



**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 1206 NE 10th AVENUE

- DOCKET:** MP 1-21 (Tentative Partition)
- REQUEST:** Approval to partition an approximately 8,482 square foot parcel of land into two (2) parcels approximately 4,205 and 4,277 square feet in size to allow for the creation of common-wall single family dwelling units on each individual parcel. The subject site is located at 1206 NE 10th Avenue and is more specifically described as Lot 30, Cottage Addition to the City of McMinnville. The subject property is also identified as Tax Lot 1800, Section 21AB, T.4 S., R. 4 W., W.M.
- LOCATION:** 1206 NE 10th Avenue (Tax Lot: R4421AB01800)
- ZONING:** R-2, (Single-Family Residential)
- APPLICANT:** Karl-Heinz Berto Wolff (property owners)
- STAFF:** Heather Richards, Planning Director
- DATE DEEMED COMPLETE:** September 3, 2021
- 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:** October 16, 2021, 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 1-21), **subject to the conditions of approval provided in Section II of this document.**

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////////////////////

Planning Department: 
Heather Richards, Planning Director

Date: October 16, 2021

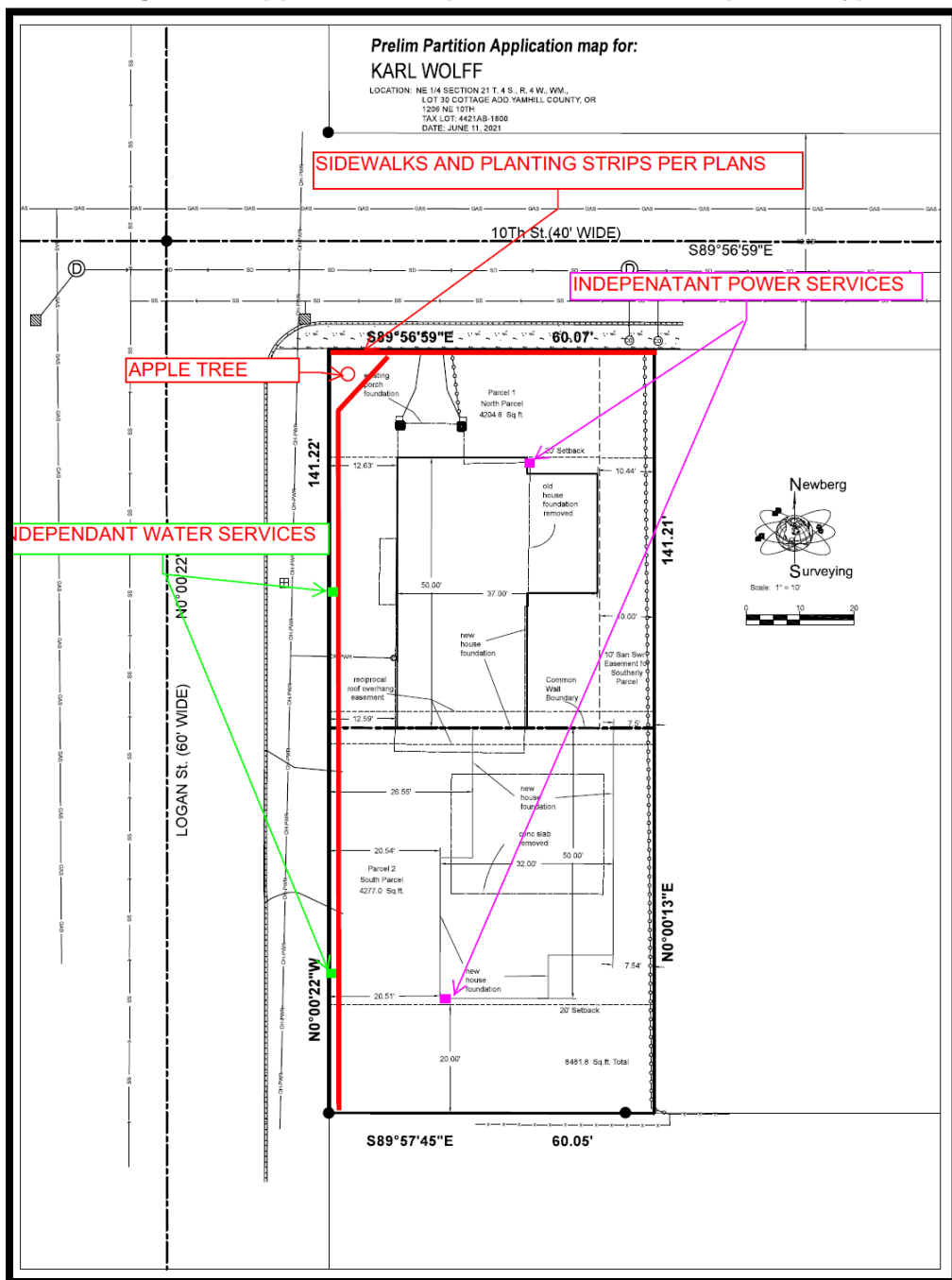
I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for a Tentative Partition (MP 1-21) to partition an approximately 8,482 square foot parcel of land into two (2) parcels approximately 4,205 (Proposed Parcel 1), and 4,277 square feet (Proposed Parcel 2) in size to separate a duplex into two attached common wall dwellings. Proposed Parcel 1 has an existing non-conforming exterior sideyard setback. **1 See Applicant’s Proposed Partition Plan, Figure 1 below.**

