



**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 TENTATIVE PARTITION AT R4415 03402

- DOCKET:** MP 1-20 (Tentative Partition)
- REQUEST:** Application for a Tentative Partition to partition an approximately 7.77 acre parcel of land into three (3) parcels approximately 2.55, 2.54, and 2.50 acres in size.
- LOCATION:** Parcel 3, Partition Plat 2001-35. Parcel is located east of NE Miller Street and north of NE Riverside Drive, and is also identified as Tax Lot 3402, Section 15, T. 4 S., R. 4 W., W.M.
- ZONING:** M-2PD (General Industrial Planned Development)
- APPLICANT:** Bryce Roberts, on behalf of Trumpt LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** March 18, 2020
- 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:** April 24, 2020, Community Development Center, 231 NE 5th Street, McMinnville, Oregon.
- PROCEDURE:** An application for a Tentative Partition is processed in accordance with the procedures in Section 17.72.110 of the Zoning Ordinance. 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 Tentative Partition are specified in Section 17.53.060 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.


APPEAL: As specified in Section 17.72.170 of the Zoning Ordinance, the Planning Director’s decision may be appealed to the Planning Commission within fifteen (15) calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire 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 Tentative Partition (MP 1-20), **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: April 24, 2020
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for a Tentative Partition (MP 1-20) to partition an approximately 7.77 acre parcel of land into three (3) parcels approximately 2.55, 2.54, and 2.50 acres in size. The subject site is described as Parcel 3, Partition Plat 2001-35. The parcel is located east of NE Miller Street and north of NE Riverside Drive, and is also identified as Tax Lot 3402, 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. Uses on the abutting properties to the north and west are industrial. Property east of the subject site is also undeveloped. Properties to the south across NE Riverside Drive are located outside of the current city limits, but within the Urban Growth Boundary, and are used as residential. ***See Vicinity Map (Figure 1), Zoning Map (Figure 2), Applicant's Proposed Partition Plan (Figure 3), and Applicant's 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. Properties adjacent to the subject site to the west, north, and east are industrially zoned. Properties adjacent to the subject site to the south are located outside of the city limits so are under County zoning, but are included in the McMinnville Urban Growth Boundary and are guided for Residential use in the McMinnville Comprehensive Plan.

