



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

**PUBLIC HEARING NOTICE
PLANNING COMMISSION REVIEW OF A
VARIANCE REQUEST & MINOR PARTITION FOR
835 SW HILARY STREET**

NOTICE IS HEREBY GIVEN that concurrent applications for a variance and a minor partition have been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Jamie Fleckenstein, Associate Planner, with any questions at (503) 474-4153 or jamie.fleckenstein@mcminnvilleoregon.gov.

DOCKET NUMBER: VR 1-21 (Variance) & MP 6-20 (Minor Partition)

REQUEST: Approval of a variance to increase the number of lots permitted to be accessed by private easement from three (3) to four (4).
Approval to partition an approximately 7.22-acre parcel of land into three (3) parcels, approximately 6.43, 0.31, and 0.48 acres in size to allow for residential development (docket MP 6-20). The proposed 0.31-acre parcel would be accessed by private easement per variance request VR 1-21, while the 6.43- and 0.48-acre parcels would be accessed from SW Hilary Street.

APPLICANT: Steve and Mary Allen

SITE LOCATION(S): 835 SW Hilary Street (see attached map)

MAP & TAX LOT(S): R4429AB01600

ZONE(S): R-2/R-3/FP (Single-Family Residential/Two-Family Residential/Flood Plain)

MMC REQUIREMENTS: McMinnville Municipal Code (MMC) Title 17 (Zoning Ordinance): Section 17.74.100. Variance – Planning Commission Authority; Section 17.74.110. Conditions for Granting Variance; MMC Chapter 17.53 (Land Division Standards); MMC Chapter 17.15 (R-2 Single-Family Residential Zone); MMC Chapter 17.18 (R-3 Two-Family Residential Zone); MMC Chapter 17.48 (F-P Flood Area Zone)

NOTICE DATE: April 29, 2021

PUBLIC HEARING DATE: May 20, 2021 at 6:30 P.M.

HEARING LOCATION: Zoom Online Meeting:
<https://mcminnvilleoregon.zoom.us/j/96025769049?pwd=cnVXQnJuR3dmbW9yVkRzVHFDYWk0UT09>
Meeting ID: 960 2576 9049 Passcode: 747182
(See below for instructions on how to join Zoom meeting)

Proceedings: A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend (via Zoom – please see instructions below) the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person (via Zoom – please see instructions below), by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5th Street, McMinnville, OR 97128, or by email to jamie.fleckenstein@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available on the Planning Department's portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov. The materials can also be made available at the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon. However, due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

Appeal: Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

Invitation to Zoom Meeting: The public is invited and welcome to attend the Planning Commission meeting. Due to the COVID-19 public health emergency and in accordance with Governor Kate Brown's Executive Order, the Planning Commission meeting is being held virtually through the Zoom meeting software to avoid gatherings and allow for social distancing. The Planning Department encourages those that are interested in participating and have access to technology to access the Zoom meeting online or through the call-in options (see below for details).

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/96025769049?pwd=cnVXQnJuR3dmbW9yVkrZVHFDYWk0UT09>

Meeting ID: 960 2576 9049

Passcode: 747182

The public may also join the Zoom meeting by phone by following the instructions below:

+1 669 900 9128

Meeting ID: 960 2576 9049

If you do not have access to a telephone or computer to participate in the meeting, a conference room with access to a computer to participate in the Zoom Online Meeting can be provided at the Community Development Center at 231 NE 5th Street, McMinnville, OR 97128. Please call the Planning Department at (503) 434-7311 at least 24 hours in advance of the meeting for assistance. Participation in the conference room will be limited to accommodate social distancing guidelines and will be provided on a first-come, first-served basis.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

REVIEW CRITERIA:

Variance (VR 1-21)

MMC Section 17.74.100. Variance – Planning Commission Authority

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

MMC Section 17.74.110. Conditions for Granting Variance

A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

Comprehensive Plan Goals and Policies:

All applicable goals and policies apply to this request.

Minor Partition (MP 6-20)

MMC Chapter 17.53 (Land Division Standards):

All applicable standards and criteria in Chapter 17.53 apply to this request. In particular, the following sections of Chapter 17.53 apply to this request:

- 17.53.060 – Submission of Tentative Partition Plat
- 17.53.105 – Lots
- 17.53.100-140 – Approval of Streets and Ways
- 17.53.150-153 – Improvements
- 17.53.163 – Variance Application

MMC Chapter 17.15 (R-2 Single-Family Residential Zone):

All applicable standards and criteria in Chapter 17.15 apply to this request.

MMC Chapter 17.18 (R-3 Two-Family Residential Zone):

All applicable standards and criteria in Chapter 17.18 apply to this request.

MMC Chapter 17.48 (F-P Flood Area Zone):

All applicable standards and criteria in Chapter 17.48 apply to this request.

Comprehensive Plan Goals and Policies:

All applicable goals and policies apply to this request.

