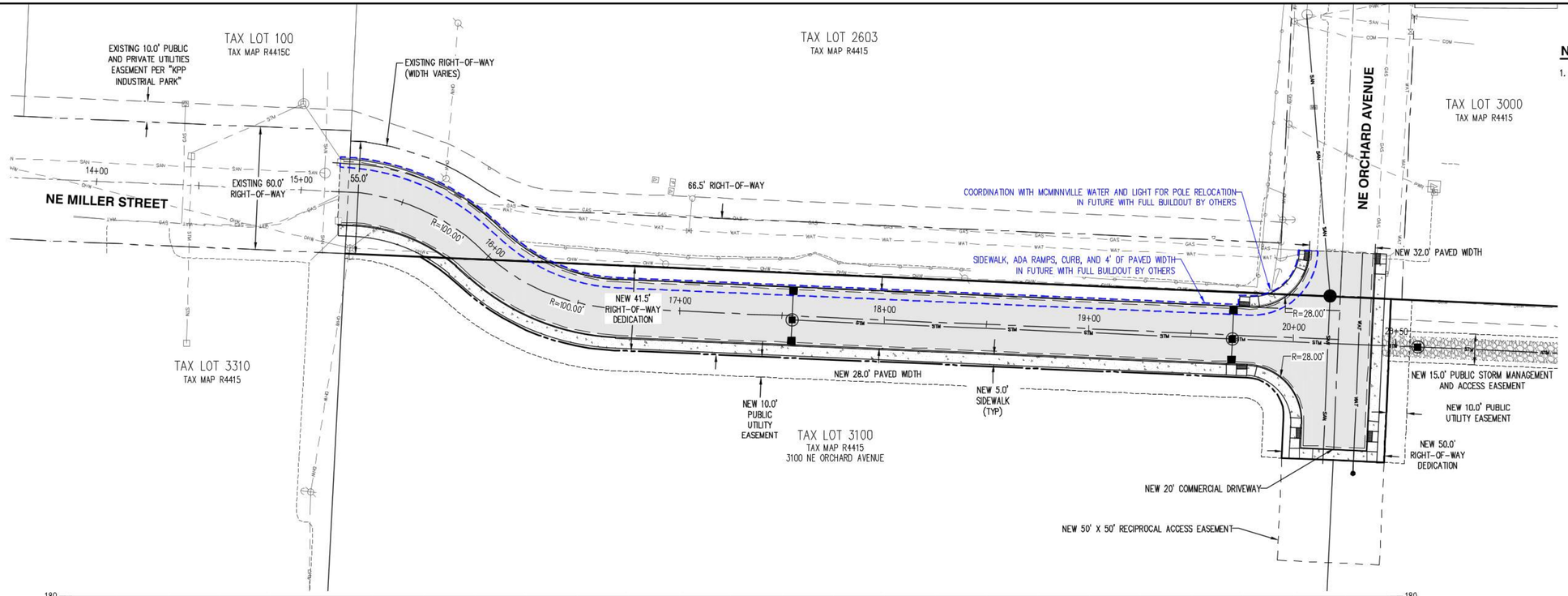
RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER 11033

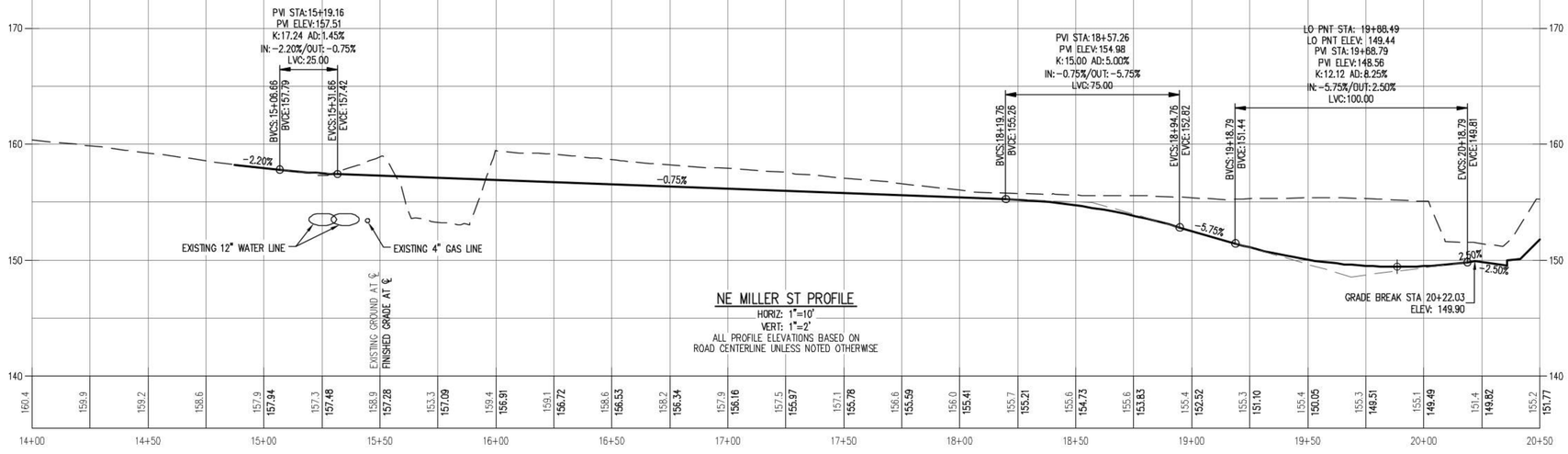
SHEET 06

AKS DRAWING FILE: 11033 20250606 PRE-APP PLANS.DWG | LAYOUT: PRELIMINARY GRADING & UTILITIES PLAN

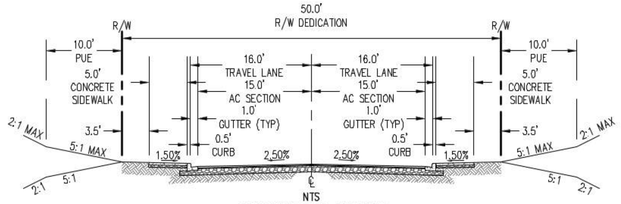



**NOTES:**

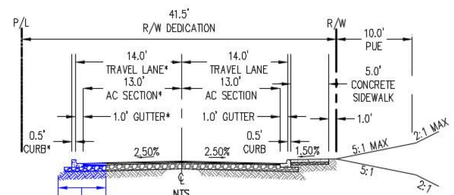
1. EXISTING WATER AND GAS LINE DEPTH SHOWN IN PROFILE ARE BASED ON ASSUMPTIONS OF MINIMUM COVER FROM EXISTING GROUND ELEVATIONS.




NE MILLER ST PROFILE
HORIZ: 1"=10'
VERT: 1"=2'
ALL PROFILE ELEVATIONS BASED ON ROAD CENTERLINE UNLESS NOTED OTHERWISE

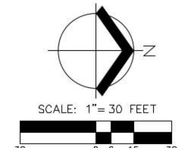



NTS
NE ORCHARD AVENUE
TYPICAL SECTION




NTS
NE MILLER STREET
TYPICAL SECTION

*CURB, GUTTER AND 4' OF TRAVEL LANE TO BE CONSTRUCTED BY OTHERS IN FUTURE WITH FULL STREET BUILDOUT

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
TAX LOT 3100
YAMHILL COUNTY TAX MAP R4415

# DETAILED FUTURE DEVELOPMENT PLAN

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |
| DATE: 11/07/2025 | |

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 12/31/25

REVISIONS

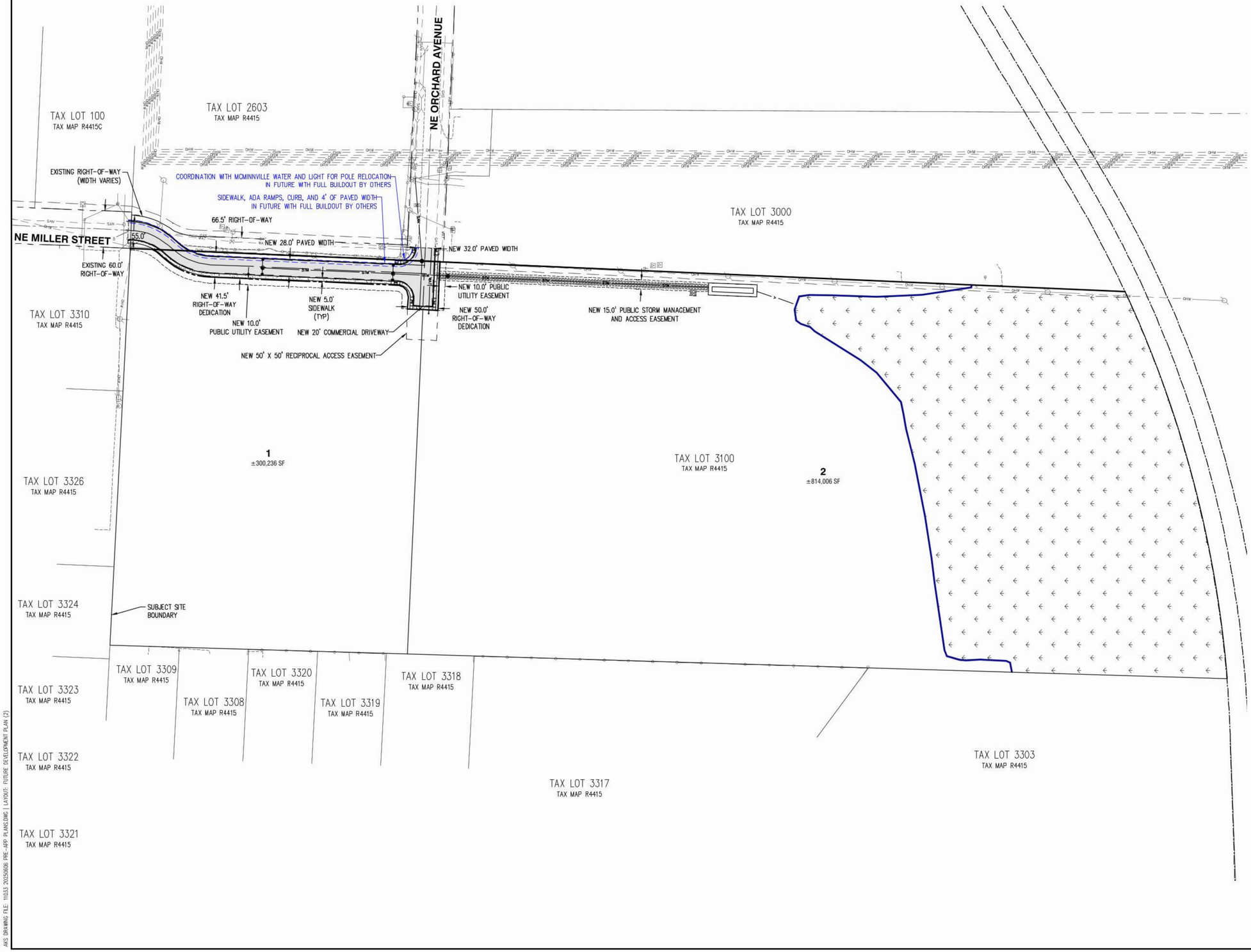
JOB NUMBER
11033

SHEET
07A

AKS DRAWING FILE: 11033 20250606 PRE-APP PLANS.DWG | LAYOUT: FUTURE DEVELOPMENT PLAN

**NOTES:**

1. EXISTING WATER AND GAS LINE DEPTH SHOWN IN PROFILE ARE BASED ON ASSUMPTIONS OF MINIMUM COVER FROM EXISTING GROUND ELEVATIONS.





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# 3100 NE ORCHARD AVENUE

OREGON
YAMHILL COUNTY TAX MAP R4415
MCMINNVILLE
TAX LOT 3100

# FUTURE DEVELOPMENT PLAN

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 22, 2008
CHRISTIANSEN

PRELIMINARY NOT FOR CONSTRUCTION

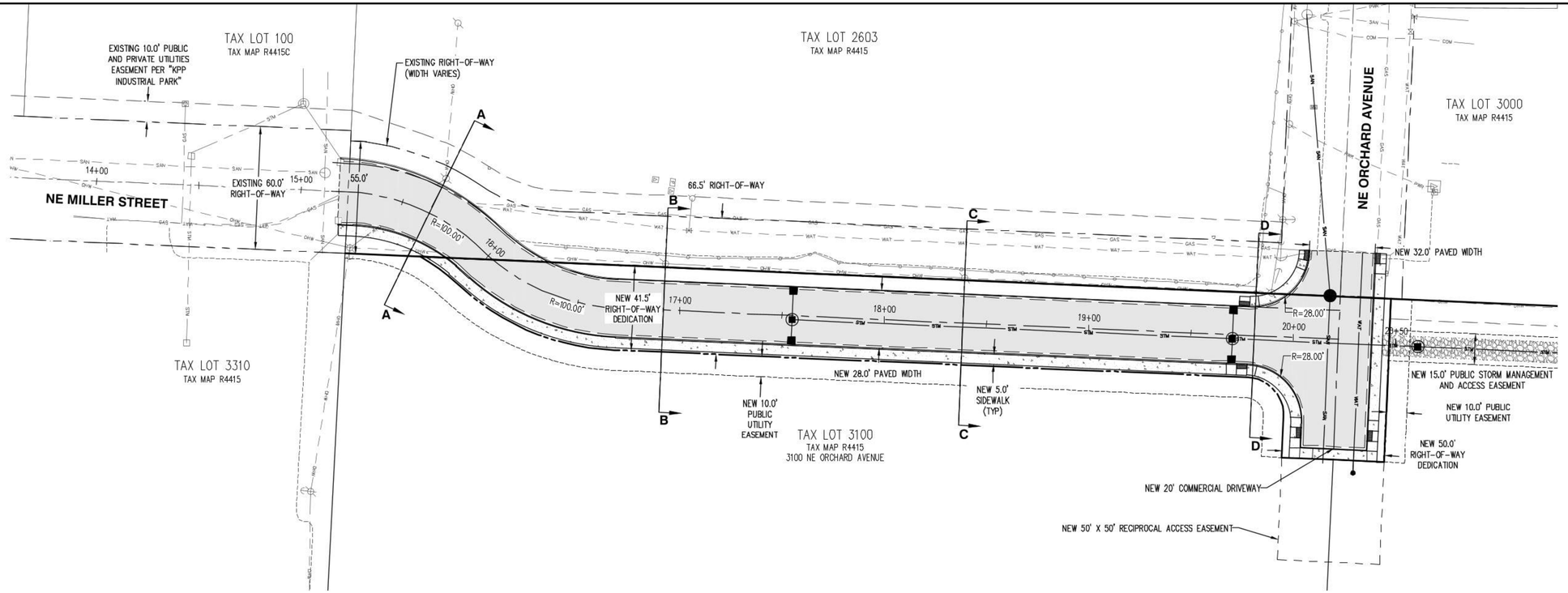
RENEWAL DATE: 12/31/25

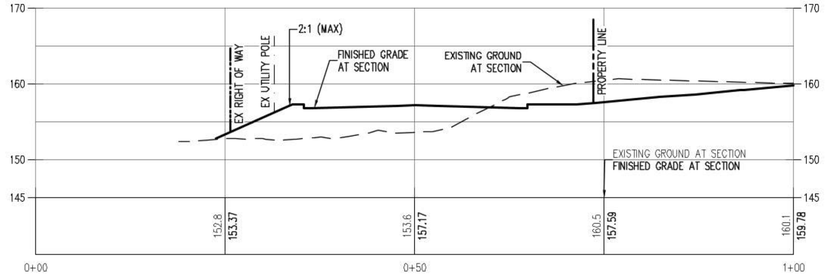
REVISIONS

JOB NUMBER
11033

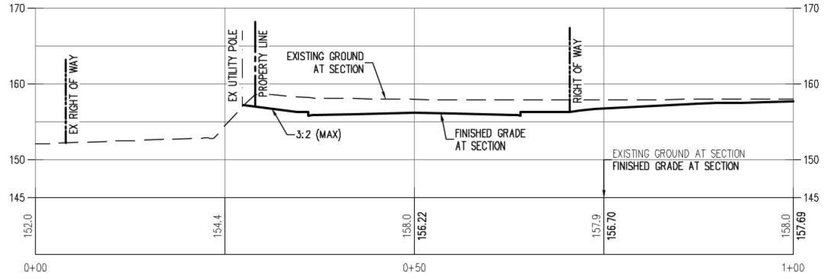
SHEET
07B

AKS DRAWING FILE: 11033 20250808 PRE-APP PLANS.DWG | LAYOUT: FUTURE DEVELOPMENT PLAN (2)

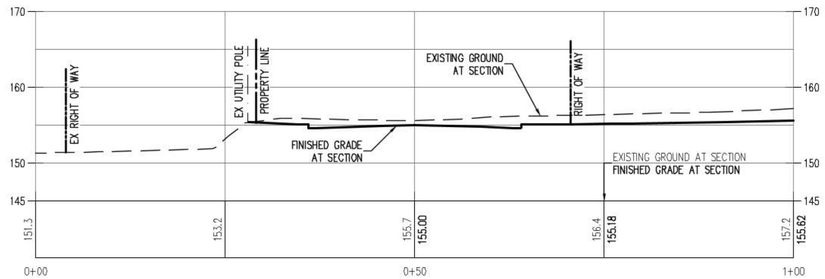


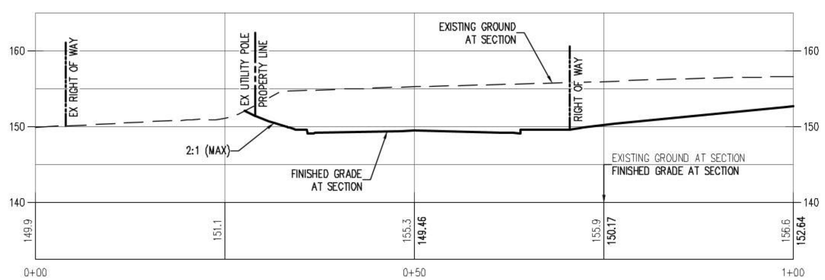

SECTION A–A
HORZ. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'




SECTION B–B
HORZ. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'




SECTION C–C
HORZ. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'




SECTION D–D
HORZ. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'

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# 3100 NE ORCHARD AVENUE

OREGON
YAMHILL COUNTY TAX MAP R4415
MCMINNVILLE
TAX LOT 3100

# FUTURE STREET CROSS SECTIONS

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
CHRISTOPHER M. SMITH

PRELIMINARY
NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER
11033

SHEET
08

Revised on 04.07.2026
172 of 330

AKS DRAWING FILE: 11033 20250806 PRE-APP PLANS.DWG | LAYOUT: FUTURE STREET CROSS SECTIONS

# **Exhibit B:** Partition Application Form

# Partition
## Information & Submittal Requirements

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

## Overview

Under Oregon law, a single unit of land may be partitioned into three or fewer parcels one time within a calendar year. Prior to submitting an application for a tentative partition, you are encouraged to talk to staff from both the Engineering and Planning departments so that you are familiar with the partition submittal and review process. Additionally, you should contact each utility that will be providing service to the proposed parcels. This is recommended so that you will be aware of the rules, regulations, concerns, and capacity of each utility and associated costs. The process for partitioning a parcel of land is outlined in Section 17.53.060 (Submission of Tentative Partition Plat) through 17.53.063 (Filing of Final Partition Plat) of the McMinnville Zoning Ordinance.

## Additional Information

Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require the applicant to provide a plan demonstrating that the future division of the property can occur in conformity to the requirements contained in this ordinance. For further information, please refer to Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.

## Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

☑ A completed Partition application form.

☑ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), on which the following information should be included:

- A copy of recorded deed and any conveyed rights to define the location and boundaries of the parcel to be partitioned;
- Name, address, and phone number(s) of the recorded owner(s);
- Approximate acreage of the subject parcel;
- For land adjacent to and within the parcel to be partitioned, show locations, names, purpose and existing widths of all street rights-of-way and easements, and location and size of sewer and water lines and drainage ways;
- Outline and location of existing buildings to remain in place;
- Lot layout showing size and relationship to existing or proposed streets and utility easements;

- Location and dimension of any existing or planned curb-side planting strip which may border the subject site;
- Contour lines related to City datum and having minimum intervals of two feet;
- Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency (FEMA);
- Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards;
- Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities; and
- Such additional information as required by the Planning Director.

☑ A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.

☑ If applicable, submittal of future development plan, per Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.

☑ Any additional information as required by the Planning Director.

☑ Payment of the applicable review fee.

## Review Process

Upon receipt of a completed application the Planning Department will provide notification of the requested partition to property owners within 100 feet of the subject site after which a 14 (fourteen) day comment period will follow. At the conclusion of that comment period, the Planning Director will make a decision on the request based upon the requirements and criteria stated in Section 17.72.110 (Applications - Director's Review with Notification) of the Zoning Ordinance. Notice of the decision regarding the tentative partition request is then mailed to the applicant.

The decision made by the Director may be appealed to the Planning Commission, as stated in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.

## Final Partition

Once a tentative partition plan has been approved by the Planning Director, the applicant must then have a professional land surveyor or engineer, registered with the State of Oregon, prepare the final partition plat. This plat must be prepared within 12 (twelve) months of the approval of the tentative plan and must be surveyed and drawn to the requirements as established by Section 17.53.061 (Submission of Final Partition Plat) of the Zoning Ordinance, Oregon Revised Statutes Chapters 92 and 209, and any additional conditions as may be attached as part of the tentative partition plan's approval.

The final plat, together with any additional material necessary to meet any condition of approval, and the plat check fee, must be submitted to the City Planning and Engineering Departments to determine compliance with the above-noted requirements.

If the final plat is in compliance with the applicable requirements, the partition will receive final approval by the Planning Director and the City Engineer. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

Parcels cannot be built upon until the final partition plat has been completed, approved, and filed with the City and recorded in the Yamhill County Clerk's office. Additionally, no parcel can be sold until the plat has been filed and a proper registration of the partition has been made with the Oregon State Real Estate Division.

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

**Office Use Only:**
File No.
Date Received
Fee
Receipt No.
Received by

# Partition Application

## *Applicant Information*

**Applicant is:** ☑ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other

Applicant Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant

Applicant's Consultant AKS Engineering & Forestry, LLC, Lucas Eschelbach Phone 503-563-6161
*(If different than above)*

Address 12965 SW Herman Road, Suite 100

City, State, Zip Tualatin, OR 97062

Contact Email lucas.eschelbach@aks-eng.com

## *Property Owner Information*

Property Owner Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant
*(If different than above)*

Contact Name Please Contact Applicant's Consultant

Address PO Box 328

City, State, Zip McMinnville, OR 97128

Contact Email Please Contact Applicant's Consultant

## *Site Location and Description*

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

Property Address No Situs Address

Assessor Map No. R4 415 - - Total Site Area ±1,134,565 SF (±26-acres)

Subdivision NA Block NA Lot NA

Comprehensive Plan Designation Industrial Zoning Designation General Industrial (M-2)

## ***General Description of Subject Property***

1. Proposed Parcel Size: #1 ±300,236 square feet #2 ±814,006 square feet

2. Current Land Use: Unimproved, Agricultural (sod and grass seed)

3. Purpose of the partition request: Please see the attached narrative

4. Topography: Please see the attached narrative

5. Method of Sewage Disposal: Served by City sewer. Please see the attached narrative.
   *(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)*

6. Water Supply: Served by City water. Please see the attached narrative.

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), indicating all required information as listed in the information sheet and in Section 17.53.060 (Submission of Tentative Partition Plan) of the Zoning Ordinance, or, if applicable, Section 17.53.080 (Submission of Future Development Plan).*
- ☑ *A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.*
- ☑ *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 — Date

Property Owner's Signature — Date 06 OCT 2025

## Business Name Search

New Search Printer Friendly

## Business Entity Data

09-03-2025
10:35

| Registry Nbr | Entity Type | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|---|---|---|---|---|---|---|
| 057079-14 | DBC | ACT | OREGON | 07-10-1956 | 07-10-2026 | |
| **Entity Name** | MCMINNVILLE INDUSTRIAL PROMOTIONS, INC. | | | | | |
| **Foreign Name** | | | | | | |

New Search Printer Friendly

## Associated Names

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | PPB | PRINCIPAL PLACE OF BUSINESS | | | | |
| **Addr 1** | 620 NE FIFTH ST | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

*Please click here for general information about registered agents and service of process.*

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | AGT | REGISTERED AGENT | | **Start Date** | 06-19-2019 | **Resign Date** |
| **Name** | KATHERINE | | GOWELL | | | |
| **Addr 1** | 620 NE FIFTH ST | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | MAL | MAILING ADDRESS | | | | |
| **Addr 1** | PO BOX 328 | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | PRE | PRESIDENT | | | | **Resign Date** |
| **Name** | DOUG | | HURL | | | |
| **Addr 1** | PO BOX 328 | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | SEC | SECRETARY | | | | **Resign Date** |
| **Name** | DEVIN | | PAOLO | | | |
| **Addr 1** | PO BOX 328 | | | | | |
| **Addr 2** | | | | | | |

| CSZ | MCMINNVILLE | OR | 97128 | | Country | UNITED STATES OF AMERICA |
|---|---|---|---|---|---|---|

New Search Printer Friendly

## Name History

| Business Entity Name | Name Type | Name Status | Start Date | End Date |
|---|---|---|---|---|
| MCMINNVILLE INDUSTRIAL PROMOTIONS, INC. | EN | CUR | 07-10-1956 | |

Please read before ordering Copies.

New Search Printer Friendly

## Summary History

| Image Available | Action | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|---|---|---|---|---|---|---|
| | AMENDED ANNUAL REPORT | 07-12-2025 | | FI | | |
| | AMENDED ANNUAL REPORT | 07-02-2024 | | FI | | |
| | ANNUAL REPORT | 07-20-2023 | | FI | | |
| | AMENDED ANNUAL REPORT | 07-02-2022 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-11-2021 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-18-2020 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-19-2019 | | FI | Agent | |
| | AMENDED ANNUAL REPORT | 06-12-2018 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-27-2017 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-09-2016 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-16-2015 | | FI | | |
| | AMENDED ANNUAL REPORT | 07-12-2014 | | FI | Agent | |
| | CHANGE OF MAILING ADDRESS | 06-07-2013 | | FI | | |
| | ANNUAL REPORT PAYMENT | 06-06-2013 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-11-2012 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-20-2011 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-03-2010 | | SYS | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | ANNUAL REPORT PAYMENT | 06-04-2009 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-16-2008 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-14-2007 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-05-2006 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-02-2005 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-01-2004 | | SYS | | |
| | AMNDMT TO ANNUAL RPT/INFO STATEMENT | 01-14-2004 | | FI | | |
| | ANNUAL REPORT PAYMENT | 06-05-2003 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-06-2002 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-04-2001 | | SYS | | |
| | CHANGED RENEWAL | 06-22-2000 | | FI | | |
| | STRAIGHT RENEWAL | 06-14-2000 | | FI | | |
| | STRAIGHT RENEWAL | 06-10-1999 | | FI | | |
| | STRAIGHT RENEWAL | 06-16-1998 | | FI | | |
| | STRAIGHT RENEWAL | 06-03-1997 | | FI | | |
| | CHANGED RENEWAL | 06-03-1997 | | FI | | |
| | AGENT/AUTH REP CHNG | 06-03-1997 | | FI | | |
| | STRAIGHT RENEWAL | 06-14-1996 | | FI | | |
| | STRAIGHT RENEWAL | 06-26-1995 | | FI | | |
| | STRAIGHT RENEWAL | 06-15-1994 | | FI | | |
| | STRAIGHT RENEWAL | 06-14-1993 | | FI | | |
| | AMENDED RENEWAL | 06-09-1992 | | FI | | |
| | AGENT/AUTH REP CHNG | 06-09-1992 | | FI | | |
| | STRAIGHT RENEWAL | 07-03-1991 | | FI | | |
| | STRAIGHT RENEWAL | 07-06-1990 | | FI | | |
| | AMENDED RENEWAL | 07-07-1989 | | FI | | |
| | NB AMENDMENT | 04-06-1989 | | FI | | |
| | CORRECTION OF FILING | 04-06-1989 | 04-06-1989 | FI | | |
| | STRAIGHT RENEWAL | 07-07-1988 | | FI | | |
| | STRAIGHT RENEWAL | 07-08-1987 | | FI | | |
| | AMENDED RENEWAL | 07-09-1986 | | FI | | |
| | STRAIGHT RENEWAL | 07-16-1985 | | FI | | |
| | STRAIGHT RENEWAL | 05-02-1984 | | FI | | |

# **Exhibit C:** Title Report

First American Title™

*First American Title Insurance Company*

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

# PUBLIC RECORD REPORT
# FOR NEW SUBDIVISION OR LAND PARTITION

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

Haugeberg, Rueter, Gowell, Fredricks, and Higgins, P.C.
620 NE 5th Street
McMinnville, OR 97128
Phone: (503)472-5141
Fax: (503)472-4713

| | |
|---|---|
| Date Prepared | : September 16, 2025 |
| Effective Date | : 8:00 A.M on September 12, 2025 |
| Order No. | : 1039-4309602 |
| Subdivision | : |

THIS IS NOT a title report since no examination has been made of the title to the above-described property. Our search for apparent encumbrances was limited to our tract Indices and therefore does not include additional matters which might have been disclosed by an examination of the record title, such as pending litigation. The charge for this service will not include supplemental reports, rechecks or other services.