The subject site is located at 1206 NE 10th Avenue, and is identified as Tax Lot 1800, Section 21AB, T. 4 S., R. 4 W., W.M.

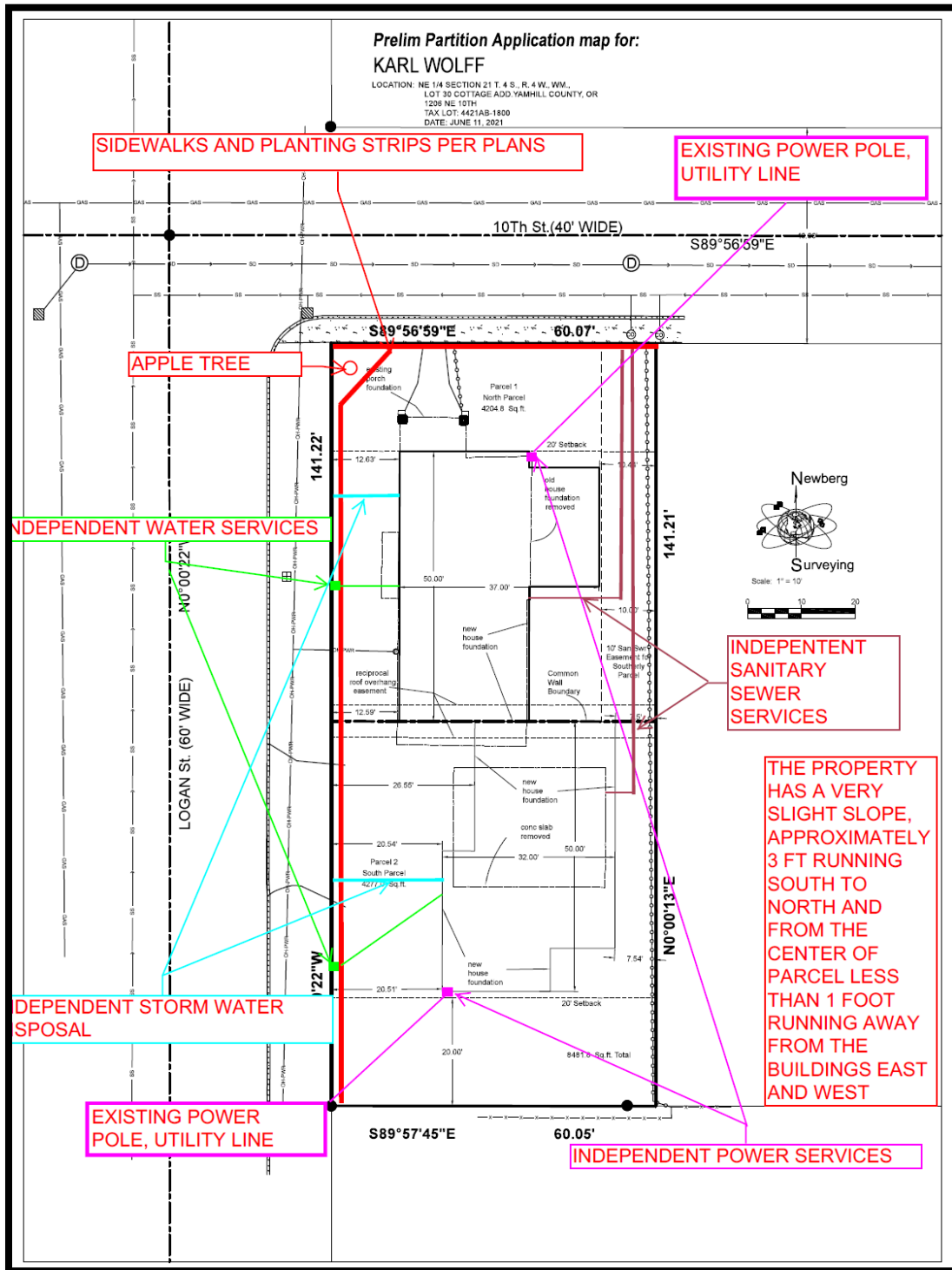
Figure 1. Applicant’s Proposed Partition Plan (Summary)



