



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TENTATIVE PARTITION AT 1755 SW BAKER STREET**

- DOCKET:** MP 3-20 (Tentative Partition)
- REQUEST:** Application for a Tentative Partition to partition an approximately 0.96 acre parcel of land into two (2) parcels approximately 0.396 and 0.566 acres in size to allow for two separate development projects north and south of a shared access, parking, and circulation area on the subject site.
- LOCATION:** 1755 SW Baker Street. The property is also identified as Tax Lot 300, Section 29BD, T. 4 S., R. 4 W., W.M.
- ZONING:** C-3 (General Commercial)
- APPLICANT:** National Urgent Care Development LLC, on behalf of property owner Michael A Wilson Trust
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** July 28, 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:** September 10, 2020, Community Development Center, 231 NE 5<sup>th</sup> 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 3-20), **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:   
Heather Richards, Planning Director

Date: September 10, 2020

## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The proposal is an application for a Tentative Partition (MP 3-20) to partition an approximately 0.96 acre parcel of land into two (2) parcels approximately 0.396 and 0.566 acres in size to allow for two separate development projects north and south of a shared access, parking, and circulation area on the subject site. The subject site is located at 1755 SW Baker Street, and is identified as Tax Lot 300, Section 29BD, T. 4 S., R. 4 W., W.M.

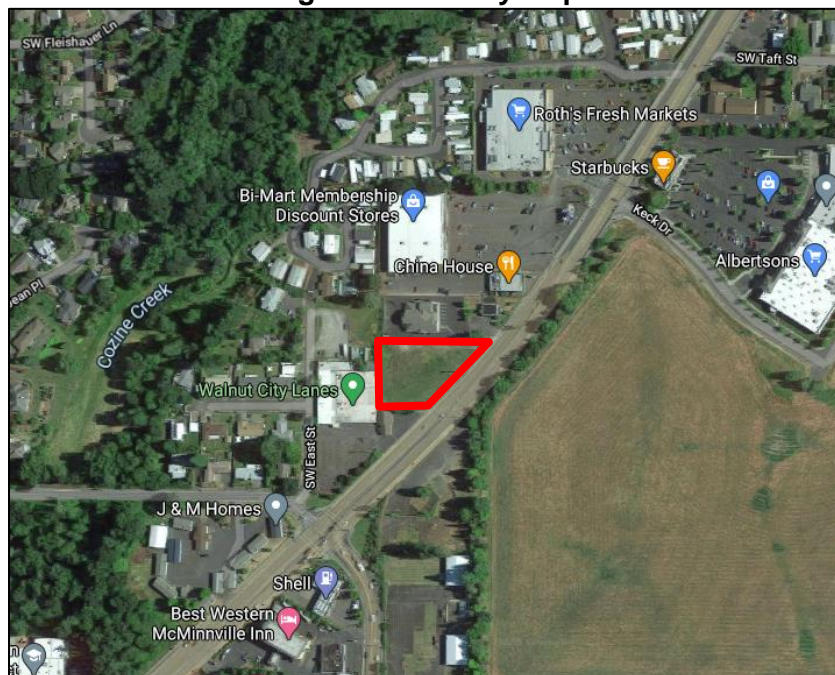
The subject property is located west of SW Baker Street (Highway 99W). The subject property and surrounding properties are zoned C-3 (General Commercial). The site is undeveloped. Uses on the abutting properties to the north and west are commercial. Properties south and east of the subject site (across Highway 99W) are also undeveloped. **See Vicinity Map (Figure 1), Zoning Map (Figure 2), and Applicant’s Proposed Partition Plan (Figure 3).**

### ***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. The C-3 (General Commercial 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 commercially zoned.

