



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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 MINOR PARTITION AT 235 NE DUNN PLACE

- DOCKET:** MP 4-19 (Minor Partition)
- REQUEST:** Application for a Minor Partition 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.
- LOCATION:** 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.
- ZONING:** R-4 PD (Multiple Family Residential Planned Development) and F-P (Flood Plain)
- APPLICANT:** Richard Walker, on behalf of owner McMinnville Senior Living, LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** August 1, 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:** September 13, 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.

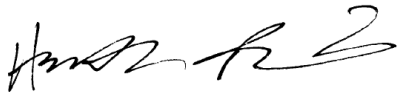
APPEAL: As specified in Section 17.72.170 of the Zoning Ordinance, the Planning Director's decision may be appealed to the Planning Commission within fifteen (15) calendar days of the date the written notice of decision is mailed. The City's final decision is subject to the 120 day processing timeline, 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 4-19), **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: September 13, 2019
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for a Minor Partition (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 and 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 subject property is located on the west side of NE Dunn Place between NE Cumulus Avenue and NE Aaron Drive. The subject property is zoned R-4 PD (Multiple Family Residential Planned Development), and is subject to a Planned Development Overlay District adopted by Ordinance 4956. A portion of the property is also zoned F-P (Flood Plain). The surrounding properties have a variety of zoning designations, including R-2 PD (Single Family Residential Planned Development) to the west, C-3 PD (General Commercial Planned Development) to the south, and R-1 PD (Single Family Residential Planned Development) to the north and east. The areas to the west and south are subject to a Planned Development Overlay District adopted by Ordinance 4719, which also included the subject site before it was included in a later Planned Development Overlay District adopted by Ordinance 4956. Uses on the surrounding properties include single family residential to the west, office and medical uses to the south, and single family residential to the north and east.

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 August 2012, Ordinance 4956 was approved, establishing the Planned Development Overlay for subject property and rezoning the property to R-4 PD (Multiple Family Residential Planned Development). Condition #2 of Ordinance 4956 approved a master plan for the subject site, which included the partition proposed and the dedication of new public right-of-way between the two new parcels identified on the partition plat. The same condition of approval from Ordinance 4956 required that the master plan become binding on the site. The proposed partition is consistent with that previously approved master plan.

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. The owner has also submitted Conditional Use and Three Mile Lane Design Review applications to allow for the development of a memory care facility on the subject site, which is also consistent with the approved master plan that is binding on the site. Those applications are being reviewed separately through the applicable review processes.

Attachments :