Attachments:

Attachment 1 – Application and Attachments

Figure 1. Applicant's Proposed Partition Plan (Detail)



The subject property is located east of Lafayette Avenue on the southeast corner of the intersection of 10th Avenue and NE Logan Street. The subject property is zoned R-2 (Single-Family Residential). A duplex is currently constructed on the site with the northern portion of the duplex a reconstructed older residential structure with a non-conforming exterior side yard setback of 12' and the southern portion new construction that meets the required setbacks of the zone. With the partition, the northern parcel (Proposed Parcel #1) will maintain the non-conforming exterior side yard setback, and the southern parcel (Proposed Parcel #2) will have conforming setbacks.

Attachments:

Attachment 1 – Application and Attachments

Across Logan Street to the west of the property is General Commercial (C3) and High Density Residential (R4) zoned property. Across 10th Avenue to the north of the property is General Commercial (C3) zoned property. And then immediately adjacent to the property on the eastern and southern sides is single family residential (R2) zoned property. **See Vicinity Map (Figure 2), and Zoning Map (Figure 3) below.**

Figure 2. Vicinity Maps

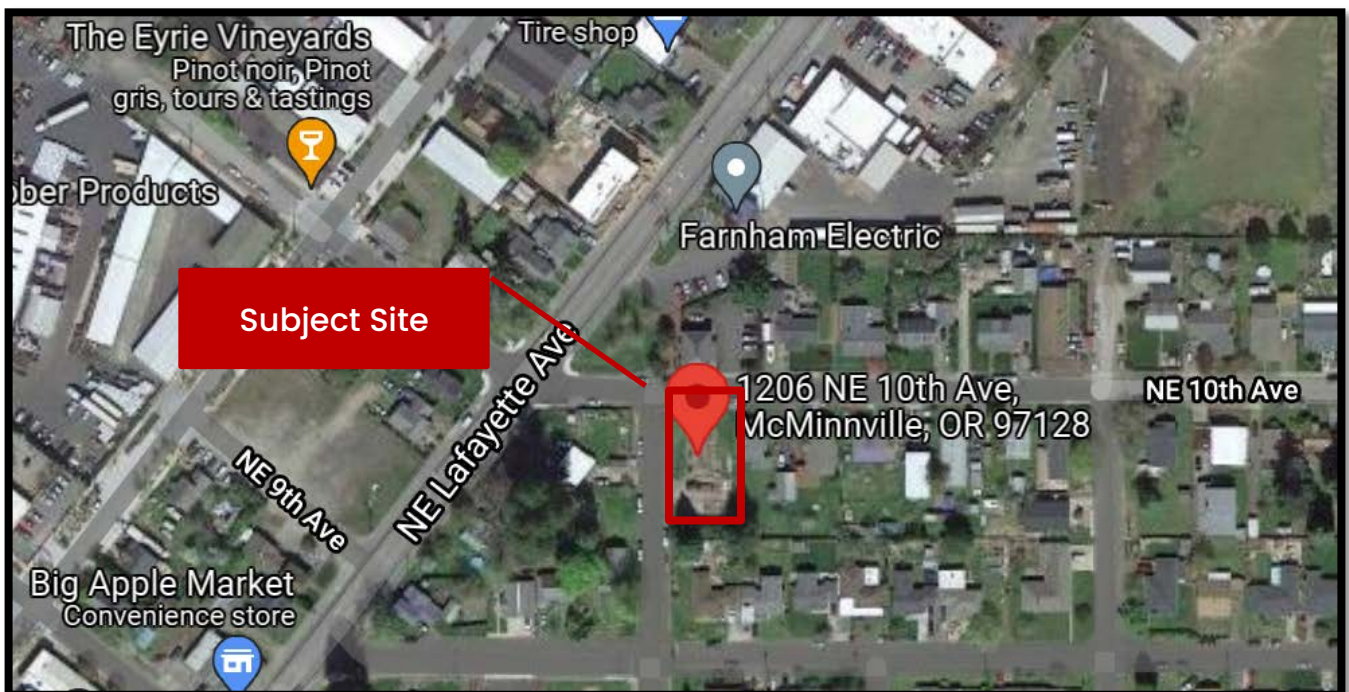
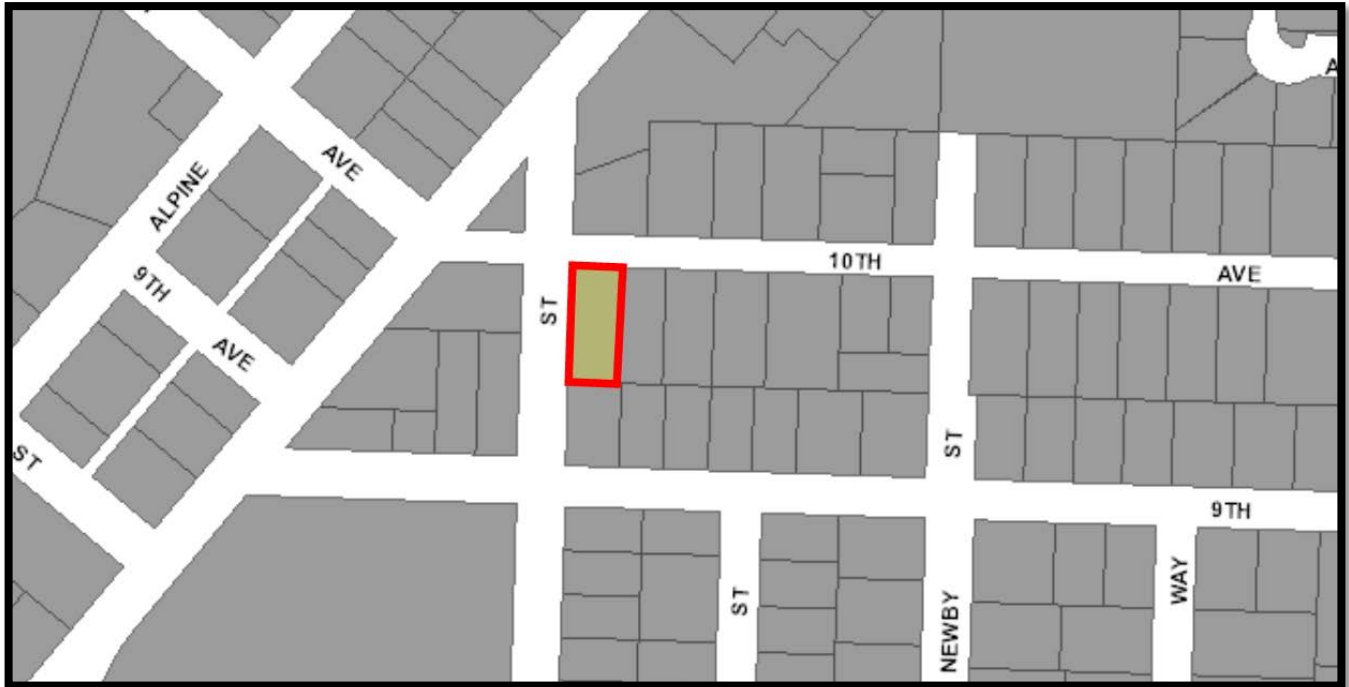


Figure 3. Zoning Map



Summary of Criteria

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.