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

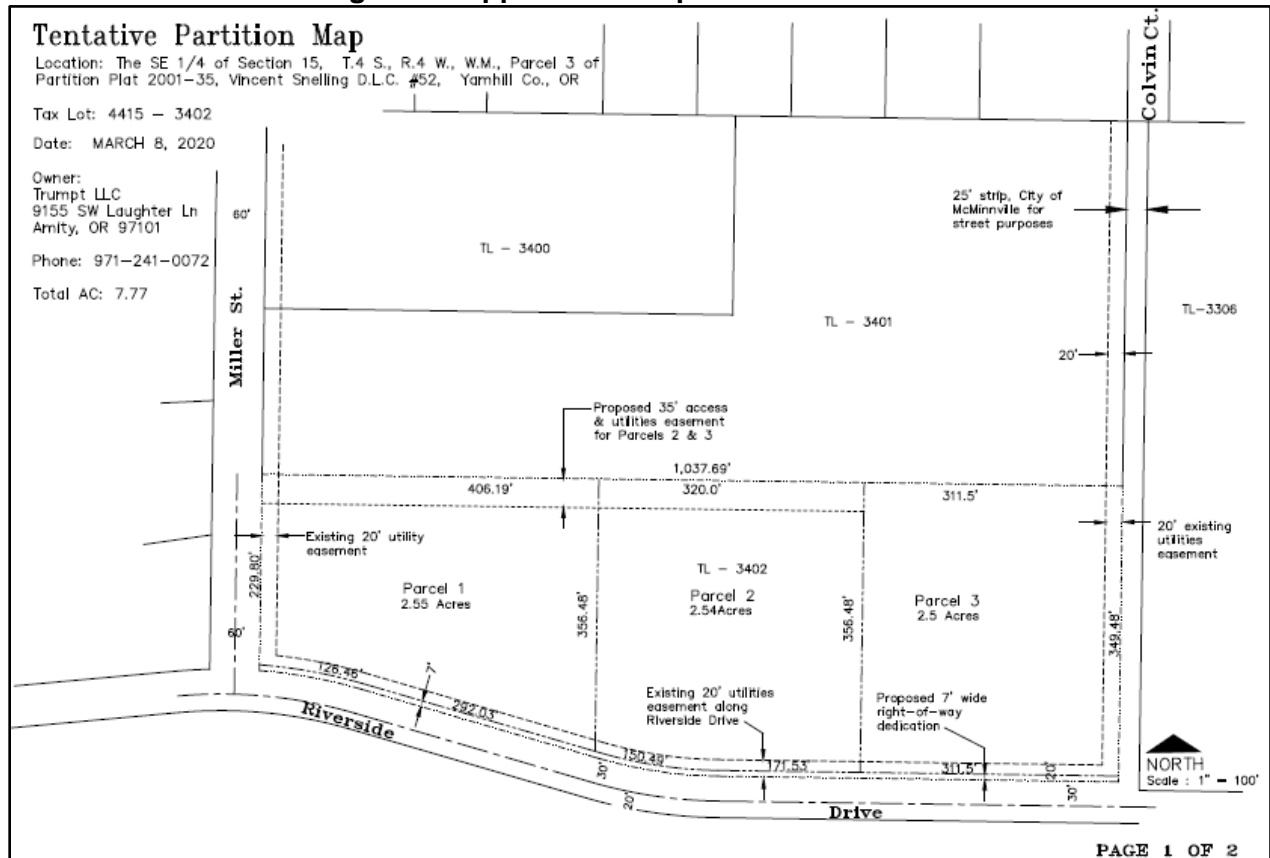
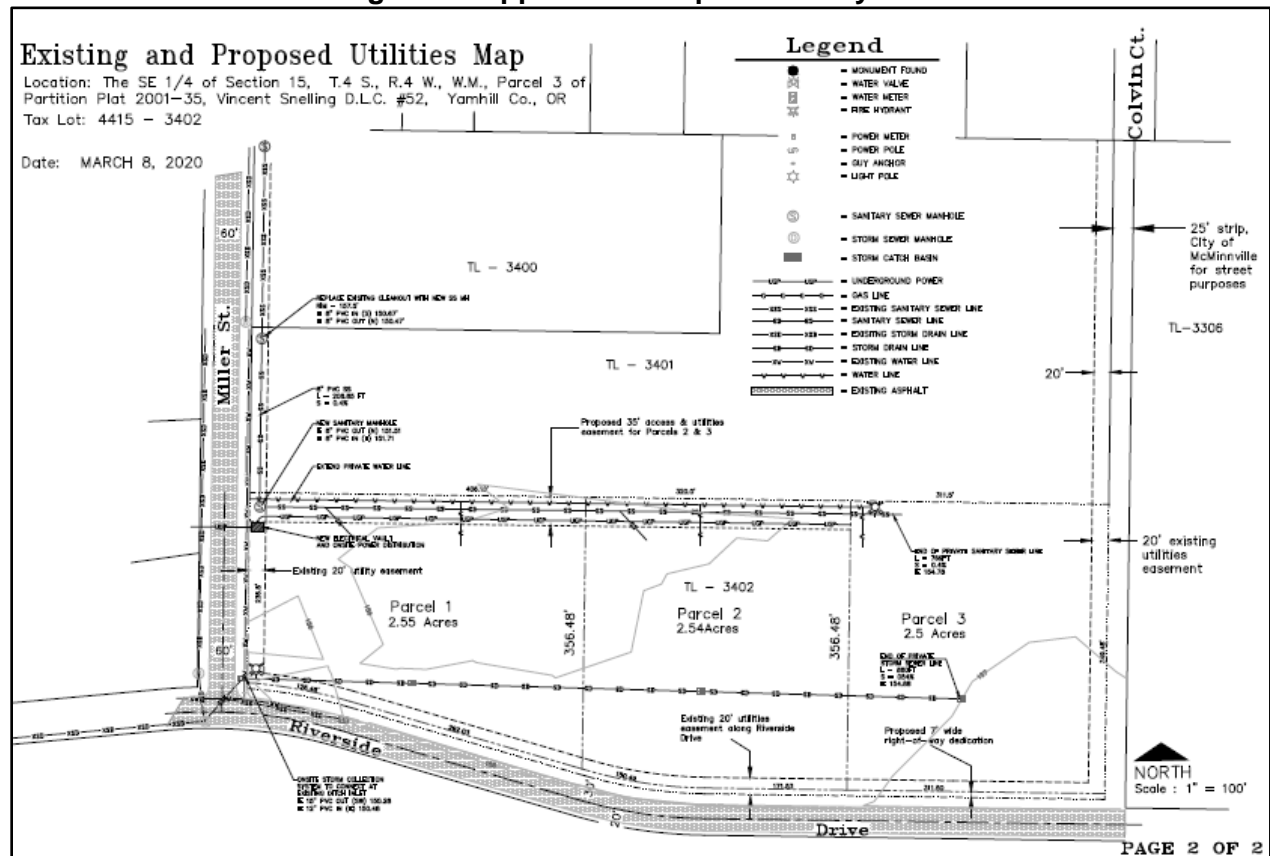


