



**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 R4415 03401

DOCKET: MP 5-19 (Minor Partition)

REQUEST: Application for a Minor Partition to partition an approximately 7.37 acre parcel of land into three (3) parcels approximately 2.59, 2.17, and 2.61 acres in size.

LOCATION: East of NE Miller Street, north of NE Riverside Drive (Tax Lot 3401, Section 15, T. 4 S., R. 4 W., W.M.)

ZONING: M-2PD (General Industrial Planned Development)

APPLICANT: Katherine L. Gowell, Esq. of Haugeberg, Rueter, Gowell, et al., on behalf of McMinnville Industrial Promotions (property owner)

STAFF: Jamie Fleckenstein, Associate Planner

DATE DEEMED COMPLETE: December 16, 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: March 9, 2020, 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 5-19), **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: March 11, 2020
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for a Minor Partition (MP 5-19) to partition an approximately 7.37 acre parcel of land into three (3) parcels approximately 2.59, 2.17, and 2.61 acres in size. The subject site is located at east of NE Miller Street and north of NE Riverside Drive, and is more specifically described as Tax Lot 3401, Section 15, T. 4 S., R. 4 W., W.M.

The subject property is located east of NE Miller Street and north of NE Riverside Drive, and southwest of the current termination of NE Colvin Court. The subject property and surrounding properties are zoned M-2PD (General Industrial Planned Development). The site is undeveloped, and under agricultural use. Uses on the abutting properties to the north and west are industrial. Adjacent to the south and east of the subject site are undeveloped properties under agricultural use. ***See Vicinity Map (Figure 1), Zoning Map (Figure 2), and Applicant’s Proposed Partition Plan (Figure 3) and Utility Plan (Figure 4) 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 April 1981, Ordinance 4135 was approved establishing the Northeast Industrial Area Planned Development Overlay, changing the zoning of the subject site to M-2PD (General Industrial Planned Development). Ordinance 4135 does not place any additional standards for lot size or land division requirements on the subject site. Zoning requirements for the subject property are those of the underlying M-2 zone. The M-2 (General Industrial Zone) does not have a minimum lot size, and there are no required yards unless the side or rear yard is adjacent to a residential zone. All properties adjacent to the subject site are industrially zoned.

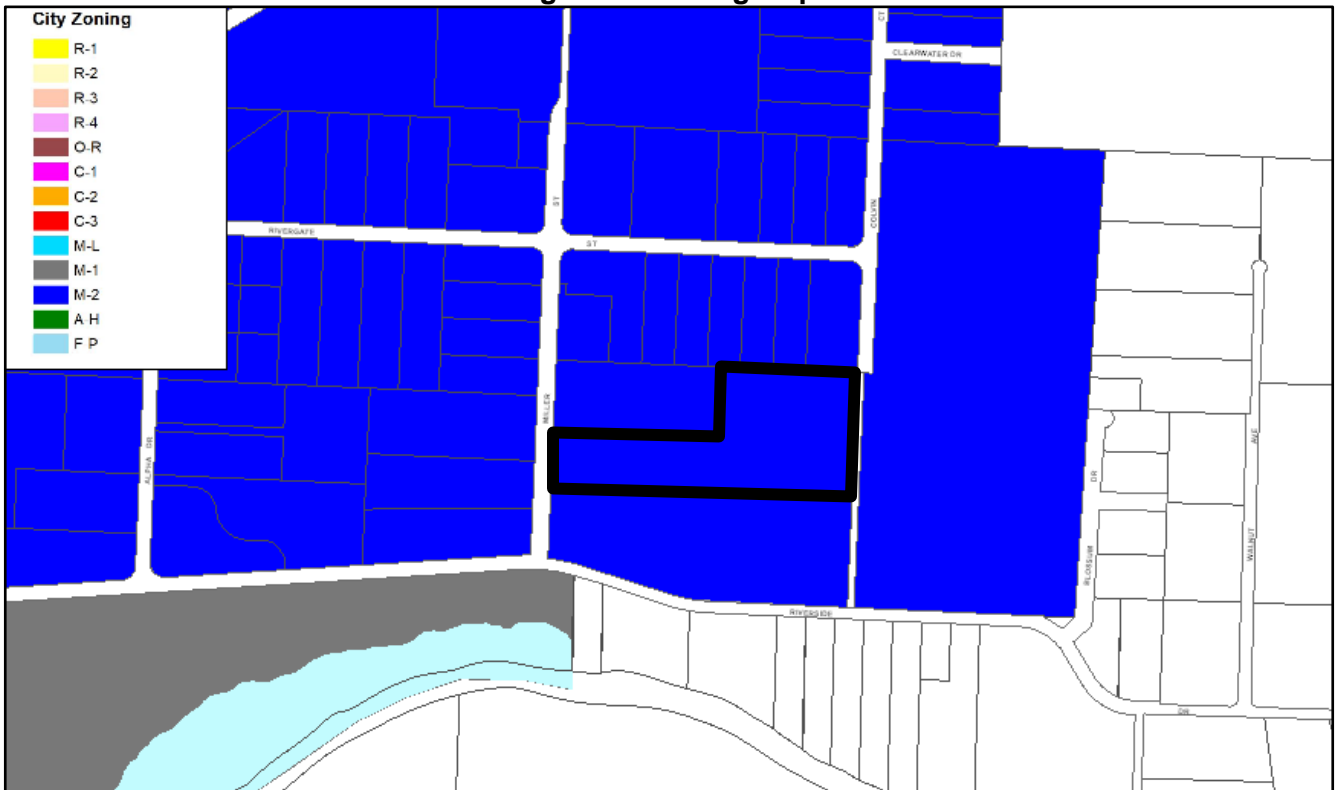
Attachments:

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

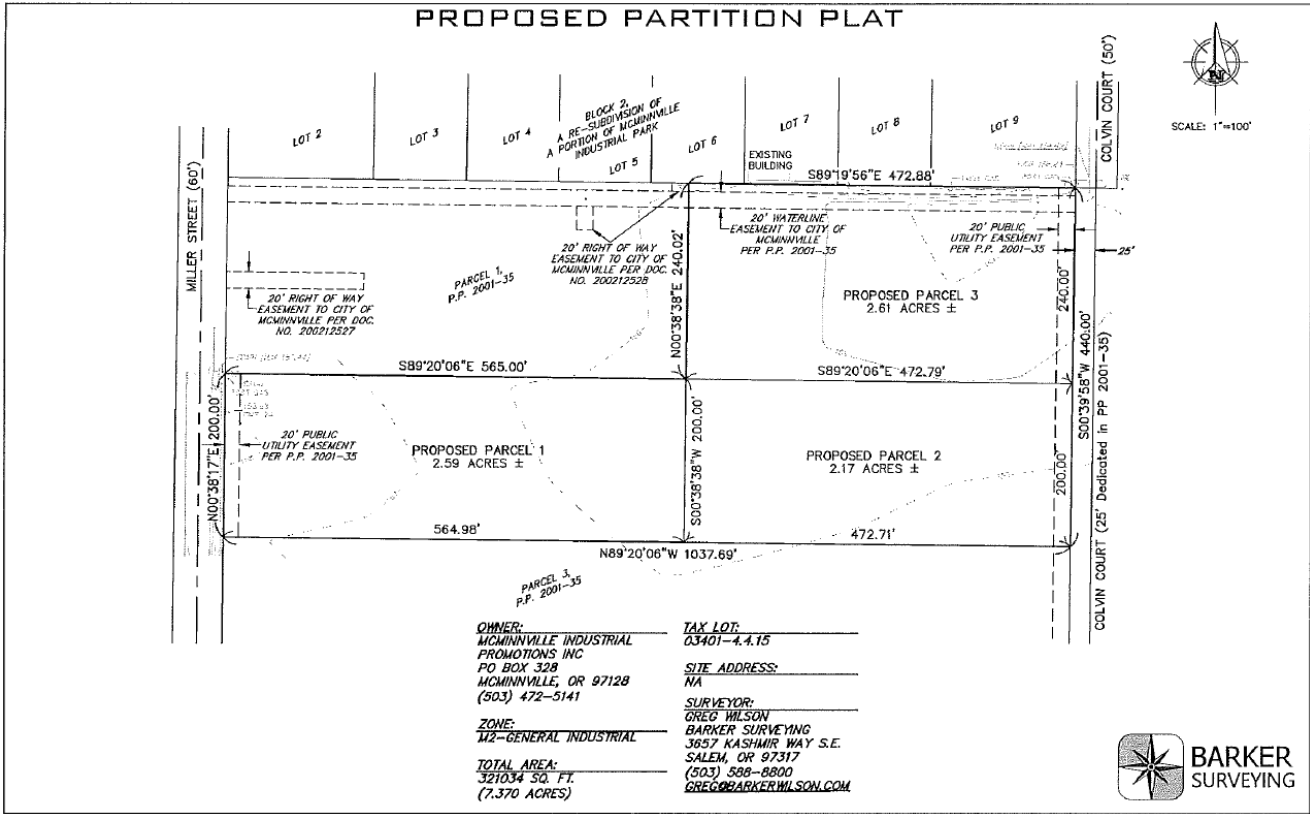
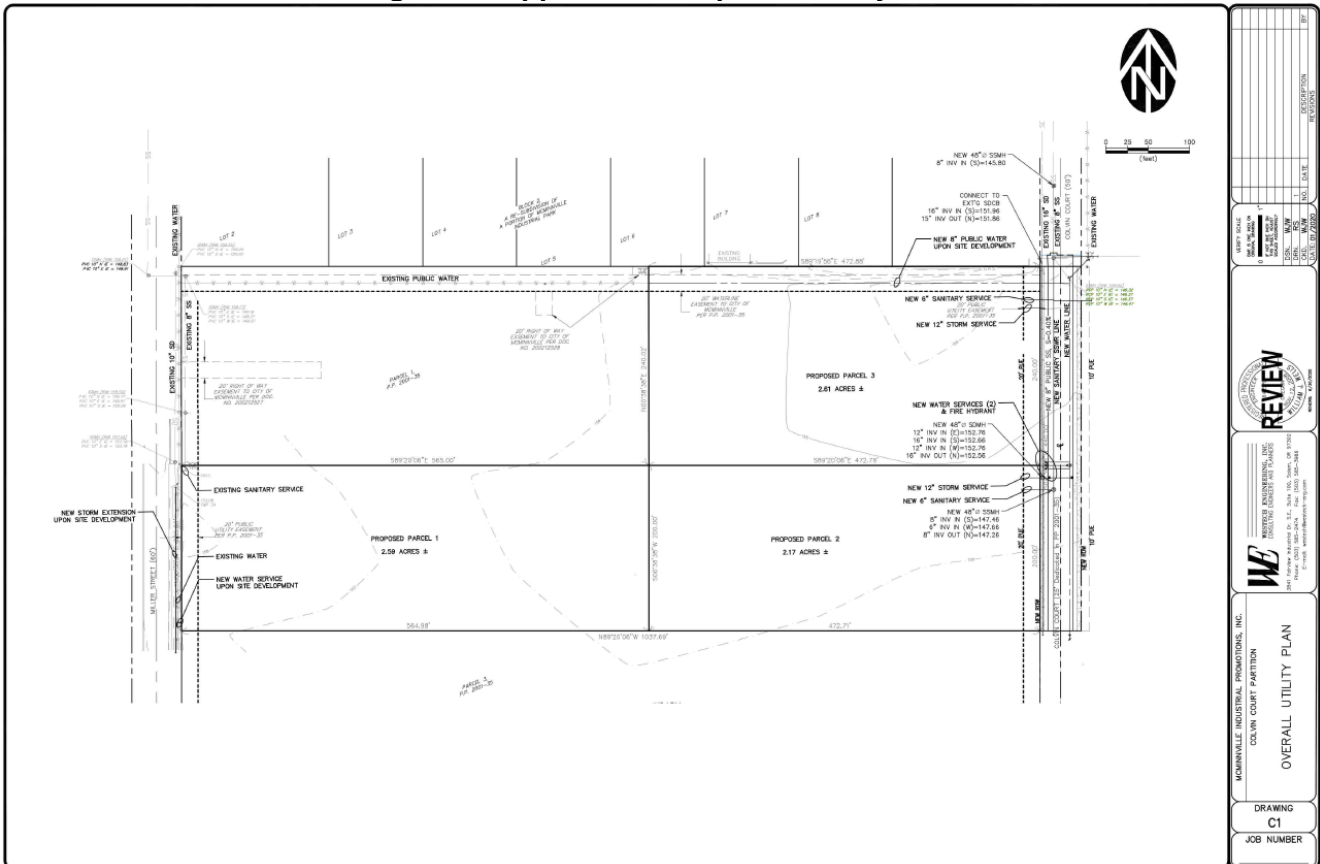