The specific criteria for reviewing tentative partition plans is Section 17.53.060 the McMinnville Municipal Code per below. As a Type II land-use application, the criteria are clear and objective, and if the criteria are achieved than the application needs to be approved.

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:

- 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

Attachments:

Attachment 1 – Application and Attachments

- 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.
- 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.
- 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.
- 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.

Additionally, as required by the Land Division Standards, lots created by partition are required to conform to the zoning requirements of the area. The R-2 (Single-Family Residential) zone has a minimum lot size of 7,000 square feet for single family residential lots, allows for a duplex on a corner lot of 8000 square feet and a single family dwelling having a common wall with one other single family dwelling provided that the following occurs:

Section 17.15.010(C) – Permitted Uses in R-2 Single Family Residential Zone – Single Family Dwelling having a common wall with one other single family dwelling, provided:

1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
2. The two dwellings shall have a common wall at the "zero" lot line.
3. If one of the lots is a corner lot, then:
 - a. Both lots combined shall comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
 - b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot,
 OR if both lots are interior lots, then:
 - c. Each lot shall comprise not less than seven thousand square feet in area,
 - d. The setback requirements will apply to each dwelling unit independently, except that the setback for the "zero" lot line shall be waived.

Attachments:

Attachment 1 – Application and Attachments

4. Each dwelling unit must have independent services which include, but are not limited to, sewer, water and electricity.
5. The common wall shall be a fire wall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
6. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
7. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

There is an existing duplex on the lot that will meet the requirements of the zone for two single family common wall dwellings once partitioned.

Utilities are required to be provided to each proposed parcel, and the proposed partition indicates utilities are, or can be, provided to each parcel.

And proposed lots are also required to either abut public streets or to have private access easements that access public streets in order to provide vehicular access to the proposed parcels. Both proposed Parcels 1 and 2 abut a public street with access to each lot.

II. CONDITIONS:

1. Each parcel shall have its own separate sanitary sewer lateral connected all the way to the City sanitary sewer main. A right-of-way permit will need to be obtained for the lateral installation from the edge of the property to the City main. All sewer laterals need to be inspected by the City. Contact Jeff Gooden at 971-241-7738 with any questions regarding the sewer lateral inspection.
2. The final partition plat shall include easements for access and sanitary sewer facilities as shown on the tentative partition plat. These easements shall be noted as private.
3. The final partition plat shall include a reciprocal easement for each proposed parcel for a roof overhang on the other property.
4. The final partition plat shall include a reciprocal maintenance easement for the common wall boundary between the two properties, so that each property can access the exterior wall on the common wall property boundary that is not part of the shared wall.
5. Maintenance agreements as necessary for the existing private sanitary sewer facilities serving each of the proposed parcels shall be submitted to the Planning Department for review and approval prior to approval of the final partition plat.
6. Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveways and sidewalks in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at 503-474-5106 with any questions regarding the driveway/sidewalk improvements.

Contractor to construct the corner curb ramps on the SE and SW corner of the Logan and 10th Avenue intersection. City will reimburse contractor for construction of the two corner curb ramps. Contractor to submit cost estimate to City for approval prior to completing this work.

Attachments:

Attachment 1 – Application and Attachments

7. Prior to the City’s approval of the final plat, the applicant shall show proof that the common wall is a fire wall as required by the State Building Codes, and that it has a sound barrier which has a sound transmission class rating of not less than fifty per the State Building Codes.
8. 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.
9. 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.
10. 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.

III. ATTACHMENTS:

- MP 1-21 Application and Attachments (on file with the Planning Department)

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 Building Department

There are no explicit building code concerns..