Figure 4. Applicant's Proposed Utility Plan



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II. CONDITIONS:

General Requirements:

1. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. Revisions to the easements and utilities as shown on the tentative partition plat may be made on the final partition plat, based on the frontage improvements required to the right-of-ways adjacent to the subject site. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
2. The proposed water line serving Parcel 2 & 3 shall be a private water line. The applicant shall contact McMinnville Water and Light at (503) 472-6158 to discuss the details on the infrastructure required to provide water and electrical services to Parcel 2 & 3.
3. That the applicant shall enter into a Construction Permit Agreement with the City for the Public Improvements related to frontage improvements on Miller Street, Colvin Court, and Riverside Drive and pay the associated fees prior to the release of the approved construction plans.
4. That the construction of utilities and other required infrastructure to serve the partitioned parcels will be at the owner's expense and that sewer assessment charges and other applicable system development charges must be paid at the time of building permit application, unless otherwise noted. If you have any questions concerning this matter, please contact the Engineering Department at (503) 434-7312.
5. 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.
6. 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.
7. 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.
8. 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.

Improvements - Miller Street:

9. Prior to the City's approval of the final plat, the applicant shall improve Miller Street to Local street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the installation of curb & gutter, planter strip, sidewalk, and

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appropriately sized storm drainage facilities, within the existing 60' right-of-way. The improved street width may be varied, if necessary, to match existing conditions and land development already present in the area, as allowed by subsection (b) in the "Street Design Standard Notes" section of the table in Section 17.53.101(B) of the McMinnville Municipal Code.

10. Sanitary sewer service (8" public mainline) is currently available, in a 20' wide utilities easement adjacent to the east side of Miller Street, to the north at the southeast corner of Tax Lot R4415 03400. Prior to the City's approval of the final plat, the applicant shall extend the 8" public mainline to the south to serve the site.

Improvements - Colvin Court:

11. That prior to the City's approval of the final plat, the applicant shall improve Colvin Court to Local street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the construction of half street improvements to provide a 20' pavement width to allow for two lanes of travel; installation of curb & gutter, planter strip, sidewalk, sanitary sewer, appropriately sized storm drainage facilities, and appropriately sized water facilities within the existing 25' right-of-way. The proposed utility plan does not show the extension of electrical and franchise utility infrastructure on Colvin Court. 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.

The 20' pavement width required to allow for two lanes of travel on Colvin Court would require construction of the street 4' east of the existing right-of-way centerline into property under separate ownership to the east that has not yet been dedicated as public right-of-way. If the adjacent property to the east has not yet dedicated additional public right-of-way at the time of the final plat, the applicant may bond for the improvements to Colvin Court prior to the City's approval of the final plat.

Improvements - Riverside Drive:

12. Riverside Drive is a major collector facility in the City's adopted Transportation System Plan. The adopted right-of-way width for a major collector is 74' total (37' feet on each side of centerline). The existing right-of-way for Riverside Drive adjacent to the site is 30' north of centerline. Therefore, the final plat shall reflect the dedication of 7' additional feet of right-of-way along the site's Riverside Drive frontage.
13. The dedication of additional right-of-way on the NW corner of the intersection of Riverside Drive and Colvin Court may be necessary to provide the necessary space for a 25' curb radius, planter strip, sidewalk and curbs ramps. Prior to approval of the final plat, the applicant shall provide a plan showing these elements within the existing and proposed right-of-way, and if necessary, revise the right-of-way dedication to include the necessary space for these elements.
14. That prior to the City's approval of the final plat, the applicant shall improve Riverside Drive to Major Collector street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the widening of Riverside Drive and the construction of half street improvements to provide 22' of street width north of centerline; bike lane, installation of curb & gutter, planter strip, sidewalk, appropriately sized storm drainage facilities, and appropriately sized water facilities within the existing and proposed right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the existing and Public Utility Easements. It should be noted that this section of Riverside Drive is under Yamhill County's Jurisdiction. The applicant shall obtain and provide copies of approved Yamhill County permits to the City prior to the release of the Construction Permit Agreement.