Attachment 1 – Application and Attachments

Figure 1. Vicinity Map

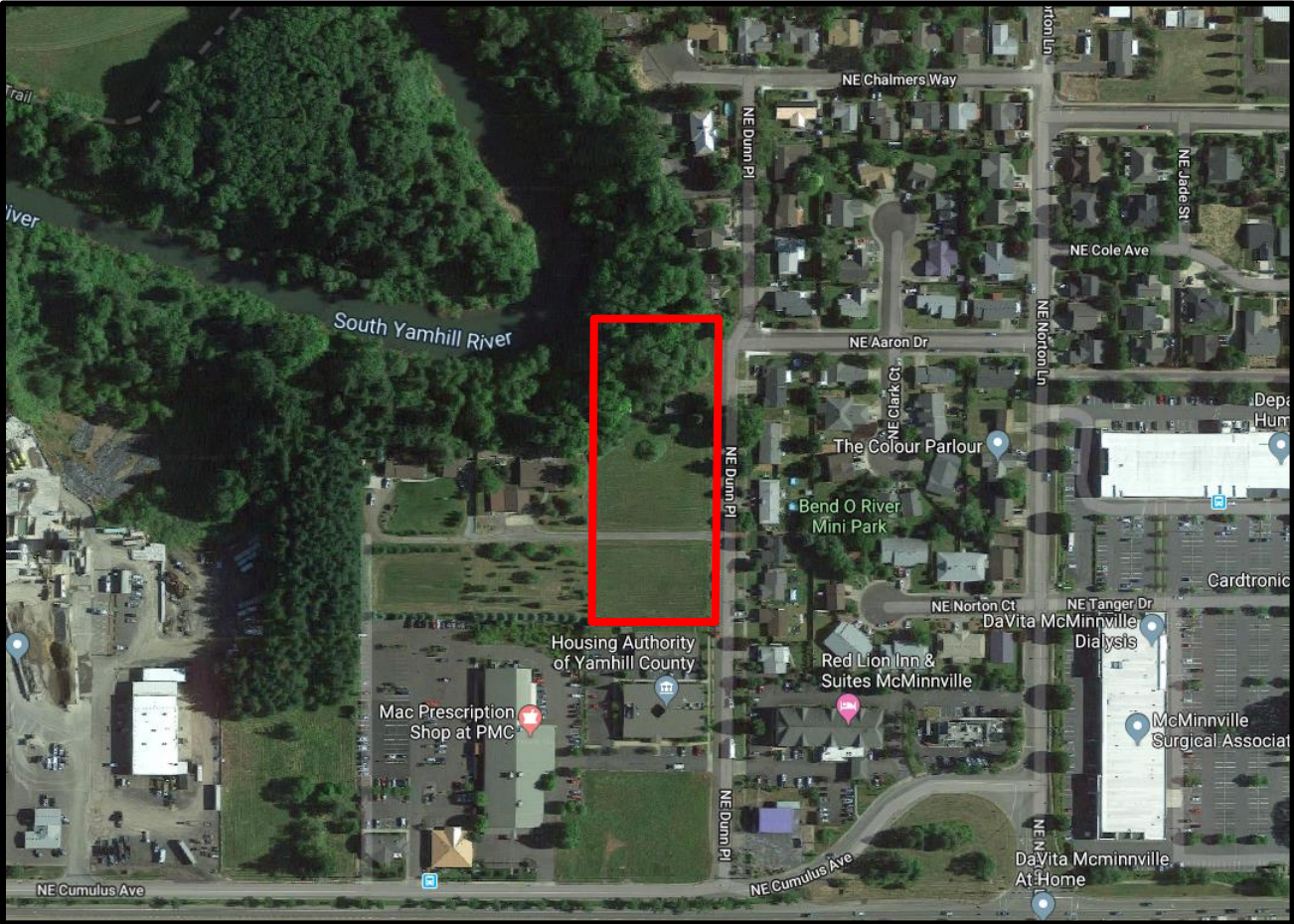


