



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

503-434-7311
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT 2690 NE DESTINY DRIVE

- DOCKET:** MP 3-19 (Minor Partition)
- REQUEST:** Application for a Minor Partition to partition an approximately 0.56 acre parcel of land into two (2) parcels approximately 8,231 and 16,188 square feet in size.
- LOCATION:** 2690 NE Destiny Drive (Tax Lot 209, Section 22DC, T. 4 S., R. 4 W., W.M.)
- ZONING:** R-2PD (Single-family Residential Planned Development)
- APPLICANT:** Arlen Berkey (property owner)
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** June 17, 2019
- 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:** July 9, 2019, Community Development Center, 231 NE 5th Street, McMinnville, Oregon.
- PROCEDURE:** An application for a Minor Partition is processed in accordance with the procedures in Section 17.72.110 of the Zoning Ordinance. The application is reviewed by the Planning Director in accordance with the Director's Review with Notification procedures specified in Section 17.72.110 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Minor 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 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; 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 Minor Partition (MP 3-19), **subject to the conditions of approval provided in Section II of this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Department:  Date: July 9, 2019
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for a Minor Partition (MP 3-19) to partition an approximately 0.56 acre parcel of land into two (2) parcels approximately 8,231 and 16,188 square feet in size. The subject site is located at 2690 NE Destiny Drive and is more specifically described as Tax Lot 209, Section 22DC, T. 4 S., R. 4 W., W.M.

The subject property is located on NE Destiny Drive between NE Jade Street and NE Haven Lane. The subject property and surrounding properties are zoned R-2PD (Single-family Residential Planned Development). Three structures are found on the site, a single family residence and two (2) shop buildings. Uses on the abutting properties are single-family detached residences. Adjacent to the subject site, across NE Destiny Drive, is the New Horizons Church and its associated off-street parking. The church property is also zoned R-2PD. **See Vicinity Map (Figure 1), Zoning Map (Figure 2), and Applicant’s Proposed Partition Plan (Figure 3) below.**

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.

As required by the Land Division Standards, lots created by partition are required to conform to the zoning requirements of the area. In July 2006, Ordinance 4860 was approved, establishing the Planned Development Overlay for subject property, rezoning the property to R-2 PD (Single-Family Residential Planned Development). Condition 1 of the Planned Development Ordinance reads, “That future residential lots on this site shall average a minimum of 7,000 square feet in size; the individual minimum lot size below 7,000 square feet shall be approved by the Planning Commission via approval of the subdivision application.” The lots created by the proposed partition would conform to the requirement of the Planned Development Overlay – the average lot size would remain above 7,000 square feet.

Yard requirements for the subject property are those of the underlying R-2 zone. Two (2) existing structures are proposed to remain on the easternmost partitioned lot, the single family residence and shop. The structures would meet setback requirements for the underlying R-2 zone. The existing machine shop shown on the site plan in the westernmost partitioned lot would be removed, and therefore not subject to yard requirements.

The proposed partition meets all other standards for lots found in Chapter 17.53, including standards for lot size and shape, access, and lot side lines.

Overall, the proposed partition request complies with applicable standards for the partitioning of land, and the resulting lots would conform to the zoning requirements of the area.

Attachments:

Attachment 1 – Application and Attachments

Figure 1. Vicinity Map

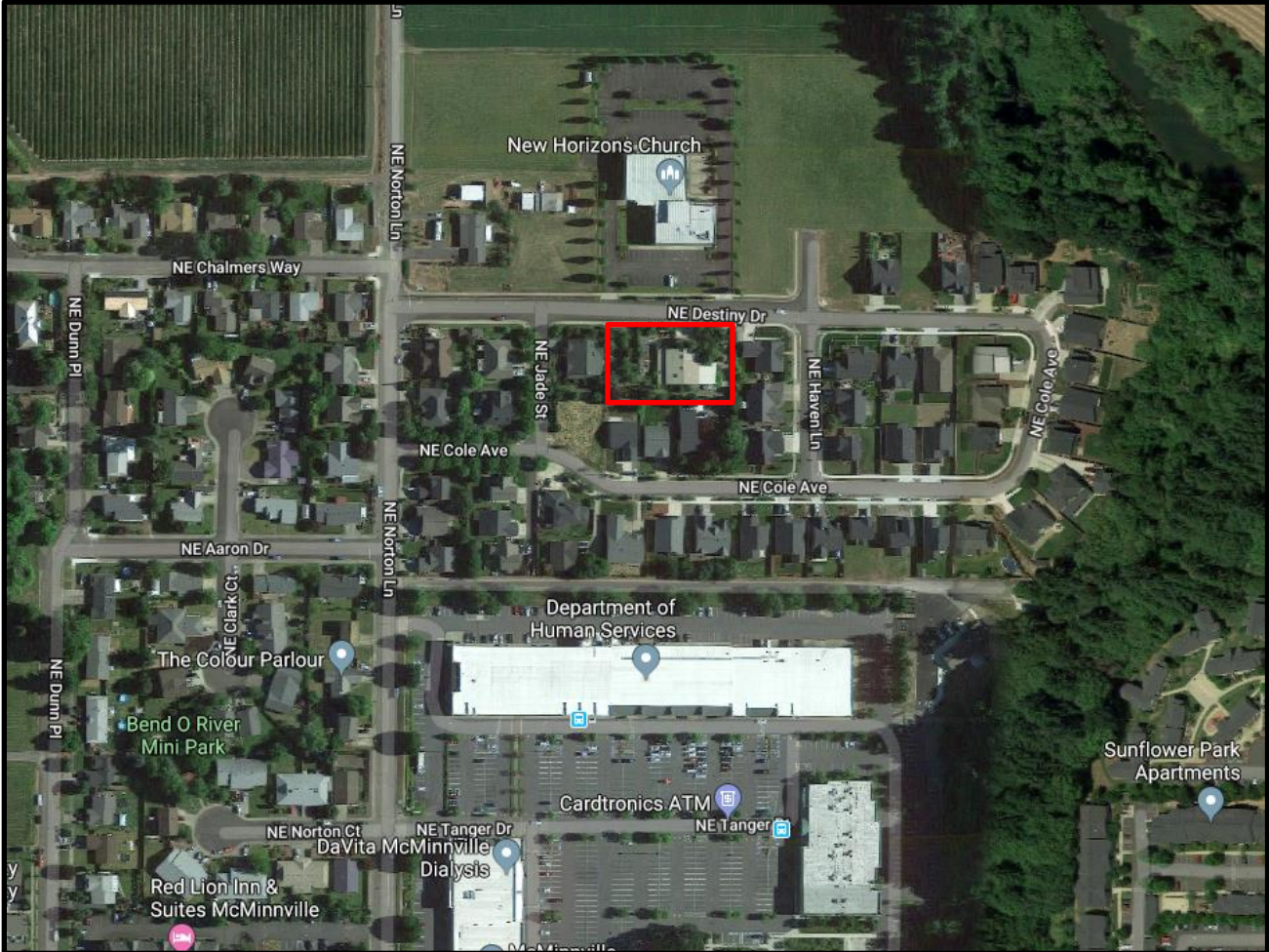
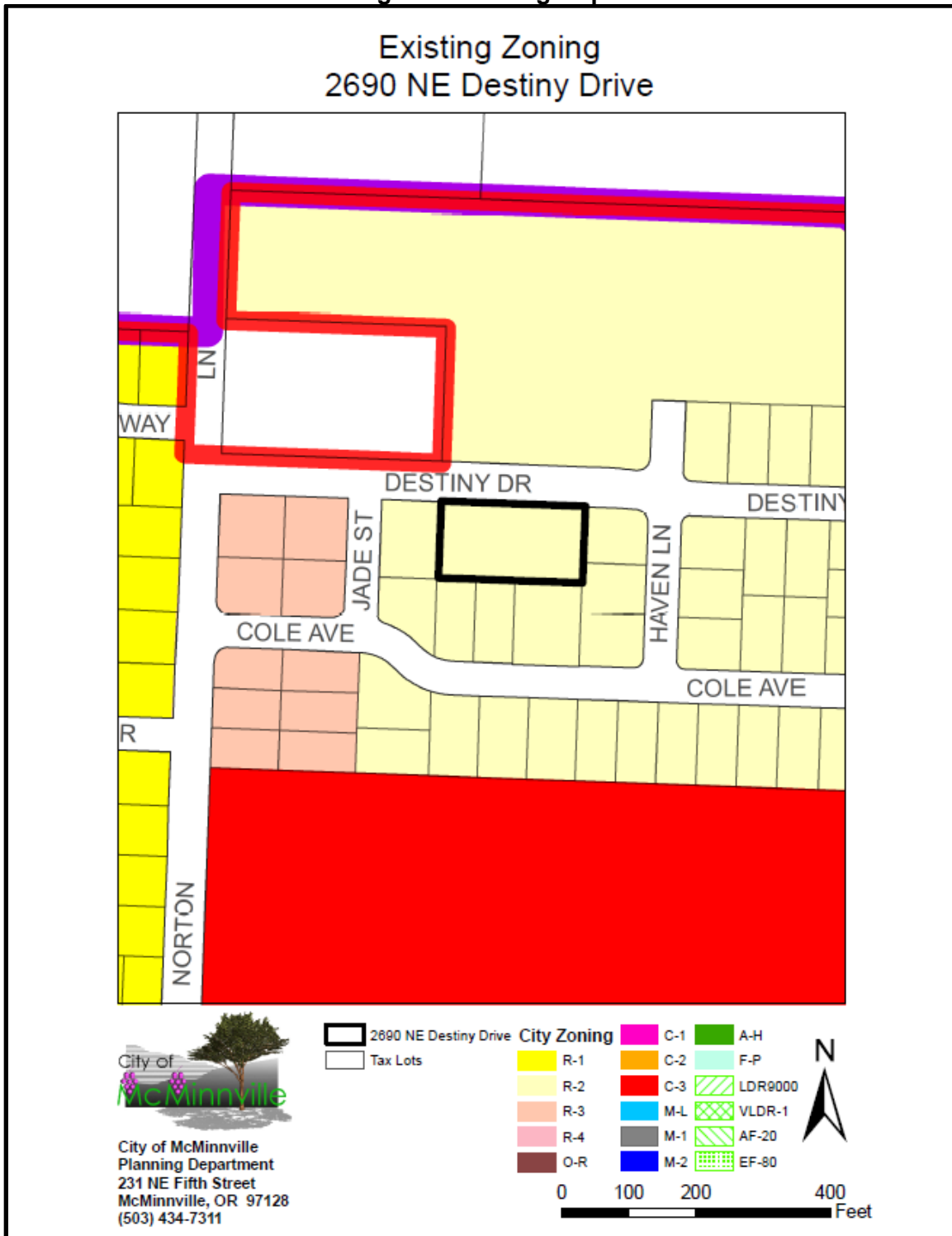