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III. ATTACHMENTS:

1. MP 1-20 Application and Attachments (on file with the Planning Department)
2. Public Testimony Received (on file with the Planning Department)
 - a. Jan Jackman, 6925 NE Riverside Drive, Letter received April 3, 2020 (on file with Planning Department). Letter was also signed by:
 - i. Jason and Heavenly McFarland, 6901 NE Riverside Drive
 - ii. Jason and Arin van Mourik, 7025 NE Riverside Drive
 - iii. Ann Barnes, 7081 NE Riverside Drive
 - iv. David and Bernadette Hermens, 7201 NE Riverside Drive

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

Engineering comments were provided in the form of suggested conditions. Those conditions of approval were included in the conditions listed in Section II above.

- McMinnville Building Department

There is a storm sewer line shown crossing the three proposed parcels. It is not clear whether the line is existing or proposed. If there are no buildings and the system drains only the property, then the codes do not regulate this. When buildings go in, the storm piping becomes part of the building system and is generally not allowed to cross adjacent properties without an easement in place. The applicable code is the Oregon Plumbing Specialty Code, Section 311.1.

This is informational only as no buildings are proposed as part of this minor partition. However, if buildings go in at a later date, easements would be a condition of that development for the sewer crossing lots or the sewers must be abandoned and reconstructed to code.

- Department of State Lands

Please see WN2020-0187 submitted by Jamie Fleckenstein for adjacent lot 04S04W15 #3401, response pending – so when response is completed may be helpful. Based on SWI soils in area, recommend submitting for this lot also.

- McMinnville Water & Light

NEW ELECTRIC VAULT AND ONSITE POWER DISTRIBUTION as shown on “Existing and Proposed Utilities Map” has not been approved by McMinnville Water & Light.

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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, and is described in Section III (Attachments) above.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Bryce Roberts, on behalf of Trumpt LLC, submitted the Tentative Partition application on January 13, 2020.
2. The application was deemed incomplete on February 11, 2020. A revised application submittal, including items that were requested by the Planning Department to deem the application complete, was provided on March 9, 2020.
3. The application was deemed complete on March 18, 2020. Based on that date, the 120 day land-use decision time limit expires July 16, 2020.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.110 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

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

5. Notice of the application and was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance.
6. One item of public testimony was submitted to the Planning Department prior to the Planning Director's review of the application, which is provided in Section IV of the Decision Document.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** Parcel 3, Partition Plat 2001-35. Parcel is located east of NE Miller Street and north of NE Riverside Drive, and is also identified as Tax Lot 3402, Section 15, T. 4 S., R. 4 W., W.M.
2. **Size:** 7.77 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2 PD (General Industrial Planned Development)
5. **Overlay Zones/Special Districts:** Planned Development Ordinance 4135 – Northeast Industrial Area Planned Development Overlay
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None

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- b. **Other:** None
8. **Other Features:**
- a. **Slopes:** Generally level site, sloping very slightly to the northwest.
 - b. **Easements and Utilities:** A twenty foot wide public utility easement is located along the western, southern, and eastern property lines as identified in Partition Plat 2001-35.
9. **Utilities:**
- a. **Water:** The property is currently served by a water main in NE Miller Street. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by an 8” sewer main in NE Miller Street, but north of the subject site. Sanitary sewer service will also be available at the future termination of NE Colvin Court, which is being extended as part of a partition of land north of the subject 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 Riverside Drive. The proposal doesn’t increase impervious site area.
 - d. **Other Services:** Other services are available to the property. No overhead utilities are present along any adjacent right-of-way.
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 TSP, and terminates northeast of the site but is being extended as part of a partition of land north of the subject site and will then terminate immediately to the northeast of the subject site. Right-of-way for the eventual extension of NE Colvin Court in the width of 25 feet was dedicated in Partition Plat 2001-35 adjacent to the subject site. NE Riverside Drive is classified as a major collector in the TSP. The existing Riverside Drive right-of-way is 50 feet in width.