Figure 2. Zoning Map

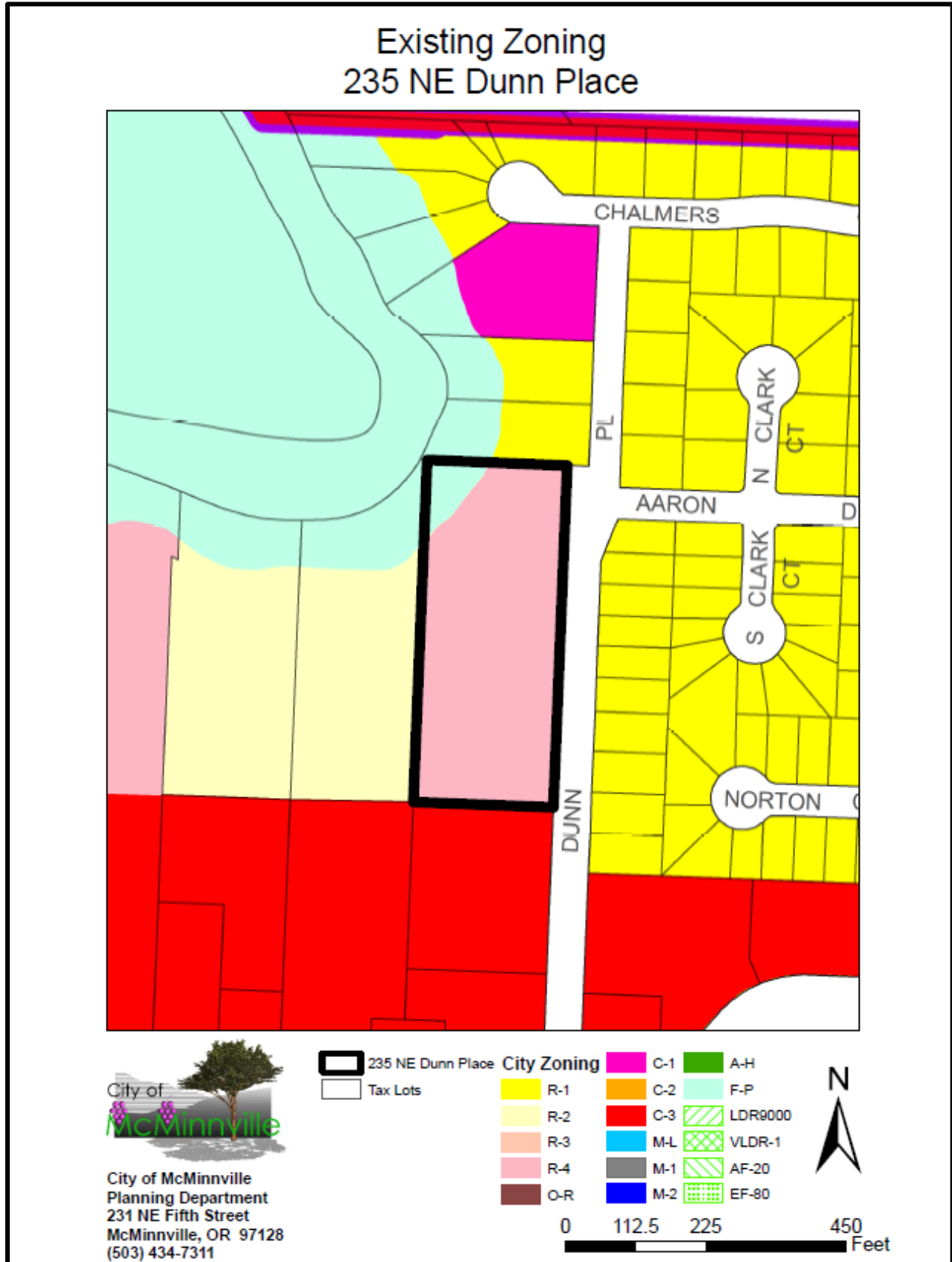
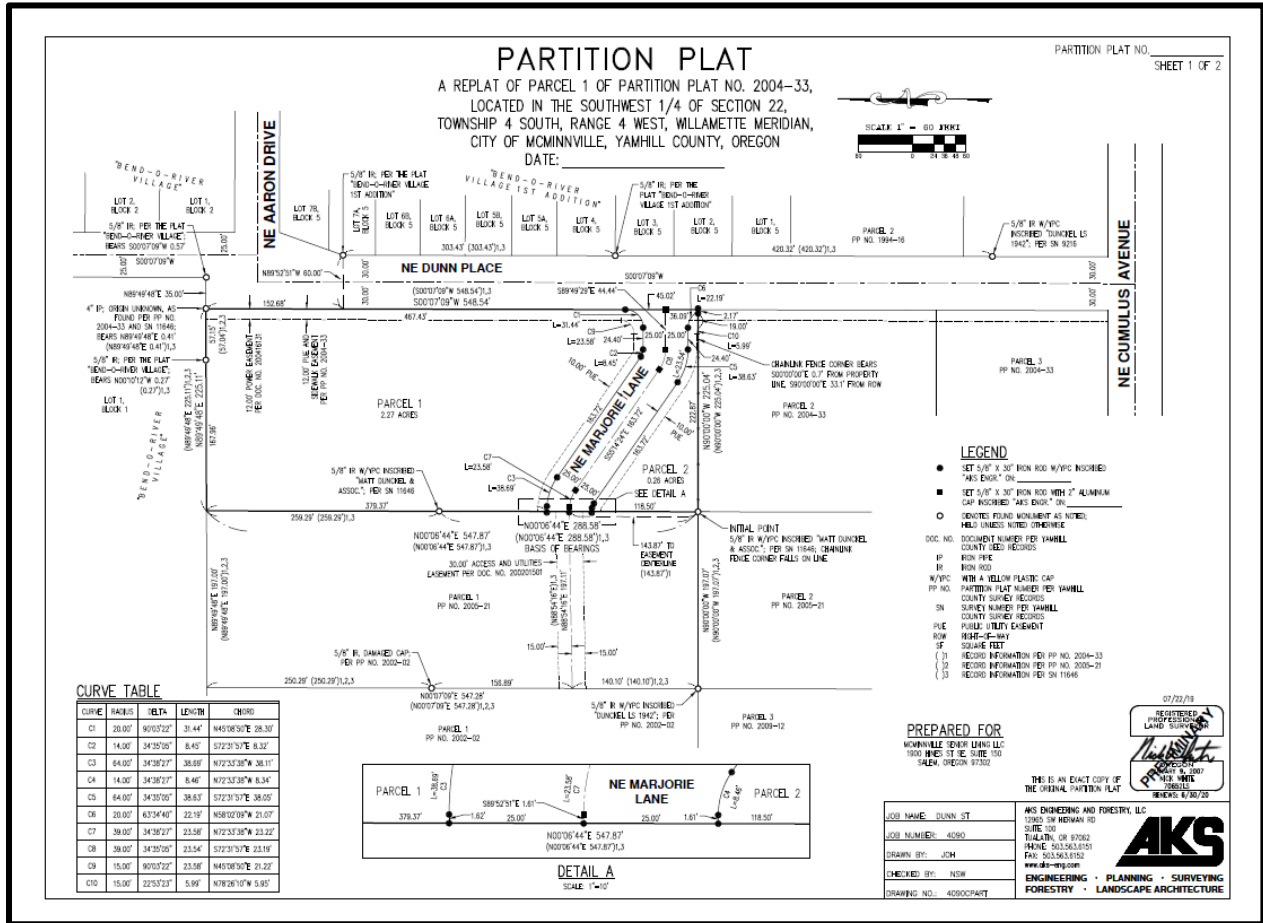


