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August 24, 2021

Steve and Mary Allen
835 SW Hilary Street
McMinnville, OR 97128

Re: Tentative Partition Approval (Docket MP 6-20)

Dear Steve and Mary Allen,

This is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, August 19, 2021, your application to partition a 7.22 acre parcel of land into three (3) parcels approximately 6.43 acres (Parcel 3), 0.31 acres (Parcel 2), and 0.48 acres (Parcel 1) in size to allow for future residential development of the parcels was presented and considered. The subject property is located at 835 W Hilary Street and is identified as Tax Lot 1600, Section 29AB, T. 4 S., R. 4 W., W.M. and is located west of SW Baker Street (Highway 99W) and south of SW Fellows Street at the termination of SW Hilary Street.

Based on the material submitted, the testimony received, and the review criteria in Chapter 17.53, and 17.58 of the McMinnville Municipal Code, the Planning Commission voted to **APPROVE** your land use application for a tentative partition plan.

Enclosed for your records is a signed copy of the Decision Document for MP 6-20 with the Findings of Fact, Conclusionary Findings, and Conditions of Approval as approved by the Planning Commission.

The Tentative Partition (MP 6-20) approval included conditions of approval, which are included in your land use Decision Document. We have also outlined those conditions of approval below. Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Document with the Findings of Fact, Conclusionary Findings and Conditions of Approval is a separate document and is enclosed with this letter for the applicant and is also on file with the Planning Department.

Conditions of Approval for MP 6-20:

1. All conditions of land-use decisions Minor Partition MP 7-00 and Ordinance No. 4741 shall remain in effect.
2. That existing trees with trunks partially or wholly within Parcels 1, 2, and 3 of the partition and the undeveloped public right-of-way west of Parcel 2 are subject to the provisions of

Chapter 17.58 – Trees of the McMinnville Municipal Code, and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than nine inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. Surrounding property owners will be notified of any tree removal request utilizing the same notification standards as those outlined in Chapter 17.72 of the McMinnville Municipal Code for minor partitions.

3. If any development (structural or driveway) is proposed for a slope of 15% or greater, a geo technical report will be required to mitigate the potentiality of land slide hazards, and any resulting recommendation of that report will need to be incorporated into the construction project.

Parcel 1:

4. That the applicant shall record a private access easement for Parcel #1 as represented on the Tentative Partition Plan.
5. That the applicant shall submit for approval an engineered plan for the extension of the public sanitary sewer main on Hilary Street and sewer service for Parcel #1. The Public sewer extension and service for Parcel #1 shall be installed and accepted by the City prior to the signing of the partition plat.
6. That the applicant shall enter into a Construction Permit Agreement with the City and pay associated fees for the extension of the sanitary sewer main on Hilary Street. Contact Larry Sherwood (503) 434-7312 for details.
7. That the applicant shall provide a storm drainage plan for Parcel 1 including any easements necessary from the parcel to point of discharge.
8. That the applicant shall obtain agency permits (DEQ, DSL, ACOE etc.) as necessary, and provide copies of approved permits to the City, prior to any permit issuance or site disturbance for the installation of the storm drainage facilities for Parcel 1.
9. That storm drainage facilities for Parcel 1 shall be installed from the point of discharge to the proposed property line prior to the signing of the partition plat.

Parcel 2:

10. That the applicant shall obtain agency permits (DEQ, DSL, ACOE etc.) as necessary, and provide copies of approved permits to the City, prior to any permit issuance or site disturbance for the installation of the sewer service for Parcel 2.

11. That sewer service for Parcel 2 shall be installed from the main to the proposed property line prior to the signing of the partition plat.
12. That private sanitary sewer easement for this service shall be dedicated as part of the partition plat.
13. That the applicant shall provide a storm drainage plan for Parcel 2 including any easements necessary from the parcel to point of discharge.
14. That the applicant shall obtain agency permits (DEQ, DSL, ACOE etc.) as necessary, and provide copies of approved permits to the City, prior to any permit issuance or site disturbance for the installation of the storm drainage facilities for Parcel 2.
15. That storm drainage facilities for Parcel 2 shall be installed from the point of discharge to the proposed property line prior to the signing of the partition plat.
16. That all residential dwelling built on Parcel 2 shall be equipped with residential fire sprinklers installed per NFPA 13D standards.

Street Improvements:

17. Applicant shall enter into a Revocable License and Right to use Public Right of Way, prior to the approval of the final partition plat, for the extension of the access easement driveway across the unimproved public right-of-way to proposed Parcel 1.
18. Applicant shall enter into a Revocable License and Right to use Public Right of Way, prior to the approval of the final partition plat, for the extension of the access easement driveway across the unimproved public right-of-way to proposed Parcel 2.
19. Applicant shall consent and agree to a waiver of rights of remonstrance for future street improvements on Hilary Street prior to the approval of the final partition plat.

Final Partition Plat and Approval:

20. That two (2) copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
21. That 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.
22. That approval of this tentative plat will expire 12 (twelve) months after the effective date of decision. 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.

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The Planning Commission's decision is final unless appealed to the City Council. As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within fifteen (15) calendar days of the date the written notice of decision is mailed. If no appeal is filed on or before September 8, 2021, the decision of the Planning Commission will be final.

Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Documents with the Findings of Fact, Conclusionary Findings and Conditions of Approval are separate documents and are attached to this letter for the applicant and are also on file with the Planning Department.

If you have any questions regarding this matter, please feel free to contact me at (503) 474-5107.

Sincerely,



Heather Richards, PCED
Planning Director

HR:sjs

C: *Earl and Sheryl Anderson, 1100 SW Tall Oaks Drive, McMinnville, OR 97128*
Carole Hansen, 1110 SW Tall Oaks Drive, McMinnville, OR 97128
Walt Gowell, Haugebert, Rueter, Gowell, Fredricks & Higgins, P.C., PO Box 480, McMinnville, OR 97128
Brad and Shirley Robison, 1150 SW Tall Oaks Drive, McMinnville, OR 97128
James and Cheryl Lambright, 1130 SW Tall Oaks Drive, McMinnville, OR 97128
Linda Jordan, 1125 SW Tall Oaks Drive, McMinnville, OR 97128
Robert Tracey, 1160 SW Tall Oaks Drive, McMinnville, OR 97128
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Rich and Ann Custer, 1230 SW Tall Oaks Drive, McMinnville, OR 97128
Damon and Susie Schulze, 1060 SW Tall Oaks Drive, McMinnville, OR 97128
Rigo and Susan Perez, 1080 SW Tall Oaks Drive, McMinnville, OR 97128
Bertha Biskell, 1145 SW Tall Oaks Drive, McMinnville, OR 97128
David Koch, Attorney At Law, LLC, 207 NE 19th Street, Suite 100, McMinnville, OR 97128

Attachments: *DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TENTATIVE PARTITION AT 835 SW HILARY STREET (Docket MP 6-20).*