Figure 4. Applicant's Proposed Utility Plan



Attachments:
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II. CONDITIONS:

1. That the applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
2. That the applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site, as well as for the site on the east side of Colvin. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, electrical and franchise facilities, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. The utility plan needs to include power crossings, which must be installed by the developer as part of Colvin Court extension. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
3. That prior to the City's approval of the final plat, the applicant shall improve Colvin Court including the installation of curb & gutter, planter strip, sidewalk, sanitary sewer, appropriately sized storm drainage facilities, and appropriately sized water facilities within the existing and proposed right-of-way. Prior to the City's approval of the final plat, the applicant shall install appropriately sized electrical and franchise utility infrastructure within the existing and proposed Public Utility Easements.
4. That prior to the City's approval of the final plat, the applicant shall improve Miller Street, along the site frontage, including the installation of curb & gutter, planter strip, sidewalk, sanitary sewer, and appropriately sized storm drainage facilities, within the existing 60' right-of-way.
5. That the applicant shall enter into a Construction Permit Agreement with the City for the Public Improvements related to the extension of Colvin Court, and pay the associated fees prior to the release of the approved construction plans.
6. The utility plan does not show the extension of electrical and franchise utility infrastructure to serve the area. These facilities will need to be placed underground in existing and proposed utility easements. Plans for these utilities shall be approved by MW&L prior to the release of the Construction Permit Agreement.
7. That prior to any construction activity, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
8. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plat for further consideration, and comply with regulations and conditions applicable at that time.
9. This partition will not be considered a legal partition until such time that a copy of the recorded document is provided to the City of McMinnville's Planning Department.

Attachments:

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III. ATTACHMENTS:

1. MP 5-19 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:

- McMinnville Engineering Department

Colvin Court:

Note: The applicant is planning to construct full width street improvements on Colvin Court. The applicant has submitted Civil plans for the Public Improvements on Colvin to the Engineering Department and are currently under review.

- The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site, as well as for the site on the east side of Colvin. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, electrical and franchise facilities, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
- Prior to the City's approval of the final plat, the applicant shall improve Colvin Court including the installation of curb & gutter, planter strip, sidewalk, sanitary sewer, appropriately sized storm drainage facilities, and appropriately sized water facilities within the existing and proposed right-of-way. Prior to the City's approval of the final plat, the applicant shall install appropriately sized electrical and franchise utility infrastructure within the existing and proposed Public Utility Easements.
- Applicant shall enter into a Construction Permit Agreement with the City for the Public Improvements related to the extension of Colvin Court, and pay the associated fees prior to the release of the approved construction plans.
- The utility plan does not show the extension of electrical and franchise utility infrastructure to serve the area. These facilities will need to be placed underground in existing and proposed utility easements. Plans for these utilities shall be approved by MW&L prior to the release of the Construction Permit Agreement.

Miller Street:

- Prior to the City's approval of the final plat, the applicant shall improve Miller Street, along the site frontage, including the installation of curb & gutter, planter strip, sidewalk, sanitary sewer, and appropriately sized storm drainage facilities, within the existing 60' right-of-way.