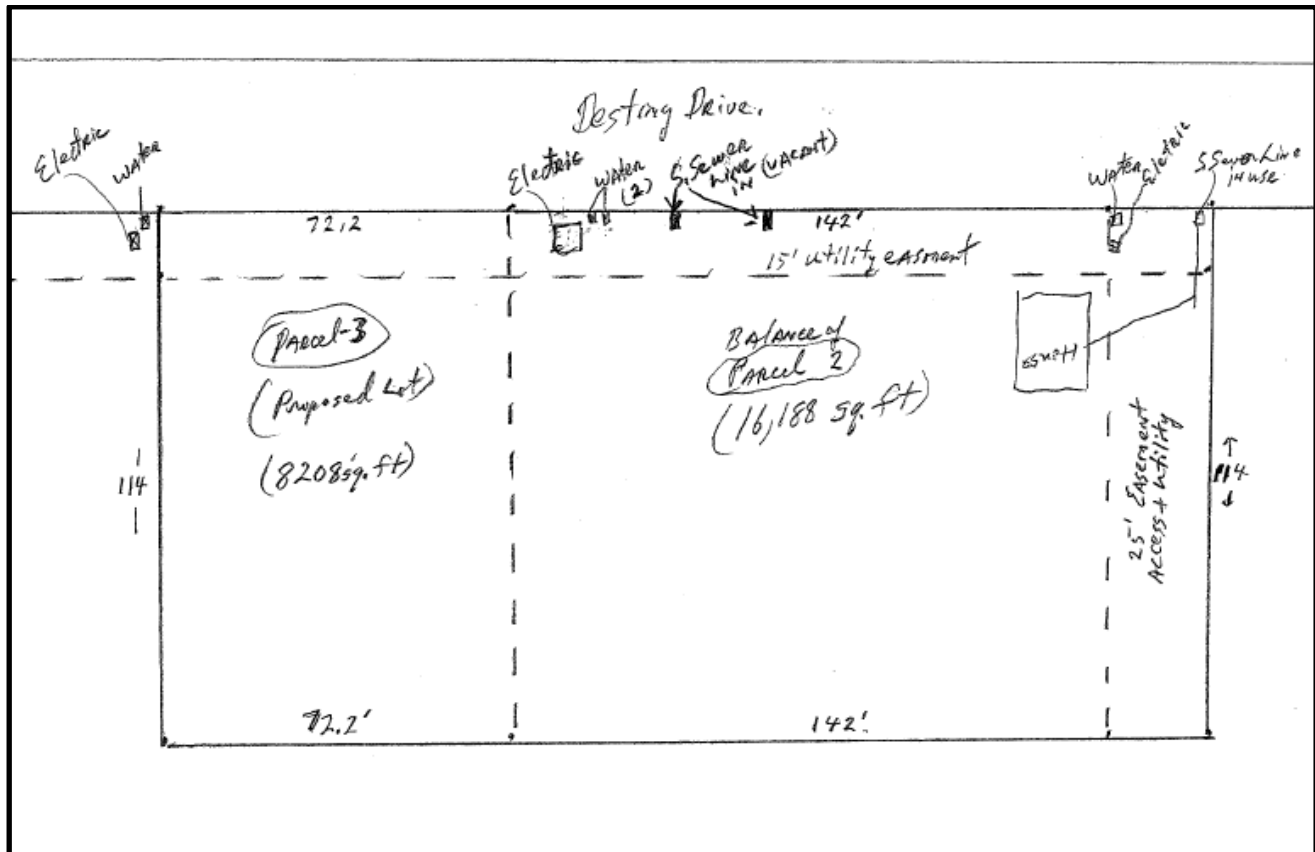
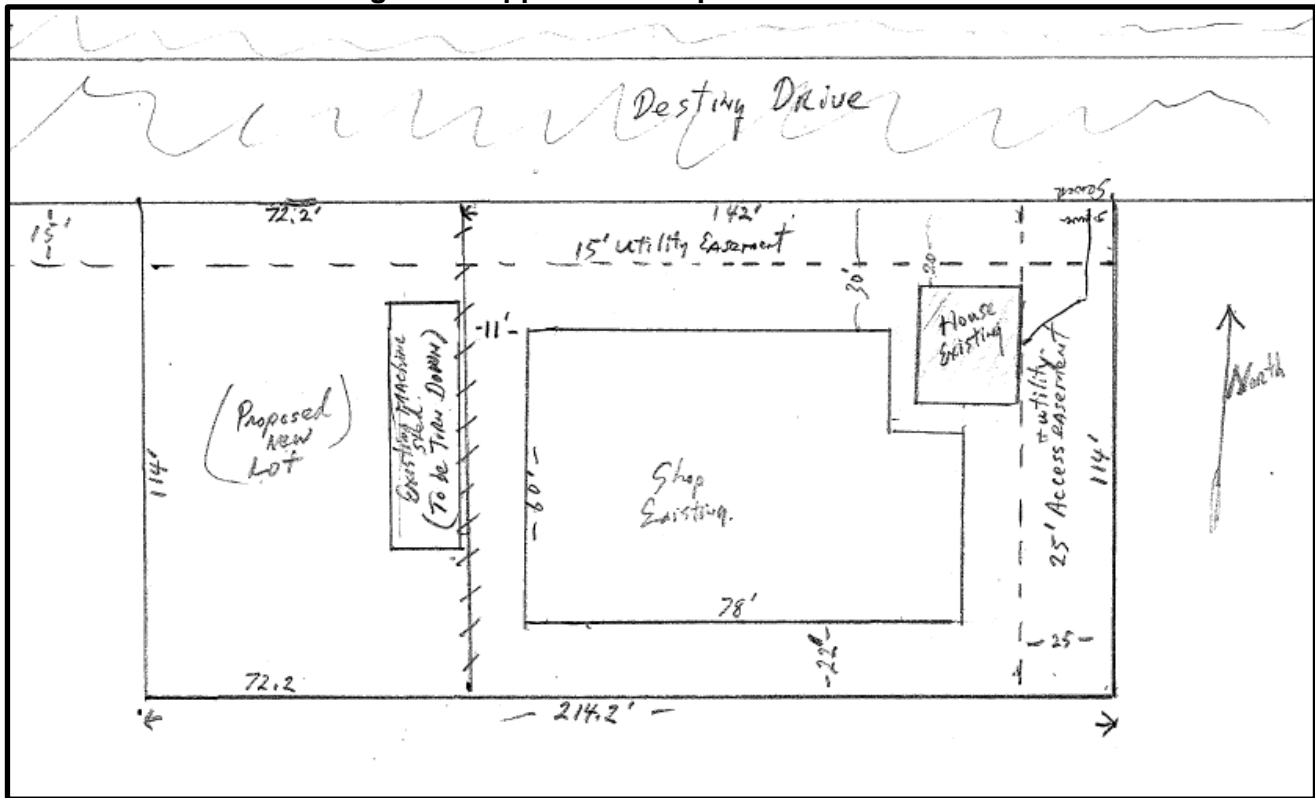
Figure 2. Zoning Map