McMinnville Engineering Department

- Each parcel shall have its own separate sanitary sewer lateral connected all the way to the City sanitary sewer main. A right-of-way permit will need to be obtained for the lateral installation from the edge of the property to the City main. All sewer laterals need to be inspected by the City. Contact Jeff Gooden at 971-241-7738 with any questions regarding the sewer lateral inspection.
- The final partition plat shall include easements for access and sanitary sewer facilities as shown on the tentative partition plat. These easements shall be noted as private.
- The final partition plat shall include a reciprocal easement for each proposed parcel for a roof overhang on the other property.
- The final partition plat shall include a reciprocal maintenance easement for the common wall boundary between the two properties, so that each property can access the exterior

Attachments:

Attachment 1 – Application and Attachments

wall on the common wall property boundary that is not part of the shared wall.

- Maintenance agreements as necessary for the existing private sanitary sewer facilities serving each of the proposed parcels shall be submitted to the Planning Department for review and approval prior to approval of the final partition plat.
- Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveways and sidewalks in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at 503-474-5106 with any questions regarding the driveway/sidewalk improvements.

Contractor to construct the corner curb ramps on the SE and SW corner of the Logan and 10th Avenue intersection. City will reimburse contractor for construction of the two corner curb ramps. Contractor to submit cost estimate to City for approval prior to completing this work.

McMinnville Water & Light

No comments.

McMinnville Fire Department

No issues.

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, Karl Heinz Wolff, property owner, submitted the Tentative Partition application on July 6, 2021.
2. The application was deemed incomplete on July 30, 2021. A revised application submittal, including items that were requested by the Planning Department to deem the application complete, was provided on September 1, 2021.
3. The application was deemed complete on September 3, 2021.
4. On September 8, 2021, 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; Northwest Natural Gas; and ODOT Region 2.

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

5. On September 16, 2021, notice of the application and public comment period was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance.

Attachments:

Attachment 1 – Application and Attachments

6. The 14-day public comment period closed on September 30, 2021.
7. No Public testimony was submitted to the Planning Department.
8. The Planning Director issued a decision on October 16, 2021.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1206 NE 10th Avenue (Tax Lot: R4421AB01800)
2. **Size:** 8,482 square feet
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2, (Single-Family Residential)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Duplex.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:**
 - a. **Slopes:** The property has a very slight slope, approximately 3 feet running south to north and from the enter of parcel less than one foot running away from the buildings east and west.
 - b. **Easements:** There are currently no easements recorded on the property.
9. **Utilities:**
 - a. **Water:** Water mains and services are shown on the tentative plan.
 - b. **Sewer:** Municipal sewer mains are shown on the tentative plan.
 - c. **Other Services:** Other services are available to the property. The tentative plan shows the above utilities and also gas lines and underground power.
10. **Transportation:** Logan Street and 10th Avenue are classified as local streets, that are currently improved.

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.

Attachments:

Attachment 1 – Application and Attachments

Comprehensive Plan Volume II:

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 V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Urban Policies:

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1-7. The Tentative Partition Map indicates proposed provision of water, electricity, and sanitary sewer to proposed Parcels 1 and

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

GREAT NEIGHBORHOOD PRINCIPLES

Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today’s technology and infrastructure, and can accommodate future technology and infrastructure.

Attachments:

Attachment 1 – Application and Attachments

Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The application is a current land-use application for a Minor Partition of the subject site, and Great Neighborhood Principles policies are applicable.

Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed partition would create two common wall single family dwellings, allowing for more home owner and rental choices in the neighborhood.

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.

McMinnville Municipal Code

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

Chapter 17.15 R-2 Single Family Residential Zone

17.15.030 Lot Size. In an R-2 zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.15.010(C) of this ordinance.

Attachments:

Attachment 1 – Application and Attachments

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Current parcel is 8,482 square feet with a proposal to partition into two lots of 4,205 square feet and 4,277 square feet respectively in compliance with Section 17.15.010(C).

