



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

September 13, 2019

Richard Walker
3700 River Road N, Suite 1
Keizer, OR 97303

Re: **Docket MP 4-19**

Dear Mr. Walker:

This is to advise you that the McMinnville Planning Department has received and carefully studied your application (MP 4-19) to partition an approximately 2.83 acre parcel of land into two (2) parcels approximately 2.27 acres and 11,422 square feet in size. The subject site is located at 235 NE Dunn Place. The property is more specifically described as Parcel 1, Partition Plat 2004-33. The property is also identified as Tax Lot 1700, Section 22CD, 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) and Chapter 17.21 (R-4 Multiple Family Residential Zone) 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 received one item of public testimony on the proposed minor partition during the public comment period, which is discussed in the land-use decision attached to this letter.

Based on the material submitted and the Planning Department evaluation, I have **APPROVED** your request for a minor partition (MP 4-19), 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. Prior to the issuance of any building or development permits for the project, the applicant shall provide a current geotechnical report or statement produced and stamped by a registered professional geotechnical engineer, verifying that the conditions of approval based on the August 15, 2014 *Report of Geotechnical Site Investigation* by Strata Design, Inc. remain valid and that the proposed building site is stable and suitable for the proposed construction. Should the analysis return a finding that the setback should be increased to a distance greater than the 60 feet offered by the applicant, the Planning Director shall have the authority to approve minor modifications to the submitted plan consistent with those findings.

2. That a detailed storm drainage plan, which incorporates the requirements of the City's 2009 Storm Drainage Master Plan and the recommendations of the geotechnical report for the subject site dated August 15, 2014 by Strata Design, Inc., must be submitted to, and approved by, the City Engineering Department. Roof downspouts shall discharge into solid, smooth-walled drainage pipes to carry the collected water to an appropriate surface discharge point away from the crest of the slope. Water shall be directed away from the crest of the slope. Infiltration systems shall not be used for discharge of stormwater.

Additionally, the applicant shall provide an engineered capacity analysis of the existing public storm drainage system downstream of the subject site documenting the system's ability to accommodate the subject development and other properties that it serves. If there is not adequate capacity in the existing system, the developer will be required to either design and construct sufficient improvements to the existing system, or to design and construct an alternate system to empty into the South Yamhill River. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public, and private maintenance agreements must be approved by the City for them. Calculations for any onsite, private detention systems shall be submitted to the City Engineer and Building Official for review and approval. Any utility easements needed to comply with the approved plan must be reflected on the final partition plat.

3. Prior to the issuance of any permits for the project, the applicant shall provide documentation related to the ownership of the existing private 12" storm line crossing the subject property. Additionally, prior to abandoning or relocating the private storm line, the applicant shall provide written permission from the owner(s) of the line.
4. That a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan must be submitted to, and approved by, the City Engineering Department. All proposed parcels shall be served by sanitary sewer service, and the public sanitary sewer shall be extended in the new street right-of-way to the subject property's west boundary to allow for future sewer service for the parcels to the west. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
5. Prior to the issuance of any permits for the project, the applicant shall provide documentation indicating how 165 NE Dunn Place (R4422CD-01900) is served by sanitary sewer. If the proposed sanitary sewer plan includes abandoning or relocating any existing private sewer line(s), the applicant shall provide written permission from the owner(s) of said line(s).
6. That a 10-foot-wide utility easement shall be provided along the frontage of those lots that border the proposed new street right-of-way.
7. That the final plat shall include a public easement to allow for the City to construct a greenway trail in the future. The City will be responsible for the future construction of the trail and maintenance of the trail once constructed. Prior to any construction activity on the site or the development of final plat mylars, the applicant shall develop a site plan identifying the location of the public easement for greenway trail purposes. The site plan including the location of the greenway trail shall be reviewed and approved by the Planning Director, and will be located in a reasonable location within the 60 foot setback buffer required between the top of the slope on the subject site and any future building. The easement shall connect between the new sidewalk to be constructed on the west side of NE Dunn Place and the western property line of proposed Parcel 1 (northern parcel). At a minimum, the easement shall be 20 feet in width to accommodate a future 10 foot wide multi-use path with five foot buffers on each side.