Figure 3. Applicant's Proposed Partition Plan



II. CONDITIONS:

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

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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

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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

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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.

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.

III. ATTACHMENTS:

1. MP 4-19 Application and Attachments (on file with the Planning Department)
2. Public Testimony Received (on file with the Planning Department)
 - a. Nanette and Julia Pirisky, 262 NE Dunn Place and 135 NE Dunn Place, Email received on August 16, 2019 (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:

- McMinnville Engineering Department

These conditions will apply to the project. They were included in the prior conditional use approval letter, and have been updated as appropriate. (Note – the conditions suggested by the Engineering Department are included in the conditions in Section II above.)

- McMinnville Water and Light

This project will require an Extension Agreement between McMinnville Water & Light and the owner of the property. Please contact McMinnville Water & Light for details. MW&L needs to be added as signer on the Partition Plat. MW&L cannot sign until water is available to the parcels defined by this plat.

Public Comments

Notice of this request was mailed to property owners located within 100 feet of the subject site. One item of public testimony was received by the Planning Department.

- Nanette and Julia Pirisky, 262 NE Dunn Place and 135 NE Dunn Place,
 1. Email received on August 16, 2019 – expressing opposition to the development of the subject site with an assisted living facility, traffic impacts on the surrounding neighborhood, and loss of natural area and wildlife habitat.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Richard Walker, on behalf of owner McMinnville Senior Living, LLC, submitted the Minor Partition application (MP 4-19) on July 24, 2019.
2. The application was deemed complete on August 1, 2019. Based on that date, the 120 day land use decision time limit expires on November 19, 2019.
3. 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 Section IV of the Decision Document.

4. 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.
5. One item of written public testimony was submitted to the Planning Department prior to the Planning Director's review of the application. That item of written testimony is provided and described in Section III and Section IV of the Decision Document.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 235 NE Dunn Place (Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M.)
2. **Size:** 2.83 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 PD (Multiple Family Residential Planned Development) and F-P (Flood Plain)
5. **Overlay Zones/Special Districts:** Planned Development Overlay Ordinance 4956, Planned Development Overlay Ordinance 4719, Three Mile Lane Planned Development Overlay District (Ordinances 4131 and 4572)
6. **Current Use:** Existing vacant single-family dwelling
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None

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- b. **Other:** The northwest portion of the site is located within Zone AE of the floodway and 100-year floodplain of the South Yamhill River, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.
8. **Other Features:**
- a. **Slopes:** A majority of the site is relatively flat, but a steep slope exists in the northwest portion of the site. The property slopes steeply, dropping approximately 75 vertical feet from the flat portion of the site downward toward the edge of the South Yamhill River.
- b. **Easements and Utilities:** Partition Plat 2004-33 identifies a 30 foot wide access and utility easement (identified as Instrument #200201501) that is improved with an existing gravel driveway providing access to the two existing parcels to the west. The existing conditions plan also identifies an existing storm sewer line and sanitary sewer line that run through the easement area, likely providing utilities to properties to the west.
9. **Utilities:**
- a. **Water:** The property is served by a water main in NE Dunn Place. The proposed partition includes the dedication of a public right-of-way for a new street, which would include an extension of a water main within the new public right-of-way. The treatment plant has sufficient treatment capacity.
- b. **Sewer:** The property is served by an 8” sewer main in NE Dunn Place. The proposed partition includes the dedication of a public right-of-way for a new street, which would include an extension of a sanitary sewer main within the new public right-of-way. A private utility plan for the development of the site identifies that the sanitary sewer main extension would serve the two new parcels created by the partition. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
- c. **Stormwater:** Storm water in NE Dunn Place is conveyed by curb and gutter to catch basins and storm drains in NE Dunn Place. The proposed partition includes the dedication of a public right-of-way for a new street, which would include an extension of a storm sewer main within the new public right-of-way. A private utility plan for the development of the site identifies that the storm sewer main extension would serve the two new parcels created by the partition.
- d. **Other Services:** Other services are available to the property. No overhead utilities are present on either side of NE Dunn Place.
10. **Transportation:** NE Dunn Place is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide, with improved street surface of approximately 36 feet in width that is not centered within the right-of-way. No sidewalks exist on the west side of NE Dunn Place along the subject site’s frontage. To accommodate public sidewalk improvements, a 12 foot wide sidewalk easement along the subject site’s frontage on NE Dunn Place was recorded on Partition Plat 2004-33 for the purposes of providing sidewalks, planter strips, and curbs. The east side of NE Dunn Place is improved with curb and gutter, sidewalk and planter strip. 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