VII. CONCLUSIONARY FINDINGS:

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

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

Comprehensive Plan Volume II:

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

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

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

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GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 132.29.05 Off-site improvements to streets or the provision of enhanced pedestrian and bicycle facilities in the McMinnville planning area may be required as a condition of approval for land divisions or other development permits.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #9, 10, 11, 12, 13, & 14. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan. See findings for Section 17.53.101(B) below for more detail.

Policy 132.40.05 Conditions of Approval – In accordance with the City’s TSP and capital improvements plan (CIP), and based on the level of impact generated by a proposed development, conditions of approval applicable to a development application should include:

- 1. Improvement of on-site transportation facilities,*
- 2. Improvement of off-site transportation facilities (as conditions of development approval), including those that create safety concerns, or those that increase a facility’s operations beyond the City’s mobility standards; and [...]*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #9, 10, 11, 12, 13, & 14. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan. See findings for Section 17.53.101(B) below for more detail.

Policy 132.40.10 Multi-modal Improvements – To manage growth, improvements to transportation facilities may include both motorized and non-motorized facilities improvements, constructed in accordance with the City’s minimum design standards.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #9, 10, 11, 12, 13, & 14. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan. See findings for Section 17.53.101(B) below for more detail.

Policy 132.56.00 Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort

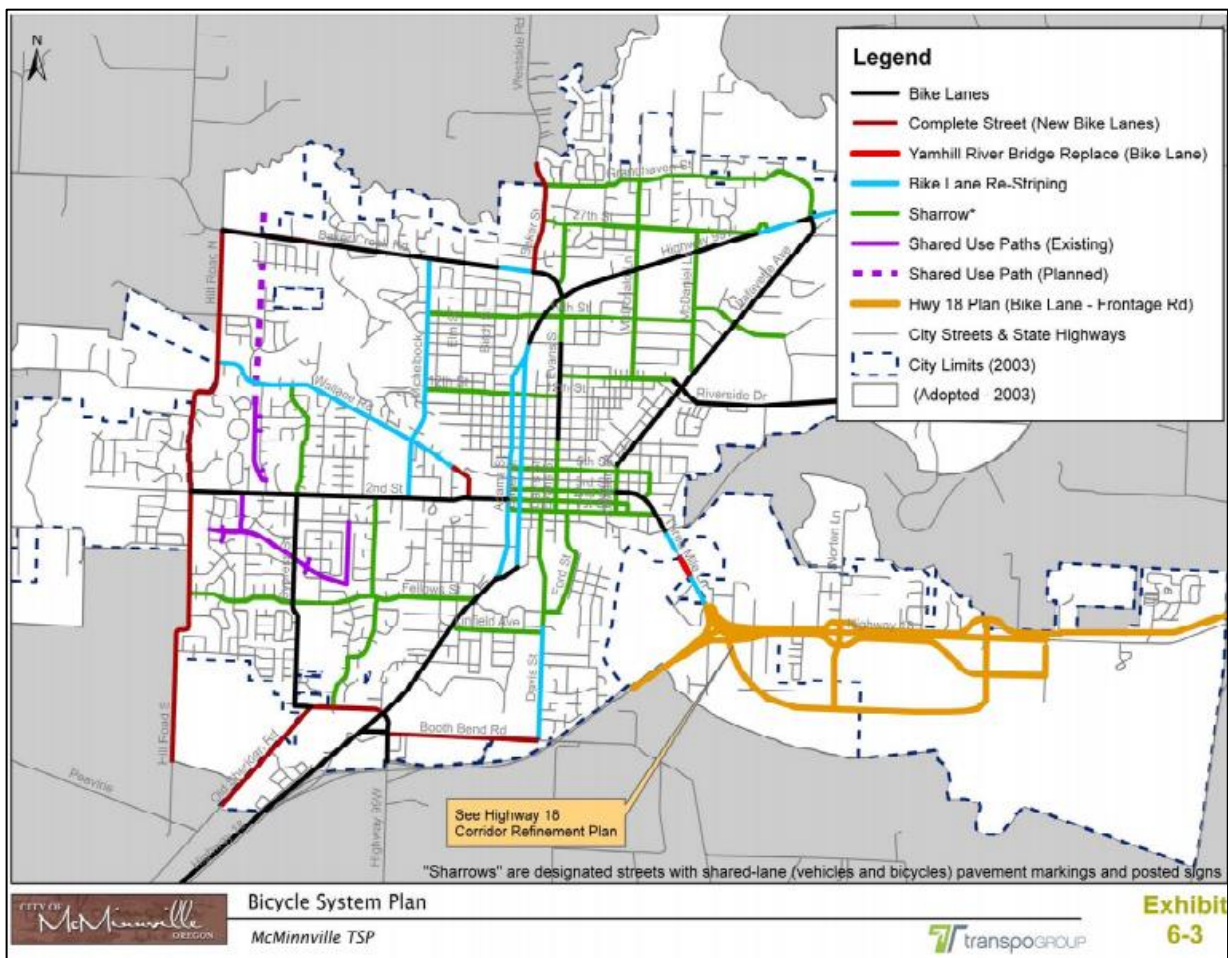
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will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #12, 13, & 14. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan. NE Riverside Drive, which is adjacent to the south of the subject site, is identified as a major collector in the McMinnville Transportation System Plan, and therefore will be required to be constructed with bicycle lanes. The Bicycle System Plan Map, as shown in Exhibit 6-3 of the McMinnville Transportation System Plan, is provided below, which identifies bicycle lanes on NE Riverside Drive. Also, see findings for Section 17.53.101(B) below for more detail.