Section 17.15.010(C) – Permitted Uses in R-2 Single Family Residential Zone – Single Family Dwelling having a common wall with one other single family dwelling, provided:

1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
2. The two dwellings shall have a common wall at the “zero” lot line.
3. If one of the lots is a corner lot, then:
 - a. Both lots combined shall comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
 - b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot,
 OR if both lots are interior lots, then:
 - c. Each lot shall comprise not less than seven thousand square feet in area,
 - d. The setback requirements will apply to each dwelling unit independently, except that the setback for the “zero” lot line shall be waived.
4. Each dwelling unit must have independent services which include, but are not limited to, sewer, water and electricity.
5. The common wall shall be a fire wall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
6. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
7. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #7. Proposed parcels #1 and #2 are 4,205 and 4,277 square feet respectively that will share a common wall but have separate public services and utilities.

17.15.040 Yard requirements. In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The existing lot to be partitioned has an existing dwelling on it that has a non-comforming exterior side yard setback of 12’. This will continue as a condition for

Attachments:

Attachment 1 – Application and Attachments

Proposed Parcel #1, and will be governed by the McMinnville Municipal Code for properties with existing non-conforming structures.

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;
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 July 6, 2021, and the application was deemed incomplete on July 30, 2021. The remaining information was provided on September 1, 2021.

Section 17.53.60(A) Code Provision	Notes
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;	Provided in original application submittal on July 6, 2021.
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;	Provided in original application submittal on July 6, 2021..

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;	Provided in original application submittal on July 6, 2021.
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;	Provided in original application submittal on July 6, 2021.
Outline and location of existing buildings to remain in place;	Provided in original application submittal on July 6, 2021..
Parcel layout showing size and relationship to existing or proposed streets and utility easements;	Provided in original application submittal on July 6, 2021..
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.)	Provided in original application submittal on July 6, 2021..
A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.	Provided in original application submittal on July 6, 2021.
Contour lines related to City datum and having minimum intervals of two (2) feet.	Provided on updated maps dated September 1, 2021 as a note. No lines required due to the minimum slope on the site.
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.	None on the site.
Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.	Provided on updated submittal September 1, 2021.
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.	Provided in original application submittal on July 6, 2021, and more extensively in updated maps on September 1, 2021.
Such additional information as required by the Planning Director.	No additional information requested.

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 September 3, 2021. Notification was mailed to property owners within 100 feet of the subject site on September 16, 2021. 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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Dedication of additional land and/or easements are not required to carry out the McMinnville Comprehensive Plan. The subject site has not been partitioned into more than three (3) parcels within any one (1) calendar year, nor is the subject site proposed to be divided into units of one acre or more.

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 OF APPROVAL #10. 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.

CONDITION FOR FINDING: 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.

Land Division Standards – Future Development Plan

17.53.080 Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

- A. Any potential future lots (lot size shall be depicted).
- B. Existing and proposed utilities including water, sewer and storm drains.
- C. Streets and access points for potential future lots.

It shall be the responsibility of the Engineering Department and Planning Department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The Planning Director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:

- A. The construction of streets and utilities or the dedication of right-of-way for future improvements.
- B. Any easements as deemed necessary for the extension of utility services.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The property cannot be further subdivided per the underlying zone.

Land Division Standards – Approval of Streets and Ways

17.53.100 Creation of Streets.

- C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether

Attachments:

Attachment 1 – Application and Attachments

immediate or future, 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 by the Planning Director under the following conditions:

1. 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 more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;
2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.
3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.

APPLICANT’S RESPONSE: None.

FINDING: NOT APPLICABLE. No shared private access easements are required.

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) 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. 30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone (with ADA)	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		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
		Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 – 3,000	1,200	500
		Traffic Management	Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	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:

- 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: NOT APPLICABLE. No new streets are proposed.

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.

- 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 are appropriate for the use contemplated (residential). All proposed lot sizes conform to the zoning requirements of the area. See findings for Sections 17.15.030 and 17.18.030 above. The depth of each of the proposed parcels does not exceed two times the width.

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. Proposed Parcel 1 and Proposed Parcel 2 abut 10th Avenue and Logan Street respectively.

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 three proposed parcels run at approximate right angles to the street rights-of-way upon which the 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.

HR