## REPORT

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

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

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

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

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

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

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

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

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

BEGINNING AT AN IRON BAR ON THE EAST LINE OF THE MADISON MALONE DONATION LAND CLAIM IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, BEING NORTH 00°44' EAST 978.12 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM; THENCE SOUTH 88°45-1/2' EAST 655.0 FEET TO AN IRON PIPE; THENCE NORTH 1839.75 FEET TO AN IRON PIPE ON THE SOUTHERLY LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY; THENCE ALONG A CURVE OF A 1880 FOOT RADIUS CURVE (THE LONG CHORD OF WHICH BEARS SOUTH 72°44' WEST 663.74 FEET) A DISTANCE OF 678.34 FEET TO AN IRON PIPE SET WHERE SAID RIGHT-OF-WAY LINE INTERSECTS SAID EAST LINE OF THE MALONE CLAIM; THENCE SOUTH 00°44' WEST 1641.40 FEET TO THE POINT OF BEGINNING.

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

Map No.: R4415 03100
Tax Account No.: 128775

**EXHIBIT "B"**
**(Vesting)**

McMinnville Industrial Promotions, Inc., an Oregon Corporation

## EXHIBIT "C"
## (Liens and Encumbrances)

1. Taxes for the fiscal year 2025-2026 a lien due, but not yet payable

2. City liens, if any, of the City of McMinnville.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

4. Easement, including terms and provisions contained therein:
   Recording Information: October 27, 1978, Film Volume 134, Page 101, Deed and Mortgage Record
   In Favor of: City of McMinnville
   For: electric power line

5. Easement, including terms and provisions contained therein:
   Recording Information: May 15, 1984, Film Volume 186, Page 390, Deed and Mortgage Record
   In Favor of: City of McMinnville
   For: water main

6. Unrecorded leases or periodic tenancies, if any.

NOTE: Taxes for the year 2024-2025 PAID IN FULL

| | |
|---|---|
| Tax Amount: | $17,359.29 |
| Map No.: | R4415 03100 |
| Property ID: | 128775 |
| Tax Code No.: | 40.0 |

NOTE: This Public Record Report-Subdivision does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

# DEFINITIONS, CONDITIONS AND STIPULATIONS

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

2. **Liability of the Company.**
   (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
   (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
   (c) In any event, the Company assumes no liability for loss or damage by reason of the following:

      (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
      (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
      (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
      (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
      (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
      (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
      (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

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

First American Title™

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

## Illegal Restrictive Covenants

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

After recording return to:
WESTERN TITLE & ESCROW COMPANY
1215 NE BAKER STREET - PO BOX 628
McMINNVILLE, OR 97128

Until a change is requested all tax statements
shall be sent to the following address:
MCMINNVILLE INDUSTRIAL PROMOTIONS, INC.
P.O. BOX 328
MCMINNVILLE, OR 97128

# WARRANTY DEED -- STATUTORY FORM

THE COMMODORE CORPORATOIN, A DELAWARE CORPORATION, Grantor, conveys and warrants to MCMINNVILLE INDUSTRIAL PROMOTIONS, INC., an Oregon Corporation, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is $ 1,100,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 26th day of April, 2006.

THE COMMODORE CORPORATION, A DELAWARE CORPORATION

BY: Barry S. Shein
BARRY S. SHEIN,
PRESIDENT

STATE OF INDIANA, COUNTY OF ELKHART ) SS.

This instrument was acknowledged before me on April 28th, 2006 by BARRY S. SHEIN, PRESIDENT ACTING ON BEHALF OF THE COMMODORE CORPORATION, A DELAWARE CORPORATION.

Patricia L. Ledbetter
(Notary Public for Indiana)

My commission expires 11-28-2012

TITLE NO. 40-0028406
ESCROW NO. 40-0028406

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

$31.00

00233365200600097000020023

200609700 3:45:41 PM 5/01/2006

DMR-DDMR Cnt=1 Stn=3 KENTV
$10.00 $10.00 $11.00

## EXHIBIT "A"

Beginning at an iron bar on the East line of the Madison Malone Donation Land Claim in Section 15, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being North 00°44' East 978.12 feet from the Southeast corner of said claim; thence South 88°45½' East 655.0 feet to an iron pipe; thence North 1839.75 feet to an iron pipe on the Southerly line of the Southern Pacific Railroad right-of-way; thence along a curve of a 1880 foot radius curve (the long chord of which bears South 72°44' West 663.74 feet) a distance of 678.34 feet to an iron pipe set where said right-of-way line intersects said East line of the Malone Claim; thence South 00°44' West 1641.40 feet to the point of beginning.

WT&E 1544-8-4-1

# EASEMENT

THIS INDENTURE MADE AND ENTERED INTO This 26 day of October, 1978 by and between Bendix Home Systems Inc., a _____ Corporation, hereinafter referred to as the Grantor and the City of McMinnville, a Municipal Corporation of the State of Oregon (acting by and through its Water and Light Commission), hereinafter referred to as the Grantee.

## W I T N E S S E T H :

That the Grantor for and in consideration of one dollar to it in hand paid does hereby grant, bargain and convey unto the Grantee a perpetual easement 10' in width together with the right to go upon said easement area hereinafter described for the purpose of constructing, reconstructing, maintaining and using an electrical power line (with poles, wires and accessories) which is now or may be hereinafter installed on the following described premises, to-wit:

Beginning at the Northwest corner of Grantors property which is the intersection of Grantors West line with the southerly line of the Southern Pacific Railroad right-of-way, said corner also being on the East line of the Madison Malone Donation Land Claim No. 49 in Section 15, Township 4 South Range 4 West of the Willamette Meridian, Yamhill County, Oregon; thence southerly along the West line of Grantors property also being the East line of the Madison Malone D.L.C. to a point 50.0 feet South of the South line of Orchard Avenue; thence at right angles to the previous course easterly 10.0 feet; thence northerly parallel with and 10.0 feet from Grantors West line to the southerly line of the Southern Pacific railroad right-of-way; thence southwesterly along said Southern Pacific right-of-way to the place of beginning.

IN WITNESS WHEREOF the Grantor above named has caused this instrument to be executed this the day and year hereinabove written by order of its Board of Directors.

BENDIX HOME SYSTEMS INC.

By:

(SEAL)

(Name & Title)

(Name & Title)

STATE OF OREGON )
) ss
COUNTY OF YAMHILL)

On this 26 day of October, 1978 personally appeared

Thomas H. Bates and Robert Hunt who being first duly sworn each for himself and not one for the other stated that the former is the General Manager and the latter is the Controller of the above named corporation and that the seal affixed hereto is its seal and that this instrument was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors.

Before me:

W. E. CREVER
NOTARY (SEAL)
PUBLIC
STATE OF OREGON

W E Crever
Notary Public for Oregon
My Commission Expires: 6-12-1982

67371 60

STATE OF OREGON }
County of YAMHILL } ss

I, [illegible] Catt, County Clerk in and for said County and State, do hereby certify that the within instrument of writing was received and has been by me duly recorded on Page 101 of Vol. 134 of the Records of Deeds on the 27 day of OCT A.D. 1978 at 11:55 o'clock A.M.

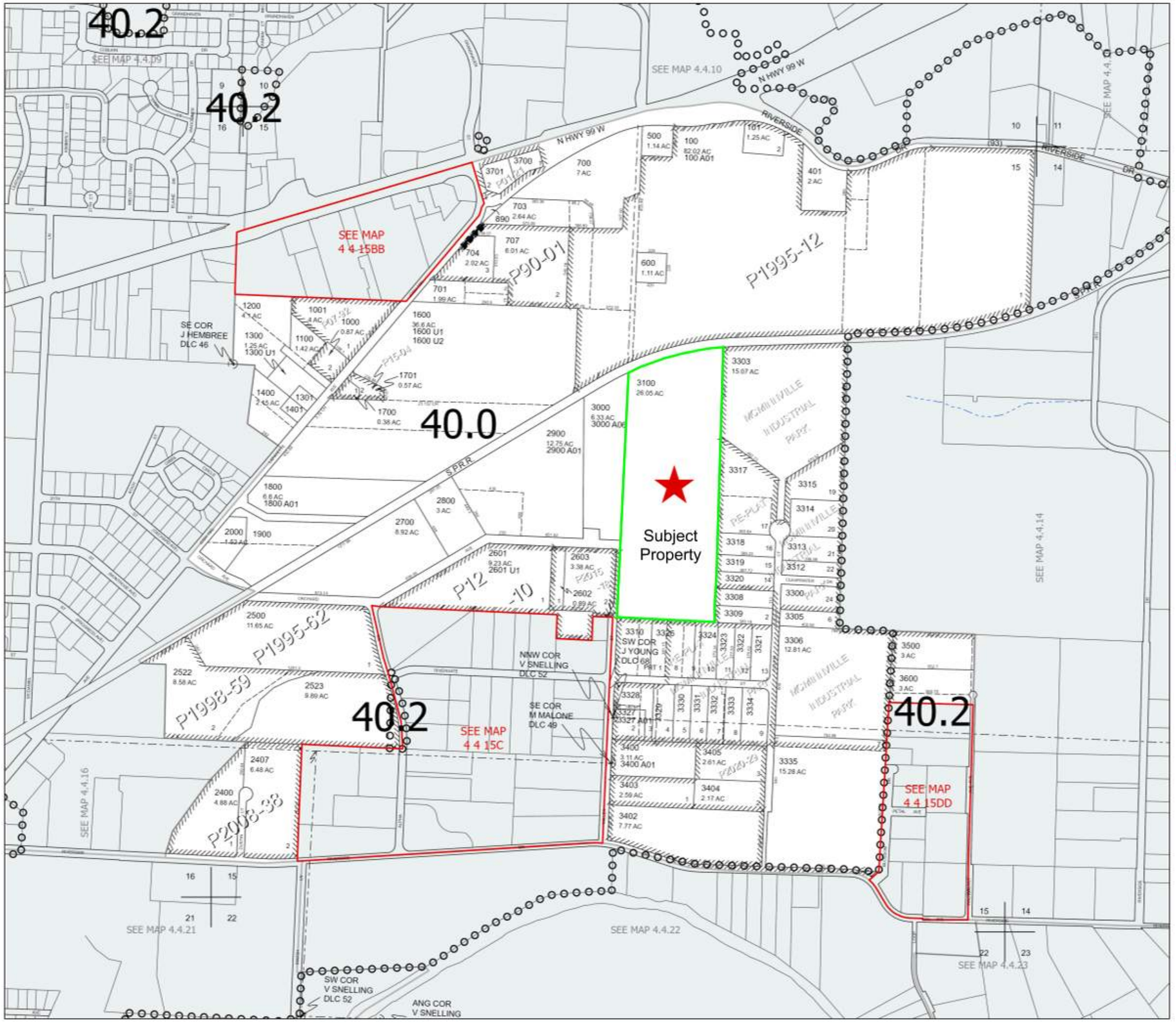
In testimony whereof I have hereto subscribed my name and affixed my Official Seal.
[illegible] Catt, County Clerk
By [illegible] Deputy

YAMHILL COUNTY STATE OF OREGON

Page 2 of 2 Pages.

ref: McMinnville Water + Light

# **Exhibit D:** Yamhill County Assessor's Map




1843
YAMHILL COUNTY

ASSESSMENT & TAX CARTOGRAPHY

1"=400'

- Taxlot Boundary
- Historical Boundary
- Subdivison/Plat Boundary
- DLC Line
- Water Line (Non TL Boundary)
- TaxCode Boundary
- Map Index Boundary

CANCELLED TAXLOTS

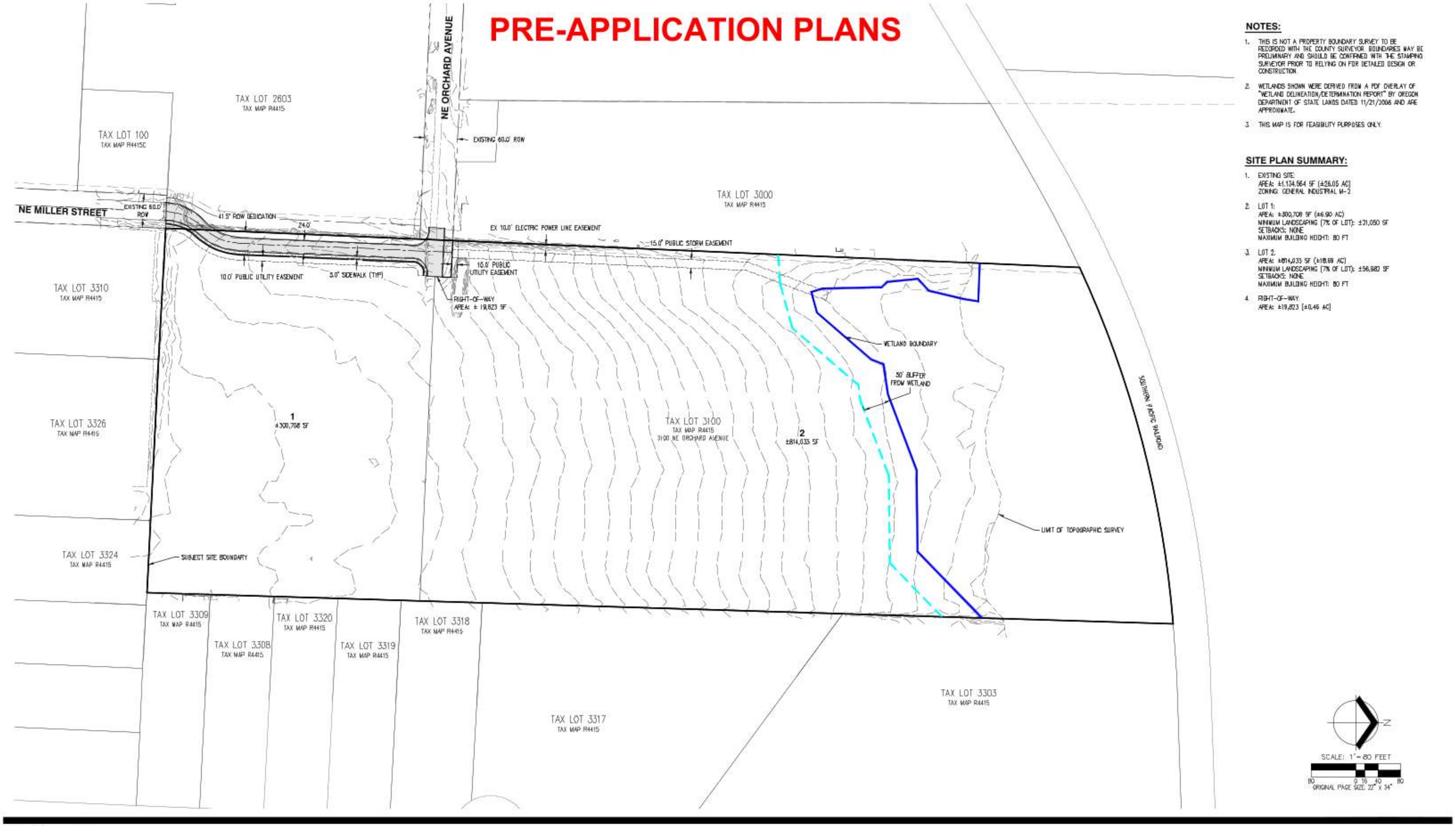
| | | | |
|---|---|---|---|
| 1500 | 2413 | 2515 | 3301 |
| 1601 | 2414 | 2516 | 3302 |
| 200 | 2415 | 2517 | 3304 |
| 201 | 2501 | 2518 | 3307 |
| 2100 | 2502 | 2519 | 3311 |
| 2200 | 2503 | 2520 | 3316 |
| 2300 | 2504 | 2521 | 3325 |
| 2401 | 2505 | 2600 | 3401 |
| 2405 | 2505 A01 | 2600 A01 | 400 |
| 2406 | 2506 | 2600 A02 | 400 A01 |
| 2407 | 2507 | 2600 U1 | 400 A02 |
| 2408 | 2508 | 2601 A01 | 400 A03 |
| 2409 | 2509 | 2601 A02 | 702 |
| 2409 A01 | 2510 | 2700 A01 | 705 |
| 2409 A02 | 2511 | 2800 A01 | 706 |
| 2410 | 2512 | 300 | 708 |
| 2411 | 2513 | 3200 | 800 |
| 2412 | 2514 | 3300 A01 | 900 |

MAP DATE: 6/3/2024

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

# **Exhibit E:** Pre-Application Plans

# PRE-APPLICATION PLANS




**NOTES:**

1. THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
2. WETLANDS SHOWN WERE DERIVED FROM A PDF OVERLAY OF "WETLAND DELINEATION/DETERMINATION REPORT" BY OREGON DEPARTMENT OF STATE LANDS DATED 11/21/2006 AND ARE APPROXIMATE.
3. THIS MAP IS FOR FEASIBILITY PURPOSES ONLY.

**SITE PLAN SUMMARY:**

1. EXISTING SITE:
   AREA: ±1,134,664 SF (±26.05 AC)
   ZONING: GENERAL INDUSTRIAL M-2
2. LOT 1:
   AREA: ±300,708 SF (±6.90 AC)
   MINIMUM LANDSCAPING (7% OF LOT): ±21,050 SF
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
3. LOT 2:
   AREA: ±814,033 SF (±18.69 AC)
   MINIMUM LANDSCAPING (7% OF LOT): ±56,982 SF
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
4. RIGHT-OF-WAY:
   AREA: ±19,823 (±0.46 AC)

DATE: 07/17/2025 AKS JOB: 11033

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.3151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRE-APPLICATION PLANS

## 3100 NE ORCHARD AVE

**McMinnville Industrial Promotions**
**McMinnville, Oregon**
**4 OF 8**

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

**Deemed Complete**
**November 11, 2025**
**Community Development Center**

**Office Use Only:**
File No. MP 6-25
Date Received 10/13/2025
Fee $2,014.00+$2,725.73 Eng Fee
Receipt No. 212084
Received by AW

569-25-000232-PLNG

# Partition Application

## *Applicant Information*

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

Applicant Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant

Applicant's Consultant AKS Engineering & Forestry, LLC, Lucas Eschelbach Phone [redacted]
*(If different than above)*

Address 12965 SW Herman Road, Suite 100

City, State, Zip Tualatin, OR 97062

Contact Ema[redacted]

## *Property Owner Information*

Property Owner Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant
*(If different than above)*

Contact Name Please Contact Applicant's Consultant

Address PO Box 328

City, State, Zip McMinnville, OR 97128

Contact Email Please Contact Applicant's Consultant

[redacted]

## *Site Location and Description*

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

Property Address No Situs Address

Assessor Map No. R4 415 03100 - Total Site Area ±1,134,565 SF (±26-acres)

Subdivision NA Block NA Lot NA

Comprehensive Plan Designation Industrial Zoning Designation General Industrial (M-2)

## ***General Description of Subject Property***

1. Proposed Parcel Size: #1 ±300,236 square feet #2 ±814,006 square feet

2. Current Land Use: Unimproved, Agricultural (sod and grass seed)

3. Purpose of the partition request: Please see the attached narrative

4. Topography: Please see the attached narrative

5. Method of Sewage Disposal: Served by City sewer. Please see the attached narrative.
   *(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)*

6. Water Supply: Served by City water. Please see the attached narrative.

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), indicating all required information as listed in the information sheet and in Section 17.53.060 (Submission of Tentative Partition Plan) of the Zoning Ordinance, or, if applicable, Section 17.53.080 (Submission of Future Development Plan).*
- ☑ *A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.*
- ☑ *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 — Date

Property Owner's Signature — Date 06 OCT 2025

## ***General Description of Subject Property***

1. Proposed Parcel Size: #1 ±300,236 square feet #2 ±814,006 square feet

2. Current Land Use: Unimproved, Agricultural (sod and grass seed)

3. Purpose of the partition request: Please see the attached narrative

4. Topography: Please see the attached narrative

5. Method of Sewage Disposal: Served by City sewer. Please see the attached narrative.
   *(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)*

6. Water Supply: Served by City water. Please see the attached narrative.

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), indicating all required information as listed in the information sheet and in Section 17.53.060 (Submission of Tentative Partition Plan) of the Zoning Ordinance, or, if applicable, Section 17.53.080 (Submission of Future Development Plan).*
- ☑ *A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.*
- ☑ *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 — Date 10/9/2025

Property Owner's Signature / MIP - President — Date 10/9/2025

# 3100 NE Orchard Avenue
# Two-Parcel Partition

**Date:** October 2025

**Submitted to:** City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128

**Applicant:** McMinnville Industrial Promotions, Inc.
PO Box 328
McMinnville, OR 97128

**AKS Job Number:** 11033

AKS ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
[redacted]

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## Exhibits

**Exhibit A:** Preliminary Plans (Updated November 2025)
**Exhibit B:** Partition Application Form
**Exhibit C:** Title Report
**Exhibit D:** Yamhill County Assessor's Map
**Exhibit E:** Pre-Application Plans

# Land Use Application for a Two-Parcel Partition

| | |
|---|---|
| **Submitted to:** | City of McMinnville<br>Planning Department<br>231 NE Fifth Street<br>McMinnville, OR 97128 |
| **Applicant:** | McMinnville Industrial Promotions, Inc.<br>PO Box 328<br>McMinnville, OR 97128 |
| **Property Owner:** | McMinnville Industrial Promotions, Inc.<br>PO Box 328<br>McMinnville, OR 97128 |
| **Applicant's Consultant:** | AKS Engineering & Forestry, LLC<br>12965 SW Herman Road, Suite 100<br>Tualatin, OR 97062<br><br>Contact(s): [redacted]<br>Email: [redacted]m;<br>[redacted]om<br>Phone: [redacted] |
| **Site Location:** | No Situs Address, at the easterly terminus of NE Orchard Avenue, McMinnville, OR 97128 |
| **Yamhill County Assessor's Map:** | 4 4 15; Tax Lot 3100 |
| **Site Size:** | ±26.05-acres |
| **Land Use District:** | M-2 General Industrial Zone (M-2) |

## I. Executive Summary

McMinnville Industrial Promotions, Inc. (Applicant) is submitting this application for a Partition to create two parcels for future industrial use.

The subject property abuts two public rights-of-way (NE Miller Street and NE Orchard Avenue) but can only be accessed via NE Orchard Avenue as the abutting segment of right-of-way dedicated for the northerly extension of NE Miller Street is of substandard width and unimproved. That segment of right-of-way is presently used as a storage area for business operations on the adjacent property to the west (Tax Lot 2603) and is encumbered by overhead power lines, further limiting access to the subject property. To provide public roadway access to both planned parcels, this partition application includes the dedication of right-of-way for the easterly extension and improvement of NE Orchard Avenue, the northerly extension and improvement of NE Miller Street, and a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard Avenue. Additionally, this application includes easterly extensions of the public water main and public sewer main running within NE Orchard Avenue, allowing for future service connections for later improvements on the planned parcels. Also included in this application is a new stormwater main that is planned to run from NE Miller Street onto Parcel 2 and into a planned stormwater pond. Easements for that public stormwater facility and for future public utilities are also included with this Partition application.

This application includes the City of McMinnville (City) application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## II. Site Description/Setting

The subject property (project site) is a single tax lot that comprises ±26.05 acres of General Industrial (M-2)-zoned land within McMinnville city limits. Historically, the unimproved project site has been used for the cultivation of sod and grass seed.

The project site is located immediately south of the Southern Pacific Railroad, equidistant from Oregon Route (OR) 99W to the north and the South Yamhill River to the south. As described in the Executive Summary above, the project site abuts an unimproved segment of NE Miller Street and the terminus of NE Orchard Avenue, local streets under the jurisdiction of the City of McMinnville (City). Excepting two vacant properties to the east and the railroad right-of-way to the north, properties surrounding the subject site house various industrial uses. Properties abutting the subject site are zoned M-2.

## III. Applicable Review Criteria

This application involves a "limited land use decision" as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in the McMinnville Zoning Ordinance (MMZO). Pursuant to ORS 197.195(1) comprehensive plan provisions (as well as goals, policies, etc. from within the adopted elements of the comprehensive plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to comprehensive plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the Applicant does not

waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

## CITY OF MCMINNVILLE ZONING ORDINANCE

### Title 17 – ZONING

#### Chapter 17.42 – M-2 GENERAL INDUSTRIAL ZONE

**17.42.010 Permitted uses.**

In an M-2 zone, the following uses and their accessory uses are permitted:

A. A use permitted in the M-1 zone (except for child care center and day care facility (adult));

B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 MMC (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance or any court of competent jurisdiction;

C. Manufacture, processing, and storage of grains or fertilizer;

D. Airport.

**17.42.020 Conditional uses.**

In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74 MMC:

A. Automobile wrecking yard;

B. Child Care Center, under the following provisions:

1. Operator must have the appropriate licenses required by state regulations, if applicable;

C. Day Care Facility (Adult), under the following provisions:

1. The structure is not a residence.

2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code), as amended, are met.

3. Operator must have the appropriate licenses required by state regulations;

D. Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600;

E. Junkyard;

F. Manufacture, use or storage of explosives;

G. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application.

**Response:** This application does not include new uses.

17.42.030 Yard requirements.

Except as required in "A" and "B" below, there shall be no required yards in an M-2 zone:

A. Side yard shall not be less than 50 feet when adjacent to a residential zone;

B. Rear yard shall not be less than 50 feet when adjacent to a residential zone.

**Response:** This application does not include new buildings, and no structures exist on the project site. As described previously, abutting properties are zoned M-2; therefore, there are no required yards for either parcel.

Chapter 17.53 – LAND DIVISION STANDARDS*

Partition

17.53.060 Submission of Tentative Partition plan.

An application to partition land shall be submitted in accordance with the application submittal procedures as stated in MMC 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:

A. There shall be submitted to the planning department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:

1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;

2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;

3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;

4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;

5. Outline and location of existing buildings to remain in place;

6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;

7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site.

8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.

9. Contour lines related to City datum and having minimum intervals of two (2) feet.

10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.

11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.

12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.

13. Such additional information as required by the Planning Director.

**Response:** The information required above is provided within this narrative and by additional application materials included as Exhibits A through E.

B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.

C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.

1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the planning director should determine, in his judgment, that the entire parcel is in the process of being subdivided.

2. Where a parcel is proposed to be divided into units of one acre or more, the planning director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.

3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).

4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.

**Response:** These provisions are understood and are to be carried out by the City review authority.

D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

**Response:** This provision is understood.

17.53.061 Submission of Final Partition Plat.

Within 12 (twelve) months after approval of the tentative plan, the partitioner shall prepare a final plat in conformance with the tentative plan as approved and submit the final plat to the city engineering department. Information required on the final plat shall be consistent with the requirements listed in ORS 92.050 and 209.250. The partitioner shall submit the original drawing and two (2) exact copies thereof, and any supplementary information to the City Engineer.

17.53.063 Filing of Final Partition Plat.

The partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

**Response:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

Future Development Plan

17.53.080 Submission of Future Development plan.

A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

A. Any potential future lots (lot size shall be depicted).

B. Existing and proposed utilities including water, sewer and storm drains.

C. Streets and access points for potential future lots.

It shall be the responsibility of the engineering department and planning department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The planning director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:

A. The construction of streets and utilities or the dedication of right-of-way for future improvements.

B. Any easements as deemed necessary for the extension of utility services.

**Response:** The Preliminary Partition Plat (Exhibit A) reflects planned right-of-way dedication and easements planned under this application. Additionally, the Future Development Plan (Exhibit A, Sheet 07) reflects street and utility improvements necessary to provide access and services to planned parcels. Also shown on the Future Development Plan are future improvements to be made by others (identified with blue hashed lines and as noted); as previously determined by City Staff. Those westerly improvements that the City has already determined as required to be built by others, i.e. by owner of Tax Lot 2603, not by the Applicant, are shown solely to demonstrate that a full buildout of NE Miller Street and NE Orchard Avenue can ultimately be achieved. Conceptual full street buildouts are illustrated on the Future Street Cross Sections (Exhibit A, Sheet 08). That sheet is provided for illustrative purposes and to satisfy the requirements of 17.53.080.

For specific details of improvements included with this application, please refer to the Future Development Plan (Exhibit A, Sheet 07) and responses provided elsewhere in this narrative. Construction permits will be obtained for those improvements included with this application, as required. It is not anticipated that the parcels will be further divided in the future.

Should any future construction of streets and utilities not shown in Exhibit A (i.e. unanticipated infrastructure extension) occur, the alignment of the common boundary

line between Parcel 1 and Parcel 2 and the centerline of NE Orchard Avenue will provide for the orderly extension of NE Orchard Avenue. These requirements are met.

Approval of Streets and Ways

17.53.100 Creation of Streets.

A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:

1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;

2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;

3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.

B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.

**Response:** As described previously, this application includes the planned dedication of right-of-way for NE Miller Street and NE Orchard Avenue. The area of preliminarily planned right-of-way dedication is shown on the Preliminary Partition Plat (Exhibit A), and the same information required above is provided within Exhibit A. Ultimately, right-of-way dedication associated with this partition will be reflected on and created with the final partition plat. Street standards of Section 17.53.101 are addressed below.

(…)

17.53.101 Streets.

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the

configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

**Response:** As shown on the Preliminary Plans (Exhibit A), the planned extensions of NE Orchard Avenue and NE Miller Street align with the existing roadway system to the greatest practical extent, given those obstructions within the unimproved segment of NE Miller Street previously described. While topographical constraints and existing obstructions within that segment of NE Miller Street present challenges, the planned alignment of streets has been thoughtfully designed around those obstructions. As shown in Exhibit A, planned roadway extensions prioritize accessibility for pedestrians and vehicles, and ensure efficient traffic flow in the immediate area. These provisions are met.

B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table. Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

**Response:** As shown on the Preliminary Street & Utility Plan & Profile provided in Exhibit A, the width of preliminarily planned right-of-way dedication is adequate for the extension and improvement of NE Miller Street and NE Orchard Avenue in accordance with Section 17.53.151 and City design standards. These requirements are met.