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- Department of State Lands

As always, please refer to the Statewide Wetlands Inventory (for you still the NWI for a few more months) and submit a wetland land use notice (WLUN) to the Department of State Lands if wetlands or waters are mapped near the project area. For more information about WLUN see <https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx> , or contact me. If it has been determined by DSL that no aquatic resources are within the project area, or you have already submitted a WLUN, please disregard this message.

While this activity does not meet the definition of subdivision, if the applicant is planning to construct on these lots where mapped wetlands or waters appear then it is a good idea to send WLUN for earlier warning.

(16) “Subdivide land” means to divide land to create four or more lots within a calendar year. I have provided this notice to our proprietary program, they will comment separately if needed.

- McMinnville Water & Light

Electric:

“No issues with the partition of tax lot 4415-03401. However, MP 5-19 utility plan is not complete. The utility plan needs to include power crossings, which must be installed by the developer as part of Colvin Court extension. MWL is working on identifying the location of crossings and the number and size of conduits required.”

Water:

“The application document appears to indicate that water is available from each side on Miller and Colvin. Is “water available to the lot line of each and every lot depicted in the proposed subdivision plat?” If the answer is “yes” then the plat can be certified under 4(a).

However, in this instance Colvin has not been extended across the parcel frontages and the future water mains/services don’t exist along Colvin. Also, the future water services as shown most likely won’t be adequate for the parcels as shown for this M2-General Industrial zone.

Water extensions need to follow McMinnville Water and Light’s Extension Agreement process including;

- *Design Application*
- *Application Fee (\$100/lot)*
- *Engineered water design review/approval*
- *Extension Agreement – signatures/fees*

Below are the three **options** to certify a plat: ORS 92.090(4).

92.090 Approval of subdivision plat names; requisites for approval of tentative subdivision or partition plan or plat. (1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block

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numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern.

(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

(c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.

(3) No plat of a proposed subdivision or partition shall be approved unless:

(a) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public or private utilities.

(b) Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city or county.

(c) The subdivision or partition plat complies with any applicable zoning ordinances and regulations and any ordinance or regulation adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the subdivision or partition plat is situated.

(d) The subdivision or partition plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.

(e) The subdivision or partition plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or partition.

(f) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or partition have been recorded and referenced on the subdivision or partition plat.

(4) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and indorsed by the city or county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the subdivision under ORS 92.385. If the

making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

(5) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and indorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

(6) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company. [Amended by 1955 c.31 §1; 1955 c.756 §13; 1965 c.393 §1; 1973 c.696 §16; 1974 c.74 §3; 1983 c.309 §7; 1989 c.772 §13; 1991 c.331 §22; 1991 c.763 §15; 1995 c.164 §1; 2007 c.652 §3]

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.

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V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Katherine L. Gowell, Esq. of Haugeberg, Rueter, Gowell, et al., on behalf of McMinnville Industrial Promotions (property owner), submitted the Minor Partition application on November 22, 2019.
2. The application was deemed complete on December 16, 2019. Based on that date, the 120 land-use decision time limit expires April 14, 2020.
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 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. 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:** East of NE Miller Street, north of NE Riverside Drive (Tax Lot 3401, Section 15, T. 4 S., R. 4 W., W.M.)
2. **Size:** 7.37 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2PD (General Industrial Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development Ordinance 4135 – Northeast Industrial Area Planned Development Overlay
6. **Current Use:** Agricultural
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:**
 - a. **Slopes:** Generally level site, sloping very slightly to the northeast.
 - b. **Easements and Utilities:** A twenty foot wide water line easement is located along the northern property line. 20 foot wide public utility easements are located along the east and west property lines.

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9. **Utilities:**

- a. **Water:** The property is currently served by a water main in NE Miller Street. Water service is available at the current termination of NE Colvin Court, directly northeast of the site. The treatment plant has sufficient treatment capacity.
- b. **Sewer:** The property is served by an 8” sewer main in along NE Miller Street. Sanitary sewer service is available at the current termination of NE Colvin Court, directly northeast of the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
- c. **Stormwater:** Storm water service is available near the site in NE Miller Street and NE Colvin Court. The proposal doesn’t increase impervious site area.
- d. **Other Services:** Other services are available to the property. No overhead utilities are present along the east side of NE Miller Street.