**Figure 1. Vicinity Map**



#### ***Attachments:***

Attachment 1 – Application and Attachments

Figure 2. Zoning Map

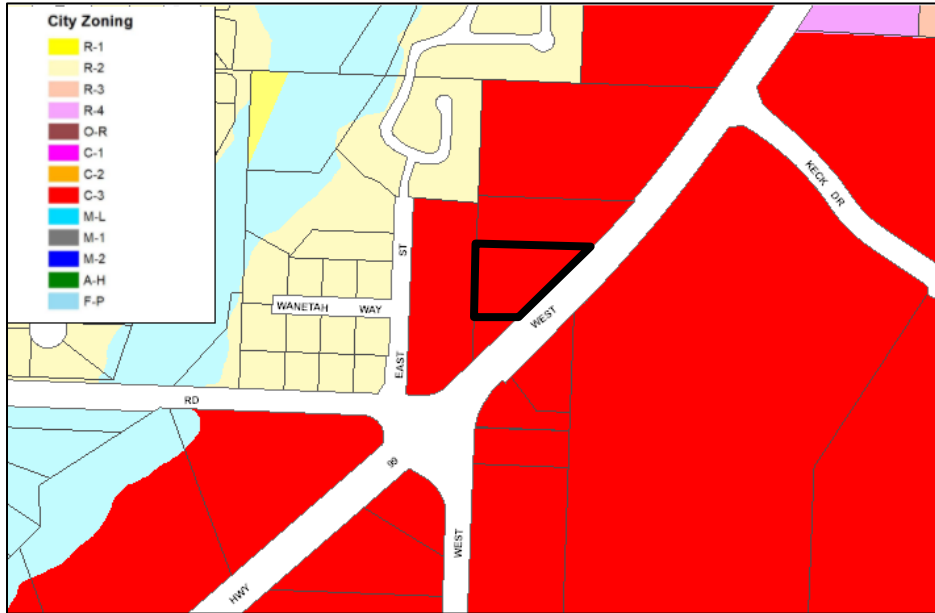
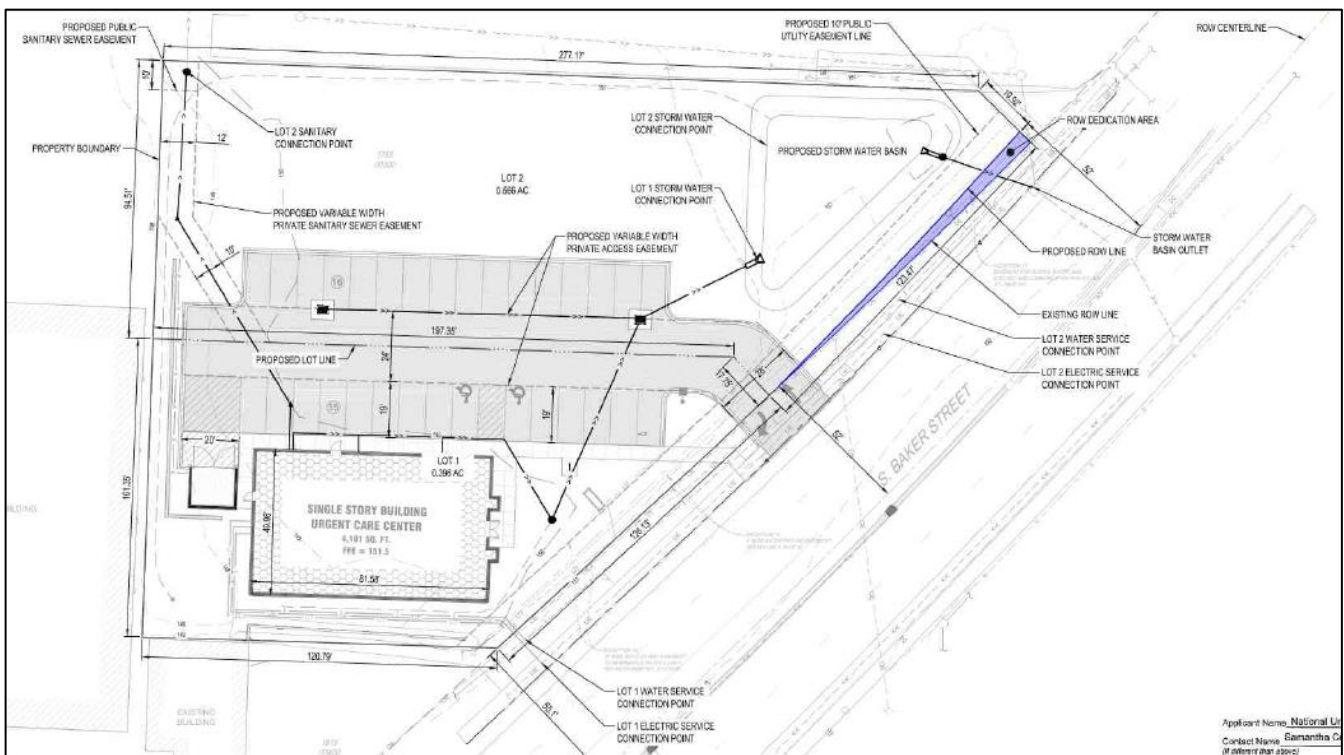