C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

**Response:** Reserve strips or street plugs are not requested with this Partition application. This requirement does not apply.

D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

**Response:** As shown on the Preliminary Plans (Exhibit A), planned extensions of NE Orchard Avenue and NE Miller Street are aligned with existing centerlines as far as is practicable. As previously described and as shown in Exhibit A, the planned extension of NE Miller Street necessarily includes an easterly curve before straightening out to intersect with NE Orchard Avenue at a right angle, as required. This minor realignment to meet on and off site constraints does not result in a "T" intersection. This application does not include "T" intersections. These requirements are met.

| Complete Street Design Standards | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Arterial | | Collector | | Neighborhood Connector | Local Residential | Alley |
| | | | | Major | Minor | Major | Minor | | | |
| Streetscape | Street Profile | Bike | Auto/Truck Amenities (lane widths) [1] | 2-4 lanes (12 ft.) | 2 lanes (11 ft.) | 2 lanes (11 ft.) | 2 lanes (10 ft.) | See Street Width | See Street Width | 20 ft. |
| | | | Median / Center Turn Lane | 14 ft. | 12 ft. | 12 ft. | 10 ft. | None | None | None |
| | | | Bike Facility [2] | 2 lanes (6 ft.) | 2 lanes (6 ft.) | 2 lanes (5 ft.) | 2 lanes (5 ft.) or shared lane | Shared Lane | Shared Lane | None |
| | | | Curb-to-curb Street Width [3]<br>On-Street Parking<br>Two Sides<br>None | na<br>74 ft. | na<br>46 ft. | na<br>44 ft. | 30 or 40 ft.<br>30 or 40 ft. | 28 ft. | 28 ft. | Not Apply |
| | | Pedestrian Zone (with ADA requirement) | Pedestrian Amenities [4]<br>Sidewalks (both sides)<br>Planter Strips | 8 ft.<br>Com | 5 ft.<br>Res<br>10-12 ft.<br>Com<br>6 ft.<br>Res<br>na Com | 5 ft.<br>Res<br>10-12 ft.<br>Com<br>6 ft.<br>Res<br>na<br>Com | 5 ft. Res<br>10-12 ft.<br>Com<br>6 ft. Res<br>na Com | 5 ft.<br>5 ft. Res | 5 ft.<br>5 ft. Res | None<br>None |
| | | | Preferred Adjacent Land Use – Intensity | High | Mediu m to High | Mediu m | Medium | Medium to Low | Low | Low |
| | | Traffic Management | Maximum Average Daily Traffic | 32,000 | 20,000 | 16,000 | 10,000 | 1,200 – 3,000 | 1,200 | 500 |
| | | | Traffic Calming | Not Typical | Not Typical | Not Typica l | Permissible / Not Typical | Permissible/ Not Typical | Typical | Not Typic al |
| | | | Managed Speed [5] | 35 mph | 30-35 mph | 25-30 mph | 25 mph | 25 mph | 15-25 mph | 10 mph |
| | | | Through-traffic Connectivity | Primary | Typical | Typica l | Typical | Not Typical | Not Permissible | Not Perm issibl e |
| | | | Access Control | Yes | Yes | Some | Some | No | No | No |
| | | | Maximum Grade | 6% | 6% | 10% | 10% | 12% | 12% | 12% |
| | | | Right-of-Way: | 104 ft. | 96 ft. | 74 ft. | 56 ft. (no bike lane)<br>66 ft. (bike lane) | 50 ft. | 50 ft. | 20 ft. |

| Complete Street Design Standards |
|---|
| General Design Notes;<br>Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lanes widths shall be 12 feet.<br>An absolute minimum bike lane width for safety concern is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur in locations where existing development along an established route or other physical constraint preclude construction of the preferred facility width.<br>Street design for each development shall provide for emergency and fire vehicle access.<br>Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.<br>Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.<br>None with on-street parking |
| Street Design Standard Notes:<br>Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.<br>The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area.<br>The right-of-way, street width, improvement standards, and turnaround radius of commercial/industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.<br>Intersection curb radii shall not be less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within a 60-foot distance of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and installation of "No Parking" signs as approved by the City Engineering Department.<br>Sidewalks and planting strips shall not be required along eyebrows.<br>For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department. |

E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

**Response:** The preliminary planned northerly extension of NE Miller Street shown on the Preliminary Plans (Exhibit A) is identified as a Future Street Connection on Exhibit 2-1 of the McMinnville Transportation System Plan, providing the connectivity required here. As previously described, the preliminarily planned extension of NE Orchard Avenue is designed to provide serviceability and access for future improvements on the planned parcels; and while it is not anticipated, a future further extension of NE Orchard Avenue could occur, given that it is designed to be centered on a common parcel boundary. The design of both extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E). This requirement is met.

F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser

distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

**Response:** As shown on the Preliminary Plans (Exhibit A), the extensions of NE Orchard Avenue and NE Miller Street are planned to intersect at a right angle. This requirement is met.

G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

**Response:** As described previously, this application includes the preliminarily planned dedication of right-of-way for extensions of NE Miller Street and NE Orchard Avenue, as required here. This requirement is met.

H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

**Response:** As evidenced by the Preliminary Plans (Exhibit A), improvements to NE Orchard Avenue and NW Miller Street are planned on and off the subject site. As shown in Exhibit A, the NE Orchard Avenue extension is preliminarily planned to be improved within a 50-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalks, a 24-foot-wide paved roadway, and ADA ramps; and the NE Miller Street extension is preliminarily planned to be improved within an up to ±66-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalk, a 28-foot-wide paved roadway, and an ADA ramp.

Improvements to both roadways not included with this application (i.e. improvements the City has determined are required to be completed by the owner of Tax Lot 2603) include additional roadway paving and curb along the north side of NE Miller Street, as well as additional roadway paving, curb, an ADA ramp, and 5-foot-wide sidewalk on the south side of NE Orchard Avenue, just west of NE Miller Street. Those future pedestrian improvements to be built by others on the south side of NE Orchard Avenue are designed to align with those planned to be provided by the Applicant under this application, as shown on the Future Development Plan (Exhibit A, Sheet 07). Therefore, this application does not include half streets, though half streets may be approved.

I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor

street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

**Response:** The application does not include cul-de-sacs or eyebrows. These requirements do not apply.

K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

**Response:** This application does not include new streets. This requirement does not apply.

L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.

2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

3. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the planning commission may accept sharper curves.

**Response:** As shown on the Future Street Cross Sections provided in Exhibit A, grades of NE Miller Street and NE Orchard Avenue do not exceed 12 percent and meet the centerline curve radii standard described above. These requirements are met.

M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future

grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

**Response:** As shown on the Preliminary Plans (Exhibit A), NE Orchard Avenue, which runs parallel to the railroad right-of-way, provides adequate separation from the railroad. This requirement is met.

N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

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

Q. Bikeways. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)

R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)

**Response:** This application does not include frontage roads, alleys, private ways, collectors, or arterial streets.

S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

**Response:** As previously described, the design of planned street extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by

comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E), which included curb-tight sidewalk. As discussed at that conference, the 5-foot-wide curb-tight sidewalk included in this project is appropriate for the conditions of the site. Though very few street segments in the general vicinity of the subject site provide sidewalk, where they are provided, sidewalks are curb tight. Therefore, this requirement is met as practicable.

T. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

**Response:** This requirement is intended to ensure street-tree planting areas. As previously described, this application includes curb-tight sidewalks. Park strips cannot be accommodated by curb-tight sidewalks. Requirements for park strips and street trees were discussed at the pre-application conference, where it was determined that street trees can be planted on the planned parcels, and will be allowed within the planned 10-foot-wide public utility easements.

Street tree planting plans are not required to be submitted with this Partition application; however, it is anticipated that a street tree plan will be required to be submitted prior to the filing of a final plat application. Accordingly, street tree standards are not required to be addressed by the Applicant in this narrative, though the Applicant notes that 17.58.90.D provides that "*…where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk*". Therefore, as shown on the Preliminary Plans (Exhibit A), street tree planting area is planned to be provided in accordance with this code and insofar as it applies to this application, this requirement will be met.

U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-detached residential development of four or more lots or parcels, multi-dwelling housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager. (Ord. 5023, §2, 2017; Ord. 4922, §4B, 2010; Amended 8/14/07 by Ordinance No. 4879.)

**Response:** The application does not include gates.

17.53.103 Blocks.

A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets

justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

**Response:** As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved.

As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

C. Easements.

1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

**Response:** As shown on the Preliminary Plans (Exhibit A), the application includes utility easements designed pursuant to applicable City standards, as well as a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard

Avenue. This application does not include alteration to drainage ways and does not require pedestrian access tracts. These requirements are met, as applicable.

17.53.105 Lots.

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), parcels are dimensioned appropriately for future industrial use. The MMZO does not establish minimum or maximum sizes for lots or parcels in the M-2 zoning district. These requirements are met.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-detached, common wall, or duplex residential use, unless no other access point is practical.

**Response:** As shown on the Preliminary Plans (Exhibit A), parcels are planned to abut streets other than an alley for at least 25 feet. This requirement is met.

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

**Response:** This application does not include through lots.

D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

**Response:** As shown on the Preliminary Plans (Exhibit A), parcel lines are planned to run at right angles to abutting streets. This requirement is met.

E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

**Response:** This application does not include flag lots.

17.53.110 Lot Grading.

Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.

D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.

E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

**Response:** As demonstrated by the Preliminary Grading & Utilities Plan included in Exhibit A, these requirements are met as applicable.

17.53.120 Building Lines.

If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

**Response:** This application does not include special building setback lines.

17.53.130 Large Lot Subdivision.

In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the planning commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

**Response:** Please refer to the response previously provided to Section 17.53.080.

17.53.140 Left-over Land.

Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

**Response:** As shown on the Preliminary Plans (Exhibit A), the existing wetland on the project site is wholly located on planned Parcel 2, and that area has been specifically identified on the Preliminary Partition Plat. This requirement is met.

Chapter 17.58 – TREES

17.58.040 Tree Removal/Replacement.

A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Applications shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, except as authorized in Section 17.58.050. Requests for tree removal within the Downtown Tree Zone shall be submitted to the City. Such requests shall be acted upon as soon as practicable, with

consideration given to public safety, value of the tree to the public, and work schedules. The Manager should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Manager may be appealed to the Planning Commission if written notice of the appeal is filed with the City within 15 (fifteen) days of the committee's or Manager's decision. A decision made by the Manager in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

**Response:** As shown on the Preliminary Plans (Exhibit A), two trees exist partially within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application seeks the removal of those two trees, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace those trees that are removed to accommodate this project. As demonstrated by the Preliminary Plans (Exhibit A), other trees on the subject site will be preserved.

B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.

C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

**Response:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction

of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Manager's or Landscape Review Committee's decision. The Manager or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

G. Other conditions may be attached to the permit approval by the Manager or Landscape Review Committee as deemed necessary.

**Response:** The Applicant plans to complete the tree removal within six months of approval. However, the Applicant requests that the City condition this approval such that tree removal may commence concurrently with preliminarily planned infrastructure installation. This approach will ensure that trees are not removed prematurely and will survive if any future modifications to the plan allow.

H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.

**Response:** This provision is understood. Planting of street trees will be in accordance with applicable City standards, as required.

17.58.050 Application Review and Criteria.

A. Application for Simple Tree Removal Permit.

1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.

2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:

a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.

b. The tree is dead or in an advanced state of decline.

c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.

d. Tree is infested with pests or disease.

e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary

abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.

f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.

g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.

h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.

**Response:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager.

**Response:** An arborist verification of tree health can be provided, as required. However, it is not anticipated to be necessary given the location of trees within the area planned for future right-of-way extensions.

4. At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.

**Response:** Planned tree removal is not anticipated to be deemed necessary for review by the Landscape Review Committee.

(…)

C. Application for Complex Tree Removal Permit.

1. Review. Applications for complex tree removal permits shall be reviewed by the Landscape Review Committee in accordance with the procedures of this Chapter on a form containing information required by the Manager.

2. Criteria. An application for a complex tree removal permit shall meet all of the following criteria:

a. The tree removal is necessary to address a public purpose that is not addressed by the criteria for a Simple Tree Removal Permit, and the application does not merely circumvent the requirements for a Simple Tree Removal Permit.

b. The tree removal is necessary to promote the public health, safety, welfare, and/or to accomplish a public purpose or program identified in the City's adopted plans, goals, and/or policies.

c. The tree removal will be consistent with the overall furtherance of a healthy urban forest, including healthy, attractive street trees.

3. The Landscape Review Committee may apply conditions of approval as specified in this Chapter and as may be necessary to offset the impact of the tree removal.

4. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.

**Response:** This application does not include a Complex Tree Removal Permit and such a permit is not anticipated to be required for this partition.

(…)

17.58.080 Street Tree Planting – When Required.

All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

**Response:** It is anticipated that street tree installation will be conditionally required to be installed. As described previously in this narrative, this partition and associated improvements are designed to accommodate future street tree planting, as required.

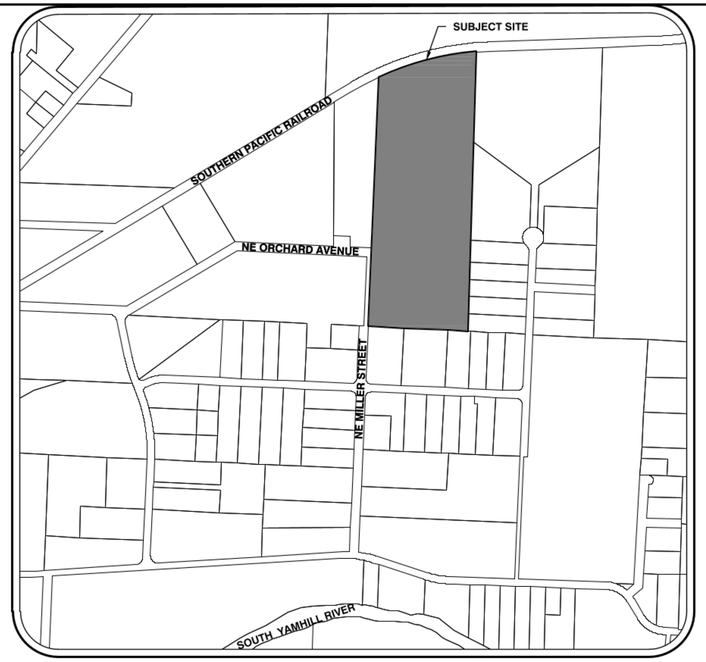
## IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the McMinnville Zoning Ordinance. The evidence in the record is substantial and supports approval of the application.

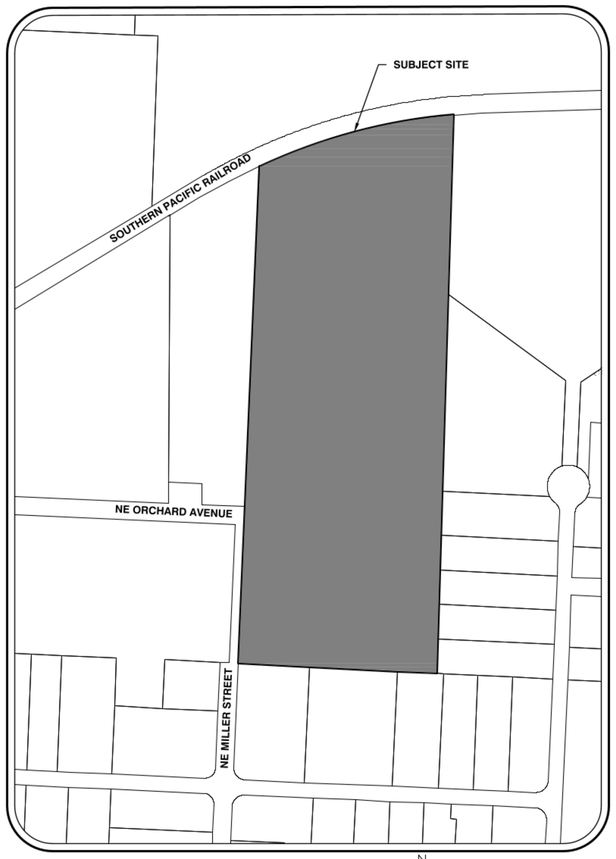
# **Exhibit A:** Preliminary Plans (Updated November 2025)

# 3100 NE ORCHARD AVENUE

## PARTITION APPLICATION
### PRELIMINARY PLANS




**VICINITY MAP**
SCALE: 1" = 500'




**SITE MAP**
SCALE: 1" = 250'

**APPLICANT:**
MCMINNVILLE INDUSTRIAL PROMOTIONS
PO BOX 328
MCMINNVILLE, OR 97128

**LAND USE PLANNING / CIVIL ENGINEERING / SURVEYING FIRM:**
AKS ENGINEERING & FORESTRY, LLC
CONTACT: CODY STREET
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PH: 503-563-6151
FAX: 503-563-6152
EM: STREETC@AKS-ENG.COM

**PROJECT LOCATION:** SOUTH OF HWY 99W AND NORTH OF THE SOUTH YAMHILL RIVER.

**PROPERTY DESCRIPTION:** TAX LOT 3100 YAMHILL COUNTY ASSESSOR'S MAP R4415. LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON.

**EXISTING LAND USE:** AGRICULTURAL PRODUCTION OF GRASS SEED / SOD.

**PROJECT PURPOSE:** TWO-PARCEL PARTITION.

**ZONING DISTRICT:** GENERAL INDUSTRIAL (M-2).

**HORIZONTAL DATUM:** COORDINATES ARE BASED ON OREGON STATE PLANE NORTH ZONE 3601, NAD83 (2011).

**VERTICAL DATUM:** ELEVATIONS ARE BASED ON NGS BENCHMARK RD0847. ELEVATION = 121.06 FEET (NAVD 88).

## LEGEND

| | EXISTING | PROPOSED | | EXISTING | PROPOSED |
|---|---|---|---|---|---|
| DECIDUOUS TREE | | | STORM DRAIN CLEAN OUT | | |
| CONIFEROUS TREE | | | STORM DRAIN CATCH BASIN | | |
| | | | STORM DRAIN AREA DRAIN | | |
| FIRE HYDRANT | | | STORM DRAIN MANHOLE | | |
| WATER BLOWOFF | | | GAS METER | | |
| WATER METER | | | GAS VALVE | | |
| WATER VALVE | | | GUY WIRE ANCHOR | | |
| DOUBLE CHECK VALVE | | | UTILITY POLE | | |
| AIR RELEASE VALVE | | | POWER VAULT | P | P |
| SANITARY SEWER CLEAN OUT | | | POWER JUNCTION BOX | | |
| SANITARY SEWER MANHOLE | | | POWER PEDESTAL | | |
| SIGN | | | COMMUNICATIONS VAULT | C | C |
| STREET LIGHT | | | COMMUNICATIONS JUNCTION BOX | | |
| MAILBOX | MB | MB | COMMUNICATIONS RISER | | |

| | EXISTING | PROPOSED |
|---|---|---|
| RIGHT-OF-WAY LINE | | |
| BOUNDARY LINE | | |
| PROPERTY LINE | | |
| CENTERLINE | | |
| DITCH | | |
| CURB | | |
| EDGE OF PAVEMENT | | |
| GUTTER | | |
| EASEMENT | | |
| FENCE LINE | | |
| GRAVEL EDGE | | |
| POWER LINE | PWR | PWR |
| OVERHEAD WIRE | OHW | OHW |
| COMMUNICATIONS LINE | COM | COM |
| FIBER OPTIC LINE | CFO | CFO |
| GAS LINE | GAS | GAS |
| STORM DRAIN LINE | STM | STM |
| SANITARY SEWER LINE | SAN | SAN |
| WATER LINE | WAT | WAT |
| RECLAIMED WATER LINE | RPWAT | RPWAT |

## SHEET INDEX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02 EXISTING CONDITIONS PLAN
03 EXISTING CONDITIONS PLAN
04 PRELIMINARY PARTITION PLAT
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06 PRELIMINARY GRADING & UTILITIES PLAN
07A DETAILED FUTURE DEVELOPMENT PLAN
07B FUTURE DEVELOPMENT PLAN
08 FUTURE STREET CROSS SECTIONS



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AKS ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

3100 NE ORCHARD AVENUE
MCMINNVILLE OREGON
TAX LOT 3100
YAMHILL COUNTY TAX MAP R4415

COVER SHEET

DESIGNED BY: CMS
DRAWN BY: PAT
MANAGED BY: CMS
CHECKED BY: CMS
DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
CODY P. CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER 11033

SHEET 01

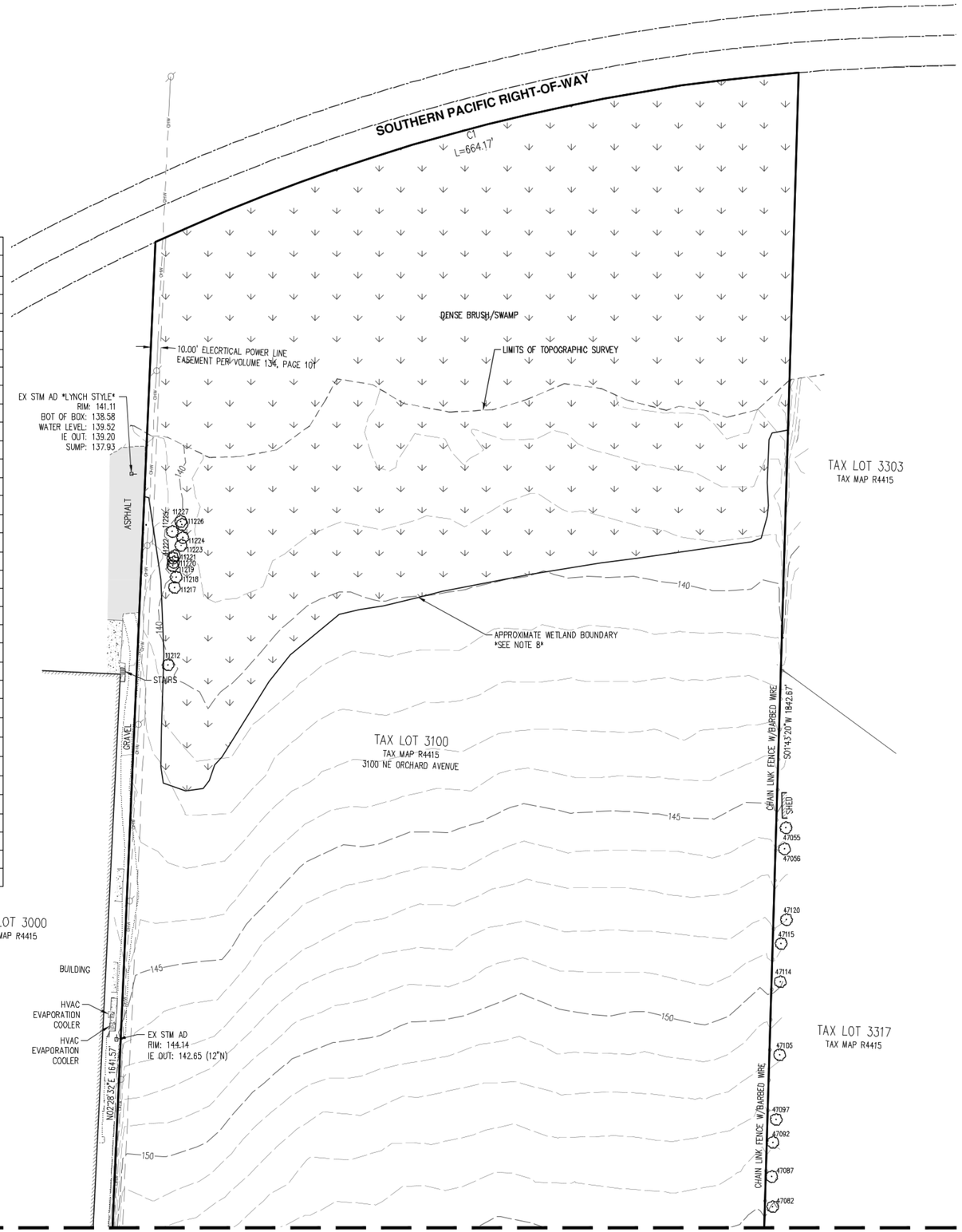



AKS DRAWING FILE: 11033 20250606 VICINITY MAP.DWG | LAYOUT: COVER SHEET

| CURVE TABLE | | | | |
|---|---|---|---|---|
| CURVE | RADIUS | DELTA | LENGTH | CHORD |
| C1 | 1879.87' | 20°14'35" | 664.17' | N75°14'34"E 660.73' |

| TREE TABLE | | |
|---|---|---|
| TREE NUMBER | TYPE | DBH (IN.) |
| 10182 | CONIFEROUS | 18 |
| 10201 | DECIDUOUS | 11 |
| 10202 | DECIDUOUS | 10 |
| 10203 | DECIDUOUS | 11 |
| 10204 | DECIDUOUS | 9 |
| 10646 | DECIDUOUS | 27 |
| 10647 | DECIDUOUS | 15 |
| 10648 | DECIDUOUS | 9 |
| 10649 | DECIDUOUS | 19 |
| 10650 | DECIDUOUS | 20 |
| 10653 | DECIDUOUS | 16 |
| 10670 | DECIDUOUS | 12,12,15 |
| 10671 | DECIDUOUS | 7,7 |
| 10739 | DECIDUOUS | 8 |
| 10765 | DECIDUOUS | 6 |
| 10815 | DECIDUOUS | 21 |
| 10818 | DECIDUOUS | 25 |
| 10823 | DECIDUOUS | 11 |
| 10851 | DECIDUOUS | 25 |
| 10854 | DECIDUOUS | 22 |
| 10855 | DECIDUOUS | 24 |
| 10882 | DECIDUOUS | 38 |
| 10891 | DECIDUOUS | 24 |
| 10894 | DECIDUOUS | 24 |
| 10898 | DECIDUOUS | 35 |
| 10903 | DECIDUOUS | 25 |
| 10904 | DECIDUOUS | 30 |
| 10911 | DECIDUOUS | 18 |
| 10912 | DECIDUOUS | 18 |
| 10916 | DECIDUOUS | 22 |
| 10917 | DECIDUOUS | 18 |
| 10919 | DECIDUOUS | 18 |
| 10922 | DECIDUOUS | 16 |
| 10924 | DECIDUOUS | 15 |

| TREE TABLE | | |
|---|---|---|
| TREE NUMBER | TYPE | DBH (IN.) |
| 10925 | DECIDUOUS | 40 |
| 10967 | DECIDUOUS | 11 |
| 10971 | DECIDUOUS | 6 |
| 10972 | DECIDUOUS | 9 |
| 10983 | DECIDUOUS | 6 |
| 10984 | CONIFEROUS | 11 |
| 11122 | CONIFEROUS | 20 |
| 11212 | DECIDUOUS | 12 |
| 11217 | DECIDUOUS | 6,10,10,13,17 |
| 11218 | DECIDUOUS | 25 |
| 11219 | DECIDUOUS | 24 |
| 11220 | DECIDUOUS | 19 |
| 11221 | DECIDUOUS | 7,8,9 |
| 11222 | DECIDUOUS | 12 |
| 11223 | DECIDUOUS | 9,11 |
| 11224 | DECIDUOUS | 9 |
| 11225 | DECIDUOUS | 15 |
| 11226 | DECIDUOUS | 7 |
| 11227 | DECIDUOUS | 7 |
| 47055 | DECIDUOUS | 6 |
| 47056 | DECIDUOUS | 6,8 |
| 47065 | DECIDUOUS | 6 |
| 47068 | DECIDUOUS | 6 |
| 47077 | DECIDUOUS | 6,6 |
| 47082 | DECIDUOUS | 6,7 |
| 47087 | DECIDUOUS | 6,7,8 |
| 47092 | DECIDUOUS | 8,13 |
| 47097 | DECIDUOUS | 6,8,10 |
| 47105 | DECIDUOUS | 6,7,10 |
| 47114 | DECIDUOUS | 6 |
| 47115 | DECIDUOUS | 6 |
| 47120 | DECIDUOUS | 6 |
| 47128 | DECIDUOUS | 41 |




## LEGEND

| | EXISTING | | EXISTING |
|---|---|---|---|
| DECIDUOUS TREE | | STORM DRAIN CLEAN OUT | |
| CONIFEROUS TREE | | STORM DRAIN CATCH BASIN | |
| FIRE HYDRANT | | STORM DRAIN AREA DRAIN | |
| WATER BLOWOFF | | STORM DRAIN MANHOLE | |
| WATER METER | | GAS METER | |
| WATER VALVE | | GAS VALVE | |
| DOUBLE CHECK VALVE | | GUY WIRE ANCHOR | |
| AIR RELEASE VALVE | | UTILITY POLE | |
| SANITARY SEWER CLEAN OUT | | POWER VAULT | |
| SANITARY SEWER MANHOLE | | POWER JUNCTION BOX | |
| SIGN | | POWER PEDESTAL | |
| STREET LIGHT | | COMMUNICATIONS VAULT | |
| MAILBOX | | COMMUNICATIONS JUNCTION BOX | |
| | | COMMUNICATIONS RISER | |

| EXISTING | |
|---|---|
| RIGHT-OF-WAY LINE | |
| BOUNDARY LINE | |
| PROPERTY LINE | |
| CENTERLINE | |
| DITCH | |
| CURB | |
| EDGE OF PAVEMENT | |
| EASEMENT | |
| FENCE LINE | |
| GRAVEL EDGE | |
| POWER LINE | PWR |
| OVERHEAD WIRE | OHW |
| COMMUNICATIONS LINE | COM |
| FIBER OPTIC LINE | CFO |
| GAS LINE | GAS |
| STORM DRAIN LINE | STM |
| SANITARY SEWER LINE | SAN |
| WATER LINE | WAT |

**NOTES:**

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBERS 22191987 & 22191992. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED IN JUNE & JULY, 2022, AND SEPTEMBER 16, 2025.
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK RD0847. ELEVATION = 121.06 FEET (NAVD 88).
4. THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
5. BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
6. CONTOUR INTERVAL IS 1 FOOT.
7. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.
8. WETLANDS SHOWN WERE DERIVED FROM A PDF OVERLAY OF "WETLAND DELINEATION/DETERMINATION REPORT" BY OREGON DEPARTMENT OF STATE LANDS DATED 05/02/2025 AND ARE APPROXIMATE.
9. EASEMENTS SHOWN ARE BASED ON A TITLE REPORT FROM FIRST AMERICAN TITLE COMPANY WITH AN EFFECTIVE DATE OF SEPTEMBER 16, 2025, AND ORDER NUMBER 1039-4309602.

