

Public Hearing (Continued from June 17, 2021)

Variance VR 2-21



Variance: VR 2-21

- An application for a variance to the standard in Section 17.53.100(C)(1) regarding the maximum number of 3 parcels that can be served by private easement access.
- Would allow partition that would have one additional parcel served by existing easement for total of 4.
- This is a continuation of the June 17, 2021 quasi-judicial hearing.
- The Planning Commission makes a final decision, which may be appealed to City Council.

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Criteria:

Zoning Ordinance:

- 17.53
- 17.74.100
- 17.74.110

Comprehensive Plan:

- Applicable Goals and Policies

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Staff recommendation was continuance

- Applicant hadn't met burden of proof for some of the criteria.

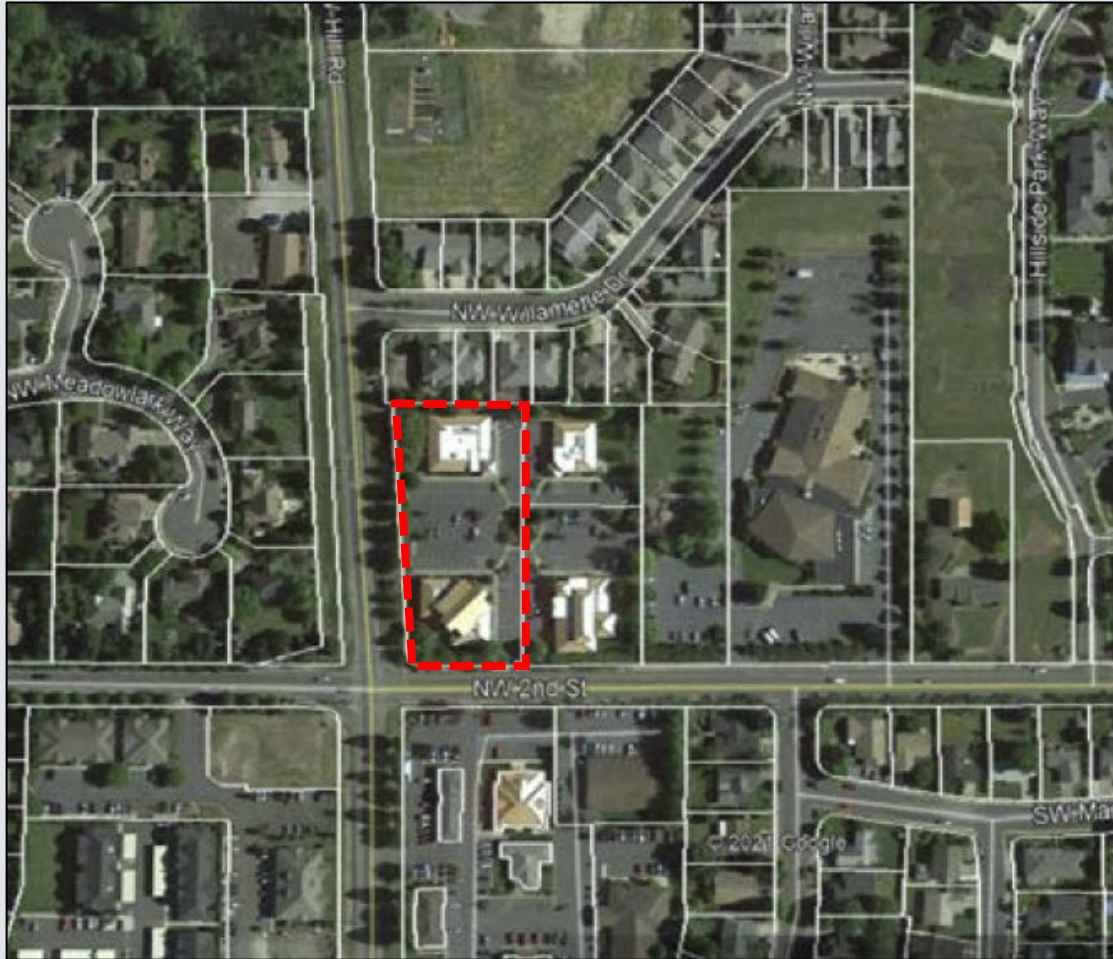
Applicant requested a continuance to submit additional information regarding criteria

- Applicant submitted additional information.
- Staff reviewed additional submittal and also identified additional Comprehensive Plan policies that serve as criteria.