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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: None.

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 adjacent to an area that is already fully developed with urban services available to support additional residential development. The proposed partition includes the dedication of new public right-of-way to include the extension of urban services (sanitary sewer, storm sewer, water, and electricity) within the right-of-way, which further supports a compact urban development pattern on the newly created parcels.

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

Policy 159.00 The City of McMinnville's Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #7. The City of McMinnville Parks, Recreation, and Open Space Master Plan (June 1999) includes a number of recommendations and actions related to recreation and open space facilities that are applicable to land within the subject site. Chapter 6 of the City of McMinnville Parks, Recreation, and Open Space Master Plan (Recommendations) includes the following recommendations:

- Protect natural areas and stream corridors by acquiring greenways along creeks and the Yamhill River.
- Provide public access to natural areas and trail-related recreation by developing trails through greenways and in natural areas.

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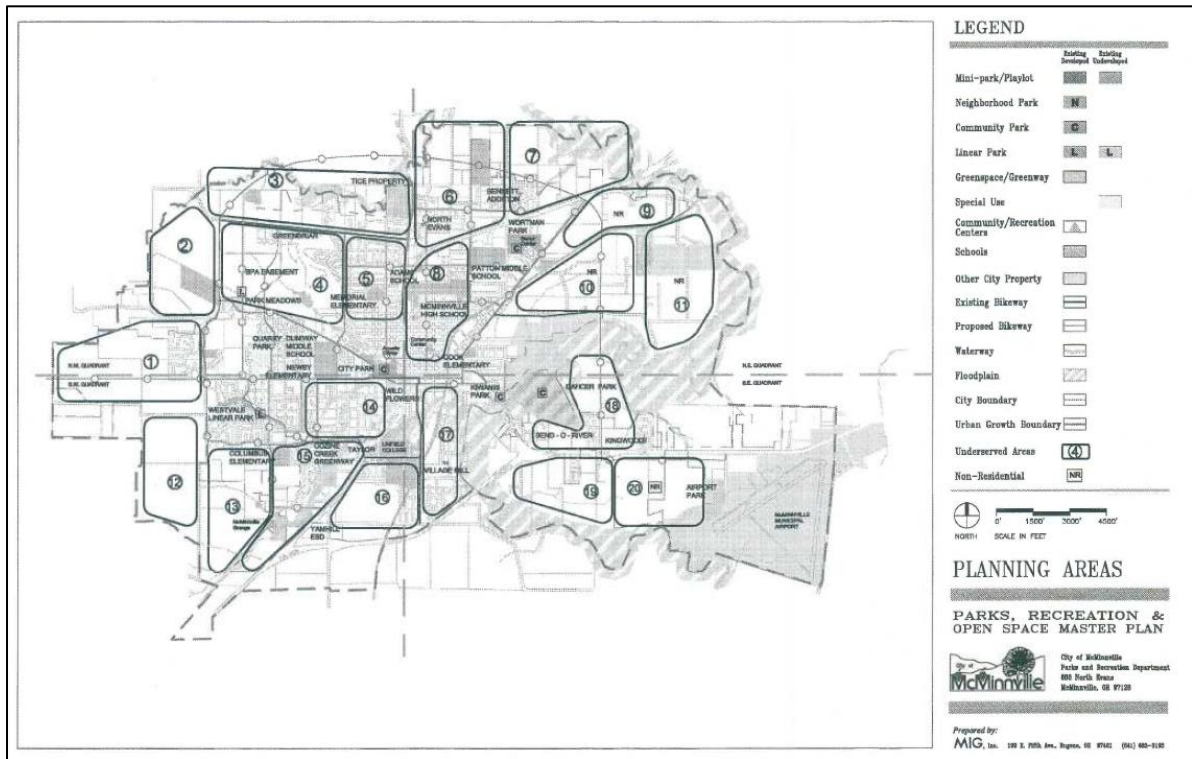
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- Provide an interconnected pedestrian and bicycle system that links McMinnville’s parks and open spaces and connects them to neighborhoods, work places, and schools.