Attachments:

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Figure 3. Applicant's Proposed Partition Plan



II. CONDITIONS:

1. 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. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
3. The applicant will need to pay the current cost to install a water meter when water is requested. A ¾" water service exists near the new parcel division to serve this new parcel. Note the largest water meter that can be installed is a ¾" in this existing service. If the total fixture unit count requires a larger meter, a new water service would be required at the applicant's cost.
4. The applicant shall contact McMinnville Water and Light for cost and construction requirements to install permanent power to new lot established by partition.
5. 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.
6. 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.

III. ATTACHMENTS:

1. MP 3-19 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:**Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, 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:

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Attachment 1 – Application and Attachments

- McMinnville Engineering Department

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.

The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.

- McMinnville Building Department

No issues as a residential U occupancy.

- Department of State Lands

We currently do not have any records in our database for 04S04W22(any QQ) #200. Please check wetlands and waterways mapping and submit a wetland land use notice if appropriate per statute/guidance.

I have forwarded the notice to the proprietary program. They will comment separately if needed.

- McMinnville Water and Light

Water: A ¾" water service exists near the new parcel division to serve this new parcel. The applicant will need to pay the current cost to install a water meter when water is requested. Note the largest water meter that can be installed is a ¾" in this existing service. If the total fixture unit count requires a larger meter, a new water service would be required at the applicant's cost.

Permanent power to new lot established by partition is not prepaid. Contact MWL for cost and construction requirements.

Public Comments

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

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The property owner, Arlen Berkey, submitted the Minor Partition application on May 13, 2019.

Attachments:

Attachment 1 – Application and Attachments

2. The application was deemed incomplete on June 4, 2019.
3. Following submission of requested information, the application was deemed complete on June 17, 2019.
4. 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; and Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

5. Notice of the application and was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance.
6. No public testimony was submitted to the Planning Department prior to the Planning Director's review of the application.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2690 NE Destiny Drive (Tax Lot 209, Section 22DC, T. 4 S., R. 4 W., W.M.)
2. **Size:** 0.56 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2PD (Single Family Residential Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development Ordinance 4860
6. **Current Use:** Existing single-family dwelling
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** Generally level site three existing structures
9. **Utilities:**
 - a. **Water:** The property is served by a water main in NE Destiny Drive. Two (2) additional water stubs are present near the proposed lot. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by an 8" sewer main in NE Destiny Drive. Two (2) additional sewer stubs are present near the proposed lot. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** Storm water in NE Destiny Drive is conveyed by curb and gutter to a catch basin and storm drain in NE Destiny Drive. The proposal doesn't increase impervious site area.
 - d. **Other Services:** Other services are available to the property. No overhead utilities are present on both sides of NE Destiny Drive.

Attachments:

Attachment 1 – Application and Attachments

10. **Transportation:** NE Destiny Drive is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide. The street is improved with curb and gutter on both sides, sidewalk and planter strip on the north side, and a curb-tight sidewalk with no planter strip along the property frontage on the south side of Destiny Drive. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

VII. 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 following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

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

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

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

Policy 68.00: The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

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

FINDING: SATISFIED. The proposed partition would allow for further residential development that is land-intensive, energy-efficient, and provides for an urban level of public and private services. The property is located in an area that is already fully developed with urban services available to support additional residential development.

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

Attachments:

Attachment 1 – Application and Attachments

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 Zoning Ordinance

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

R-2 Single-Family Residential Zone

17.15.040 Yard Requirements. In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet.

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

FINDING: SATISFIED. The proposed partition would create two lots and the existing house and shop would remain on the easternmost lot. A second shop building would be located on the proposed lot, but is designated for removal. The site plan provided by the applicant indicates that the existing structures to remain would comply with the required yards of the R-2 zone, following the partition. The structures are set back 20 feet from the front property line, 22 feet from the rear property line, 25 feet from the eastern side lot line, and 11 feet from the proposed new property line. Therefore, this requirement is met.