N

SCALE: 1"=60 FEET

60 0 12 30 60

ORIGINAL PAGE SIZE: 22" x 34"

SEE SHEET 03

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
YAMHILL COUNTY TAX MAP R4415
TAX LOT 3100

# EXISTING CONDITIONS PLAN

DESIGNED BY:
DRAWN BY: ML
MANAGED BY: RDR
CHECKED BY: MTB
DATE: 09/22/2025

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 9, 2024
ERIC NYGREN
091799PLS
RENEWS: 12/31/2026

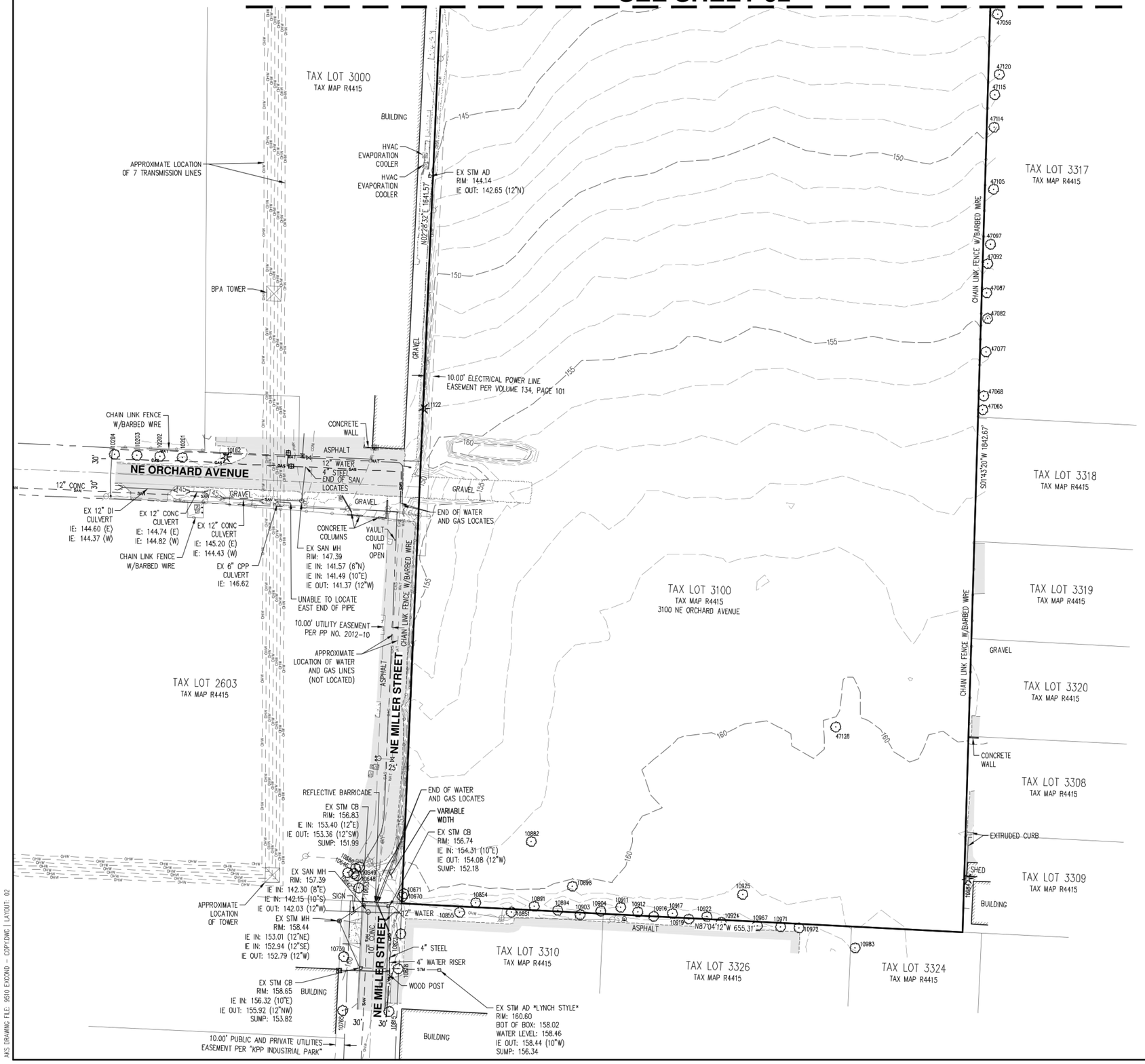
REVISIONS

JOB NUMBER
11033

SHEET
02

AKS DRAWING FILE: 9510 EXCOND - COPY.DWG | LAYOUT: EXISTING CONDITIONS PLAN

SEE SHEET 02




## LEGEND

| | EXISTING | | EXISTING |
|---|---|---|---|
| DECIDUOUS TREE | | STORM DRAIN CLEAN OUT | |
| CONIFEROUS TREE | | STORM DRAIN CATCH BASIN | |
| FIRE HYDRANT | | STORM DRAIN AREA DRAIN | |
| WATER BLOWOFF | | STORM DRAIN MANHOLE | |
| WATER METER | | GAS METER | |
| WATER VALVE | | GAS VALVE | |
| DOUBLE CHECK VALVE | | GUY WIRE ANCHOR | |
| AIR RELEASE VALVE | | UTILITY POLE | |
| SANITARY SEWER CLEAN OUT | | POWER VAULT | |
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| SIGN | | POWER PEDESTAL | |
| STREET LIGHT | | COMMUNICATIONS VAULT | |
| MAILBOX | | COMMUNICATIONS JUNCTION BOX | |
| | | COMMUNICATIONS RISER | |

| EXISTING | |
|---|---|
| RIGHT-OF-WAY LINE | |
| BOUNDARY LINE | |
| PROPERTY LINE | |
| CENTERLINE | |
| DITCH | |
| CURB | |
| EDGE OF PAVEMENT | |
| EASEMENT | |
| FENCE LINE | |
| GRAVEL EDGE | |
| POWER LINE | PWR |
| OVERHEAD WIRE | OHW |
| COMMUNICATIONS LINE | COM |
| FIBER OPTIC LINE | CFO |
| GAS LINE | GAS |
| STORM DRAIN LINE | STM |
| SANITARY SEWER LINE | SAN |
| WATER LINE | WAT |

**NOTES:**

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9. EASEMENTS SHOWN ARE BASED ON A TITLE REPORT FROM FIRST AMERICAN TITLE COMPANY WITH AN EFFECTIVE DATE OF SEPTEMBER 16, 2025, AND ORDER NUMBER 1039-4309602.

N

SCALE: 1"=60 FEET

60 0 12 30 60

ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
YAMHILL COUNTY TAX MAP R4415
TAX LOT 3100

# EXISTING CONDITIONS PLAN

DESIGNED BY:
DRAWN BY: ML
MANAGED BY: RDR
CHECKED BY: MTB
DATE: 09/22/2025

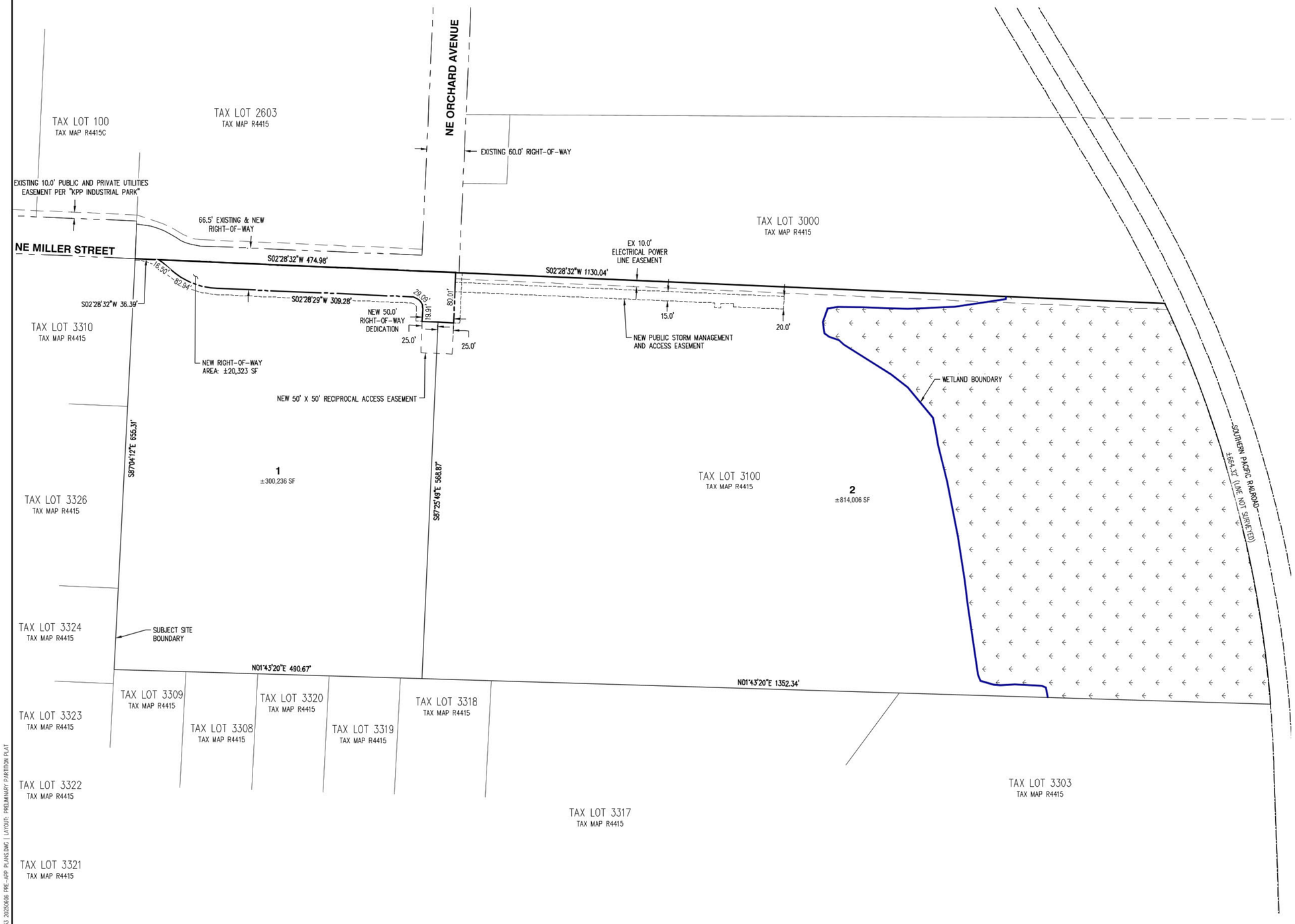
REGISTERED PROFESSIONAL LAND SURVEYOR
Eric Nygren
OREGON
JULY 9, 2024
ERIC NYGREN
091799PLS
RENEWS: 12/31/2026

REVISIONS

JOB NUMBER
11033

SHEET
03

AKS DRAWING FILE: 9510 EXCOND - COPY.DWG | LAYOUT: 02




## PARTITION PLAT SUMMARY:

1. EXISTING SITE:
   AREA: ±1,134,565 SF (±26.05 AC)
   ZONING: GENERAL INDUSTRIAL M-2
2. PARCEL 1:
   AREA: ±300,236 SF (±6.89 AC)
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
3. PARCEL 2:
   AREA: ±814,006 SF (±18.69 AC)
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
4. NEW RIGHT-OF-WAY:
   AREA: ±20,323 (±0.47 AC)

SCALE: 1" = 80 FEET
80 0 16 40 80
ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

OREGON
YAMHILL COUNTY TAX MAP R4415
MCMINNVILLE
TAX LOT 3100

# PRELIMINARY PARTITION PLAT

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 29, 2005
CHRISTIAN S. CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER
11033

SHEET
04

Revised on 04.07.2026
227 of 330

AKS DRAWING FILE: 11033 20250806 PRE-APP PLANS.DWG | LAYOUT: PRELIMINARY PARTITION PLAT

## PARTITION PLAT SUMMARY:

1. EXISTING SITE:
   AREA: ±1,134,565 SF (±26.05 AC)
   ZONING: GENERAL INDUSTRIAL M-2
2. PARCEL 1:
   AREA: ±300,236 SF (±6.89 AC)
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
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4. NEW RIGHT-OF-WAY:
   AREA: ±20,323 (±0.47 AC)

N

SCALE: 1" = 80 FEET
80 0 16 40 80
ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
TAX LOT 3100
YAMHILL COUNTY TAX MAP R4415

# PRELIMINARY PARTITION PLAT WITH AERIAL PHOTOGRAPH

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 29, 2005
JOSEPH R. CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER
11033

SHEET
05

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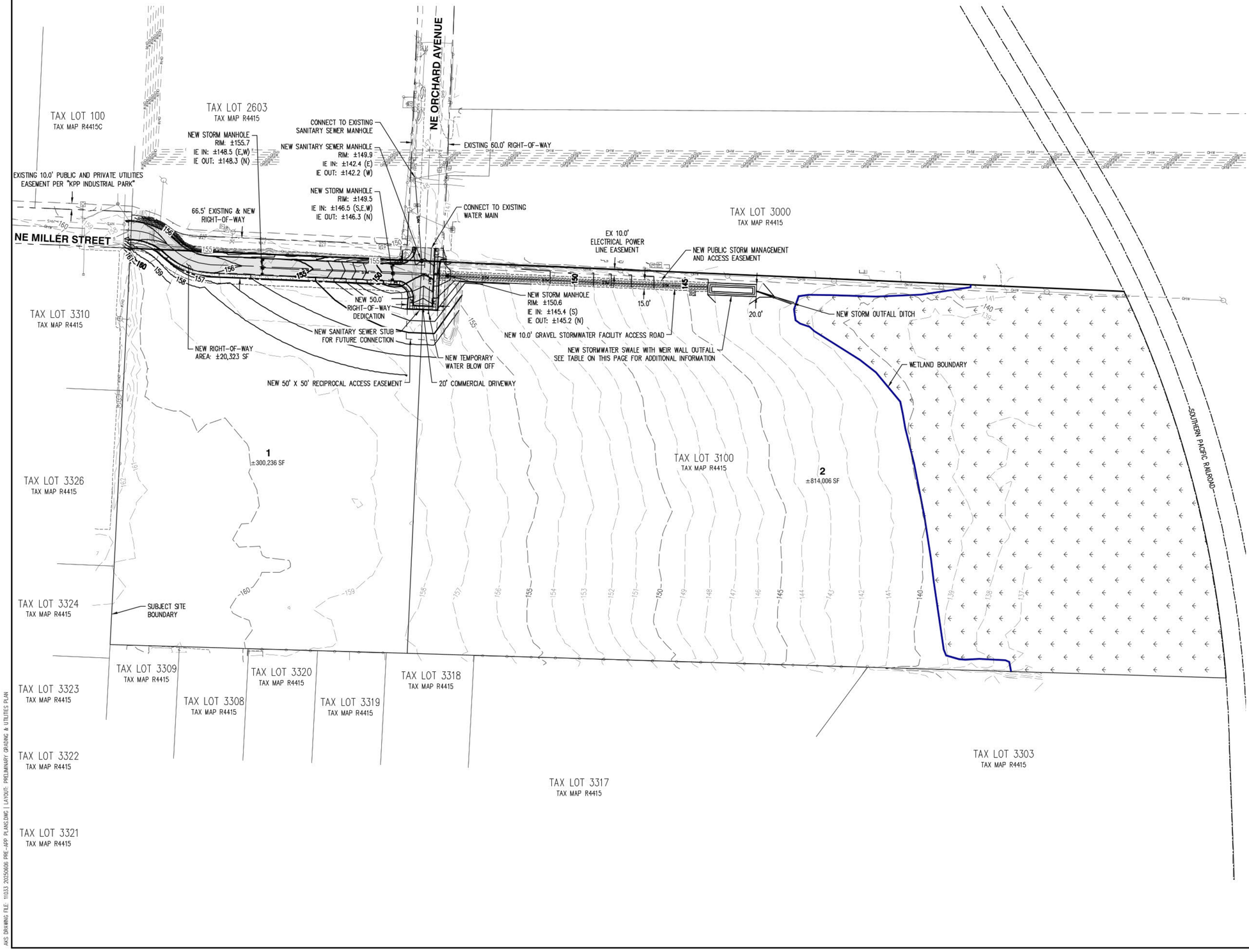


## STORMWATER FACILITY

| | |
|---|---|
| FACILITY TYPE: | SWALE |
| OUTFALL STRUCTURE: | V-NOTCH WEIR WALL |
| TOP OF SWALE ELEVATION: | 144' |
| BOTTOM OF SWALE ELEVATION: | 142' |
| SURFACE AREA: | ±1,600 SF |
| NEW IMPERVIOUS SURFACE*: | |
| STREET | ±17,210 SF |
| SIDEWALK: | ±3,500 SF |
| TOTAL: | ±20,710 SF |
| DESIGN STORM: | 10 YEAR |
| MAXIMUM STORAGE: | ±2,040 CF |
| PEAK STORAGE: | ±1,440 CF |
| PEAK OUTFLOW RATE: | ±0.17 CFS |
| PEAK OUTFLOW VELOCITY: | ±2.37 FPS |

*SWALE IS SIZED FOR THE FULL RIGHT-OF-WAY BUILDOUT, INCLUDING IMPROVEMENTS BY OTHERS. SEE SHEET 07A FOR ADDITIONAL CONTEXT.

## LEGEND

- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- FINISHED GRADE CONTOUR (1 FT)
- FINISHED GRADE CONTOUR (5 FT)

N

SCALE: 1" = 80 FEET

80 0 16 40 80

ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
YAMHILL COUNTY TAX MAP R4415
TAX LOT 3100

# PRELIMINARY GRADING & UTILITIES PLAN

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER — OREGON — JULY 19, 2005 — CHRISTI ANSEN

PRELIMINARY NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER
11033

SHEET
06

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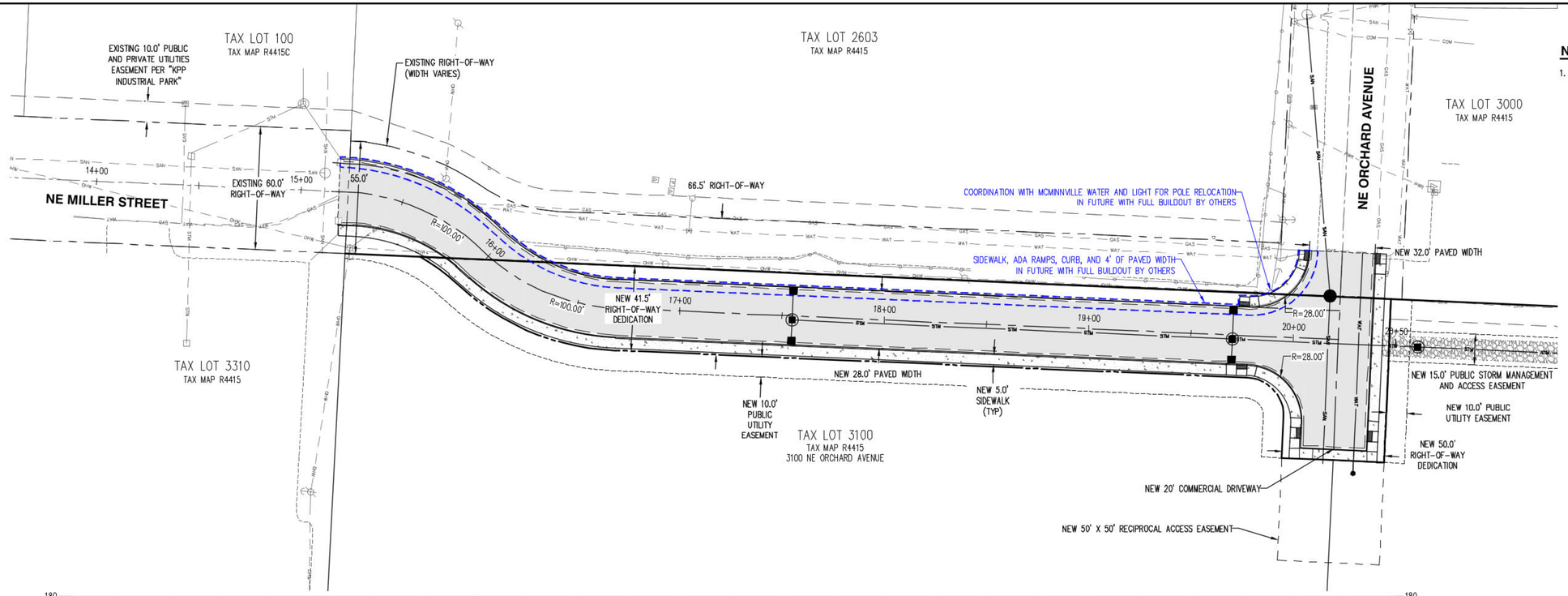
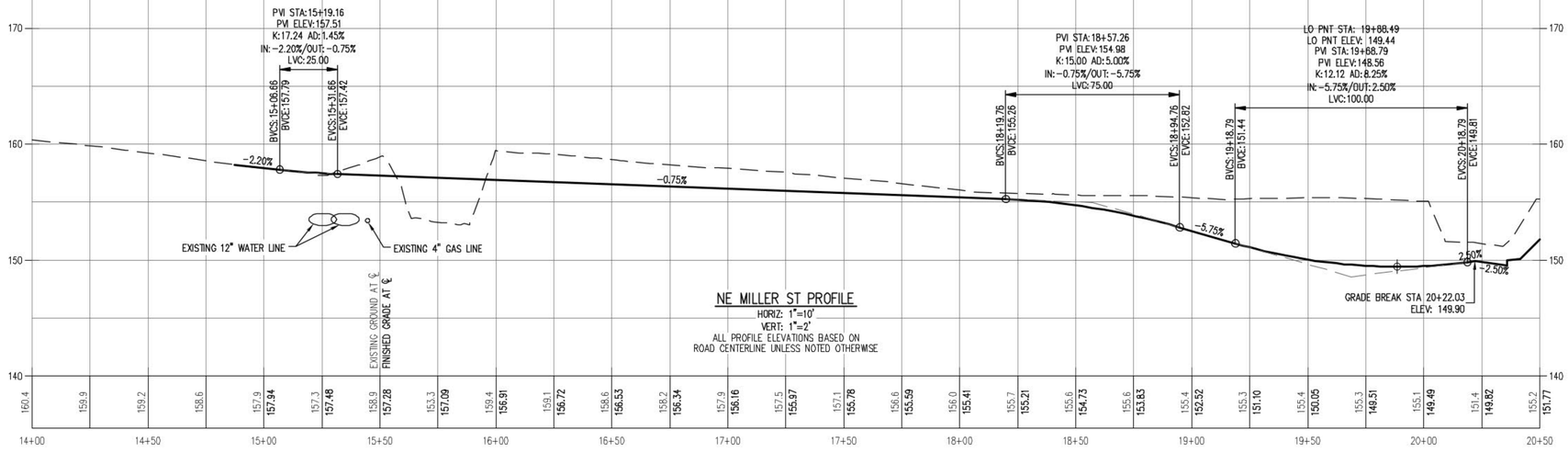


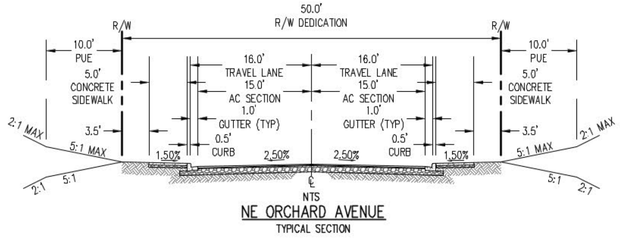

**NOTES:**

1. EXISTING WATER AND GAS LINE DEPTH SHOWN IN PROFILE ARE BASED ON ASSUMPTIONS OF MINIMUM COVER FROM EXISTING GROUND ELEVATIONS.



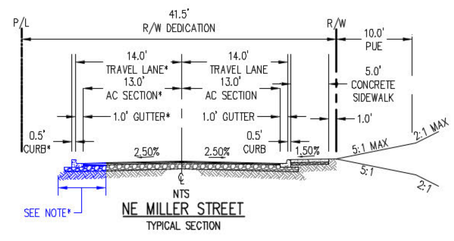

## NE MILLER ST PROFILE

HORIZ: 1"=10'
VERT: 1"=2'
ALL PROFILE ELEVATIONS BASED ON ROAD CENTERLINE UNLESS NOTED OTHERWISE




NTS

NE ORCHARD AVENUE
TYPICAL SECTION




NTS

NE MILLER STREET
TYPICAL SECTION

*CURB, GUTTER AND 4' OF TRAVEL LANE TO BE CONSTRUCTED BY OTHERS IN FUTURE WITH FULL STREET BUILDOUT

N

SCALE: 1"=30 FEET
30 0 6 15 30
ORIGINAL PAGE SIZE: 22" x 34"

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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
TAX LOT 3100
YAMHILL COUNTY TAX MAP R4415

# DETAILED FUTURE DEVELOPMENT PLAN

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |
| DATE: 11/07/2025 | |

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 12/31/25

REVISIONS

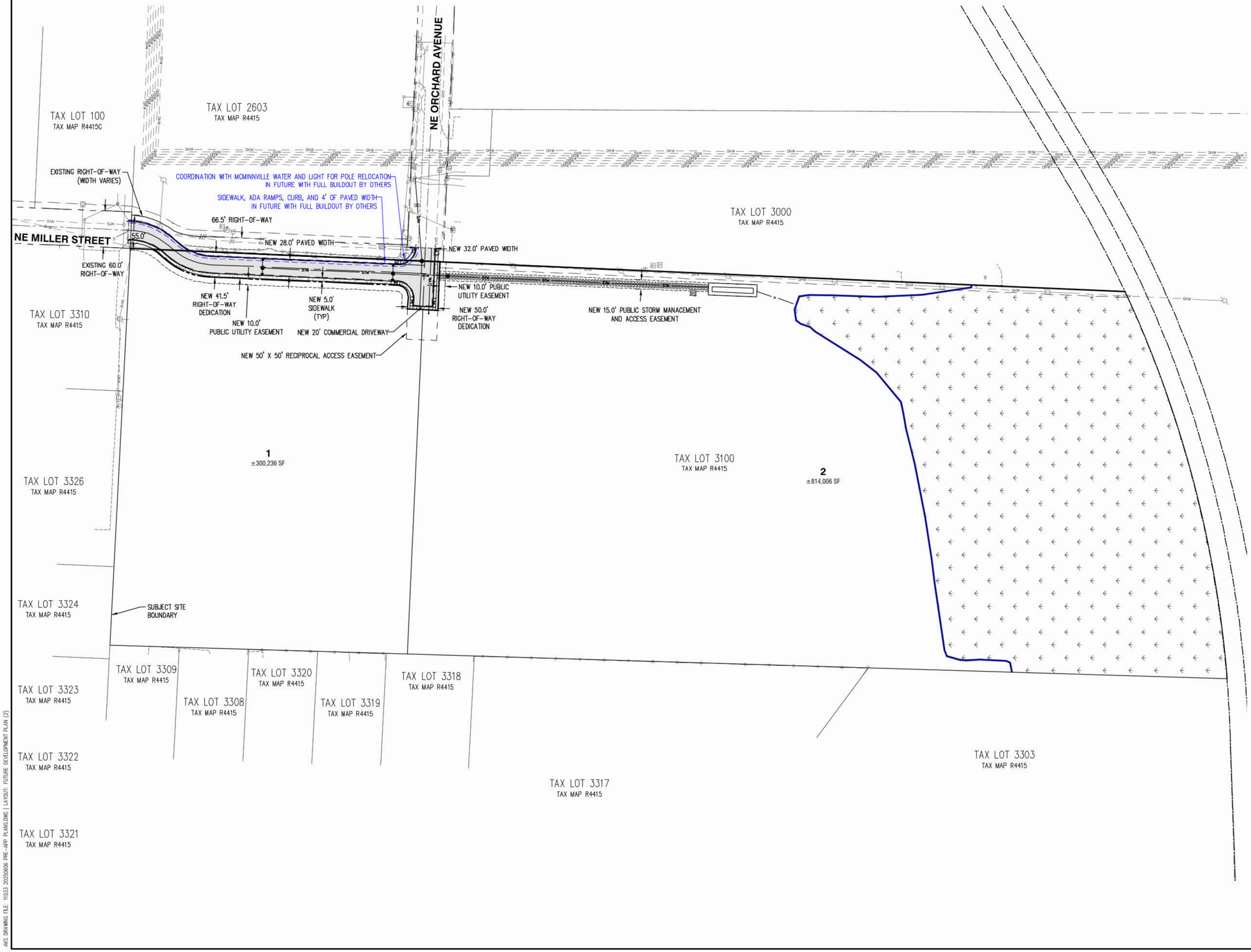
JOB NUMBER
11033

SHEET
07A

AKS DRAWING FILE: 11033 20250606 PRE-APP PLANS.DWG | LAYOUT: FUTURE DEVELOPMENT PLAN

**NOTES:**

1. EXISTING WATER AND GAS LINE DEPTH SHOWN IN PROFILE ARE BASED ON ASSUMPTIONS OF MINIMUM COVER FROM EXISTING GROUND ELEVATIONS.