10. **Transportation:** NE Miller Street 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, sidewalk and planter strip on the west side, and a no improvements on the east side adjacent to the site. NE Colvin Court is classified as a Local Residential Street in the Transportation System Plan (TSP), and terminates directly northeast of the site.

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, polices, and proposals as they apply to this application.

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

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.

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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:

Land Division Standards - Partition

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

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

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant submitted an application and tentative partition plan with sufficient information to deem the application complete on December 16, 2019.

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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 December 16, 2019. Notification was mailed to property owners within 100 feet of the subject site on January 14, 2020. 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. The subject site was created by partition of land completed in 2001 by Partition Plat 2001-35. While the proposed partition does create three lots larger than one acre or more, a future development plan was not determined to be necessary for this industrial partition. While specific uses are not identified at this time, industrial uses typically have larger footprints and space needs which would be accommodated by the size of the lots proposed. The proposed lots may likely be the final size needed to accommodate the larger industrial uses. If future partitions of the proposed lots are requested, the lots are arranged and configured in a manner that would allow future partitions. The proposed lot lines align with those of the surrounding properties and create standard rectangular lots that conform to standards. See findings for Section 17.53.105 below. Each proposed parcel has a street frontage of 200 feet or more, which would accommodate access to the adjacent street or provision of an access easement to allow for further partitioning and smaller scale development in the future, if requested.

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 #8. 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.

Attachments:

Attachment 1 – Application and Attachments

Land Division Standards – Approval of Streets and Ways

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

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The lots resulting from the proposed partition are of a size, width, shape, and orientation appropriate for the use contemplated (industrial). While specific uses are not identified at this time, industrial uses typically have larger footprints and space needs which would be accommodated by the size of the lots proposed. The proposed lots are standard rectangular lots that would provide adequate area for larger industrial facilities and associated off-street parking. The lots comply with the zoning requirements of the Planned Development Overlay District adopted by Ordinance 4135 and the applicable requirements of the underlying M-2 (General Industrial) zone. There is no minimum lot size required by the M-2(General Industrial) zone.

The depth of proposed Parcel 3 is less than two times the average width of the lot. Proposed Parcels 1 and 2 each have lot depths that exceed two times the average width. Proposed Parcel 1 has a depth to width ratio of 2.82:1 (~565 feet depth:200 feet width). Proposed Parcel 2 has a depth to width ratio of 2.37:1 (~473 feet depth:200 feet width). The proposed lot lines align with those of adjacent parcels. The depth to width ratios of the proposed parcels in excess of 2:1 is consistent with those of surrounding industrial park developments. A nearby re-subdivision of a portion the McMinnville Industrial Park along Rivergate Street and Colvin Court in 1993 yielded 25 parcels, 23 of which are generally rectangular. 19 of the 23 rectangular industrial lots have depths that exceed two times the average width. The nearby KPP Industrial Park at Rivergate Street and Miller Street has 12 industrial lots, 11 of which have depths that exceed two times the average width. The depth and width of the proposed lots are consistent with surrounding and nearby parcels, which are adequate for the industrial uses found thereon.

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. NE Miller Street and NE Colvin Court are classified as local streets in the McMinnville Transportation System Plan. Parcel 1 would abut NE Miller Street for a width of 200 feet. As part of the partition proposal, NE Colvin Court will be extended from its current terminus northeast of the site to Riverside Drive. Proposed Parcels 2 and 3 would abut the new extension of NE Colvin Court for widths of 200 and 240 feet, respectively.

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

Attachments:

Attachment 1 – Application and Attachments

APPLICANT’S RESPONSE: None.

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

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed property lines that would divide the three (3) proposed parcels run at an approximate right angles to NE Miller Street and NE Colvin Court, the streets 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: None.

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

JF