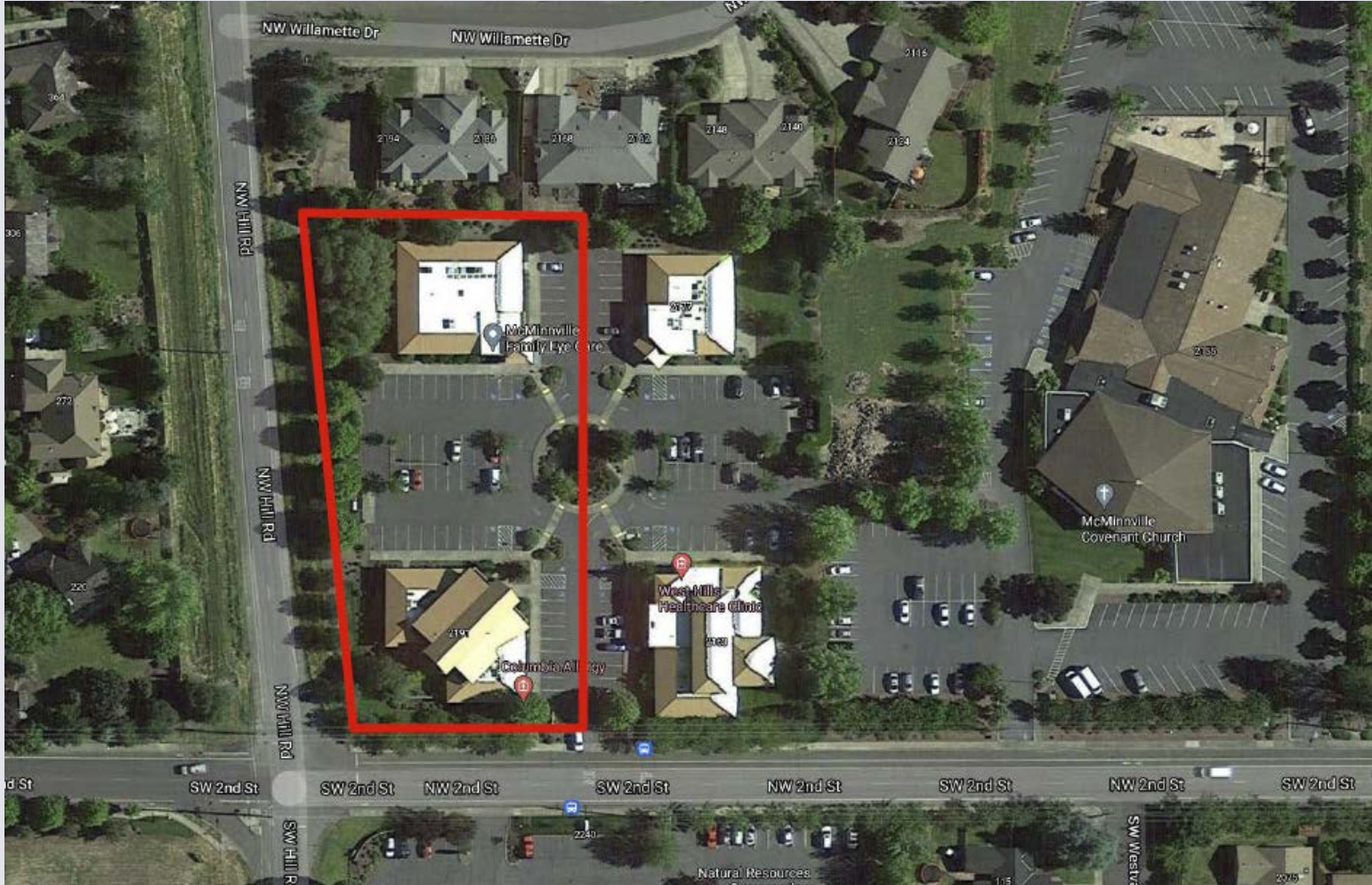
Based on the additional information and updated findings, staff recommendation is approval.