In addition, Table 11 of the City of McMinnville Parks, Recreation, and Open Space Master Plan (Recreation Facility Action Plan – Southeast) includes the following actions:

- Greenspace/Greenways: Acquire Yamhill River greenway
- Trails and Connectors: Develop a pedestrian bridge from Bend-O-River Neighborhood to Dancer Park
- Trails and Connectors: Develop Yamhill River Greenway trail

The subject site is located within the Southeast quadrant of the City, as it was described in the City of McMinnville Parks, Recreation, and Open Space Master Plan. The subject site is also located within underserved area number 18, which would benefit from the completion of the recommendations and actions in the Master Plan that are described above. A map identifying these area from the Master Plan is provided below:



The subject site is adjacent to the Yamhill River. In order to develop the Yamhill River greenway and trail along the Yamhill River, as described in the City of McMinnville Parks, Recreation, and Open Space Master Plan, a condition of approval is included to require that the final plat include a public easement to allow for the City to construct a greenway trail in the future. The condition of approval specifies that, 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. The easement shall 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.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan

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.

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. [...]*
3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
 - a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
 - b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
 - c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*
4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*

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- a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
 - b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*
5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
- a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
 - b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #7. The subject site is located adjacent to the South Yamhill River. The northwest portion of the site is located within Zone AE of the floodway and 100-year floodplain of the South Yamhill River, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels. In addition, a steep slope exists in the northwest portion of the site. The property slopes steeply at approximately 60 percent, dropping approximately 25 vertical feet from the flat portion of the site downward toward the edge of the South Yamhill River. A geotechnical report submitted by the applicant includes some recommendations for future building and construction on the site, and recommends a 60 foot setback for any future building from the top of the slope on the site. While not proposed with the partition, these geotechnical recommendations will ensure that these natural features will be preserved on the site. No improvements, including utilities, streets, and other public infrastructure, or grading associated with the partition will take place within the areas identified in the geotechnical report.

Parks and open space are being achieved on the site through a condition of approval that is included to require that the final plat include a public easement to allow for the City to construct a greenway trail in the future. The trail will follow the South Yamhill River as a greenway trail, as identified in the City of McMinnville Parks, Recreation, and Open Space Master Plan. The condition of approval specifies that, 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.

The proposed partition includes the improvement of the pedestrian infrastructure along the west side of NE Dunn Place. Specifically, the improvements to be completed during the partitioning process include the construction of sidewalks along the subject site’s entire frontage on NE Dunn Place. The proposed partition also includes the dedication of public right-of-way in the form of a new local residential street, which will also include sidewalks along both sides of the streets. The pedestrian infrastructure will be constructed to meet current Transportation System Plan standards, including a five foot sidewalk and five foot planter strip with street trees for buffering between the sidewalk and the street. These pedestrian improvements, along with the trail easement described above, will provide pedestrian and bicycle friendly improvements within the subject site.

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a 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-4 Multiple Family Residential Zone

17.21.030 Lot Size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed partition would create two lots that both exceed the minimum lot size of five thousand square feet that is required in the R-4 zone.

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;*

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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: None.

FINDING: SATISFIED. The applicant submitted an application and tentative partition plan with sufficient information to deem the application complete on August 1, 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: None.

FINDING: SATISFIED. The application for a Minor Partition of the subject site was deemed complete on August 1, 2019. Notification was mailed to property owners within 100 feet of the subject site on August 5, 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).
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: None.

FINDING: SATISFIED WITH CONDITION #7. The subject site was created by a partition of land completed in 2004 by Partition Plat 2004-33. The proposed partition does create one lot

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that is larger than one acre. However, the subject site is regulated by a Planned Development Overlay District that was adopted by Ordinance No. 4956, which rezoned the property to R-4 PD (Multiple Family Residential Planned Development). Condition #2 of Ordinance 4956 approved a master plan for the subject site, which included the partition proposed and the dedication of new public right-of-way between the two new parcels identified on the partition plat. The same condition of approval from Ordinance 4956 required that the master plan become binding on the site. Therefore, a development plan for the parcel that is larger than one acre in size already exists and is binding on the site, so no additional future development plan was required by the Planning Director.