Figure 3. Applicant’s Proposed Partition Plan



**II. CONDITIONS:**

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 the public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the

*Attachments:*

Attachment 1 – Application and Attachments

provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.

2. That the final partition plat shall reflect that the access for Parcel 1 and Parcel 2 shall be limited to a joint driveway access onto SW Baker Street (Highway 99W). Private access easements/cross easements shall be shown on final plat.
3. SW Baker Street (Highway 99W) is classified as a major arterial street in the City's adopted Transportation System Plan. The adopted right-of-way width for a major arterial street is 104' total right-of-way width. The dedication of additional right-of-way to provide 52' from ROW centerline along the property's SW Baker Street (Highway 99W) frontage shall be required prior to approval of the final plat.
4. Prior to approval of the final plat, the applicant shall dedicate a 10' wide public utility easement along the property's SW Baker Street (Highway 99W) frontage.
5. That prior to the City's approval of the final plat, the applicant shall improve SW Baker Street (Highway 99W) to Major Arterial street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the property's frontage. Based on the existing street improvements, the necessary improvements would include: widening of the existing sidewalk to 8 feet in width and maintenance of the existing striped bicycle lane, including re-striping if necessary after the construction of the access to the subject site.
6. That the applicant shall apply for and secure any permits or agreements necessary from the Oregon Department of Transportation (ODOT) for the proposed new State Highway Approach (access), site drainage, right-of-way construction work associated with any required improvements in the highway right-of-way, and required right-of-way dedication. An application form for ODOT's right-of-way dedication process was provided by ODOT and is attached to the decision document. Questions may be directed to Casey Knecht, Development Review Coordinator, ODOT Region 2, at 503-986-5170 or by email at casey.knecht@odot.state.or.us
7. 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.
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.

### **III. ATTACHMENTS:**

1. MP 3-20 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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*Attachments:*

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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.

- Oregon Department of Transportation

Thank you for notifying the Oregon Department of Transportation (ODOT) of the proposal at 1755 SW Baker St in McMinnville. Please include these comments in the public record and notify ODOT of the land use decision by sending a copy to [odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us) when available.

The site is adjacent to Pacific Highway West, No. 091 (OR-99W) and is subject to state laws administered by ODOT. The applicant has been in contact with ODOT and has submitted an application for a new State Highway Approach. ODOT supports the location of the approach and the fact that both partitioned parcels will share one approach. The approach will be limited to right-in right-out movements due to the median traffic separator.

The right-of-way dedication shown on the applicant's site plan will need to follow the process listed the attached form. Please have the applicant prepare the dedication documents and send them to me when they are ready. ODOT can issue a construction permit for work in the highway right-of-way while the dedication is being processed, but a final permit to use the approach cannot be issued until the dedication is recorded.