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# 3100 NE ORCHARD AVENUE

MCMINNVILLE OREGON
TAX LOT 3100
YAMHILL COUNTY TAX MAP R4415

# FUTURE DEVELOPMENT PLAN

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 22, 2009
CHRISTIANSEN

PRELIMINARY NOT FOR CONSTRUCTION

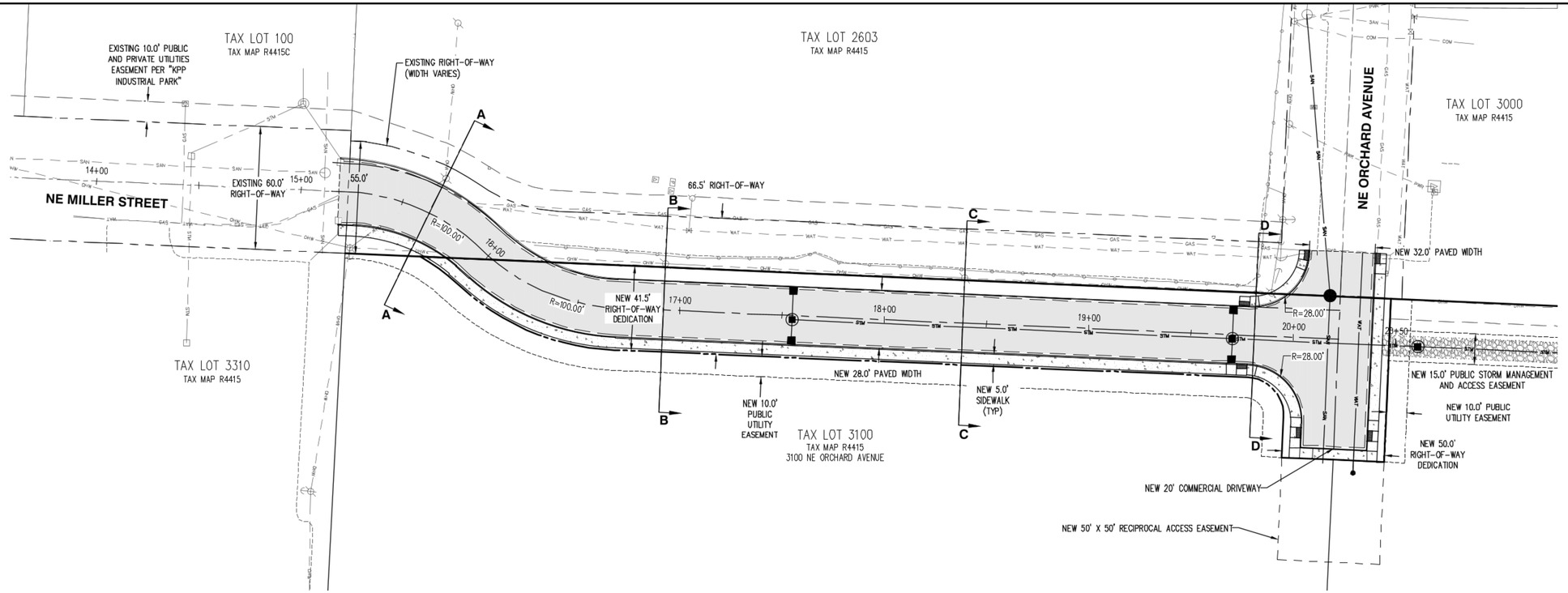
RENEWAL DATE: 12/31/25

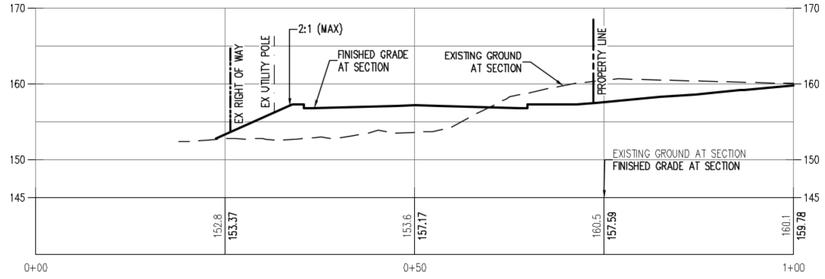
REVISIONS

JOB NUMBER
11033

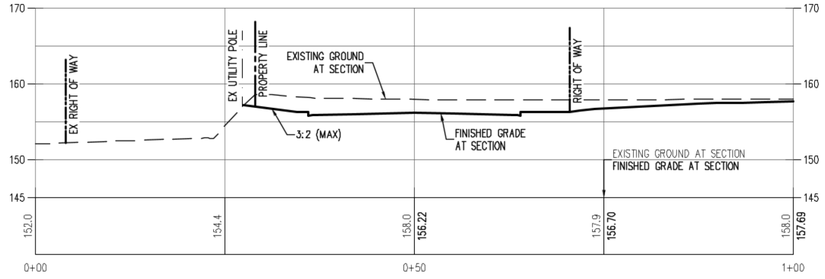
SHEET
07B

AKS DRAWING FILE: 11033 20250606 PRE-APP PLANS.DWG | LAYOUT: FUTURE DEVELOPMENT PLAN (2)




SECTION A–A
HORZ. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'




SECTION B–B
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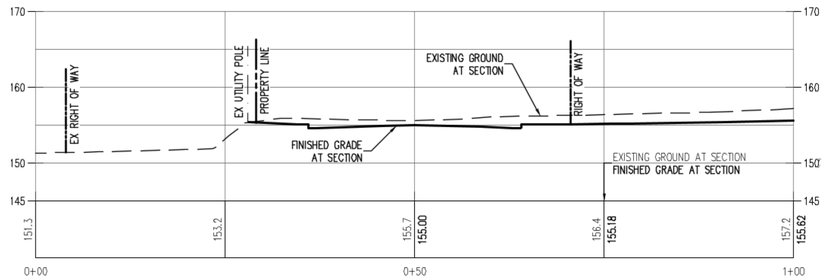
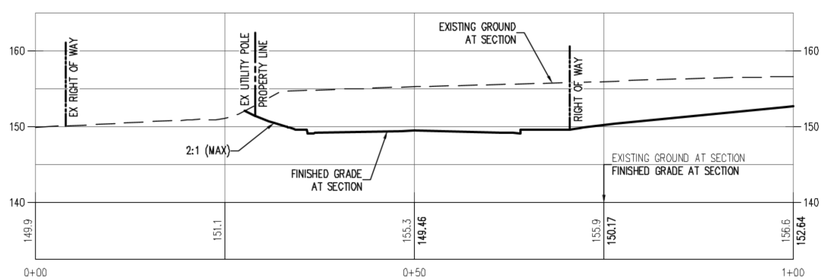
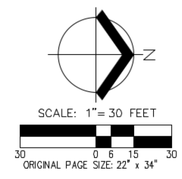
VERT. SCALE: 1"= 10'




SECTION C–C
HORZ. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'




SECTION D–D
HORZ. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'




AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

# 3100 NE ORCHARD AVENUE

OREGON
YAMHILL COUNTY TAX MAP R4415
MCMINNVILLE
TAX LOT 3100

# FUTURE STREET CROSS SECTIONS

| | |
|---|---|
| DESIGNED BY: | CMS |
| DRAWN BY: | PAT |
| MANAGED BY: | CMS |
| CHECKED BY: | CMS |

DATE: 11/07/2025

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
CHRISTOPHER M. SMITH

PRELIMINARY
NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/25

REVISIONS

JOB NUMBER
11033

SHEET
08

AKS DRAWING FILE: 11033 20250806 PRE-APP PLANS.DWG | LAYOUT: FUTURE STREET CROSS SECTIONS

# **Exhibit B:** Partition Application Form

# Partition
## Information & Submittal Requirements

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

## Overview

Under Oregon law, a single unit of land may be partitioned into three or fewer parcels one time within a calendar year. Prior to submitting an application for a tentative partition, you are encouraged to talk to staff from both the Engineering and Planning departments so that you are familiar with the partition submittal and review process. Additionally, you should contact each utility that will be providing service to the proposed parcels. This is recommended so that you will be aware of the rules, regulations, concerns, and capacity of each utility and associated costs. The process for partitioning a parcel of land is outlined in Section 17.53.060 (Submission of Tentative Partition Plat) through 17.53.063 (Filing of Final Partition Plat) of the McMinnville Zoning Ordinance.

## Additional Information

Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require the applicant to provide a plan demonstrating that the future division of the property can occur in conformity to the requirements contained in this ordinance. For further information, please refer to Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.

## Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

☑ A completed Partition application form.

☑ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), on which the following information should be included:

- A copy of recorded deed and any conveyed rights to define the location and boundaries of the parcel to be partitioned;
- Name, address, and phone number(s) of the recorded owner(s);
- Approximate acreage of the subject parcel;
- For land adjacent to and within the parcel to be partitioned, show locations, names, purpose and existing widths of all street rights-of-way and easements, and location and size of sewer and water lines and drainage ways;
- Outline and location of existing buildings to remain in place;
- Lot layout showing size and relationship to existing or proposed streets and utility easements;

- Location and dimension of any existing or planned curb-side planting strip which may border the subject site;
- Contour lines related to City datum and having minimum intervals of two feet;
- Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency (FEMA);
- Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards;
- Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities; and
- Such additional information as required by the Planning Director.

☑ A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.

☑ If applicable, submittal of future development plan, per Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.

☑ Any additional information as required by the Planning Director.

☑ Payment of the applicable review fee.

## Review Process

Upon receipt of a completed application the Planning Department will provide notification of the requested partition to property owners within 100 feet of the subject site after which a 14 (fourteen) day comment period will follow. At the conclusion of that comment period, the Planning Director will make a decision on the request based upon the requirements and criteria stated in Section 17.72.110 (Applications - Director's Review with Notification) of the Zoning Ordinance. Notice of the decision regarding the tentative partition request is then mailed to the applicant.

The decision made by the Director may be appealed to the Planning Commission, as stated in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.

## Final Partition

Once a tentative partition plan has been approved by the Planning Director, the applicant must then have a professional land surveyor or engineer, registered with the State of Oregon, prepare the final partition plat. This plat must be prepared within 12 (twelve) months of the approval of the tentative plan and must be surveyed and drawn to the requirements as established by Section 17.53.061 (Submission of Final Partition Plat) of the Zoning Ordinance, Oregon Revised Statutes Chapters 92 and 209, and any additional conditions as may be attached as part of the tentative partition plan's approval.

The final plat, together with any additional material necessary to meet any condition of approval, and the plat check fee, must be submitted to the City Planning and Engineering Departments to determine compliance with the above-noted requirements.

If the final plat is in compliance with the applicable requirements, the partition will receive final approval by the Planning Director and the City Engineer. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

Parcels cannot be built upon until the final partition plat has been completed, approved, and filed with the City and recorded in the Yamhill County Clerk's office. Additionally, no parcel can be sold until the plat has been filed and a proper registration of the partition has been made with the Oregon State Real Estate Division.

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

**Office Use Only**:
File No.
Date Received
Fee
Receipt No.
Received by

# Partition Application

## *Applicant Information*

**Applicant is**: ☑ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other

Applicant Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant

Applicant's Consultant AKS Engineering & Forestry, LLC, Lucas Eschelbach Phone 503-563-6161
*(If different than above)*

Address 12965 SW Herman Road, Suite 100

City, State, Zip Tualatin, OR 97062

Contact Email lucas.eschelbach@aks-eng.com

## *Property Owner Information*

Property Owner Name McMinnville Industrial Promotions, Inc. Phone Please Contact Applicant's Consultant
*(If different than above)*

Contact Name Please Contact Applicant's Consultant

Address PO Box 328

City, State, Zip McMinnville, OR 97128

Contact Email Please Contact Applicant's Consultant

## *Site Location and Description*

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

Property Address No Situs Address

Assessor Map No. R4 415 - - Total Site Area ±1,134,565 SF (±26-acres)

Subdivision NA Block NA Lot NA

Comprehensive Plan Designation Industrial Zoning Designation General Industrial (M-2)

## ***General Description of Subject Property***

1. Proposed Parcel Size: #1 ±300,236 square feet #2 ±814,006 square feet

2. Current Land Use: Unimproved, Agricultural (sod and grass seed)

3. Purpose of the partition request: Please see the attached narrative

4. Topography: Please see the attached narrative

5. Method of Sewage Disposal: Served by City sewer. Please see the attached narrative.
   *(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)*

6. Water Supply: Served by City water. Please see the attached narrative.

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), indicating all required information as listed in the information sheet and in Section 17.53.060 (Submission of Tentative Partition Plan) of the Zoning Ordinance, or, if applicable, Section 17.53.080 (Submission of Future Development Plan).*
- ☑ *A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.*
- ☑ *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 — Date

Property Owner's Signature — Date 06 OCT 2025

## Business Name Search

New Search Printer Friendly

## Business Entity Data

09-03-2025
10:35

| Registry Nbr | Entity Type | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|---|---|---|---|---|---|---|
| 057079-14 | DBC | ACT | OREGON | 07-10-1956 | 07-10-2026 | |
| **Entity Name** | MCMINNVILLE INDUSTRIAL PROMOTIONS, INC. | | | | | |
| **Foreign Name** | | | | | | |

New Search Printer Friendly

## Associated Names

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | PPB | PRINCIPAL PLACE OF BUSINESS | | | | |
| **Addr 1** | 620 NE FIFTH ST | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

*Please click here for general information about registered agents and service of process.*

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | AGT | REGISTERED AGENT | | **Start Date** | 06-19-2019 | **Resign Date** |
| **Name** | KATHERINE | | GOWELL | | | |
| **Addr 1** | 620 NE FIFTH ST | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | MAL | MAILING ADDRESS | | | | |
| **Addr 1** | PO BOX 328 | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | PRE | PRESIDENT | | | | **Resign Date** |
| **Name** | DOUG | | HURL | | | |
| **Addr 1** | PO BOX 328 | | | | | |
| **Addr 2** | | | | | | |
| **CSZ** | MCMINNVILLE | OR | 97128 | | **Country** | UNITED STATES OF AMERICA |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Type** | SEC | SECRETARY | | | | **Resign Date** |
| **Name** | DEVIN | | PAOLO | | | |
| **Addr 1** | PO BOX 328 | | | | | |
| **Addr 2** | | | | | | |

| CSZ | MCMINNVILLE | OR | 97128 | | Country | UNITED STATES OF AMERICA |
|---|---|---|---|---|---|---|

New Search Printer Friendly

## Name History

| Business Entity Name | Name Type | Name Status | Start Date | End Date |
|---|---|---|---|---|
| MCMINNVILLE INDUSTRIAL PROMOTIONS, INC. | EN | CUR | 07-10-1956 | |

Please read before ordering Copies.

New Search Printer Friendly

## Summary History

| Image Available | Action | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|---|---|---|---|---|---|---|
| | AMENDED ANNUAL REPORT | 07-12-2025 | | FI | | |
| | AMENDED ANNUAL REPORT | 07-02-2024 | | FI | | |
| | ANNUAL REPORT | 07-20-2023 | | FI | | |
| | AMENDED ANNUAL REPORT | 07-02-2022 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-11-2021 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-18-2020 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-19-2019 | | FI | Agent | |
| | AMENDED ANNUAL REPORT | 06-12-2018 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-27-2017 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-09-2016 | | FI | | |
| | AMENDED ANNUAL REPORT | 06-16-2015 | | FI | | |
| | AMENDED ANNUAL REPORT | 07-12-2014 | | FI | Agent | |
| | CHANGE OF MAILING ADDRESS | 06-07-2013 | | FI | | |
| | ANNUAL REPORT PAYMENT | 06-06-2013 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-11-2012 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-20-2011 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-03-2010 | | SYS | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | ANNUAL REPORT PAYMENT | 06-04-2009 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-16-2008 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-14-2007 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-05-2006 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-02-2005 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-01-2004 | | SYS | | |
| | AMNDMT TO ANNUAL RPT/INFO STATEMENT | 01-14-2004 | | FI | | |
| | ANNUAL REPORT PAYMENT | 06-05-2003 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-06-2002 | | SYS | | |
| | ANNUAL REPORT PAYMENT | 06-04-2001 | | SYS | | |
| | CHANGED RENEWAL | 06-22-2000 | | FI | | |
| | STRAIGHT RENEWAL | 06-14-2000 | | FI | | |
| | STRAIGHT RENEWAL | 06-10-1999 | | FI | | |
| | STRAIGHT RENEWAL | 06-16-1998 | | FI | | |
| | STRAIGHT RENEWAL | 06-03-1997 | | FI | | |
| | CHANGED RENEWAL | 06-03-1997 | | FI | | |
| | AGENT/AUTH REP CHNG | 06-03-1997 | | FI | | |
| | STRAIGHT RENEWAL | 06-14-1996 | | FI | | |
| | STRAIGHT RENEWAL | 06-26-1995 | | FI | | |
| | STRAIGHT RENEWAL | 06-15-1994 | | FI | | |
| | STRAIGHT RENEWAL | 06-14-1993 | | FI | | |
| | AMENDED RENEWAL | 06-09-1992 | | FI | | |
| | AGENT/AUTH REP CHNG | 06-09-1992 | | FI | | |
| | STRAIGHT RENEWAL | 07-03-1991 | | FI | | |
| | STRAIGHT RENEWAL | 07-06-1990 | | FI | | |
| | AMENDED RENEWAL | 07-07-1989 | | FI | | |
| | NB AMENDMENT | 04-06-1989 | | FI | | |
| | CORRECTION OF FILING | 04-06-1989 | 04-06-1989 | FI | | |
| | STRAIGHT RENEWAL | 07-07-1988 | | FI | | |
| | STRAIGHT RENEWAL | 07-08-1987 | | FI | | |
| | AMENDED RENEWAL | 07-09-1986 | | FI | | |
| | STRAIGHT RENEWAL | 07-16-1985 | | FI | | |
| | STRAIGHT RENEWAL | 05-02-1984 | | FI | | |

# **Exhibit C:** Title Report

First American Title™

*First American Title Insurance Company*

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

# PUBLIC RECORD REPORT
# FOR NEW SUBDIVISION OR LAND PARTITION

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

Haugeberg, Rueter, Gowell, Fredricks, and Higgins, P.C.
620 NE 5th Street
McMinnville, OR 97128
Phone: (503)472-5141
Fax: (503)472-4713

| | |
|---|---|
| Date Prepared | : September 16, 2025 |
| Effective Date | : 8:00 A.M on September 12, 2025 |
| Order No. | : 1039-4309602 |
| Subdivision | : |

THIS IS NOT a title report since no examination has been made of the title to the above-described property. Our search for apparent encumbrances was limited to our tract Indices and therefore does not include additional matters which might have been disclosed by an examination of the record title, such as pending litigation. The charge for this service will not include supplemental reports, rechecks or other services.

## REPORT

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

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

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

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

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

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

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

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

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

BEGINNING AT AN IRON BAR ON THE EAST LINE OF THE MADISON MALONE DONATION LAND CLAIM IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, BEING NORTH 00°44' EAST 978.12 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM; THENCE SOUTH 88°45-1/2' EAST 655.0 FEET TO AN IRON PIPE; THENCE NORTH 1839.75 FEET TO AN IRON PIPE ON THE SOUTHERLY LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY; THENCE ALONG A CURVE OF A 1880 FOOT RADIUS CURVE (THE LONG CHORD OF WHICH BEARS SOUTH 72°44' WEST 663.74 FEET) A DISTANCE OF 678.34 FEET TO AN IRON PIPE SET WHERE SAID RIGHT-OF-WAY LINE INTERSECTS SAID EAST LINE OF THE MALONE CLAIM; THENCE SOUTH 00°44' WEST 1641.40 FEET TO THE POINT OF BEGINNING.

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

Map No.: R4415 03100
Tax Account No.: 128775

**EXHIBIT "B"**
**(Vesting)**

McMinnville Industrial Promotions, Inc., an Oregon Corporation

## EXHIBIT "C"
## (Liens and Encumbrances)

1. Taxes for the fiscal year 2025-2026 a lien due, but not yet payable

2. City liens, if any, of the City of McMinnville.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

4. Easement, including terms and provisions contained therein:
   Recording Information: October 27, 1978, Film Volume 134, Page 101, Deed and Mortgage Record
   In Favor of: City of McMinnville
   For: electric power line

5. Easement, including terms and provisions contained therein:
   Recording Information: May 15, 1984, Film Volume 186, Page 390, Deed and Mortgage Record
   In Favor of: City of McMinnville
   For: water main

6. Unrecorded leases or periodic tenancies, if any.

NOTE: Taxes for the year 2024-2025 PAID IN FULL

| | |
|---|---|
| Tax Amount: | $17,359.29 |
| Map No.: | R4415 03100 |
| Property ID: | 128775 |
| Tax Code No.: | 40.0 |

NOTE: This Public Record Report-Subdivision does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

# DEFINITIONS, CONDITIONS AND STIPULATIONS

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

2. **Liability of the Company.**
   (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
   (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
   (c) In any event, the Company assumes no liability for loss or damage by reason of the following:

      (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
      (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
      (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
      (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
      (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
      (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
      (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

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

First American Title™

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

## Illegal Restrictive Covenants

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

After recording return to:
WESTERN TITLE & ESCROW COMPANY
1215 NE BAKER STREET - PO BOX 628
McMINNVILLE, OR 97128

Until a change is requested all tax statements
shall be sent to the following address:
MCMINNVILLE INDUSTRIAL PROMOTIONS, INC.
P.O. BOX 328
MCMINNVILLE, OR 97128

# WARRANTY DEED -- STATUTORY FORM

THE COMMODORE CORPORATOIN, A DELAWARE CORPORATION, Grantor, conveys and warrants to MCMINNVILLE INDUSTRIAL PROMOTIONS, INC., an Oregon Corporation, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is $ 1,100,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 26th day of April, 2006.

THE COMMODORE CORPORATION, A DELAWARE CORPORATION

BY: Barry S. Shein
BARRY S. SHEIN,
PRESIDENT

STATE OF INDIANA, COUNTY OF ELKHART ) SS.

This instrument was acknowledged before me on April 28th, 2006 by BARRY S. SHEIN, PRESIDENT ACTING ON BEHALF OF THE COMMODORE CORPORATION, A DELAWARE CORPORATION.

Patricia L. Ledbetter
(Notary Public for Indiana)

My commission expires 11-28-2012

TITLE NO. 40-0028406
ESCROW NO. 40-0028406

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

$31.00

00233365200600097000020023

200609700 3:45:41 PM 5/01/2006

DMR-DDMR Cnt=1 Stn=3 KENTV
$10.00 $10.00 $11.00

## EXHIBIT "A"

Beginning at an iron bar on the East line of the Madison Malone Donation Land Claim in Section 15, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being North 00°44' East 978.12 feet from the Southeast corner of said claim; thence South 88°45½' East 655.0 feet to an iron pipe; thence North 1839.75 feet to an iron pipe on the Southerly line of the Southern Pacific Railroad right-of-way; thence along a curve of a 1880 foot radius curve (the long chord of which bears South 72°44' West 663.74 feet) a distance of 678.34 feet to an iron pipe set where said right-of-way line intersects said East line of the Malone Claim; thence South 00°44' West 1641.40 feet to the point of beginning.

WT&E 1544-8-4-1

# EASEMENT

THIS INDENTURE MADE AND ENTERED INTO This 26 day of October, 1978 by and between Bendix Home Systems Inc., a _____ Corporation, hereinafter referred to as the Grantor and the City of McMinnville, a Municipal Corporation of the State of Oregon (acting by and through its Water and Light Commission), hereinafter referred to as the Grantee.

## W I T N E S S E T H :

That the Grantor for and in consideration of one dollar to it in hand paid does hereby grant, bargain and convey unto the Grantee a perpetual easement 10' in width together with the right to go upon said easement area hereinafter described for the purpose of constructing, reconstructing, maintaining and using an electrical power line (with poles, wires and accessories) which is now or may be hereinafter installed on the following described premises, to-wit:

Beginning at the Northwest corner of Grantors property which is the intersection of Grantors West line with the southerly line of the Southern Pacific Railroad right-of-way, said corner also being on the East line of the Madison Malone Donation Land Claim No. 49 in Section 15, Township 4 South Range 4 West of the Willamette Meridian, Yamhill County, Oregon; thence southerly along the West line of Grantors property also being the East line of the Madison Malone D.L.C. to a point 50.0 feet South of the South line of Orchard Avenue; thence at right angles to the previous course easterly 10.0 feet; thence northerly parallel with and 10.0 feet from Grantors West line to the southerly line of the Southern Pacific railroad right-of-way; thence southwesterly along said Southern Pacific right-of-way to the place of beginning.

IN WITNESS WHEREOF the Grantor above named has caused this instrument to be executed this the day and year hereinabove written by order of its Board of Directors.

BENDIX HOME SYSTEMS INC.

By:

(SEAL)

(Name & Title)

(Name & Title)

STATE OF OREGON )
) ss
COUNTY OF YAMHILL)

On this 26 day of October, 1978 personally appeared

Thomas H. Bates and Robert Hunt who being first duly sworn each for himself and not one for the other stated that the former is the General Manager and the latter is the Controller of the above named corporation and that the seal affixed hereto is its seal and that this instrument was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors.

Before me:

W. E. GREVER (SEAL)
NOTARY PUBLIC
STATE OF OREGON

W E Grever
Notary Public for Oregon
My Commission Expires: 6-12-1982

67371

STATE OF OREGON }
County of YAMHILL } ss

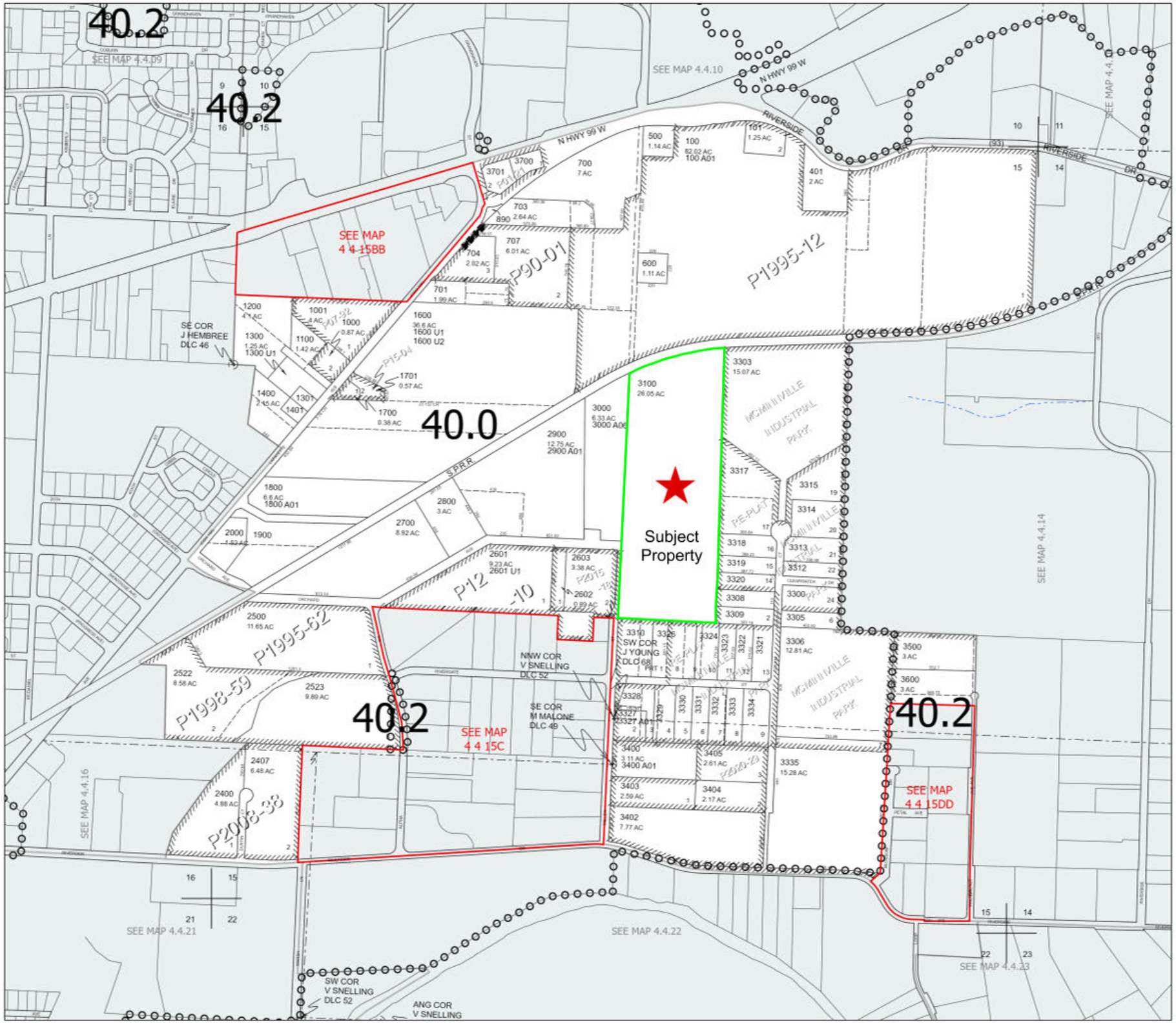
I, Wanda Call, County Clerk in and for said County and State, do hereby certify that the within instrument of writing was received and has been by me duly recorded on Page 101 of Vol. M 134 of the Records of Deeds for said County on the 27 day of Oct A.D. 1978 at 11:55 o'clock A.M.