A condition of approval is included to require that the final plat include a public easement to allow for the City to construct a greenway trail in the future. This is being required to satisfy Comprehensive Plan policies and the City of McMinnville Parks, Recreation, and Open Space Master Plan, as described in more detail above.

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: None.

FINDING: SATISFIED WITH CONDITION #21. 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.*

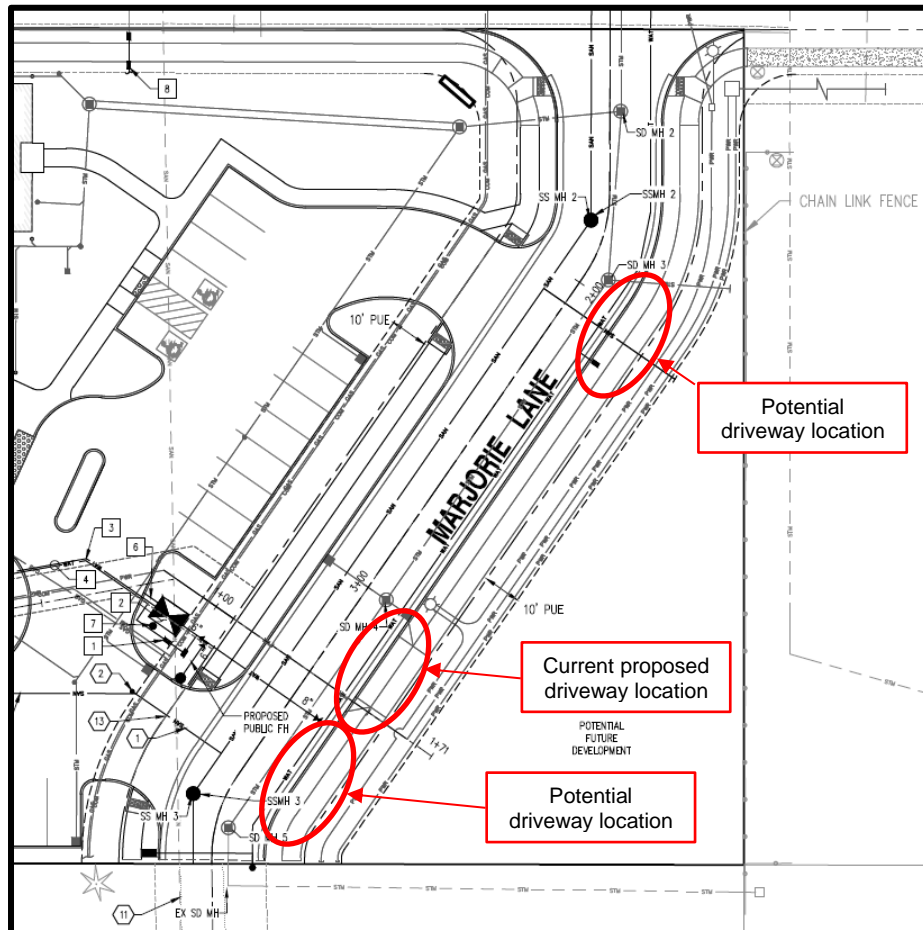
APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #11. The lots resulting from the proposed partition are of a size, width, shape, and orientation appropriate for the use contemplated (memory care facility and residential). The lots comply with the requirements of the Planned Development Overlay District adopted by Ordinance No. 4956, which rezoned the property to R-4 PD (Multiple Family Residential Planned Development). Condition #2 of Ordinance 4956 approved a master plan for the subject site, which included the partition proposed and the dedication of new public right-of-way between the two new parcels identified on the partition plat. The same condition of approval from Ordinance 4956 required that the master plan become binding on the site. Therefore, the lots created by the proposed partition are consistent with the binding master plan and the Planned Development Overlay District requirements.

The southern parcel is a unique, triangular shape. This shape is not typical for residential development, but the lot size is 11,422 square feet and could accommodate up to 7 dwelling units based on the density requirements of the underlying R-4 zone. In order to provide the most flexibility in development and the accommodation of a variety of building placement options on the southern parcel, a condition of approval is included to require that the driveway access to the southern parcel be shifted either as far west or as far east as possible. 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 should 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, the applicant may install full curb along the entire southern parcel at the time of the construction of the new street. This would allow for the exact driveway location to be determined at the time of development of the southern parcel.

The current proposed location of the southern parcel’s driveway is identified in the utility plan below. The optional locations of the southern parcel’s driveway, to provide more flexibility in building placement on the site, are also identified below.



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: None.

FINDING: SATISFIED. Each proposed lot would abut upon the new public right-of-way and street being dedicated through the partition process.