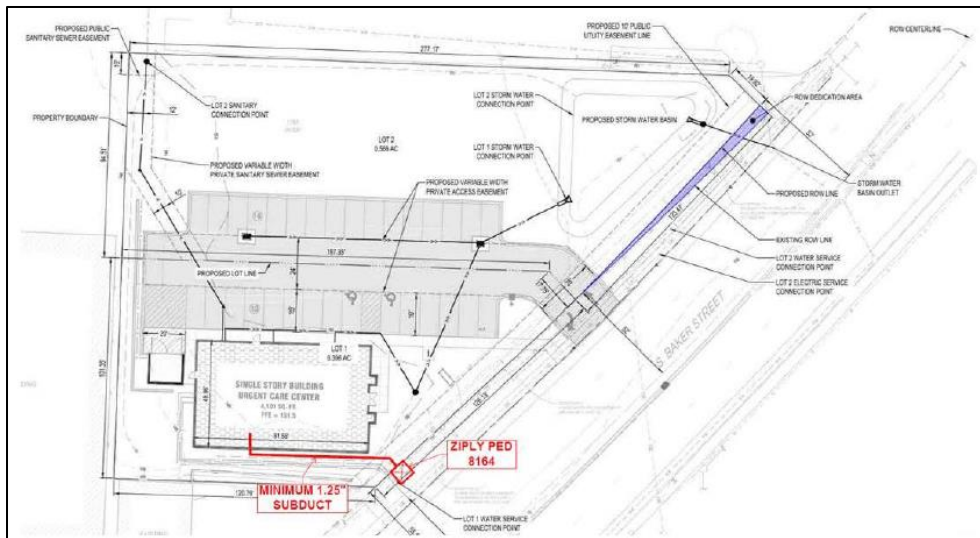
- McMinnville Water & Light

MW&L has no comments for this minor partition.

- Zipty Fiber

No conflicts.

FYI, we request the developer place path/subduct from new building to pedestal (8164) at SE corner of property.



## Public Comments

Notice of this request was mailed to property owners located within 100 feet of the subject site. No public testimony was received by the Planning Department prior to the Planning Director's decision.

## V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, National Urgent Care Development LLC, on behalf of property owner Michael A Wilson Trust, submitted the Tentative Partition application on June 29, 2020.
2. The application was deemed incomplete on July 14, 2020. A revised application submittal, including items that were requested by the Planning Department to deem the application complete, was provided on July 23, 2020.
3. The application was deemed complete on July 28, 2020. Based on that date, the 120 day land-use decision time limit expires November 25, 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. No public testimony was submitted to the Planning Department prior to the Planning Director's review of the application.

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### Attachments :

Attachment 1 – Application and Attachments

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

7. **Location:** 1755 SW Baker Street. The property is also identified as Tax Lot 300, Section 29BD, T. 4 S., R. 4 W., W.M.
8. **Size:** Approximately 0.96 acres
9. **Comprehensive Plan Map Designation:** Commercial
10. **Zoning:** C-3 (General Commercial)
11. **Overlay Zones/Special Districts:** None.
12. **Current Use:** Vacant
13. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
14. **Other Features:**
  - c. **Slopes:** Generally level site, sloping very slightly to the west.
  - d. **Easements and Utilities:** A ten foot wide right-of-way easement and a utility easement are located along the eastern property line adjacent to the SW Baker Street (Highway 99W) right-of-way.
15. **Utilities:**
  - e. **Water:** The property is currently served by a water main in SW Baker Street (Highway 99W). The treatment plant has sufficient treatment capacity.
  - f. **Sewer:** The property is served by a sewer main north of the subject site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - g. **Stormwater:** Storm water service is available near the site in SW Baker Street (Highway 99W).
  - h. **Other Services:** Other services are available to the property. Overhead utilities are present along the adjacent right-of-way.
16. **Transportation:** SW Baker Street (Highway 99W) is classified as a Major Arterial Street in the Transportation System Plan (TSP). The existing right-of-way adjacent to the site varies in width, and does not meet the required 104 foot right-of-way width along the entire site's frontage. A 5 foot wide, curb-tight sidewalk exists along the street frontage adjacent to the site. A striped bike lane also exists along the street frontage adjacent to 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.

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### *Attachments:*

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**Comprehensive Plan Volume II:**

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

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

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

**GOAL 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 CONDITION #5.** A condition of approval is included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-way 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 CONDITION #5.** A condition of approval is included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-way 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.