In testimony whereof I have hereto subscribed my name and affixed my Official Seal.
Wanda Call, County Clerk
By [illegible]
Deputy



rel: McMinnville Water + Light

# **Exhibit D:** Yamhill County Assessor's Map




1843
YAMHILL COUNTY

ASSESSMENT & TAX CARTOGRAPHY

1"=400'

- Taxlot Boundary
- Historical Boundary
- Subdivison/Plat Boundary
- DLC Line
- Water Line (Non TL Boundary)
- TaxCode Boundary
- Map Index Boundary

CANCELLED TAXLOTS

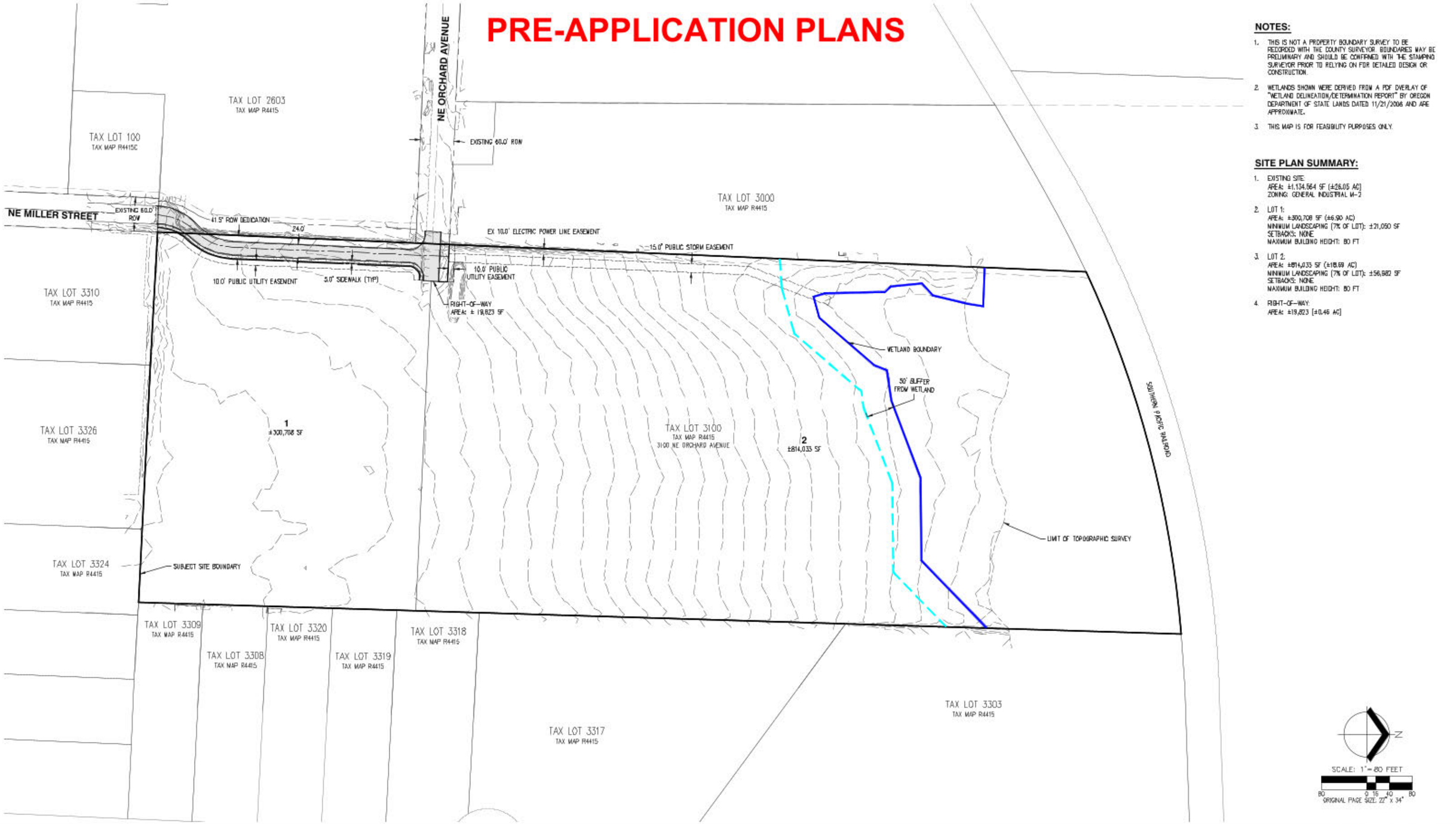
| | | | |
|---|---|---|---|
| 1500 | 2413 | 2515 | 3301 |
| 1601 | 2414 | 2516 | 3302 |
| 200 | 2415 | 2517 | 3304 |
| 201 | 2501 | 2518 | 3307 |
| 2100 | 2502 | 2519 | 3311 |
| 2200 | 2503 | 2520 | 3316 |
| 2300 | 2504 | 2521 | 3325 |
| 2401 | 2505 | 2600 | 3401 |
| 2405 | 2505 A01 | 2600 A01 | 400 |
| 2406 | 2506 | 2600 A02 | 400 A01 |
| 2407 | 2507 | 2600 U1 | 400 A02 |
| 2408 | 2508 | 2601 A01 | 400 A03 |
| 2409 | 2509 | 2601 A02 | 702 |
| 2409 A01 | 2510 | 2700 A01 | 705 |
| 2409 A02 | 2511 | 2800 A01 | 706 |
| 2410 | 2512 | 300 | 708 |
| 2411 | 2513 | 3200 | 800 |
| 2412 | 2514 | 3300 A01 | 900 |

MAP DATE: 6/3/2024

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

# **Exhibit E:** Pre-Application Plans

# PRE-APPLICATION PLANS




## NOTES:

1. THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
2. WETLANDS SHOWN WERE DERIVED FROM A PDF OVERLAY OF "WETLAND DELINEATION/DETERMINATION REPORT" BY OREGON DEPARTMENT OF STATE LANDS DATED 11/21/2006 AND ARE APPROXIMATE.
3. THIS MAP IS FOR FEASIBILITY PURPOSES ONLY.

## SITE PLAN SUMMARY:

1. EXISTING SITE:
   AREA: ±1,134,564 SF (±26.05 AC)
   ZONING: GENERAL INDUSTRIAL M-2
2. LOT 1:
   AREA: ±300,708 SF (±6.90 AC)
   MINIMUM LANDSCAPING (7% OF LOT): ±21,050 SF
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
3. LOT 2:
   AREA: ±814,033 SF (±18.69 AC)
   MINIMUM LANDSCAPING (7% OF LOT): ±56,982 SF
   SETBACKS: NONE
   MAXIMUM BUILDING HEIGHT: 80 FT
4. RIGHT-OF-WAY:
   AREA: ±19,823 (±0.46 AC)

DATE: 07/17/2025 AKS JOB: 11033

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRE-APPLICATION PLANS

## 3100 NE ORCHARD AVE

**McMinnville Industrial Promotions**
**McMinnville, Oregon**
**4 OF 8**

**PLANNING DEPARTMENT**, 231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

March 11, 2020

Katherine L. Gowell, Esq.
Haugeberg, Rueter, Gowell, et al.
620 NE 5th Street, PO Box 480
McMinnville, OR 97128

Re: ***Docket MP 5-19***

Dear Ms. Gowell:

This is to advise you that the McMinnville Planning Department has received and carefully studied your application (MP 5-19) to partition an approximately 7.37 acre parcel of land into three (3) parcels approximately 2.59, 2.17, and 2.61 acres in size. East of NE Miller Street, north of NE Riverside Drive. The property is more specifically described as Parcel 2, Partition Plat 2001-35. The property is also identified as Tax Lot 3401, Section 15, T. 4 S., R. 4 W., W.M.

The Planning Department reviewed your application against the criteria of Section 17.53.060 (Submission of Tentative Partition Plan) of the McMinnville Zoning Ordinance.

Under the provisions of Section 17.72.110 (Applications – Director's Review with Notification) of the McMinnville Zoning Ordinance, notice of the proposed minor partition application was provided to property owners within 100 feet of the subject site and partner agencies. The Planning Department did not receive any public testimony on the proposed minor partition during the public comment period.

Based on the material submitted and the Planning Department evaluation, I have ***APPROVED*** your request for a minor partition (MP 5-19), subject to conditions.

Attached is the land-use decision with the Findings of Fact and conditions of approval for your records. The conditions of approval are also outlined below:

1. That the applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

2. That the applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site, as well as for the site on the east side of Colvin. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, electrical and franchise facilities, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. The utility plan needs to include power crossings, which must be installed by the developer as part of Colvin Court extension. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.

3. That prior to the City's approval of the final plat, the applicant shall improve Colvin Court including the installation of curb & gutter, planter strip, sidewalk, sanitary sewer, appropriately sized storm drainage facilities, and appropriately sized water facilities within the existing and proposed right-of-way. Prior to the City's approval of the final plat, the applicant shall install appropriately sized electrical and franchise utility infrastructure within the existing and proposed Public Utility Easements.

4. That prior to the City's approval of the final plat, the applicant shall improve Miller Street, along the site frontage, including the installation of curb & gutter, planter strip, sidewalk, sanitary sewer, and appropriately sized storm drainage facilities, within the existing 60' right-of-way.

5. That the applicant shall enter into a Construction Permit Agreement with the City for the Public Improvements related to the extension of Colvin Court, and pay the associated fees prior to the release of the approved construction plans.

6. The utility plan does not show the extension of electrical and franchise utility infrastructure to serve the area. These facilities will need to be placed underground in existing and proposed utility easements. Plans for these utilities shall be approved by MW&L prior to the release of the Construction Permit Agreement.

7. That prior to any construction activity, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.

8. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plat for further consideration, and comply with regulations and conditions applicable at that time.

9. This partition will not be considered a legal partition until such time that a copy of the recorded document is provided to the City of McMinnville's Planning Department.

This letter shall act as official notification of my decision. Pursuant to Section 17.72.170 of the McMinnville Municipal Code, a decision by the Planning Director may be appealed to the Planning Commission within fifteen (15) days of the date of this letter. If no appeal is filed with the Planning Department on or before March 26, 2020, the decision of the Planning Director will be final. Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Document with the Findings of Fact, Conclusionary Findings and Conditions of

Approval is a separate document and is attached to this letter for the applicant and is also on file with the Planning Department.

If you have any questions regarding this matter, please feel free to contact me at (503) 434-7311.

Sincerely,

Heather Richards, PCED
Planning Director

HR:sjs

c: Katherine L Gowell, McMinnville Industrial Promotions, PO Box 328, McMinnville, OR 97128
Mike Bisset, Community Development Director

Attachments: *DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT R4415 03401 (Docket MP 5-19).*

# ORDINANCE NO. 5174

An Ordinance memorializing the City Council's decision for the McMinnville Industrial Promotions appeal of the Planning Commission's approval of MP 6-25.

**RECITALS:**

**WHEREAS**, on October 13, 2025, McMinnville Industrial Promotions, Inc. applied for a minor partition of tax lot R4415 03100, an approximately 26-acre parcel of land into two parcels with the approximate size of 6.89 acres and 19.11 acres; and

**WHEREAS**, on December 23, 2025, the Planning Director issued an approval with conditions of the minor partition application (Docket MP 6-25); and

**WHEREAS,** on January 7, 2026, the City received an appeal of the Planning Director's decision from McMinnville Industrial Promotions; and

**WHEREAS,** on March 19, 2026, after conducting a public hearing, the Planning Commission voted to approve the appeal of the Planning Director's decision; and

**WHEREAS**, on _____, 2026, the City received an appeal of the Planning Commission's decision from McMinnville Industrial Promotions; and

**WHEREAS**, after conducting a public hearing on April 8, 2026, the McMinnville City Council considered all of the information in the public record and voted to affirm the Planning Commission decision;

**NOW, THEREFORE, THE CITY OF MCMINNVILLE ORDAINS, as follows:**

1. That the appeal in Docket AP 3-26 is denied, and the Planning Commission's decision and conditions of approval for AP 2-26 remain as the final decision of the City of McMinnville for MP 6-25.
2. That the Council votes to adopt the decision document for the City Council's decision on AP 3-26 as provided in Exhibit A; and
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 8th day of April, 2026 by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form: Attest:

_____ _____
City Attorney City Recorder

EXHIBITS:
A. Decision Document for Docket AP 3-26

City of McMinnville
PLANNING

**City of McMinnville**
**Community Development**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

**DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS OF THE McMINNVILLE CITY COUNCIL REVIEW OF AN APPEAL OF THE PLANNING COMMISSION'S DECISION ON AP 1-26, APPEAL OF THE DIRECTOR'S DECISION OF DOCKET MP 6-25.**

| | |
|---|---|
| **DOCKET:** | AP 3-26 |
| **REQUEST:** | An appeal of the Planning Commission's decision on the appeal of a Planning Director's decision for a Tentative Partition application (MP 6-25). The applicant is appealing the language of some of the conditions of approval of that land-use decision. |
| **LOCATION:** | Tax Lot R4415 03100 |
| **ZONING:** | M-2 (General Industrial) |
| **APPLICANT:** | Doug Hurl |
| **PROPERTY OWNER:** | McMinnville Industrial Promotions |
| **STAFF:** | Heather Richards, Community Development Director |
| **DATE DEEMED COMPLETE:** | November 12, 2025. (120-day decision deadline extended by the applicant via email on 1.27.26 to April 11, 2026) |
| **HEARINGS BODY:** | McMinnville City Council |
| **DATE & TIME:** | April 8, 2026. A hybrid meeting, in person at McMinnville Civic Hall, 200 NE 2nd St and online via Zoom. |
| **PROCEDURE:** | An appeal of a decision by the Planning Commission may be made within 15 days of the date the written notice of the decision was mailed. If an appeal is filed, the McMinnville City Council shall receive a report of the Planning Commission decision and shall hold a public hearing on the appeal, subject to the procedure stated in Section 17.72.130. . |
| **CRITERIA:** | The applicable criteria for the appeal are the same criteria used in the original application review. The applicable criteria for a Tentative Partition are specified in Chapter 17.53, "Land Division Standards" of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria |

for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

**COMMENTS:** Notification of the appeal and public hearing were mailed to surrounding property owners.

## I. DECISION

Based on the findings and conclusionary findings, the City Council finds in favor of the Planning Commission and **MAINTAINS THE PLANNING COMMISSION APPROVAL WITH CONDITIONS FOR** Docket MP 6-25.

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

**DECISION: APPROVAL WITH CONDITIONS**

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

City Council: _____ Date: _____
Kim Morris, Mayor of McMinnville

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

Planning Division: _____ Date: _____
Heather Richards, Community Development Director

## II. APPLICATION SUMMARY:

This is an appeal of the Planning Commission's decision for a Tentative Partition (MP 6-25) at a property with no address located at Tax Lot R4415 03100.

### *Background*

The Tentative Partition (MP 6-25) was an application to partition an approximately 26-acre parcel of land into two (2) parcels: Parcel 1 (6.89 acres) and Parcel 2 (19.11 acres). The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and deemed complete on November 12, 2025. On November 13, 2025, notice of the application was referred to public agencies for review, and on November 14, 2025, notice of the application and a public comment period were noticed to surrounding property owners in accordance with Section 17.72.110. The Planning Director issued a decision on December 23, 2025. Written notification of the decision of the Planning Director was provided to the applicant and property owner's representative on December 23, 2025.

An appeal to the decision was received from the Applicant on January 7, 2026. On January 27, 2026, the applicant submitted a request for a 30-day extension to the 120-day processing deadline in ORS 227.178 and Section 17.72.050 of the McMinnville Zoning Ordinance. The 120-day decision deadline is now April 11, 2026.

The applicant requested the following from the Planning Commission in their appeal application:

> The property owner/applicant is submitting this appeal of the Planning Director's Decision for City File MP 6-25. This appeal is submitted on January 7, 2026, within 15 days of the date of the City's Decision, and is therefore timely. The appeal concerns Condition of Approval No. 5 (including Condition of Approval No. 5.a.), listed on Page 2 and included on Page 7 of the Decision. Condition of Approval No. 5 requires construction of NE Miller Street along the western boundary of the site. The comments on Page 9 and findings included on Pages 19, 20, 21, 25, 26, 29, and 36 reference the City Transportation System Plan and a variety of provisions from the City Zoning Ordinance [e.g., MCC 17.53.060(C) and MCC 17.53.101(B)] as providing the basis for the condition. However, these citations and findings are insufficient to support Condition of Approval No. 5 as written. As evidenced in its application, the property owner is not opposed to constructing NE Miller Street. However, the property owner objects to building NE Miller Street in the manner required by Condition of Approval No. 5. Therefore, this appeal is filed.
>
> The Applicant has no legal authority to invoke the terms of the non remonstrance agreement on the adjacent property owner. It is the City's responsibility to do so since they are a party to the agreement.

Below is the original Condition of Approval #5 from the Decision Document dated December 23, 2025:

5. Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

a. Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
b. Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

Staff agreed with the applicant's request and recommended amended condition of approval language per the following:

5. Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
    b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
    c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
    d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

And #10 was added as well to clarify the process for invoking the terms of the non-remonstrance on the adjacent property owner.

10. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and

tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

At the Planning Commission public hearing, the applicant provided testimony requesting more changes to the condition of approval language, essentially removing all language requiring sidewalk improvements associated with the land-division decision, and deferring all sidewalk improvements for review at the time of building permits per McMinnville Municipal Code, Section 12.12, which provides three different scenarios when the City of McMinnville can require sidewalks improvements.

After hearing from legal counsel and planning staff that Section 17.53.153 of the McMinnville Municipal Code requires that the City condition all land-division applications with sidewalk requirements prior to filing of a final plat with the opportunity to defer improvements per 17.53.075(D) and (E) with an agreement and surety, the Planning Commission voted to approve the original condition of approval language amendment requested by the applicant in the appeal application, and not the requested amendments made during the Planning Commission public hearing on March 19, 2026.

*Subject Property*

The subject site is zoned M-2 (General Industrial), is vacant, and contains a wetland in the northern portion. Surrounding uses are commercial and industrial. See the *Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.*

**Figure 1. Vicinity Map**

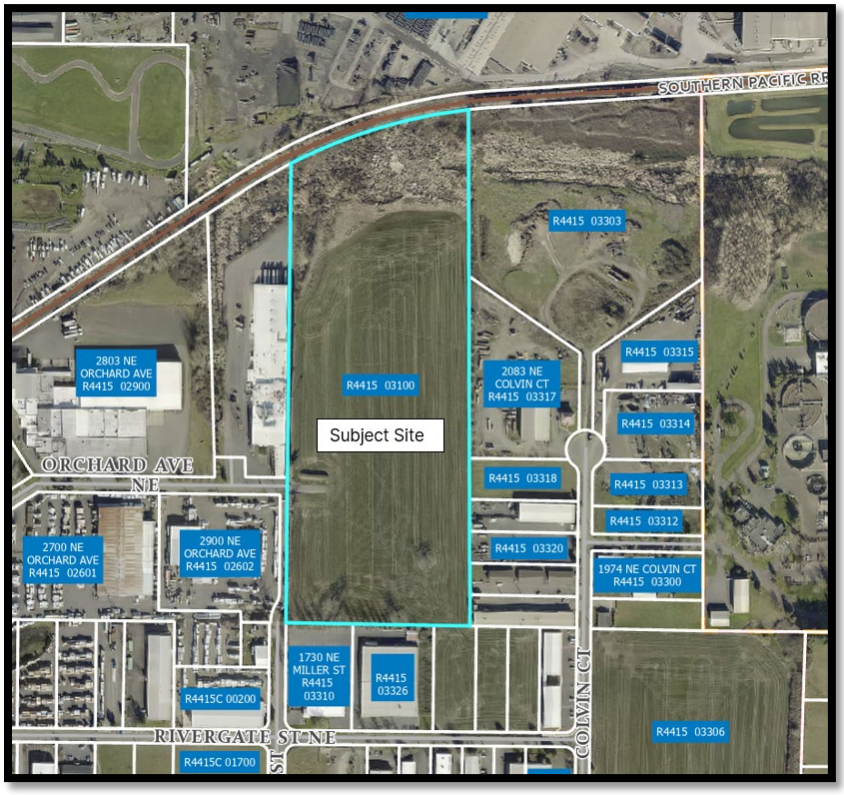
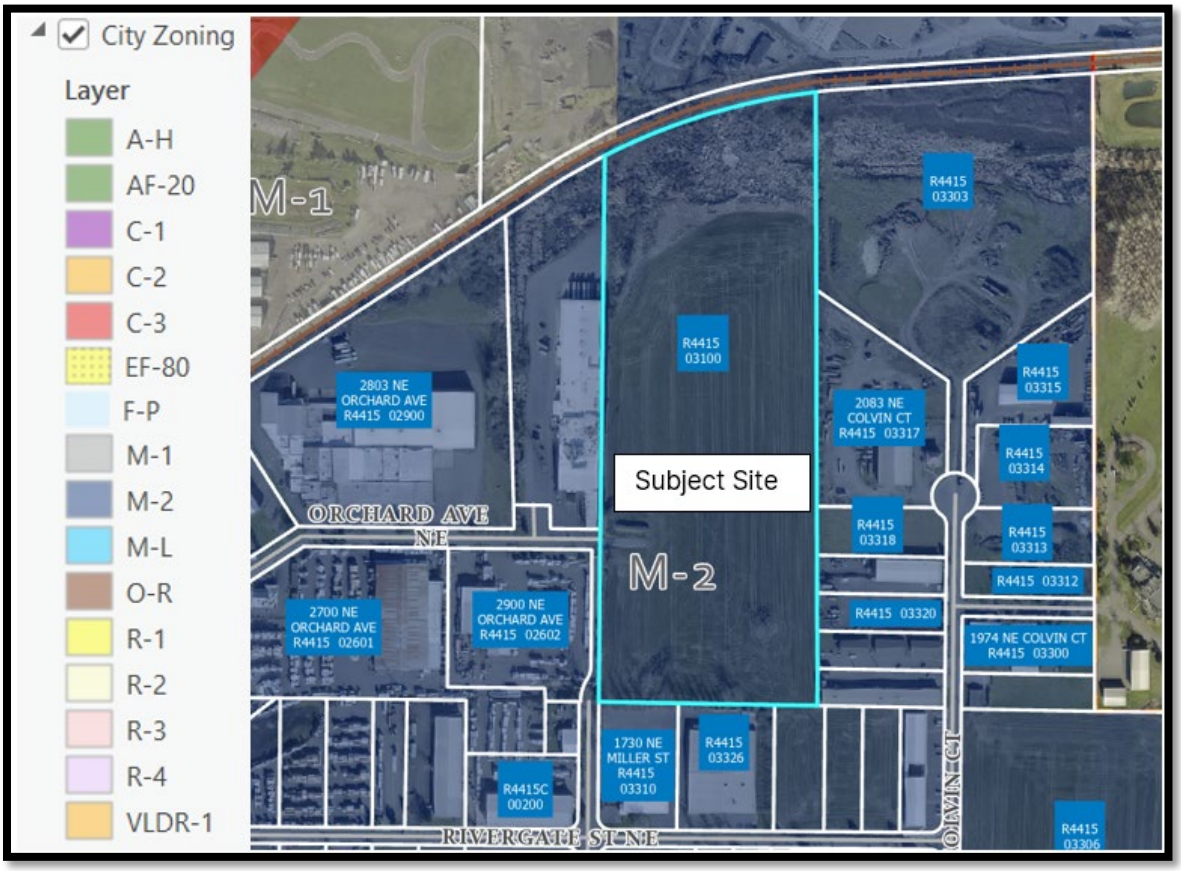



**Figure 2. Zoning Map**




*Summary of Criteria & Issues*

The application is subject to the standards and procedures established in Chapter 17.53 (Land Division Standards) of the Zoning Ordinance, which are intended to "[...] provide uniform procedures and standards for the subdivision and partitioning of land, and adjustment of property lines; to assure adequate width and arrangement of streets; to coordinate proposed development with plans for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to secure safety from fire, flood, slides, pollution, drainage or other dangers; to provide adequate light and air, recreation, education, and adequate transportation; to promote energy conservation; to protect in other ways the public health, safety, and welfare; and to promote the goals and policies of the McMinnville Comprehensive Plan." The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific criteria for reviewing tentative partition plans is Chapter 17.53, "Land Division" of Title 17, "Zoning Ordinance", of the McMinnville Municipal Code. In particular, section 17.53.060 of the McMinnville Municipal Code (MMC),.per below.

As a Type II land-use application, the criteria are clear and objective, and if the criteria are met the application needs to be approved.

> 17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:

A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:
   1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
   2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
   3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
   4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
   5. Outline and location of existing buildings to remain in place;
   6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;
   7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
   8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.
   9. Contour lines related to City datum and having minimum intervals of two (2) feet.
   10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
   11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
   12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.
   13. Such additional information as required by the Planning Director.

B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.

C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
   1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full

compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.

2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.

D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

Additionally, as required by the Land Division Standards, lots created by partition are required to conform to the zoning requirements of the area.

## III. CONDITIONS

2. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

3. That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

4. The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

5. The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

6. Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
    b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
    c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
    d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

7. That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

8. That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

9. That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

10. Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will

be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

11. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

12. Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

13. ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

14. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

15. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

16. Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

17. If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

## IV. FUTURE DEVELOPMENT NOTES

1. Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

## V. ATTACHMENTS

1. Appeal Application (on file with the Planning Department)

## VI. COMMENTS

### *Agency Comments*

The original application was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- McMinnville Building Division
    - No building division concerns or comments
- McMinnville Engineering Department
    - The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.
    - The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.
    - Per MMC 17.53.060(C), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.
        - Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',

- Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',
- Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

- Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

- Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

- ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

- Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

- The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

Following the receipt of the Appeal by the Applicant of the Planning Director's decision, the following revised comment was received from the **Engineering Division**:

- The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

- The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

- Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    - Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catchbasins on west side but would not require sidewalks on the west side.
    - Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
    - Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

- Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with

appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

- At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

- Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

- Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

- ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

- Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department

prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

- The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

- McMinnville Fire District

  Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

- McMinnville Water and Light

  Power: McMinnville Water & Light has existing easements and power facilities located in the future buildout and ROW. Coordinate with McMinnville Water and Light for pole relocation and easement conflicts with future buildout of proposed parcels.

  Water: Although a 12" water main exists in the future Miller Street ROW extension to Orchard Avenue, water service does not currently exist to Tax Lot R4415 03100 and thus would not exist to the future partition without addition of water services.

- Yamhill Soil and Water Conservation District

  ***Staff Note:*** *The Yamhill Soil and Water Conservation District has provided comments to inform the applicant of recommendations for the property owner. These recommendations are not required as a condition of approval for the partition request.*

  - Noxious weeds have a negative economic impact on agricultural and forestry working lands and degrade wildlife habitat and public rights-of-way. The noxious weeds identified by the District as priorities for control can be found at: Yamhill County Priority Noxious Weed List 2024/2025.

  - Urban areas are prone to low biodiversity and often lack native vegetation to support wildlife. Creating "microhabitats" by planting native vegetation in urban areas can contribute to increasing biodiversity and habitat connectivity. The District owns and operates a native plant nursery at Miller Woods and offers free technical site visits to any resident in the county. More information on native vegetation can be found on the District's website at: https://yamhillswcd.org/services/plant-database/.

These landowner management recommendations help protect and conserve natural resources for current and future residents of Yamhill County. Thank you for considering the District's recommendations.

*Public Comments*

Public notice was mailed to owners of properties within 300 feet of the subject site, as required by Section 17.72.120 of the McMinnville City Code. The Planning Division did not receive any public testimony prior to the public hearing.

## VII. FINDINGS OF FACT – PROCEDURAL FINDINGS

1. On March 19, 2026, the Planning Commission voted to approve AP 1-26 with conditions.

2. On March 20, 2026, the Notice of Decision and Decision Document was issued.

3. On March 20, 2026, a Precautionary Notice of City Council Public Hearing for an appeal of the Planning Commission decision was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the McMinnville Municipal Code.

4. On April 3, 2026, a Precautionary Notice of City Council Public Hearing for an appeal fo the Planning Commission decision was published in the newspaper in accordance with Section 17.72.120 of the McMinnville Municipal Code.

5. The appeal application was submitted on _____, 2026.

## VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** R4415 03100

2. **Size:** 26 acres

3. **Comprehensive Plan Map Designation:** Industrial

4. **Zoning:**
    a. **Subject Property:** M-2
    b. Surrounding Properties
        1. North: M-2
        2. South: M-2
        3. East: M-2
        4. West: M-2

5. **Overlay Zones/Special Districts:** Northeast Industrial Area (Ordinance No. 4135), Airport Overlay Zone (Conical Zone)

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
    a. **Historic Resources:** None

b. **Other:** Wetland on northern portion of the site.

8. **Other Features:**
    a. **Slopes:** The property is relatively flat.
    b. **Easements:** Power Easement (Film Vol. 134, Page 101), Water Easement (Film Vol. 186, Page 390)

9. **Utilities:**
    a. **Water:** Water service is located in Miller Street and Orchard Avenue.
    b. **Sewer:** Sewer service is located in Miller Street and Orchard Avenue.
    c. **Stormwater:** Stormwater service is available in Miller Street.
    d. **Other Services**: None.