8. That the proposed street name for the new public street shall be submitted to the Planning Director for review and approval prior to submittal of the final plat.
9. That cross sections for the entire street system shall be prepared which show utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the Community Development Director for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
10. That the new street right-of-way shall be designed and constructed by the applicant to the standards of a local residential street (28-foot-wide paved section, five-foot-wide sidewalks, and curbside planting strips within a 50-foot right-of-way). In addition, the applicant shall construct improvements to the western portion of the Dunn Place right-of-way to include gutter, curb, and paving as necessary, as well as construction of sidewalks and planter strip adjacent to Dunn Place within the existing 12-foot-wide sidewalk easement granted on Partition Plat 2004-33 recorded on October 21, 2004. Note that Dunn Place was recently repaved. Any cuts to Dunn Place pavement will result in the requirement that the developer complete a grind and inlay of the pavement surface, as directed by the City Engineer. All required improvements shall be completed prior to release of the final partition plat, or the applicant shall post security in an amount and form acceptable to the City Engineer to guarantee these improvements.
11. That the driveway access to the southern parcel shall be shifted either as far west or as far east as possible, in order to provide the most flexibility in development of the southern parcel and the accommodation of a variety of building placement options. The current proposed location of the driveway is more centered in the southern parcel, which could limit the location of a building on the unique triangular lot. The driveway access shall be located as far west or as far east as possible, potentially aligning with the access driveways that are proposed on the north side of the street into the northern parcel. Alternatively, full curb may be installed along the entire southern parcel at the time of the construction of the new street improvements, thereby deferring the determination of the exact driveway location to the time of development of the southern parcel.
12. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the partition area as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

- A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
 - B. Each year the applicant shall install street trees, from October 1 to April 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.
 - C. It shall be the applicant's responsibility to relocate street trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.
13. That park system development fees shall be paid at the time of building permit issuance for each of the platted lots.
 14. That the applicant install a barricade at the west end of the new street right-of-way to partially block traffic to the west while still allowing adequate ingress and egress from those parcels to the west. The design and placement of this barricade shall be approved by the City Engineering Department, and the barricade shall include signage with text stating: "This street is planned for extension to serve future development."
 15. That prior to filing of the final partition plat, the applicant shall ensure that the existing access and utilities easement which serves properties to the west of the subject site shall be accommodated as may be agreed upon by the affected property owners. In addition, the applicant shall improve the terminus of the new street right-of-way to assure a smooth transition in grade between the gravel drive which will continue to serve tax lots 1900 and 2000 to the west, and the improved public street.
 16. That on-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns. Additionally, on-street parking may be restricted adjacent to the proposed curves in the new street right-of-way.
 17. That the City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the proposed development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
 18. That the applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits, including a 1200C permit, prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
 19. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees. Prior to the construction of the required public improvements, the applicant shall also enter into an Extension Agreement with McMinnville Water and Light. The applicant shall contact McMinnville Water and Light for details on the Extension Agreement process.


Page 5

20. That the applicant shall submit a current copy of the title report for the subject property, and a draft copy of the final partition plat to the City Engineer for review and comment. The final plat must conform to the requirements of the McMinnville Land Division Ordinance and ORS Chapters 92 and 209. McMinnville Water and Light shall be added as a signer on the final partition plat mylars. 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.
21. 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.
22. 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 September 28, 2019, 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: Doug Sproul, 1900 Hines St. SE - Suite 150, Salem, OR 97302
Sam Thomas, 3150 Kettle Court SE, Salem, OR 97301
Nanette Pirisky, 135 NE Dunn Place, McMinnville, OR 97128
Julia Pirisky, 262 NE Dunn Place, 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 235 NE DUNN PLACE (Docket MP 4-19).*