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**FINDING: SATISFIED WITH CONDITION #5.** A condition of approval is included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-way 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-stripped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map.*

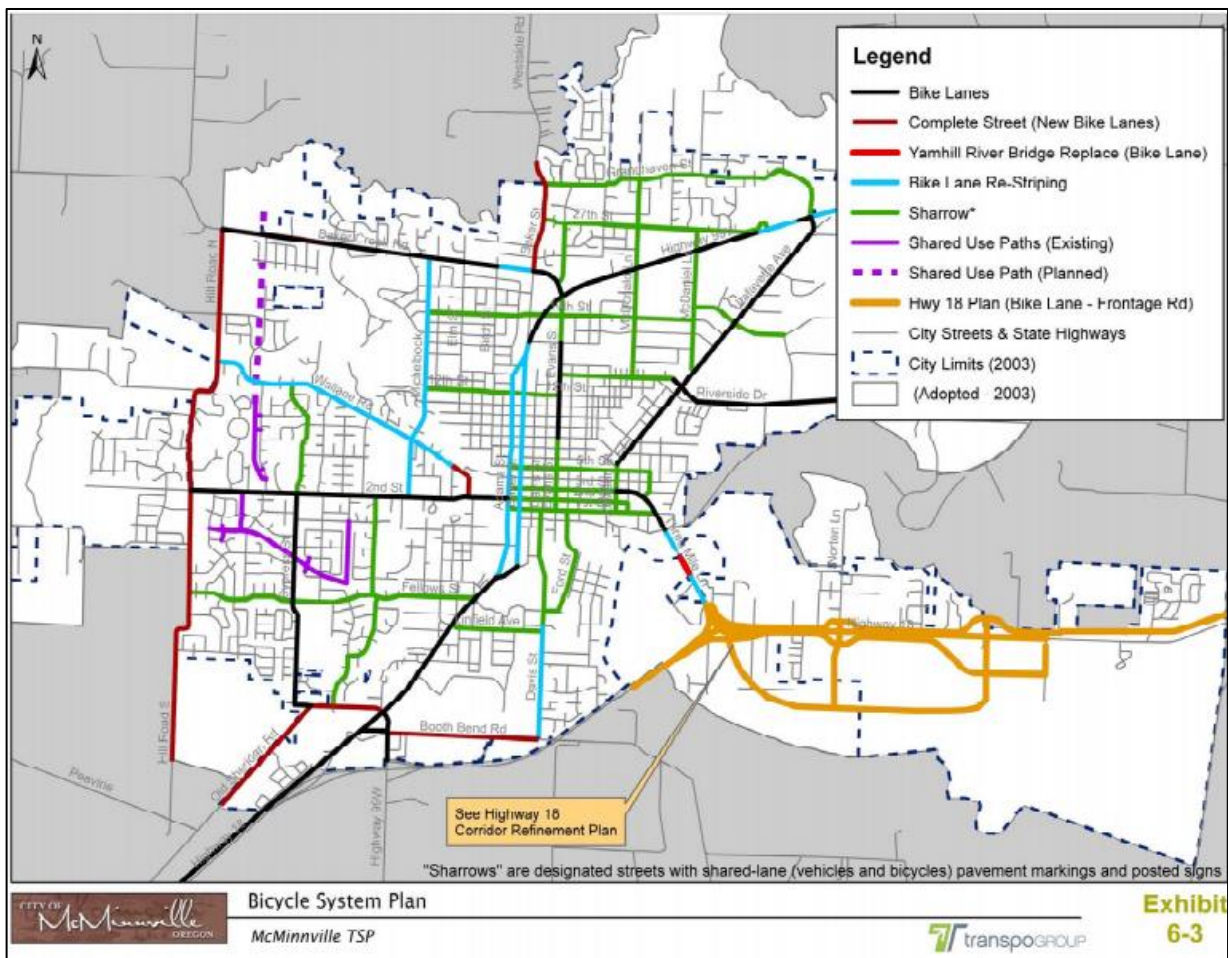
**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #5.** A condition of approval is included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-way 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. SW Baker Street (Highway 99W), which is adjacent to the subject site, is identified as a major arterial in the McMinnville Transportation System Plan, and therefore is identified by Policy 132.56.00 as including 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 SW Baker Street (Highway 99W). An existing bicycle lane is already striped along the subject site’s frontage, and the condition of approval requires that this be maintained and re-stripped if necessary following construction of the access to the subject site. Also, see findings for Section 17.53.101(B) below for more detail.