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;*

Attachments:

Attachment 1 – Application and Attachments

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 applicant did not provide a written response.

FINDING: SATISFIED. The applicant submitted an application and tentative partition plan with sufficient information to deem the application complete on June 17, 2019.

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: The applicant did not provide a written response.

FINDING: SATISFIED. The application for a Minor Partition of the subject site was deemed complete on June 17, 2019. Notification was mailed to property owners within 100 feet of the subject site on June 21, 2019. Findings have been provided for applicable Comprehensive Plan policies and goals, and criteria and standards of the McMinnville Municipal Code and other applicable ordinances.

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).*

Attachments :

Attachment 1 – Application and Attachments

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: The applicant did not provide a written response.

FINDING: SATISFIED. The subject site was created by partition of Lot 1 of Berkey Estates (R4422DC00200) in 2010 (MP 14-10), and has not been partitioned within the past calendar year. The proposed partition does not create lots of one acre or more. Therefore, this criterion is met.

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: The applicant did not provide a written response.

FINDING: SATISFIED WITH CONDITION #5. 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.

Land Division Standards – Approval of Streets and Ways

17.53.060(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: The applicant did not provide a written response.

FINDING: SATISFIED. The lots resulting from the proposed partition are of a size, width, shape, and orientation appropriate for the use contemplated (residential). The lots comply with the zoning requirements of the Planned Development Overlay District adopted by Ordinance 4860 and the applicable requirements of the underlying R-2 zone. The proposed westernmost lot has a depth to width ratio of 1.58:1 (114 feet depth:72.2 feet width) and the proposed easternmost lot has a depth to width ratio of 0.80:1 (114 feet depth:142 feet width). Therefore, this criterion is met.

17.53.060(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: The applicant did not provide a written response.

FINDING: SATISFIED. Each proposed lot would abut upon NE Destiny Drive, the adjacent street, for a width of at least 25 feet. The westernmost lot is proposed to have 72.2 feet of street frontage, and the easternmost lot is proposed to have 142 feet of street frontage. NE Destiny Drive is classified as a local residential street in the Transportation System Plan and Comprehensive Plan Map. Therefore, this criterion is met.

Attachments:

Attachment 1 – Application and Attachments

17.53.060(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: The applicant did not provide a written response.

FINDING: SATISFIED. The proposed partition does not create any through lots, therefore this criterion is met.

17.53.060(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: The applicant did not provide a written response.

FINDING: SATISFIED. The proposed property line that would divide the two (2) proposed parcels runs at an approximate right angle to NE Destiny Drive, the street upon which the lots face. Therefore, this criterion is met.

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: The applicant did not provide a written response.

FINDING: SATISFIED. The proposed partition does not create any flag lots, therefore this criterion is met.

Planned Development Ordinance

The following Sections of the Planned Development adopted by Ordinance 4860 provide criteria applicable to the request:

Section 2. *That the property described in "Exhibit A" is hereby rezoned from an R-1 PD (Single-Family Residential Planned Development) zone to an R-2 PD (Single-Family Residential Planned Development) zone, subject to the following conditions:*

1. *That future residential lots on this site shall average a minimum of 7,000 square feet in size; the individual minimum lot size below 7,000 square feet shall be as approved by the Planning Commission via approval of the subdivision application.*

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

FINDING: SATISFIED. The proposed partition would create two (2) lots, approximately 8,231 and 16,188 square feet in size. A 25 foot wide by 114 foot long access easement through the easternmost lot reduces the lot area from 16,188 to 13,338 square feet. These proposed lots, along with other the other lots in the Berkey Estates subdivision that are subject to this condition are listed, along with their areas, in the table below:

Attachments:

Attachment 1 – Application and Attachments

Tax Lot	Area (square feet)
Proposed Lot 1	8231
Proposed Lot 2	13338
R4422DC00100	10009
R4422DC00200	7627
R4422DC00201	7139
R4422DC00202	7196
R4422DC00203	12780
R4422DC00204	9413
R4422DC00205	7344
R4422DC00206	8890
R4422DC00207	8838
R4422DC00208	8838
Total Lots: 12	Average Size: 9136 square feet

Following the proposed partition, the average lot size of the 12 lots subject to Planned Development Condition 1 would be 9,136 square feet, which exceeds the minimum required average lot size of 7,000 square feet. Therefore, this condition is met.

JF