- With the additional information, staff found burden of proof is now met for remaining criteria and that applicable criteria are satisfied.

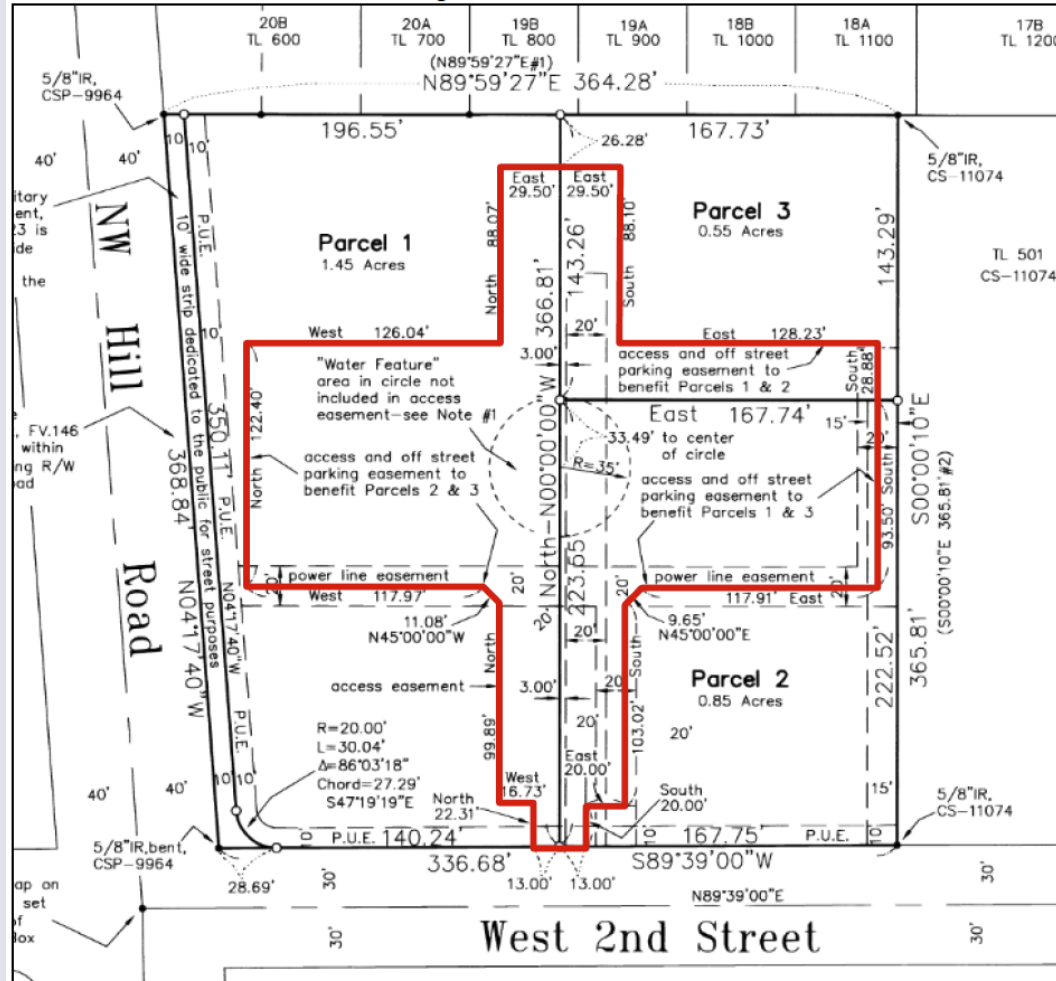
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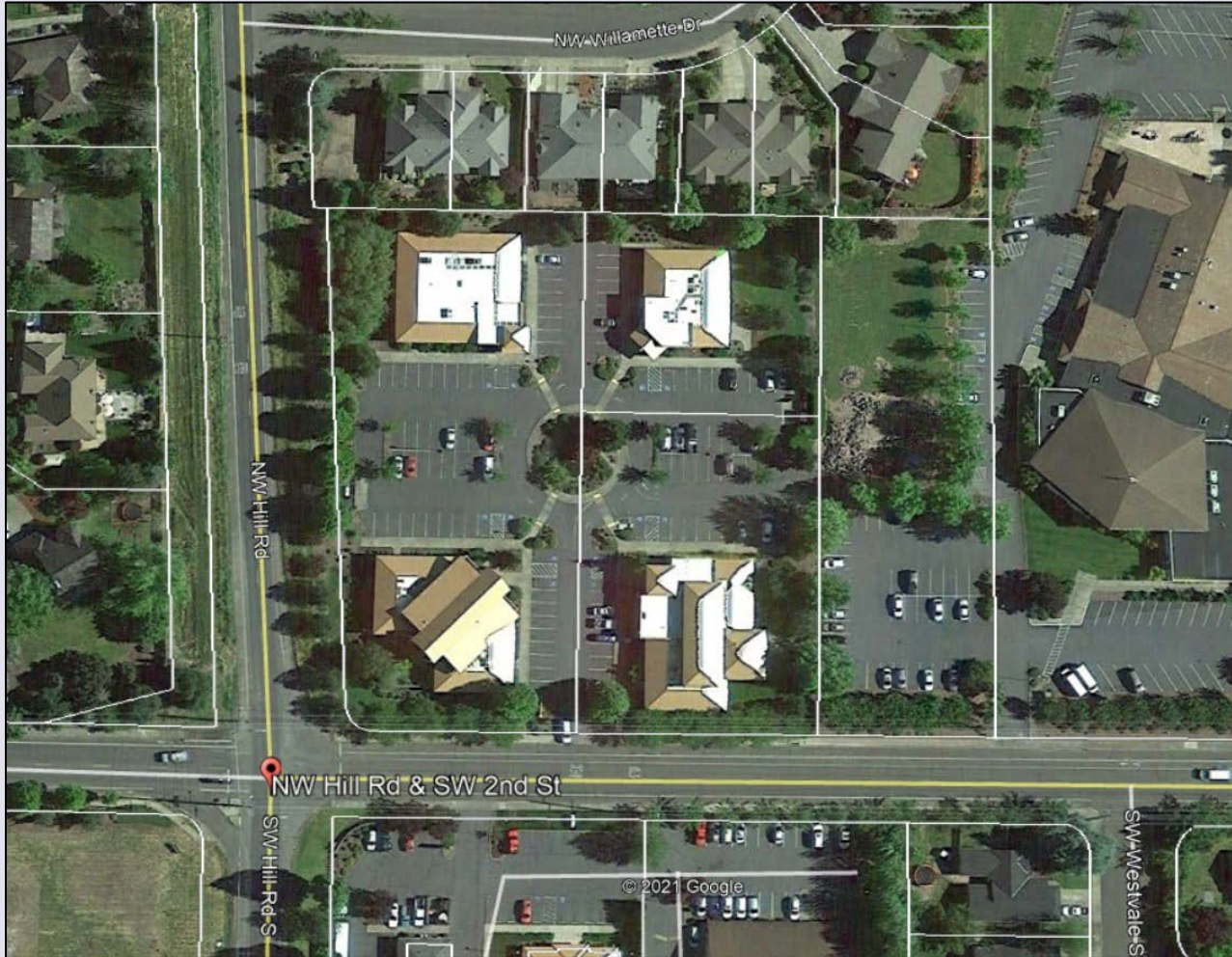
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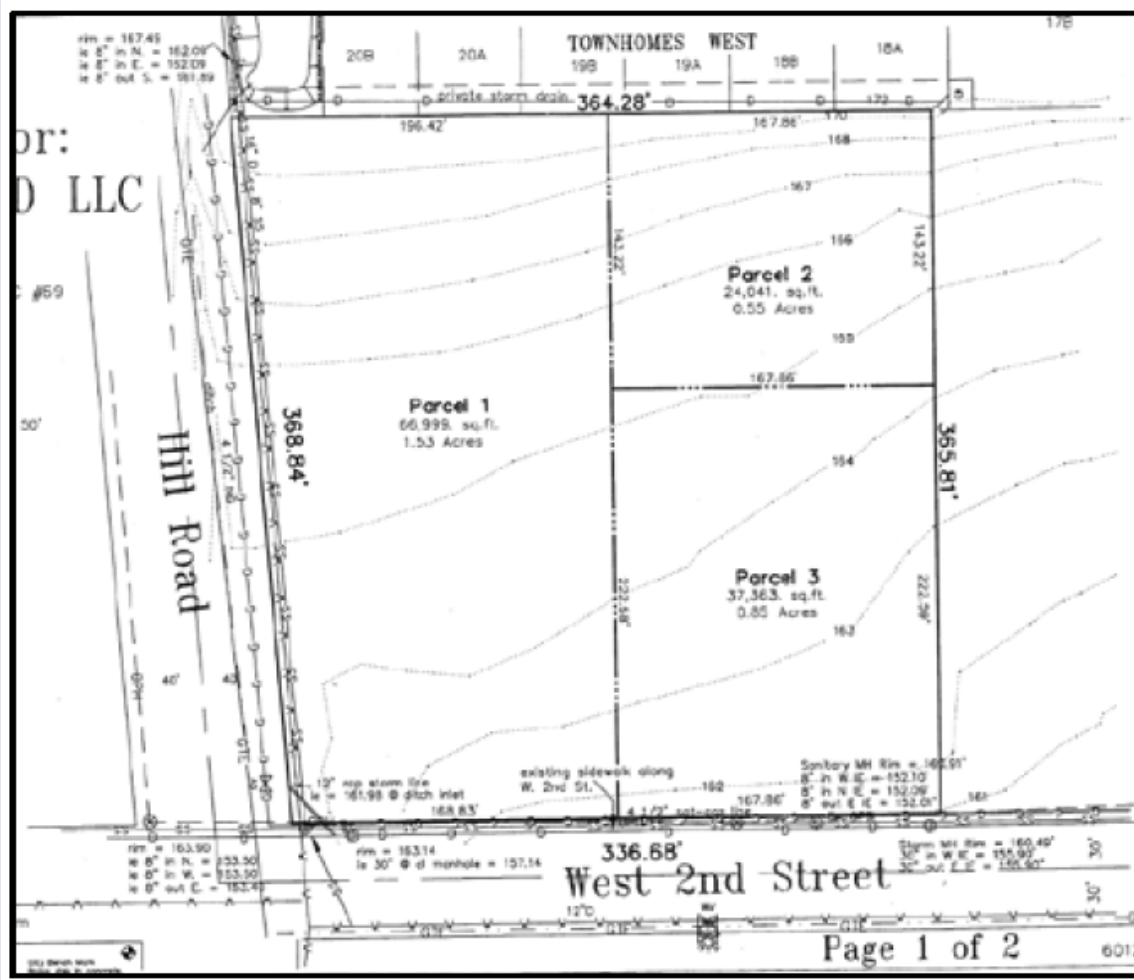
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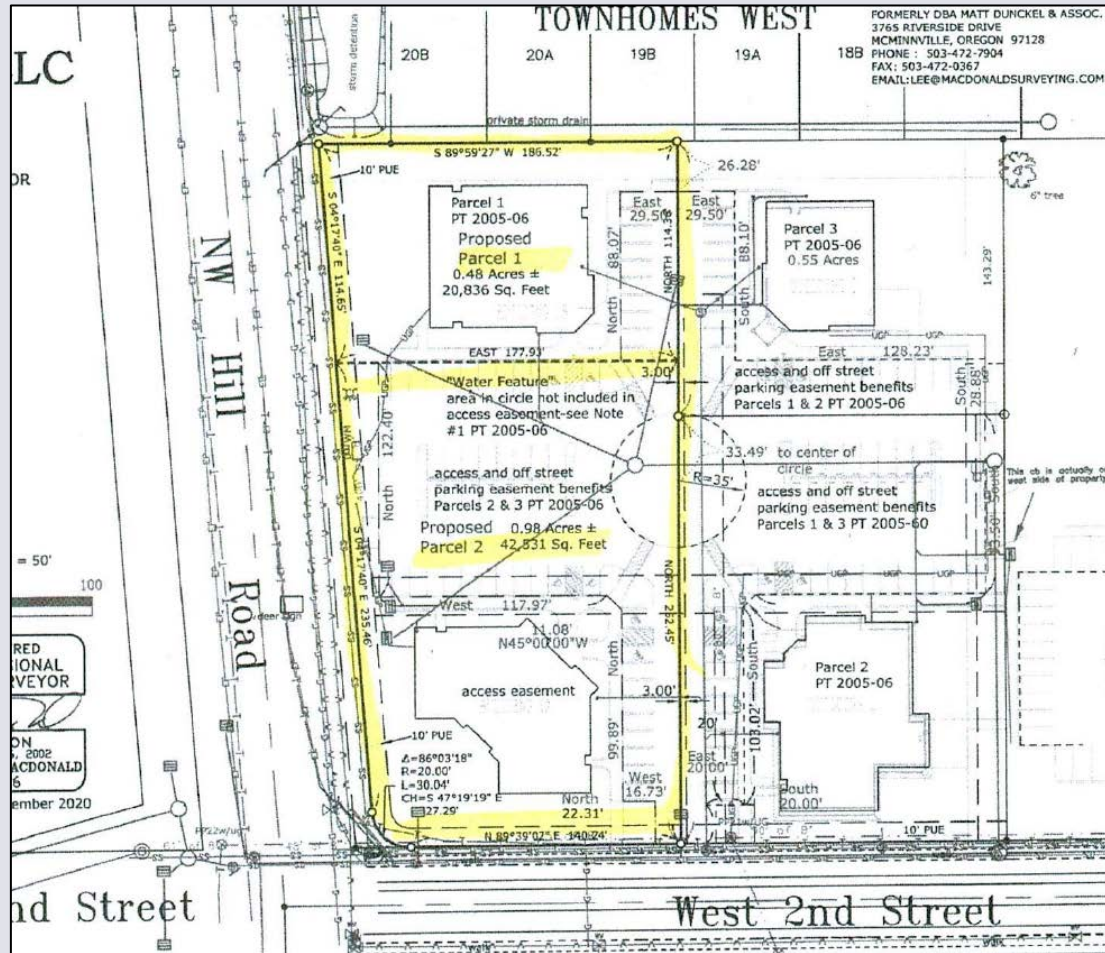
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Criteria:

x / NA

• **17.53.100(c)**. An easement providing access to property...shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved...if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two or more new parcels...that may be provided with access...

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Criteria:

- **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.

x / ✓

✓ / ✓

NA/NA

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Criteria: (cont).

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.

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Criteria (cont.):

✓ / ✓ Applicable Comprehensive Plan Goals & Policies

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

- **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.

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Criteria (cont). Applicable Comp. Plan Goals & Policies

CHAPTER VI. TRANSPORTATION SYSTEM

- **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**

STREETS POLICIES:

- / ✓ • **Policy 120.00.** The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.
- / ✓ • **Policy 122.00.** The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:
 - 1. Major, minor arterials.
 - -Access should be controlled, especially on heavy traffic-generating developments

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- **Thank you!**
- Staff recommendation is **approval** based on findings in decision document.
- Questions for staff?
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- Public testimony