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**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:*

- 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 CONDITION #5.** A condition of approval is included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-way 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 CONDITION #5.** A condition of approval is included on the proposed land division to require off-site improvements to the streets and pedestrian and bicycle facilities within the right-of-way 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**

**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;*

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*Attachments:*

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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 June 29, 2020, and then provided revised materials on July 23, 2020 responding to the application having been deemed incomplete. The application and revised materials contained sufficient information to be deemed complete on July 28, 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 July 28, 2020. Notification was mailed to property owners within 100 feet of the subject site on July 31, 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.

Attachments:

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**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS #3 and 4.** Conditions of approval are included on the proposed land division to require the dedication of land and easements as required by the McMinnville Transportation System Plan. The dedications are based on the standards within the McMinnville Comprehensive Plan and McMinnville Transportation System Plan. See findings for Section 17.53.101(B) below for more detail.

**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.

## 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
  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	Auto/Truck Amenities (lane widths) <sup>1</sup>	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 <sup>2</sup>	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 <sup>3</sup>							
		On-Street Parking Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
		None	74 ft.	46 ft.	44 ft.	30 or 40 ft.			
	Pedestrian Zone (with ADA)	Pedestrian Amenities <sup>4</sup>							
		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		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	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 <sup>5</sup>	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:**

- 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.
- 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.
- Street design for each development shall provide for emergency and fire vehicle access.
- 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.
- 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.
- None with on-street parking

**Street Design Standard Notes:**

- Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- 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.
- 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.
- 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.
- Sidewalks and planting strips shall not be required along eyebrows.
- 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 #3, 4, 5 and 6.** 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-way 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, SW Baker Street (Highway 99W) will be required to be updated to the Major Arterial street standards. The existing right-of-way adjacent to the site is already fully improved, with auto travel lanes, a striped bicycle lane, and a 5 foot wide sidewalk. Therefore, the conditions of approval specify that the sidewalk will be widened to the 8 foot wide sidewalk required adjacent to commercially zoned land, and that the striped bicycle lane be maintained and re-striped if necessary following construction of the access to the subject site.

Right-of-way dedication is required to be provided prior to the final plat to provide the required 104 foot right-of-way width for a major arterial street. The right-of-way dedication will be based on identifying a 52 foot right-of-way width adjacent to the subject site, as measured from the centerline of the street.

The adjacent SW Baker Street (Highway 99W) right-of-way is under Oregon Department of Transportation (ODOT) jurisdiction. Therefore, a condition of approval is included to require that the applicant secure all necessary permits and complete necessary procedures to complete the access agreements and improvements, right-of-way improvements (sidewalk expansion), and right-of-way dedications.

*Attachments :*

Attachment 1 – Application and Attachments

**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 (commercial). While specific uses are not identified for both parcels at this time, the size and orientation (rectangular) of the lots as proposed will accommodate commercial use. The shared access, parking, and circulation area proposed will further accommodate commercial development on both parcels. There is no minimum lot size required by the C-3 (General Commercial) zone. The depth of each of the proposed parcels do not exceed two times the width, when depth is measured along the common property line between the proposed parcels.

**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 WITH CONDITION #2.** Parcel 1 and Parcel 2 would both abut a street (SW Baker Street/Highway 99W) for widths of 126.13 feet and 123.47 feet, respectively. A condition of approval is included to require that Parcel 1 and Parcel 2 share one access and approach to SW Baker Street (Highway 99W), based on the street classification as a major arterial and based on comments provided by the Oregon Department of Transportation which has jurisdiction and authority over the SW Baker Street (Highway 99W) right-of-way.

**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.

**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 two proposed parcels run at an approximate right angles to SW Baker Street (Highway 99W), the street upon which the parcels face. Therefore, this criterion is met.

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*Attachments:*

Attachment 1 – Application and Attachments



**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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