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

Policy 132.62.05 *TSP Policies – The City of McMinnville shall use the McMinnville TSP to:*

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1. Describe the classification or function of all streets within the McMinnville planning area. Policies found in the Plan shall be used to develop connective local street circulation patterns.
2. Require new development to provide adequate accessibility, as defined by the McMinnville Zoning Ordinance, for all travel modes within a development and in coordination with existing and other proposed development. Street design standards in the McMinnville Zoning Ordinance are to be used to secure adequate public street and sidewalk facilities. [...]

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #9, 10, 11, 12, 13, & 14. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan. See findings for Section 17.53.101(B) below for more detail.

Policy 132.62.20 TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #9, 10, 11, 12, 13, & 14. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan. See findings for Section 17.53.101(B) below for more detail.

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 Tentative 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 prior to the McMinnville Planning Director’s review of the request. All members of the public have access to provide testimony and ask questions during the public review process.

McMinnville Municipal Code

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

Land Division Standards - Partition

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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 on January 13, 2020, and then provided revised materials on March 9, 2020 responding to the application having been deemed incomplete. The application and revised materials contained sufficient information to be deemed complete on March 18, 2020.

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 Tentative Partition of the subject site was deemed complete on March 18, 2020. Notification was mailed to property owners within 100 feet of the subject site on March 23, 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.

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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 or square 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 #7. A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision.

Land Division Standards – Approval of Streets and Ways

17.53.101 Streets.

- A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:
 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

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2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or
 3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.
- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:

COMPLETE STREET DESIGN STANDARDS										
		Arterial		Collector		Neighborhood Connector	Local Residential	Alley		
		Major	Minor	Major	Minor					
Streetscape	Street Profile	Bike	Auto/Truck Amenities (lane widths) ¹	2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width	20 ft.
			Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None	None
			Bike Facility ²	2 lanes (6 ft.)	2 lanes (6 ft.)	2 lanes (5 ft.)	2 lanes (5 ft.) or shared lane	Shared Lane	Shared Lane	None
			Curb-to-curb Street Width ³	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone (with ADA)	Pedestrian Amenities ⁴	On-Street Parking	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
			Two Sides	74 ft.	46 ft.	44 ft.	30 or 40 ft.	28 ft.	28 ft.	Not Apply
			None	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Traffic Management	Pedestrian Amenities ⁴	Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None
			Planter Strips	na	6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res	None
			Preferred Adjacent Land Use – Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low
Traffic Management	Traffic Management	Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 – 3,000	1,200	500	
		Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/Not Typical	Permissible/Not Typical	Typical	Not Typical	
		Managed Speed ⁵	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph	
		Through-traffic Connectivity	Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible	
		Access Control	Yes	Yes	Some	Some	No	No	No	
		Maximum Grade	6%	6%	10%	10%	12%	12%	12%	
Right-of-Way:			104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.	