10. **Transportation:** NE Mill Street and NE Orchard Avenue abut the project site; both streets are identified as local residential in the Transportation System Plan (TSP). The TSP Future Local Street Connections (Exhibit 2-1) identifies the extension of Local Streets through the subject site.

## VIII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Minor Partition are specified in Chapter 17.53 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### *Comprehensive Plan Volume II:*

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**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.**

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE:** None.

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Miller Street and NE Orchard Avenue as Local Residential. The project is subject to the McMinnville TSP.

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE: None.**

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Doran Drive and NE Hidden Meadow Drive as Local Residential. Highway 99W is identified as a Major Arterial subject to ODOT jurisdiction and improvement requirements. The project is subject to the McMinnville TSP.

**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 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The McMinnville Fire District was provided the opportunity to review and comment on the application. The Fire District provided comment, as is included under "Future Development Notes".

**CHAPTER IX URBANIZATION**

*Great Neighborhood Principles*

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied*

*together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The application is a current land-use application for a Minor Partition of the subject site, and Great Neighborhood Principles policies are applicable.

*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.*

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

    a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 & 2.** The subject site contains potential wetlands and two trees. The project proposes a stormwater system that may impact the wetland, and the applicant will be responsible for obtaining any necessary permits from the Department of State Lands. In addition, two trees are identified on site. The City of McMinnville does not currently have adopted inventories of significant natural features, including riparian corridors, tree groves, tree species, or landmark trees. However, per Section 17.58 of the McMinnville Municipal Code, a condition of approval has been drafted to inventory and strive to preserve trees five inches or greater at a height of 4.5 feet above the ground (DBH).

**CONDITION OF APPROVAL #1:** The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code, and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

**GOAL X-1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response to this Comprehensive Plan Goal and Policy.

**FINDING: SATISFIED.** The process for a Minor Partition provides an opportunity for citizen involvement through the public notice and comment period. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials, and the completed staff report prior to the McMinnville Planning Director's review of the request. All members of the public have access to provide testimony and ask questions during the public review process.

The process for an appeal of a Planning Director's decision includes a duly noticed public hearing with the Planning Commission.

*McMinnville Municipal Code:*

The following Sections of the McMinnville Municipal Code provide criteria applicable to the request:

*Chapter 17.42 M-2 General Industrial Zone*

*<u>17.42.010 Permitted Uses</u>. In an M-2 zone, the following uses and their accessory uses are permitted:*

*A. A use permitted in the M-1 zone (except for Child Care Center and Day Care Facility (Adult));*

*B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance, or any court of competent jurisdiction;*

*C. Manufacture, processing, and storage of grains or fertilizer;*

*D. Airport. (Ord. 5104 §2, 2021; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

***17.42.020 Conditional Uses.*** *In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:*

*A. Automobile wrecking yard;*
*B. Child Care Center, under the following provisions:*
1. *Operator must have the appropriate licenses required by state regulations, if applicable.*
*C. Day Care Facility (Adult), under the following provisions:*
1. *The structure is not a residence.*
2. *Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.*
3. *Operator must have the appropriate licenses required by state regulations.*
*D. Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600;*
*E. Junkyard;*
*F. Manufacture, use or storage of explosives;*
*G. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application. (Ord. 5104 §2, 2021; Ord. 4977 §1, 2014; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new uses.

**FINDING: SATISFIED.** No new uses are proposed or approved with this application.

***17.42.030 Yard Requirements****. Except as required in "A" and "B" below, there shall be no required yards in an M-2 zone:*

*A. Side yard shall not be less than fifty feet when adjacent to a residential zone;*
*B. Rear yard shall not be less than fifty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

***17.42.040 Building Height****. In an M-2 zone, a building shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new buildings, and no structures exist on the project site. As described previously, abutting properties are zoned M-2; therefore, there are no required yards for either parcel.

**FINDING: SATISFIED.** No new structures are proposed or approved with this application.

## *Chapter 17.53 Land Division Standards*

### *Land Division Standards - Partition*

***17.53.060 Submission of Tentative Partition Plan.*** *An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:*

***17.53.060(A):*** *There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:*

1. *The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;*
2. *Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;*
3. *Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;*
4. *For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;*
5. *Outline and location of existing buildings to remain in place;*
6. *Parcel layout showing size and relationship to existing or proposed streets and utility easements;*
7. *Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)*
8. *A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.*
9. *Contour lines related to City datum and having minimum intervals of two (2) feet.*
10. *Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.*
11. *Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.*
12. *Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.*
13. *Such additional information as required by the Planning Director.*

**APPLICANT'S RESPONSE:** The information required above is provided within this narrative and by additional application materials included as Exhibits A through E.

**FINDING: SATISFIED.** The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and were deemed complete on November 11, 2025.

***17.53.060(B).*** *Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS.** The application for a partition of the subject site was deemed complete on November 11, 2025. Notification was mailed to property owners within 100 feet of the subject site on November 14, 20245 No public comment was received during the notification period. Findings have been provided for applicable criteria and standards of this Chapter, and it was found that the tentative plan

substantially conforms to the requirements of this chapter with the provided conditions. This criterion has been met.

***17.53.060(C).*** *The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.*

1. *If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.*
2. *Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.*
3. *For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).*
4. *The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS #3 TO 5.** The subject site has not been partitioned within the past calendar year. The subject site is greater than one acre in size, and the applicant has submitted a future development plan in compliance with Section 17.53.080. The project is subject to the standards of the McMinnville Transportation System Plan. The applicant is responsible for the dedication of the right-of-way to conform to the plan.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of

increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.

b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

***17.53.060(D).*** *Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.*

**APPLICANT'S RESPONSE:** This provision is understood.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision consistent with this code requirement.

**CONDITION OF APPROVAL #6:** That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

***17.53.061 Submission of Final Partition Plat.*** *Within 12 (twelve) months after approval of the tentative plan, the partitioner shall prepare a final plat in conformance with the tentative plan as approved and submit the final plat to the City Engineering Department. Information required on the final plat shall be consistent with the requirements listed in ORS 92.050 and ORS 209.250. The partitioner shall submit the original drawing and two (2) exact copies thereof, and any supplementary information to the City Engineer.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #7:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of the decision.

**CONDITION OF APPROVAL #7:** That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

*17.53.063 Filing of Final Partition Plat. The partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #8:** A condition of approval has been included to confirm that the final plat shall be null and void if the plant is not recorded within 30 days after the last required signature has been obtained.

**CONDITION OF APPROVAL #8:** That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

*Land Division Standards – Future Development Plan*

*17.53.080 Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:*

*A. Any potential future lots (lot size shall be depicted).*
*B. Existing and proposed utilities including water, sewer and storm drains.*
*C. Streets and access points for potential future lots.*

*It shall be the responsibility of the Engineering Department and Planning Department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The Planning Director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:*

*A. The construction of streets and utilities or the dedication of right-of-way for future improvements.*
*B. Any easements as deemed necessary for the extension of utility services.*

**APPLICANT'S RESPONSE:** The Preliminary Partition Plat (Exhibit A) reflects planned right-of-way dedication and easements planned under this application. Additionally, the Future Development Plan (Exhibit A, Sheet 07) reflects street and utility improvements necessary to provide access and services to planned parcels. Also shown on the Future Development Plan are future improvements to be made by others (identified with blue hashed lines and as noted); as previously determined by City Staff. Those westerly improvements that the City has already determined as required to be built by others, i.e. by owner of Tax Lot 2603, not by the Applicant, are shown solely to demonstrate that a full buildout of NE Miller Street and NE Orchard Avenue can ultimately be achieved. Conceptual full street buildouts are illustrated on the Future Street Cross Sections (Exhibit

A, Sheet 08). That sheet is provided for illustrative purposes and to satisfy the requirements of 17.53.080.

For specific details of improvements included with this application, please refer to the Future Development Plan (Exhibit A, Sheet 07) and responses provided elsewhere in this narrative. Construction permits will be obtained for those improvements included with this application, as required. It is not anticipated that the parcels will be further divided in the future.

Should any future construction of streets and utilities not shown in Exhibit A (i.e. unanticipated infrastructure extension) occur, the alignment of the common boundary line between Parcel 1 and Parcel 2 and the centerline of NE Orchard Avenue will provide for the orderly extension of NE Orchard Avenue. These requirements are met.

**FINDING: SATISFIED.** The narrative and future development plan provided by the applicant adequately demonstrate compliance with this standard.

### *Land Division Standards – Approval of Streets and Ways*

#### *17.53.100 Creation of Streets.*

*A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:*

*1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;*

*2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;*

*3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.*

*B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the planned dedication of right-of-way for NE Miller Street and NE Orchard Avenue. The area of preliminarily planned right-of- way dedication is shown on the Preliminary Partition Plat (Exhibit A), and the same information required above is provided within Exhibit A. Ultimately, right-of-way dedication associated with this partition will be reflected on and created with the final partition plat. Street standards of Section 17.53.101 are addressed below.

**FINDING: NOT APPLICABLE.** The creation of streets and dedication of right-of-way associated with this partition will be reflected on the final partition plat, not by deed.

*17.53.101 Streets.*

*17.53.101(A) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:*

1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
2. *Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or*
3. *Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the planned extensions of NE Orchard Avenue and NE Miller Street align with the existing roadway system to the greatest practical extent, given those obstructions within the unimproved segment of NE Miller Street previously described. While topographical constraints and existing obstructions within that segment of NE Miller Street present challenges, the planned alignment of streets has been thoughtfully designed around those obstructions. As shown in Exhibit A, planned roadway extensions prioritize accessibility for pedestrians and vehicles, and ensure efficient traffic flow in the immediate area. These provisions are met.

**FINDING: SATISIFIED.** The applicant has adequately demonstrated compliance with this standard.

*17.53.101(B) Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Street & Utility Plan & Profile provided in Exhibit A, the width of preliminarily planned right-of-way dedication is adequate for the extension and improvement of NE Miller Street and NE Orchard Avenue in accordance with Section 17.53.151 and City design standards. These requirements are met.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS # 3 AND 4.** The applicant shall dedicate appropriate right-of-way to meet the standards of a local residential street for NE Miller Street and NE Orchard Avenue, in compliance with both streets' McMinnville Transportation System Plan designation. In addition, the applicant shall make improvements as identified below to comply with Section 17.53.151 of this Chapter.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

***17.53.101(C) Reserve strips****. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.*

**APPLICANT'S RESPONSE:** Reserve strips or street plugs are not requested with this Partition application. This requirement does not apply.

**FINDING: NOT APPLICABLE.** Reserve strips or street plugs are not requested or required.

***17.53.101(D) Alignment****. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), planned extensions of NE Orchard Avenue and NE Miller Street are aligned with existing centerlines as far as is practicable. As previously described and as shown in Exhibit A, the planned extension of NE Miller Street necessarily includes an easterly curve before straightening out to intersect with NE Orchard Avenue at a right angle, as required. This minor realignment to meet on and off site constraints does not result in a "T" intersection. This application does not include "T" intersections. These requirements are met.

**FINDING: SATISFIED.** Site constraints make alignment with the existing street centerlines impractical. The intersection of NE Miller Street and NE Orchard Avenue exceeds the minimum 100-foot distance requirement between the centerlines of streets with approximately the same direction, with the nearest intersection (NE Orchard Avenue and Alpha Drive) at 1,750 feet.

***17.53.101(E). Future extension of streets****. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

**APPLICANT'S RESPONSE:** The preliminary planned northerly extension of NE Miller Street shown on the Preliminary Plans (Exhibit A) is identified as a Future Street Connection on Exhibit 2-1 of the McMinnville Transportation System Plan, providing the connectivity required here. As previously described, the preliminarily planned extension of NE Orchard Avenue is designed to provide serviceability and access for future improvements on the planned parcels; and while it is not anticipated, a future further extension of NE Orchard Avenue could occur, given that it is designed to be centered on a common parcel boundary. The design of both extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street

improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E). This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 TO #5.** Exhibit 2-1 of the McMinnville Transportation System Plan identifies connectivity through the project site. The applicant has proposed extending NE Miller Street to NE Orchard Avenue to meet this requirement. Subject to the conditions of approval related to the dedication of the right-of-way and the required improvements, the proposal complies with this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catchbasins on west side but would not require sidewalks on the west side.
b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

***17.53.101(F) Intersection angles**. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of*

*tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the extensions of NE Orchard Avenue and NE Miller Street are planned to intersect at a right angle. This requirement is met.

**FINDING: SATISFIED.** The proposed intersection is at a right angle.

***17.53.101(G) Existing streets.*** *Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the preliminarily planned dedication of right-of-way for extensions of NE Miller Street and NE Orchard Avenue, as required here. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 AND #4.** Subject to the conditions requiring the dedication of right-of-way, the applicant meets this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

***17.53.101(H) Half streets.*** *Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.*

**APPLICANT'S RESPONSE:** As evidenced by the Preliminary Plans (Exhibit A), improvements to NE Orchard Avenue and NW Miller Street are planned on and off the subject site. As shown in Exhibit A, the NE Orchard Avenue extension is preliminarily planned to be improved within a 50-foot- wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalks, a 24-foot-wide paved roadway, and ADA ramps; and the NE Miller Street extension is preliminarily planned to be improved within an up to ±66-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalk, a 28-foot-wide paved roadway, and an ADA ramp.

Improvements to both roadways not included with this application (i.e. improvements the City has determined are required to be completed by the owner of Tax Lot 2603) include additional roadway paving and curb along the north side of NE Miller Street, as well as additional roadway paving, curb, an ADA ramp, and 5-foot-wide sidewalk on the south side of NE Orchard Avenue, just west of NE Miller Street. Those future pedestrian improvements to be built by others on the south side of NE Orchard Avenue are designed to align with those planned to be provided by the Applicant under this application, as shown on the Future Development Plan (Exhibit A, Sheet 07). Therefore, this application does not include half streets, though half streets may be approved.

**FINDING: NOT APPLICABLE.** No half streets are proposed or approved.

***17.53.101(I)Cul-de-sacs.*** *A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.*

***17.53.101(J) Eyebrows.*** *Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication.*

**APPLICANT'S RESPONSE:** The application does not include cul-de-sacs or eyebrows. These requirements do not apply.

**FINDING: NOT APPLICABLE.** No cul-de-sacs or eyebrows are proposed or required.

***17.53.101(K) Street names.*** *Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.*

**APPLICANT'S RESPONSE:** This application does not include new streets. This requirement does not apply.

**FINDING: NOT APPLICABLE.** No new streets are proposed, extensions will maintain the exsisting name.

***17.53.101(L) Grades and curves.*** *Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:*

1. *A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must*

*reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.*

2. *Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).*

*Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.*

**APPLICANT'S RESPONSE:** As shown on the Future Street Cross Sections provided in Exhibit A, grades of NE Miller Street and NE Orchard Avenue do not exceed 12 percent and meet the centerline curve radii standard described above. These requirements are met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard.

***17.53.101 (M) Streets adjacent to a railroad right-of-way.*** *Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), NE Orchard Avenue, which runs parallel to the railroad right-of-way, provides adequate separation from the railroad. This requirement is met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard. The railroad is located along the northern portion of the site, adjacent to the wetland any street extension would require removal of the wetland. It is not necessary for a street to be installed parallel to the roadway.

***17.53.101(N) Frontage roads/streets****. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

***17.53.101(O) Alleys.*** *Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.*

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

***17.53.101(Q) Bikeways**. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)*

***17.53.101(R) Residential Collector Spacing**. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)*

**APPLICANT'S RESPONSE:** This application does not include frontage roads, alleys, private ways, collectors, or arterial streets.

**FINDING: NOT APPLICABLE.** The applicant has demonstrated compliance with this standard. No frontage roads, alleys, private ways, or bikeways are proposed or required as the project site does not abut an arterial, collector street, or has identified bikeway improvements in the Transportation System Plan.

***17.53.101(S) Sidewalks**. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.*

**APPLICANT'S RESPONSE:** As previously described, the design of planned street extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E), which included curb-tight sidewalk. As discussed at that conference, the 5-foot-wide curb-tight sidewalk included in this project is appropriate for the conditions of the site. Though very few street segments in the general vicinity of the subject site provide sidewalk, where they are provided, sidewalks are curb tight. Therefore, this requirement is met as practicable.

**FINDING: SATISFIED WITH CONDITIONS #5.** The applicant is required to improve NE Miller Street and NE Orchard Avenue, subject to the conditions of approval.

**CONDITION OF APPROVAL #5**: Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street

improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.

b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

***17.53.101(T) Park strips**. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.*

**APPLICANT'S RESPONSE:** This requirement is intended to ensure street-tree planting areas. As previously described, this application includes curb-tight sidewalks. Park strips cannot be accommodated by curb-tight sidewalks. Requirements for park strips and street trees were discussed at the pre-application conference, where it was determined that street trees can be planted on the planned parcels, and will be allowed within the planned 10- foot-wide public utility easements.

Street tree planting plans are not required to be submitted with this Partition application; however, it is anticipated that a street tree plan will be required to be submitted prior to the filing of a final plat application. Accordingly, street tree standards are not required to be addressed by the Applicant in this narrative, though the Applicant notes that 17.58.90.D provides that "...where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk". Therefore, as shown on the Preliminary Plans (Exhibit A), street tree planting area is planned to be provided in accordance with this code and insofar as it applies to this application, this requirement will be met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated that park strips are not required as part of this project.

***17.53.101(U) Gates**. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-detached residential development of four or more lots or parcels, multi-dwelling housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the*

*purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager.*

**APPLICANT'S RESPONSE:** This application does not include gates.

**FINDING: NOT APPLICABLE.** No gates within the right-of-way are proposed or approved.

*17.53.103 Blocks.*

*A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The applicant has adequately identified how topographic limitations and surrounding street infrastructure limit the proposed block development.

*B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps

planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The proposed plans do not meet the length requirements identified within this Section. However, the applicant has justified an exception to this standard on the basis of topographic constraints and the location of adjoining streets.

*C. Easements.*

1. *Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*
2. *Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.*
3. *Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)*

**APPLICANT'S RESPONSE:** :As shown on the Preliminary Plans (Exhibit A), the application includes utility easements designed pursuant to applicable City standards, as well as a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard Avenue. This application does not include alteration to drainage ways and does not require pedestrian access tracts. These requirements are met, as applicable.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3 AND 4.** The applicant is required to provide utility easements as part of this project to comply with subsection (1). No water courses are to be traversed by the project, and no pedestrian way is required.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat.

This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

*17.53.105 Lots.*

***17.53.105(A) Size and shape.*** *Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.*

1. *Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Plans (Exhibit A), parcels are dimensioned appropriately for future industrial use. The MMZO does not establish minimum or maximum sizes for lots or parcels in the M-2 zoning district. These requirements are met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criterion.

***17.53.105(B) Access.*** *Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcels are planned to abut streets other than an alley for at least 25 feet. This requirement is met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(C) Through Lots.*** *Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.*

**APPLICANT'S RESPONSE:** This application does not include through lots.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(D) Lot side lines.*** *The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcel lines are planned to run at right angles to abutting streets. This requirement is met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.060(E) Flag lots.*** *The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing. [...]*

**APPLICANT'S RESPONSE:** This application does not include flag lots.

**FINDING: NOT APPLICABLE.** A flag lot is not proposed. Not applicable.

***17.53.110 Lot Grading.*** *Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:*

A. *Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.*
B. *Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*
C. *The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.*
D. *The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.*
E. *The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Grading & Utilities Plan included in Exhibit A, these requirements are met as applicable.

**FINDING: SATISFIED.** No grading is approved as part of this application. Future development is subject to lot grading standards found within MMC 17.53.110.

***17.53.120 Building Lines.*** *If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.*

**APPLICANT'S RESPONSE:** This application does not include special building setback li

**FINDING: NOT APPLICABLE.** No special building setback lines are proposed as part of this partition application.

***17.53.130 Large Lot Subdivision.*** *In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.*

**APPLICANT'S RESPONSE:** Please refer to the response previously provided to Section 17.53.080.

**FINDING: NOT APPLICABLE.** The proposal is not under review by the Planning Commission.

***17.53.140 Left-over Land.*** *Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the existing wetland on the project site is wholly located on planned Parcel 2, and that area has been specifically identified on the Preliminary Partition Plat. This requirement is met.

**FINDING: NOT APPLICABLE.** The proposed partition doesn't include left-over land. Parcel 2 contains sufficient area for development outside of the existing wetland.

*Improvements*

***17.53.150 Improvement Procedures.*** *In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards, or specifications adopted by the City, and shall be installed in accordance with the following procedure:*

A. *Work shall not be commenced until plans have been reviewed for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans shall be required before approval of the final plat. All plans shall be prepared in accordance with requirements of the City;*
B. *Work shall not be commenced until the City has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City has been notified;*
C. *Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest;*
D. *Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements and utilities when service connections are made;*
E. *Plans showing public improvements as built shall be filed with the City Engineer within 30 (thirty) days after acceptance of the improvements by the Engineer.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #9 & #10.** The proposed partition will be responsible for improvements to NE Miller Street and NE Orchard Avenue. Improvement procedures shall be met by the condition below.

**CONDITION OF APPROVAL #9:** Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

**CONIDITON OF APPROVAL #10:** At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots

R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

***17.53.151 Specifications for Improvements**. The City Engineer has submitted, and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:*

*A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;*
*B. Drainage facilities;*
*C. Sidewalks in pedestrian ways;*
*D. Sewers and sewage disposal facilities.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #11 AND 12.** The proposed partition will be responsible for improvements to NE Miller Street and NE Orchard Avenue. Improvements shall comply with the conditions below.

**CONDITION OF APPROVAL #11:** Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

**CONDITION OF APPROVAL #12:** ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

***17.53.153 Improvement Requirements**. The following improvements shall be installed at the expense of the subdivider:*

*A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*
*B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*
*C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*
*D. Drainage. Such grading shall be performed, and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*
*E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include*

*related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*

F. *Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*
G. *Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*
H. *Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED WITH CONDITION OF APPROVALS #5, #13, #14, #15.** The proposed partition must comply with the above standards. The applicant will be responsible for improvements to NE Miller Street and NE Orchard Avenue and drainage. A Street Tree Plan is not required, subject to findings provided for MMC 17.58.100.

**CONDITION OF APPROVAL #5:** Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:

a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

**CONDITION OF APPROVAL #13:** That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

**CONDITION OF APPROVAL #14:** The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

**CONDITION OF APPROVAL #15:** Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

*Chapter 17.58 Trees*

*17.58.020. Applicability. The provisions of this ordinance shall apply to:*

*A. Individual significant or historic trees as defined in this ordinance.*
*B. All trees with trunks located completely or partially within any public area or right-of-way;*
*C. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; [....]*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED.** The subject site is undergoing partition review to create new parcels with developable land and is subject to the standards of the Chapter.

*17.58.040. Tree Removal/Replacement*

*A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. [...] Applications shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. [...] The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. [...]*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), two trees exist partially within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application seeks the removal of those two trees, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace those trees that are removed to accommodate this project. As demonstrated by the Preliminary Plans (Exhibit A), other trees on the subject site will be preserved.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.*

*C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.*

*D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.*

*E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

F. *Other conditions may be attached to the permit approval by the Manager or Landscape Review Committee as deemed necessary.*

G. *The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** This provision is understood. Planting of street trees will be in accordance with applicable City standards, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*17.58.050 Application Review and Criteria.*

*A. Application for Simple Tree Removal Permit.*

*1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:*

*a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.*

*b. The tree is dead or in an advanced state of decline.*

*c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.*

*d. Tree is infested with pests or disease.*

*e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is*

*retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.*

f. *The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.*
g. *The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.*
h. *If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.*

3. *Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

4. *At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other

requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*B. Application for Tree Major Pruning Permit.*

1. *Review. Applications for major pruning of trees shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*
2. *Criteria. Each tree proposed for major pruning shall meet all of the following criteria:*
    a. *The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.*
    b. *The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.*
    c. *The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).*
    d. *If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.*
3. *Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.*
4. *At the Manager's discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** This application does not include a Complex Tree Removal Permit and such a permit is not anticipated to be required for this partition.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*17.58.080 Street Tree Planting - When Required. All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).*

**APPLICANT'S RESPONSE:** It is anticipated that street tree installation will be conditionally required to be installed. As described previously in this narrative, this partition and associated improvements are designed to accommodate future street tree planting, as required.

**FINDING: NOT APPLICABLE.** NE Miller Street and NE Orchard Avenue are not to be improved with a designated curb-site planting strip or planting island and therefore is not subject to the requirements of street tree planting, including the requirement for a Street Tree Plan.

City of McMinnville
ADMINISTRATION

# STAFF REPORT

**DATE:** **April 8, 2026**
**TO:** **Adam Garvin, City Manager**
**SUBMITTED BY:** **Claudia Cisneros, City Recorder**
**SUBJECT:** **Ward Three Vacancy**

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## Background:

Pursuant to chapter VII, section 34 of the charter, filing of vacancies "When a vacancy in an elective city office occurs, a temporary replacement shall be appointed by a majority vote of the council. The term of office of the temporary replacement shall begin immediately upon his appointment and continue until a permanent replacement is elected at the next general election."

The Council declared a vacancy for the position of Ward 3 on February 24, 2026 through Resolution 2026-12 due to Councilor Payne's resignation effective February 9, 2026.

Applications were accepted during an open recruitment process from March 9, 2026, through March 27, 2026.

The following people completed a fully submitted application and were found to be qualified for the position:

1. Carson Benner
2. Richard Smith
3. Artimus Johnson
4. Josh Dillon
5. Katie Russ

Their application materials are attached to this staff report for the Special Called City Council Meeting on April 8, 2026.

**Attachments:**

1. Application and Resume of all qualified candidates.

**Alternatives:**

**Alternative 1**: Appoint one of the interviewed candidates for the vacant position. Making the following motion:

I move to appoint __NAME_____ to fill the Ward 3 seat on the McMinnville City Council for a term beginning upon appointment by the City Council and through the seating of the next fully elected Ward 3 representative and be sworn in at the April 14, 2026 City Council meeting.

**Alternative 2**: Reject the appointment of a temporary replacement. This action may potentially violate the requirements of the Charter and expose the City to risks associated

**Alternative 3**: The Council may consider any other alternative not presented by staff.

City of McMinnville

## APPLICATION FOR CITY COUNCIL VACANCIES

Name: Carson Benner

Address: [redacted]

City/State: McMinnville Zip: 97128

Phone [redacted] Email: [redacted]

Occupation/Profession: Owner Cellar Ridge Construction

Years living in McMinnville? 30 +/- Are you a registered voter? Yes

**Ward in which you reside:** Ward 3

Educational and occupational background: BS. Aviation Science from Embry Riddle Aeronautical University
15 +/- years at Evergreen International Airline 18 +/- years at Cellar Ridge Construction

Why are you interested in serving on the City Council? (See next page)

What needs, challenges, and opportunities do you see for the City of McMinnville? (See next page)

How would you work to represent all of the residents of your Ward? (See next page)

Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council? (See next page)

List any other City or County positions on which you serve or have served: (See next page)

****You may attach additional pages if you require more space to complete the application****

*I have sufficient time to devote to this responsibility and will attend the required meetings if appointe*[redacted]

Signed [redacted] Date 3-20-2026

***Please return to City of McMinnville – Attn: City Recorder,***
***230 NE Second Street, McMinnville, OR 97128***
***Phone: 503.435.5702 Fax: 503.472.4104 Email:***
***cityrecorderteam@mcminnvilleoregon.gov***

**Why are you interested in serving on the City Council?**

Civic engagement is one of my core values. I have built a successful business in McMinnville, and I want to give back to the community that has made that success possible. Serving on the City Council is an opportunity to contribute in a meaningful way and help guide the city's future.

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**What needs, challenges, and opportunities do you see for the City of McMinnville?**

McMinnville is poised for significant change over the next decade, and how we manage that growth will shape our community for generations.

I see the key priorities include:

- Expanding housing availability to meet growing demand
- Navigating budget constraints while maintaining essential city services
- Advancing major development and infrastructure projects, including The Landing, the Alpine District, the RB Rubber site, and Third Street improvements
- Moving forward with a Parks and Recreation bond

These challenges also present opportunities to thoughtfully plan for sustainable growth and strengthen our community.

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**How would you work to represent all of the residents of your Ward?**

I have lived in Ward 3 for more than eight years and in McMinnville for over 30 years. I have strong relationships with many of the families and business owners who call this area home. I will prioritize listening, accessibility, and open communication to ensure all voices are heard and represented.

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**Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council?**

**Habitat for Humanity**

While serving on the board, I played a key role in the development and launch of the Aspire Community. The project faced significant public opposition but was ultimately approved. This experience reinforced the importance of early stakeholder engagement and transparent communication.

**McMinnville School District**

As Board Chair, I helped lead during a period of major transition, including a new superintendent, new board members, and the district's emergence from COVID. This role strengthened my ability to build consensus and communicate effectively with a diverse—and at times frustrated—community.

**McMinnville Economic Vitality Leadership Council**

As Chair, I worked with Representative Ron Noble and a broad group of stakeholders to

develop and implement strategies for distributing COVID relief funds. Our work ensured meaningful support reached a wide range of community members and businesses.

**List any other City or County positions on which you serve or have served:**

- McMinnville Education Foundation Board Member (approx. 6 years)
- McMinnville Habitat for Humanity Board Member (approx. 8 years)
- McMinnville School District Budget Committee (approx. 12 years)
- McMinnville School District Board Member (approx. 8 years)
- Citizens for Good Education (three bond campaigns)
- McMinnville Economic Vitality Leadership Council (Chair, 2020–2026)
- Third Street Improvement Project Advisory Committee

**CARSON BENNER**
[redacted] • McMinnville, OR 97128 • [redacted]

## PROFESSIONAL SUMMARY

Results-driven business owner and former aviation executive with extensive experience in construction management, operations leadership, and large-scale budgeting. Proven ability to lead teams, manage multimillion-dollar assets, and deliver high-quality projects on time and within budget. Strong background in strategic planning, logistics, and client relations.