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: None.

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: None.

FINDING: SATISFIED. The lots resulting from the proposed partition comply with the requirements of the Planned Development Overlay District adopted by Ordinance No. 4956, which rezoned the property to R-4 PD (Multiple Family Residential Planned Development). Condition #2 of Ordinance 4956 approved a master plan for the subject site, which included the partition proposed and the dedication of new public right-of-way between the two new parcels identified on the partition plat. The same condition of approval from Ordinance 4956 required that the master plan become binding on the site. Therefore, the lots created by the proposed partition are consistent with the binding master plan and the Planned Development Overlay District requirements.

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: None.

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 4956 provide criteria applicable to the request:

Section 2. *That the property described in "Exhibit A" is hereby rezoned from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone, subject to the following conditions:*

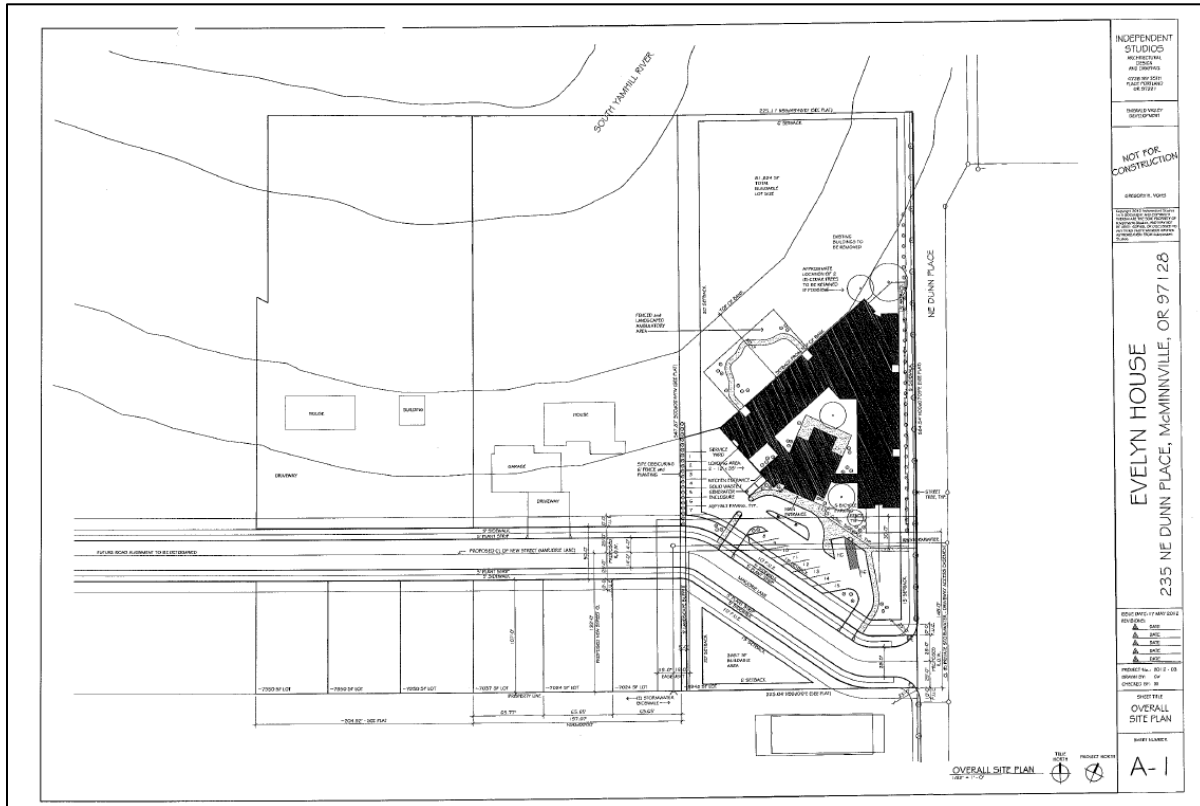
1. *That all applicable requirements of McMinnville Planned Development Ordinance No. 4719 shall remain in effect.*
2. *That the Evelyn House master plan, submitted as part of this application, shall be placed on file with the Planning Department and become a part of the zone, and binding on the owner and developer. That the developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.*

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APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed partition would create two (2) lots and include the dedication of public right-of-way, consistent with the master plan that is associated with the Planned Development Overlay District adopted by Ordinance 4956. Therefore, the proposed partition is consistent with the binding master plan and the Planned Development Overlay District requirements. The approved master plan for the “Evelyn House” is provided below:



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