Proposed Partition Plan

Tentative Partition Map for: Steve & Mary Allen

OWNER:
STEVE & MARY ALLEN
ADDRESS: 835 SW HILARY ST.
MCMINNVILLE, OR. 97128
PH: 971-237-1461

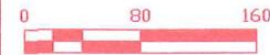
ZONE: R-2, F-P
FEMA MAP 41071C0404D

Location: NE 1/4 Section 29, T. 4 S., R. 4 W., WM.,
Block L, Lot 3 of Block K, Lots 1 & 2 of Block M
COZINE'S 3RD ADDITION
City of McMinnville, Yamhill County, OR

Tax Lot: 4429AB - 1600

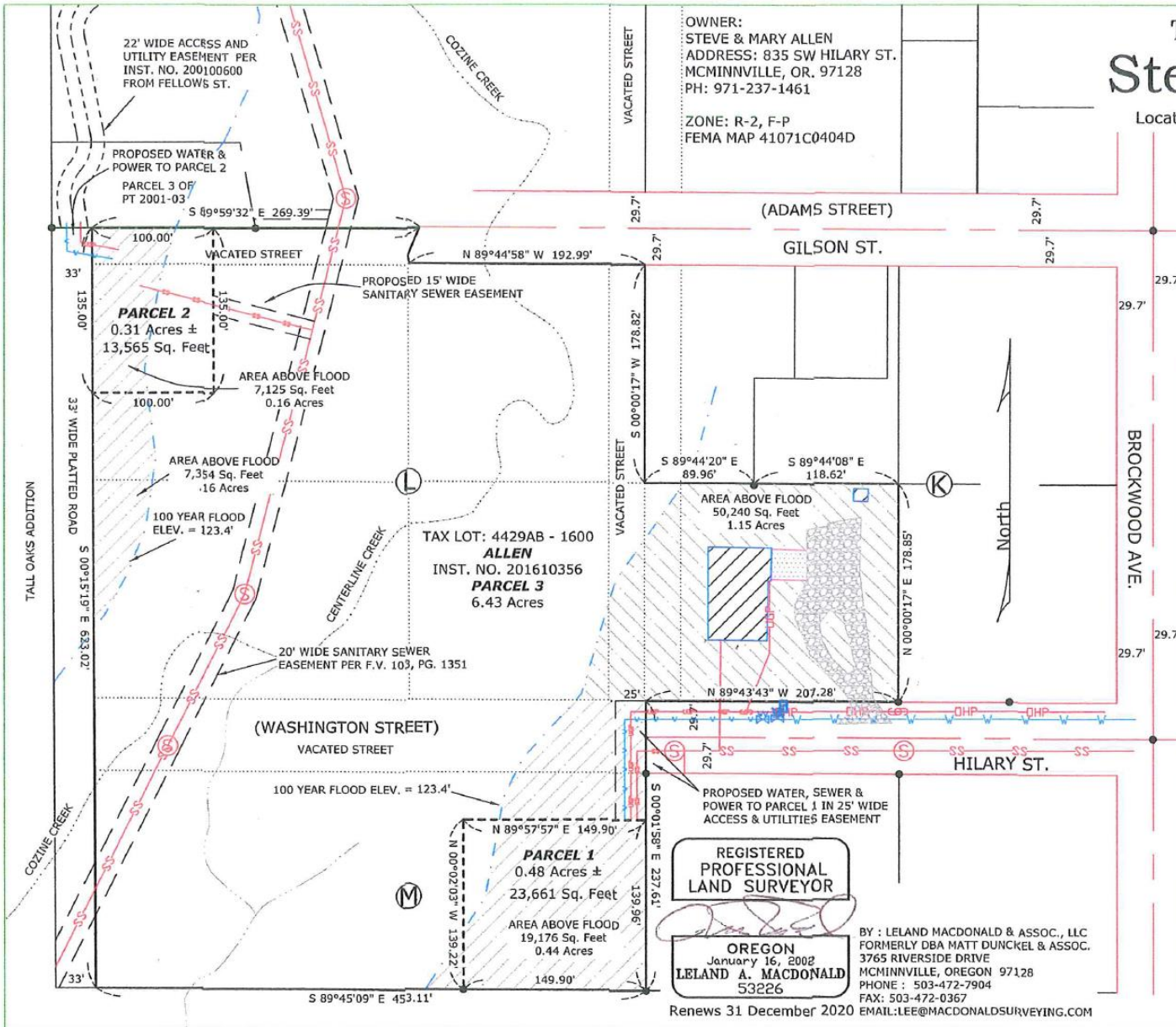
Date: 5 NOVEMBER 2020

Scale: 1" = 80'