## EDUCATION

**Bachelor of Science in Aviation Management**
Embry-Riddle Aeronautical University, Prescott, AZ — April 1990

## PROFESSIONAL EXPERIENCE

**Owner**
**Cellar Ridge Construction** — McMinnville, OR
August 2008 – Present

- Manage high-end residential construction projects from concept through completion
- Oversee budgeting, scheduling, subcontractor coordination, and project execution
- Build and maintain strong client relationships, generating repeat and referral business
- Ensure compliance with building codes, safety standards, and quality expectations
- Lead project planning and problem-solving to deliver custom construction solutions

**Vice President of Materials**
**Evergreen International Airlines** — McMinnville, OR
April 1999 – August 2008

- Led a team of 45 employees across 12 domestic and international locations
- Managed inventory exceeding $85 million to support a 16-aircraft fleet
- Developed and administered a $36 million annual operating budget
- Optimized inventory positioning to ensure operational readiness and cost efficiency

**Sales Executive**
**Sprint** — Beaverton, OR
March 1998 – April 1999

- Sold a full portfolio of telecommunications services to small and mid-sized businesses
- Consistently met or exceeded monthly sales quotas
- Built and maintained strong client relationships in a competitive market

**Sales Manager**

**Bankers Life & Casualty** — Salem, OR

September 1993 – March 1998

- Recruited, trained, and mentored new insurance agents
- Developed training programs focused on early performance success
- Designed and implemented agent evaluation and performance tracking systems

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**Manager, Material Operations**

**Evergreen International Airlines** — McMinnville, OR

February 1991 – September 1993

- Managed 24/7 Aircraft on Ground (AOG) operations to support urgent maintenance needs
- Developed and maintained material allocation systems to improve response times

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**Sales / Scheduler**

**Papillon Helicopters** — Kailua-Kona, HI

August 1990 – November 1990

- Delivered customer service and coordinated flight scheduling
- Performed weight and balance calculations for safe flight operations
- Sold helicopter tour services to customers

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**Associations & Volunteer**

- McMinnville Education Foundation Board Member (approx. 6 years)
- McMinnville Habitat for Humanity Board Member (approx. 8 years)
- McMinnville School District Budget Committee (approx. 12 years)
- McMinnville School District Board Member (approx. 8 years)
- Citizens for Good Education (three bond campaigns)
- McMinnville Economic Vitality Leadership Council (Chair, 2020–2026)
- Third Street Improvement Project Advisory Committee

City of McMinnville

## APPLICATION FOR CITY COUNCIL VACANCIES

Name: Richard Smith

Address: [redacted]

City/State: McMinnville OR Zip: 97128

Phone: [redacted] [redacted]

Occupation/Profession: Small Business Owner

Years living in McMinnville? 20 Are you a registered voter? Yes

**Ward in which you reside:** 3

Educational and occupational background: I've been a small business owner on Third Street for 5 years now with Velvet Monkey Tea. I also have an associates degree in Hospitality and Tourism managment and am currently studying Urban Planning and Policy at Portland State University

Why are you interested in serving on the City Council? I love the city of McMinnville and I love my community and the idea of serving it more deeply. McMinnville's city council as the key policy makers for this city is a place I feel I can get good return on the investment of my time

What needs, challenges, and opportunities do you see for the City of McMinnville? McMinnville's housing crisis is the number one challenge our city faces. Increasing the supply of housing is essential.

How would you work to represent all of the residents of your Ward? I am someone who tries to be deeply involved with my community. This includes but is not limited to the idea of knowing my neighbors While I obviously can't know everyone in ward 3, McMinnville is a small town and I, being at the Velvet Monkey Most of the time would be easily findable by constituents in my ward who may wish to coverse as well.

Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council? I have done work with local community activist to do things like crafting petitions for the Newberg City Council as well as to drive resources to organizations like UNIDOS.

List any other City or County positions on which you serve or have served: I have volunteered on the McMinnville Affordable Housing Committee and the South West Area Plan Special Advisory Committee

****You may attach additional pages if you require more space to complete the application****

*I have sufficient time to devote to this responsibility and will attend the required meetings if appointed.*

Signed [redacted] Date 3/20/26

***Please return to City of McMinnville – Attn: City Recorder,***
***230 NE Second Street, McMinnville, OR 97128***
***Phone: 503.435.5702 Fax: 503.472.4104 Email:***
***cityrecorderteam@mcminnvilleoregon.gov***

# Richard Smith

## Business Owner & Hospitality Specialist

Richard Smith is the current owner and operator of the Velvet Monkey Tea Shop with his partner, located in the idyllic McMinnville, Oregon, in the heart of wine country. After recently obtaining his Hospitality Management certification, in addition to several years of hospitality experience owning a business and working at the renowned Atticus Hotel, Richard is open to new opportunities and a change of scenery, from quaint downtown McMinnville, to the beautiful Oregon coast.

## Contact


**Phone**
[redacted]

**Email**
[redacted]

**Address**
[redacted]
McMinnville, Oregon


## Education

2025 - Present
**Bachelor of Urban Planning**
Portland State University

Completed 2025
**Associate's Degree**
Chemeketa Community College

## Expertise

- Exceptional communication skills
- Customer care & service oriented
- Hotel management software and reservation systems experience
- Project management & teamwork skills
- Proficient in computers
- Positive mindset

## Languages

**English** (Fluent)
**Japanese** (Intermediate)
**Afrikaans** (Beginner)

## Experience

**2021 - Present**
Velvet Monkey Tea Shop – 216 NE Davis Street, McMinnville

### Business Owner

- Responsible for all management, bookkeeping, marketing, etc.
- Manages day to day operational affairs, leads team through daily sales
- Manages marketing and social media accounts
- Implements business strategies in order to maximize company growth
- Performs any and all tasks as need arises

**2018 - 2021**
Atticus Hotel – 375 NE Ford Street, McMinnville

### Concierge, Guest Experiences

- Greeted guests and assisted in preparing travel plans and itineraries for the best travel experience possible
- Trained new staff to educate them on the expectations and responsibilities of the job
- Participated in voluntary committee assignments that directed charitable contributions from the company as well as planned and coordinated company wide celebrations

**Completed June 2025**
Chemeketa Community College – McMinnville, Oregon

### Hospitality & Tourism Management Certificate

The Hospitality Management certificate includes a one year intensive set of courses designed around preparation for hospitality industry careers related to hotel operations, marketing and sales, tourism and travel, special event planning, restaurant operations, reservations, etc.

## References

**Erin Stephenson**
Owner of the Atticus Hotel
Phone: [redacted]
Email: [redacted]

**Salem Sharfeddin**
Former Proprietor of the Velvet Monkey Tea Shop
Phone: [redacted]

City of McMinnville

## APPLICATION FOR CITY COUNCIL VACANCIES

Name: Artimus Johnson

Address: [redacted]

City/State: McMinnville / Oregon Zip: 97128

Phone: [redacted] Email: [redacted]

Occupation/Profession: Porter / Volunteer firefighter

Years living in McMinnville? 9 years Are you a registered voter? Yes

**Ward in which you reside:** Ward 3

Educational and occupational background: Highschool Diploma & 3 years at Linfield University; CNA expired, EMR license, CPR & 1st aid certified
↳ (Public Health & Exercise science major)

Why are you interested in serving on the City Council? I want to contribute my time, energy, & ~~pep~~ perspective to help McMinnville continue to grow while protecting the qualities that make it such a great place to live.

What needs, challenges, and opportunities do you see for the City of McMinnville? Increasing & maintaining affordable housing, on going public safety, emergency preparedness, supporting local businesses & Jobs, and strong community relationships.

How would you work to represent all of the residents of your Ward? I will ensure my decisions & policies reflect the interests & concerns of the entire ward population & listen 1st, while staying connected by being accessible, attending community meetings, events & encouraging my ward to speak up & share their valued concerns & ideas.

Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council? Volunteering w/ the firestation, & with the aquatic center (see you later foundation / mcminnville day of service) as an instructor for survival swims to facilitate public safety, & Arties Helpers Inc. an old business I had (when I was fresh out of linfield) centered around helping our community with local odd jobs.

List any other City or County positions on which you serve or have served: I haven't had the opportunity to serve prior to filing this application.

**You may attach additional pages if you require more space to complete the application**

*I have sufficient time to devote to this responsibility and will attend the required meetings if appointed.* Also as a young parent raising a family here, I am especially invested in the long-term future of McMinnville

Signed [redacted] Date 03-07-2026

***Please return to City of McMinnville – Attn: City Recorder,***
***230 NE Second Street, McMinnville, OR 97128***
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***cityrecorderteam@mcminnvilleoregon.gov***

# Personal Statement – McMinnville Ward 3 City Council Application

Growing up, I experienced periods of housing instability and often lived with different families during high school. Those experiences shaped my understanding of how important stable housing and supportive communities are for young people and families. They also taught me resilience and the value of community support systems.

More recently, our daughter Aurora spent time in the NICU after experiencing apneic seizures. During that time, the support we received from our community meant everything to our family. With the help of medical professionals, family, and community support, Aurora has continued to grow and develop well, and we are grateful to now be moving forward as a healthy and hopeful family.

Experiences like these have deepened my appreciation for the strength of communities that come together to support one another. They have also strengthened my commitment to serve and contribute to a community like McMinnville — one where people look out for each other and work together to create opportunities for families to succeed.

Public safety is another issue that matters deeply to me. As a volunteer firefighter and small business owner, I have personally experienced the impact that theft and property crime can have on residents and local businesses. When I operated my business in McMinnville, I experienced multiple instances of tools and equipment being stolen and my vehicles being broken into. Those experiences reinforced how important it is that residents feel safe in their neighborhoods.

I appreciate the efforts the City has already taken to address these concerns, including the Mayor’s Public Safety Task Force. If given the opportunity to serve, I would be interested in contributing thoughtful ideas and collaborating with community members, law enforcement, and city leadership to continue improving safety and quality of life for residents across Ward 3 and the entire McMinnville community.

My goal is simply to help strengthen the kind of community that supported my family — one where people feel safe, supported, and proud to call McMinnville home.

# Artimus Alvin Johnson

McMinnville, Oregon | [redacted] [redacted]

## Professional Summary

Community-focused McMinnville resident with experience in public safety, emergency response, community service, and entrepreneurship. Volunteer firefighter since 2022 with a strong commitment to protecting and serving the community. Known for leadership, teamwork, and communication developed through athletics, business ownership, and volunteer service. As a young parent raising a family in McMinnville, deeply invested in the long-term safety, stability, and growth of the community.

## Community Service & Public Safety

- Volunteer Firefighter — Lafayette Fire Department (2022–Present): Respond to fire and medical calls, assist crews during emergency response, and support community safety initiatives.
- Emergency Medical Services Volunteer — Yamhill County Fair (2024): Provided EMS support for public events, assisting with community safety coordination and medical readiness during large gatherings.
- Volunteer — Survival Swim Program, McMinnville: Assisted with water safety education programs designed to help young children develop critical swimming and safety skills.
- Volunteer Instructor — See Ya Later Foundation (2018): Led youth activities promoting physical fitness, teamwork, and healthy lifestyles.
- Volunteer Teacher's Assistant — McMinnville Middle School (2019): Assisted classroom instruction and supported teachers and students during daily academic activities.

## Professional Experience

**Royal Moore Subaru — Porter | Hillsboro, OR | Feb 2026–Present**
Support dealership operations, maintain vehicle readiness, and assist with daily logistical coordination in a fast-paced environment focused on customer service.

**Vitl Power — Solar Energy Consultant | Jan 2025–Apr 2025**
Conducted direct outreach educating homeowners about renewable energy solutions while developing strong communication and relationship-building skills.

**Cardone Ventures — Market Development Associate | Late 2023–Jan 2025**
Worked within a national business consulting organization supporting market development efforts and exposure to growth strategy and operational systems.

**Get UpHelp Operations LLC — Founder | 2023–Present**
Developing a community-focused platform designed to connect residents with local assistance, work opportunities, and service resources.

**Artie's Helpers LLC — Founder & CEO | 2021–2023**
Operated a local service business assisting community members with household tasks and projects while managing operations, scheduling, and client relationships.

**Linfield University — Work Study | McMinnville, OR | 2018–2020**
Worked in Linfield's dining services supporting campus catering events as a server and preparing food in the dining hall, including pizza preparation and kitchen operations. Balanced employment with full-time academics and collegiate athletics, demonstrating strong time management and reliability.

## Education & Leadership

**Linfield University — Public Health & Exercise Science Studies | 2017–2020**

NCAA Football Athlete; Starting Running Back; Recognized as Best Teammate (2020).

**Hoquiam High School — Diploma | 2017**

Football and Wrestling Team Captain; Academic State Champion in Wrestling; Most Inspirational Award Recipient; Graduated Top Five in Class (3.87 GPA).

## Certifications

- Firefighter I Certification
- Emergency Medical Responder (EMR)
- Certified Nursing Assistant (CNA)
- CPR & First Aid Certified

## Relevant Skills

- Community engagement and public communication
- Crisis response and emergency teamwork
- Leadership and collaboration
- Problem solving and decision making
- Relationship building across diverse communities

As a young parent raising a family in McMinnville, I am deeply invested in the long-term safety, stability, and prosperity of the community.

City of McMinnville

## APPLICATION FOR CITY COUNCIL VACANCIES

Name: Josh Dillon

Address: [redacted]

City/State: McMinnville Zip: 97128

Phone: [redacted] Email: [redacted]

Occupation/Profession: Customer Service Operations/Partner Manager

Years living in McMinnville? 2 in May Are you a registered voter? Yes

**Ward in which you reside:** 3

Educational and occupational background: Occupation: ~12 years at Airbnb
Education: B.S. in Recreation & Leisure Studies + A.S. with Distinction in Liberal Arts & Science (See additional details on resume).

Why are you interested in serving on the City Council? See questionnaire attachment.

What needs, challenges, and opportunities do you see for the City of McMinnville?
See questionnaire attachment.

How would you work to represent all of the residents of your Ward?
See questionnaire attachment.

Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council? See questionnaire attachment.

List any other City or County positions on which you serve or have served: N/A

****You may attach additional pages if you require more space to complete the application****

*I have sufficient time to devote to this responsibility and will attend the required meetings if appointed.*

Signed [redacted] Date March 26, 2026

***Please return to City of McMinnville – Attn: City Recorder,***
***230 NE Second Street, McMinnville, OR 97128***
***Phone: 503.435.5702 Fax: 503.472.4104 Email:***
***cityrecorderteam@mcminnvilleoregon.gov***

# Josh Dillon

Senior Partner Relationship Manager

McMinnville, Oregon
[redacted]
[redacted]
linkedin.com[redacted]

## Questionnaire

### Why are you interested in serving on the City Council?

I'm interested in serving because McMinnville deserves leaders who bring fresh perspectives alongside deep commitment. I have nearly 12 years of experience working at Airbnb, where I helped navigate a company from startup through a global IPO. That journey taught me how to think big, act pragmatically, and keep the people I work for at the center of every decision.

I've communicated strategy to multi-billionaire CEOs and CTOs, and I've sat across the table from first-time Hosts who just needed someone to listen. That range is what Council demands: engaging with high-level policy while staying grounded in everyday realities.

My career started in municipal Parks & Recreation back in my hometown of Rochester, NY. Public service isn't new to me, it's actually where I began. I'm values-driven and want to leave things better behind me than in front of me. With transformative projects like Third Street Improvement and Alpine Avenue redevelopment underway, not to mention the recreation bond falling just 13 votes short, McMinnville is at an inflection point, and I want to help navigate it with transparency and 21st-century thinking.

### What needs, challenges, and opportunities do you see for the City of McMinnville?

**Transparency**: Residents should never be blindsided. There will always be compromises, but decisions must be made thoughtfully and with the greater community in mind. The concerns raised around the **Alpine Avenue** development are a good example. That kind of dialogue should be visible and accessible to all.

**Infrastructure & Accessibility**: The **Third Street Improvement Project** is a generational investment addressing deteriorated infrastructure, safety, and ADA accessibility. As it enters final design and construction, we need to get it right, and make accessibility a citywide priority.

**Alpine Avenue**: This corridor directly impacts Ward 3. The boutique hotel project and broader redevelopment of the former RB Rubber site hold enormous potential, but require careful stewardship to ensure benefits reach the whole community.

**Affordable Housing & Our Most Vulnerable**: A complex challenge with needs ranging from basic sanitation to houseless resources. These are equity issues that demand compassionate, practical solutions.

**Tourism & Hospitality**: With over a decade in hospitality at Airbnb, I can help McMinnville thoughtfully grow tourism in ways that benefit residents and businesses alike.

**Recreation**: The bond fell 13 votes short. That tells me the community wants this investment but needs to feel fully heard. With my Parks & Recreation background and recreation-focused degree, I'm uniquely positioned to help steward that conversation forward.

## How would you work to represent all of the residents of your Ward?

I've learned you should never design something for people without involving them in the process.

- **Listening sessions and focus groups**: structured conversations across neighborhoods and demographics, making space for renters, homeowners, families, seniors, business owners, and our houseless neighbors.

- **Radical accessibility**: coffee shop office hours, community events, and responsive communication so residents can always reach me.

- **Inclusive, human-centered approach**: At Airbnb, I serve a global community of millions and have managed $30M in vendor business across the Americas. Good policy starts with empathy - understanding the lived experience of the people you serve, especially those often left out.

- **Close the feedback loop:** Listening isn't enough. People need to see how their input shaped decisions. *Here's what I heard, here's what we did, here's why*.

## Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council?

- **Fiscal responsibility at scale**: I've been the single owner of Partner sites with $30M in business - managing workforce planning, performance delivery, and service levels along the way.

- **Crisis leadership:** During COVID-19, I was a key player in transitioning a regional network of 3,000+ employees to remote work in under a week - the kind of rapid, high-stakes decision-making cities face.

- **Operational transformation:** I was hand-selected to optimize Risk & Compliance operations - identifying gaps, building foundational knowledge bases, and delivering recommendations that improved efficiency and the customer experience.

- **Driving measurable outcomes**: I improved vendor NPS (*an industry standard loyalty metric*) by 10 points regionally and 5 points globally through customer insights and cross-functional collaboration.

- **Certifications**: I'm a COPC Implementation Leader and hold a CAPM - formal training in operational excellence and project management.

- **Values in action**: I created a Partner Brand Ambassador program, including putting three people on their first plane ride ever - because I believe in meeting people where they are, and opening doors.

I bring operational rigor, down-to-earth approachability, fiscal accountability, and a genuine passion for helping people.

# Josh Dillon

Senior Partner Relationship Manager

McMinnville, Oregon
[redacted]
[redacted]
linkedin.com[redacted]

## Work Experience

### Interim Risk & Compliance Operations Manager
2024 - 2025

Airbnb

- Hand-selected to support the Community Support Risk & Compliance team in optimizing operational effectiveness. Identified critical gaps, stabilized team operations, and implemented foundational structures to ensure continuity, quality, efficiency, and scalability.
- Designed and deployed a centralized knowledge base, transitioning the team from ad hoc document sharing to a structured, single source of truth. Established governance processes and set the foundation for ongoing content optimization and change management.
- Led a deep-dive analysis of inbound work requests, in order to identify inefficiencies and improvement opportunities. Conducted stakeholder interviews, mapped the end-to-end process, and delivered key recommendations that enhanced efficiency, streamlined operations, and improved the customer experience. Developed a comprehensive SOP to institutionalize best practices and sustain long-term improvements.
- Strengthened team communication and governance by addressing the absence of structured engagement. Launched a recurring regional team meeting for the Americas and provided leadership with strategic recommendations for implementing 1:1s and global team meetings, fostering alignment and collaboration across regions.

### Community Support Senior Partner Relationship Manager (Americas)
2019 - Present

Airbnb

- Single owner of work-from-home Americas Partner sites, and direct contact for their Account Managers. Responsible for building and driving workforce; staff planning accuracy; and contact volume service level performance of $30 million dollars of business to Airbnb.
- Improved Partner site's NPS 10 points (+5 points globally) by leveraging customer insights and cross functional collaboration.
- Key player in COVID-19 risk mitigation business continuity planning; transitioned regional Partner network of 3,000+ HC to work remotely in less than a week.
- Manage the day-to-day operational needs of Partner sites and their 1,300+ employees by collaborating with IT, Training, Workforce Management, and other groups who support the administration of crucial functions.
- Directly manage a Partner Coordinator who assists with Partner operations and performance actions, delegating tasks and responsibilities aimed toward continued professional development and personal growth.
- Act as Brand Ambassador to Partner sites, role modeling Airbnb core values and assessing the Partner's people-oriented programs against Airbnb standards.
- Overhauled Airbnb's ethos of customer and agent experiences through involvement in Service Promise initiative, resulting in a wholistic change to the Community Support business, focused on exceptional service.

**Customer Experience Partner Operations Coordinator (North America)** 2016 - 2019
Airbnb

- Point-of-contact for North America Partner sites, and the Partner Operations Managers. Responsible for On/Off boarding, and data integrity of $22 million dollars of business to Airbnb.
- Conducted, and supported performance reviews with outsource Partners, holding them accountable to high-level metric outcomes, and their workforce commitments for 500 full-time employees.
- Drove Partner sites to reduce CX losses over $3,000. Personally coached site leadership to mitigate future losses by resolving critical user issues through aligning/sharing of best practices, knowledge, and processes.
- Built a peerless reputation of open-arms consulting with Shared Services Partners, Regional Support Coordinators, Operational Change Manager, Director of NPS program, et al.
- Breaking BPO tradition, developed an extension of Airbnb Core Values by delivering Partner Airventure, Airchiever, and Brand Ambassador programs, putting eight people on their first plane ride ever.

**Customer Experience Specialist, SL3** 2014 - 2016
Airbnb

- Proven high levels of success through consistently exceeding performance metric goals, achieving Airchiever status five out of six qualifying months, getting promoted three times.
- Delivered 68.5% NPS over the course of seven quarters (23% higher than regional average) by leveraging unstructured environment to ensure guests and hosts benefitted from my great experience and performance.
- Hand selected to champion the culture, values, and mission of Airbnb, and acted as a steward of the brand, and community at the 2015 Brooklyn Half Marathon, 2015 San Francisco Pride Parade Welcome Wagon, and the 2016 Sundance Film Festival.
- Mentored new staff while on the ground with a brand-new Partner in Columbus, Ohio, accelerating site NPS performance 31% over four-weeks.
- Asked to participate on the long-term, global Workflow & Knowledge Optimization Project. Responsible for auditing, mapping, analysis, and improving of CX workflows, and content with the objective of driving efficiency, increasing first touch resolution, and creating new, optimized workflows.

## Education

**Bachelor of Science (B.S.), Recreation and Leisure Studies** 2008 - 2010
The College at Brockport, State University of New York

**Associate of Science (A.S.) with Distinction, Liberal Arts and Science** 2006 - 2008
Monroe Community College

## Certifications

- Certified Customer Operations Performance Center (COPC) Implementation Leader
- Certified Associate in Project Management (CAPM)

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City of McMinnville

## APPLICATION FOR CITY COUNCIL VACANCIES

Name: Katie Russ

Address: [redacted]

City/State: McMinnville Zip: 97128

Phone: [redacted] Email: [redacted]

Occupation/Profession: Real Estate Broker

Years living in McMinnville? 6 years Are you a registered voter? yes

**Ward in which you reside:** Ward 3

Educational and occupational background: Please see attachement

Why are you interested in serving on the City Council? Please see attachement

What needs, challenges, and opportunities do you see for the City of McMinnville? Please see attachement

How would you work to represent all of the residents of your Ward? Please see attachement

Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council? Please see attachement

List any other City or County positions on which you serve or have served: Please see attachement

****You may attach additional pages if you require more space to complete the application****

*I have sufficient time to devote to this responsibility and will attend the required meetings if appointed.*

Signed [redacted] Date 03/11/2026, 05:22:35 PM PDT

***Please return to City of McMinnville – Attn: City Recorder,***
***230 NE Second Street, McMinnville, OR 97128***
***Phone: 503.435.5702 Fax: 503.472.4104 Email:***
***cityrecorderteam@mcminnvilleoregon.gov***

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1. Educational and occupational background:
   **Education:** High School Diploma; some college coursework; Licensed Real Estate Broker.
   **Experience:** Spirit Mountain Casino (2004–2015); Real Estate Broker (2014–Present); Part Owner, Pacific Northwest Tire (2023–February 2026).

2. Why are you interested in serving on the City Council?
   As a Real Estate Broker who has sold land in McMinnville for the past 12 years, I care deeply about the future of our community. I'm committed to supporting thoughtful growth while preserving the small-town charm that makes McMinnville such a special place to live.

3. What needs, challenges, and opportunities do you see for the city of McMinnville?
   I see key challenges ahead, including budget concerns, housing availability, and the need to bring in enough job opportunities so people can both live and work in McMinnville.

4. How would you work to represent all residents of your ward?
   As my ward continues to grow and attract new commercial and housing opportunities, I will work to ensure that development is thoughtful and balanced—supporting growth while also protecting the interests of existing businesses and residents.

5. Do you have any examples of work or accomplishments that are relevant to what you hope to achieve on the City Council?
   I understand the challenges and responsibilities of running a small local business, both as an independent contractor and as a business owner with employees. I am also proud that when I was a part of Pacific Northwest Tire it was recognized as the **Business of the Year in 2025 by the McMinnville Chamber of Commerce**.

6. List any other City/County positions on which you serve or have served: I have served on the **Property Value Appeals Board (PVAB) from 2023 to the present** and participated in the **McMinnville Housing Needs Analysis and Economic Opportunities Analysis in 2023**. I have also served on multiple boards and am an active volunteer with the **McMinnville Chamber of Commerce**.

[redacted] 03/11/2026, 05:22:35 PM PDT

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# Katie Russ

REALTOR®
MARKETING DIRECTOR
SMALL BUSINESS OWNER

McMinnville OR

[redacted]

www.harmonyhomesre.com

@KatieRuss

## PROFILE

I'm a real estate broker with over 10 years of experience and recently was the part-owner of a tire shop, where I lead all things marketing. Working across both industries has allowed me to sharpen my skills, think creatively, and adapt my strategies to reach different audiences. I'm passionate about building strong brands, connecting with customers, and finding new ways to grow and evolve in business.

## SKILLS

Project Management

Problem Solving

Creativity

Leadership

## WORK EXPERIENCE

### REALTOR® | TEAM LEADER
August 2020 - Present

*eXp Realty LLC*

- Icon Agent for 4 years
- I have led the growth of The Harmony Home Team, which I originally founded with a business partner. In 2021, I purchased my partner's share of the business and became the sole owner, continuing to expand and develop the brand.

### PART OWNER | MARKETING DIRECTOR

*PACIFIC NORTHWEST TIRE* JULY 2023 - Feburary 2026

- Opened to the public in October 2023
- Running all of the social media platforms for the tire company & real estate team. Building with both posts and video content.

### REALTOR®

*Coldwell Banker* Aug 2019 - Aug 2020

- Top Producing agent within the franchise
- Developed The Harmony Home Team Brand

### REALTOR®

*BERKSHIRE HATHAWAY* OCT 2014 - AUG2019

- By my 3rd year I had become the Top Production agent for my branch in McMinnville.
- Organized many outreach programs and involovement in community activies

## EDUCATION

**Coronado High School** August 1999 - May 2023

High School Diploma

**Community College** September 2024 - December 2024

Chemeketa Community College

**Real Estate Broker Education** June 2014 - September 2014

OnLineEd

- Licenced in October 2014
- Licensed October 2014 - Present
- Must take 30 hours of continuing education every 2 years to renew license

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# Katie Russ

REALTOR®
MARKETING DIRECTOR
SMALL BUSINESS OWNER

McMinnville OR

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## PROFILE

I'm a real estate broker with over 10 years of experience and recently was the part-owner of a tire shop, where I lead all things marketing. Working across both industries has allowed me to sharpen my skills, think creatively, and adapt my strategies to reach different audiences. I'm passionate about building strong brands, connecting with customers, and finding new ways to grow and evolve in business.

## SKILLS

Project Management

Problem Solving

Creativity

Leadership

## BOARD EXPERIENCE

### YAMHILL COUNTY ASSOCIATION OF REALTORS®

*Treasurer, President, Past President*

- Treasurer June 2019 - December 2019
- President January 2020 - December 2022
- Past President January 2023 - December 2023
- Director January 2026 - Present
- Scholorship committee 2019 - Present

### LETIP NETWORKING GROUP

*Membership Chair, Social Media Chair*

- Membership Chair November 2023 - June 2025
- Social Media Chair March 2026 - Present

### KIWANIS OF MCMINNVILLE

*Director, President Elect*

- Director November 2025 - January 2026
- President Elect January 2026 - Present
- Set to serve as President beginning in 2027

### PARENT/TEACHER ASSOCIATION GRANDHAVEN ELEMENTARY

*Secretary*

- Secretary of PTA 2023-2025

## KEY SKILLS

- Knowledge of local housing markets and land use
- Real estate contract negotiation and transaction management
- Strategic planning and problem solving
- Small business ownership and management
- Community relationship building and networking
- Marketing, communication, and public outreach
- Budget awareness and financial decision-making
- Collaboration with local professionals, businesses, and organizations
- Organization, time management, and attention to detail
- Commitment to community involvement and civic engagement
- Microsoft Word, Google Docs, Canva, Chat GPT, Facebook, Instagram, Tiktok, Linked In