General Design Notes:

1. Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lanes widths shall be 12 feet.
2. An absolute minimum bike lane width for safety concern is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur in locations where existing development along an established route or other physical constraint preclude construction of the preferred facility width.
3. Street design for each development shall provide for emergency and fire vehicle access.
4. Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
5. Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
6. None with on-street parking

Street Design Standard Notes:

- (a) Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- (b) The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area.
- (c) The right-of-way, street width, improvement standards, and turnaround radius of commercial/industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.
- (d) Intersection curb radii shall not be less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within a 60-foot distance of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and installation of "No Parking" signs as approved by the City Engineering Department.
- (e) Sidewalks and planting strips shall not be required along eyebrows.
- (f) For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #9, 10, 11, 12, 13, & 14. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan, which are also identified in the table in Section 17.53.101(B) of the McMinnville Municipal Code.

Specifically, NE Miller Street will be required to be constructed to the Local street standards. The conditions of approval specify that street width of NE Miller Street may be varied, if necessary, to match existing conditions and land development already present in the area, as

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allowed by subsection (b) in the “Street Design Standard Notes” section of the table in Section 17.53.101(B) of the McMinnville Municipal Code.

NE Colvin Court will be required to be constructed to the Local street standards, with the exception that the street will only be required to be improved to “half street” standards due to the lack of an existing full 50 foot right-of-way. These “half street” improvement standards will allow for landscaping and pedestrian improvements to the west portion of NE Colvin Court and a paved street of 20 feet in width west of the centerline. However, the 20’ pavement width required to allow for two lanes of travel on Colvin Court would require construction of the street 4’ east of the existing right-of-way centerline into property under separate ownership to the east that has not yet been dedicated as public right-of-way. The conditions of approval state that if the adjacent property to the east has not yet dedicated additional public right-of-way at the time of the final plat, the applicant may bond for the improvements to Colvin Court prior to the City’s approval of the final plat. Future completion of the NE Colvin Court public street improvements, including widening of the street and landscaping and pedestrian improvements to the east portion of NE Colvin Court, will occur at the time of development of the properties to the east of NE Colvin Court.

NE Riverside Drive will be required to be constructed to the Major Collector street standards, with the exception that the street will only be required to be improved to “half street” standards due to the lack of an existing full 74 foot right-of-way. These “half street” improvement standards will allow for landscaping, pedestrian, and bicycle improvements to the north portion of NE Riverside Drive and a paved street of 22 feet in width north of centerline. All of the required improvements would occur within the right-of-way width as it exists after the applicant’s proposed dedication of 7 feet of additional right-of-way width (and as required by condition of approval #12). Future completion of the NE Riverside Drive public street improvements, including widening of the street and landscaping, pedestrian, and bicycle improvements to the south portion of NE Riverside Drive, will occur at the time of development of the properties to the south of NE Riverside Drive.

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #11. Conditions of approval are included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-ways adjacent to the subject site. The off-site improvements will be required to be constructed to the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan, as described in more detail above in the finding for Section 17.53.101(B) of the McMinnville Municipal Code. The off-site improvements to the streets will include the extension of NE Colvin Court, which currently terminates north of the site. However, NE Colvin Court is in the process of being extended further south to the northern property line of the subject site as part of another partition of land to the north (docket number MP 5-19). This will allow NE Colvin Court to be extended south along the subject site’s frontage, connecting between the terminus of NE Colvin Court and NE Riverside Drive. NE Colvin Court was intended to be extended and connected to NE Riverside Drive, as evidenced by the dedication of 25’ of right-of-way east of the existing subject site (Parcel 3, Partition Plat 2001-35) at the time the existing parcel was created by Partition Plat 2001-35.

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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 relatively standard rectangular or square 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 each of the proposed parcels do not exceed two times the width, when measured from either NE Riverside Drive, NE Miller Street, or NE Colvin Court.

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 approximately 229 feet. As a condition of approval of the partition proposal, NE Colvin Court will be extended from its current terminus northeast of the site to Riverside Drive. Proposed Parcel 3 would abut the new extension of NE Colvin Court for a width of approximately 349 feet. Parcel 2 would abut Riverside Drive for a width of approximately 322 feet. Both Parcels 1 and 3 would also abut NE Riverside Drive for distances of approximately 418 and 311 feet, respectively. NE Riverside Drive is designated as a major collector in the McMinnville Comprehensive Plan and McMinnville Transportation System Plan, but the use of the subject site will be industrial, and therefore will not require a limitation of direct access onto the major collector street.

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

APPLICANT’S RESPONSE: None.

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

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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 westernmost and easternmost parcels 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.

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