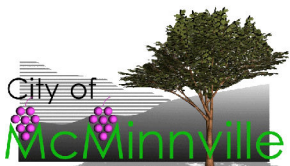
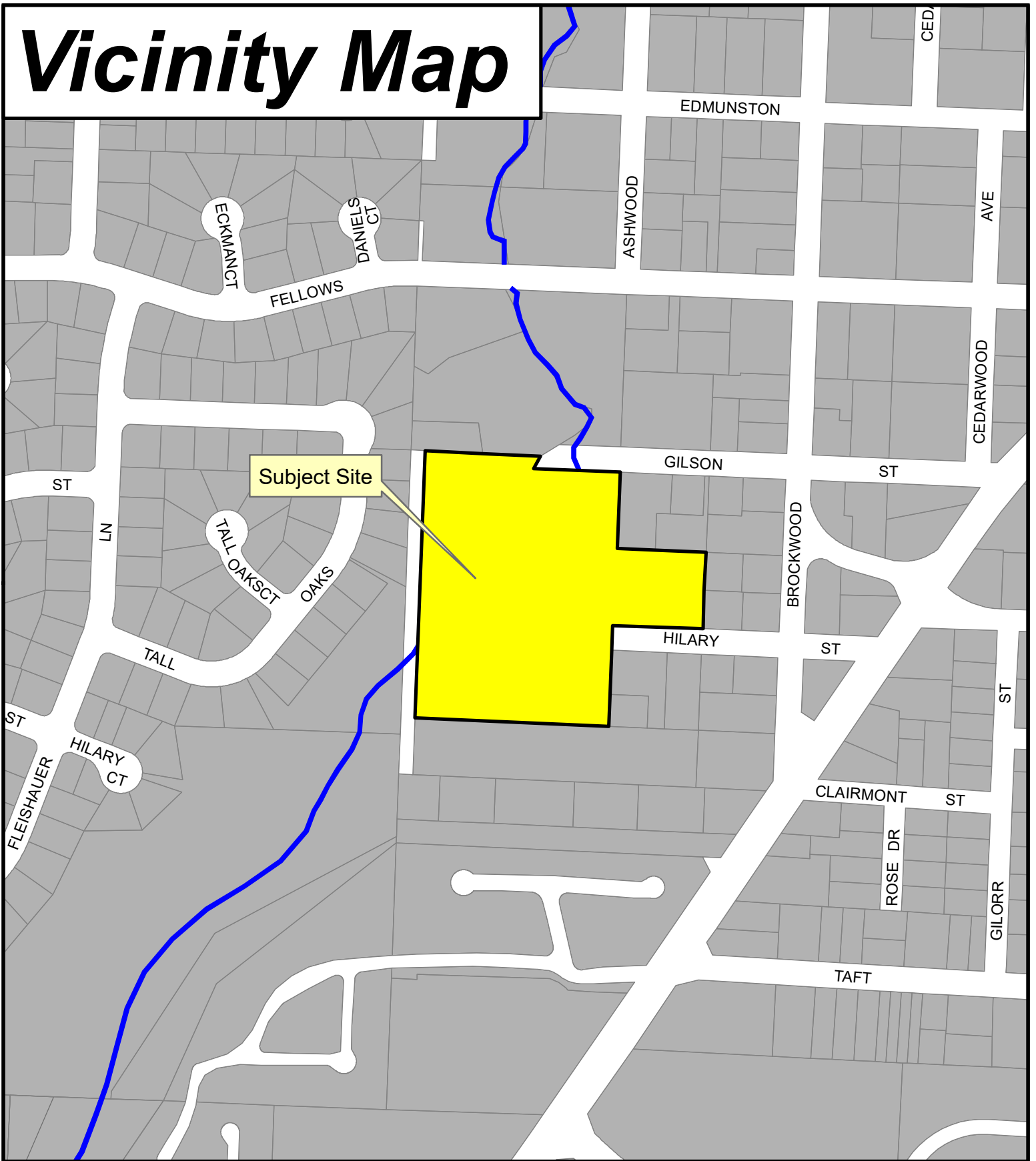


Legend

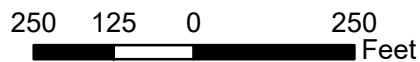
- = MONUMENT FOUND
- = WATER VALVE
- = WATER METER
- = FIRE HYDRANT
- = POWER POLE
- = GUY ANCHOR
- = SANITARY SEWER MANHOLE
- = PROPERTY LINE
- = PROPOSED PARCEL LINES
- = PUBLIC RIGHT-OF-WAY
- = OVERHEAD POWER
- = UNDERGROUND POWER
- = EDGE OF ROCK
- = SANITARY SEWER LINE
- = WATER LINE
- = EDGE OF PAVEMENT
- = 100 YEAR FLOOD LINE
- = CENTERLINE OF PUBLIC ROAD
- = PROPOSED EASEMENT
- = ASPHALT
- = BUILDING
- = AREA ABOVE FLOOD
- = GRAVEL



Vicinity Map



Geographic Information System



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Planning Department
231 NE Fifth Street
McMinnville, OR 97128
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