



**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 APPLICATION OF A TENTATIVE PARTITION OF TAX LOT R4410C00100 AT 2755 NE HIGHWAY 99W.**

- DOCKET:** MP 2-21 (Tentative Partition)
- REQUEST:** Application for a Tentative Partition to partition an approximately 9.00 acre parcel of land into two (2) parcels approximately 5.00 and 4.00 acres in size to allow for separate development to occur on each parcel, while utilizing shared access and circulation areas on the subject site. The subject site is located at 2755 NE Highway 99W and is more specifically described as Parcel 1, Partition 2011-04.
- LOCATION:** Map & Tax Lot: R4410C00100, (Parcel 1, Partition 2011-04)  
Address: 2755 NE Highway 99 West
- ZONING:** C-3 PD (General Commercial Planned Development)
- APPLICANT:** Jeff Piccolo on behalf of Wilco Farmers
- PROPERTY OWNER:** Wilco Farmers
- STAFF:** Heather Richards, Planning Director
- DATE DEEMED COMPLETE:** August 27, 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 15, 2021, 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

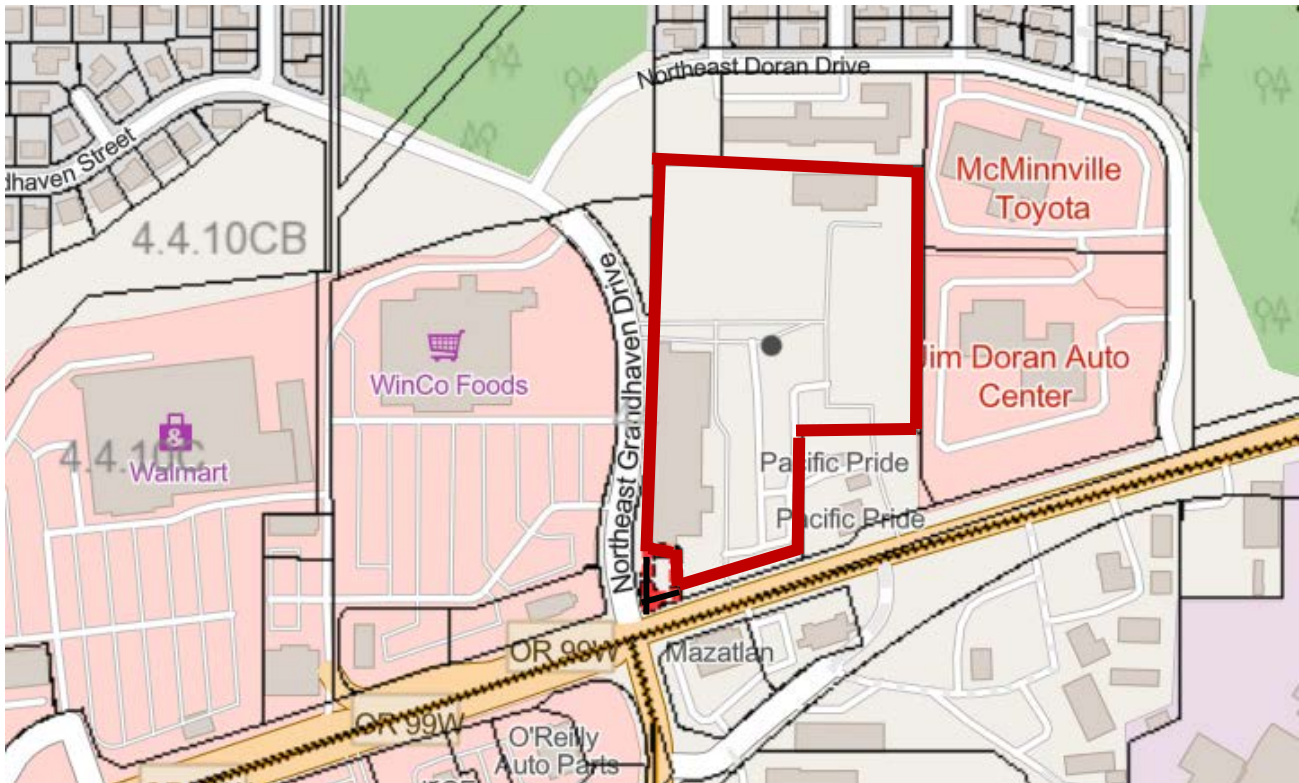


**I. APPLICATION SUMMARY:**

***Subject Property & Request***

The proposal is an application for a Tentative Partition (MP 2-21) to partition a property of 9.00 acres into two parcels, approximately 4.00 acres and 5.00 acres. **See Vicinity Map (Figure 1), Zoning Map (Figure 2), and the Applicant’s Proposed Partition Plan (Figure 3) below.** Other items submitted as part of the application are included with the application, which is attached.

**Figure 1. Vicinity Maps**



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***Attachments:***

Attachment 1 – Application and Attachments

Figure 1. Vicinity Maps

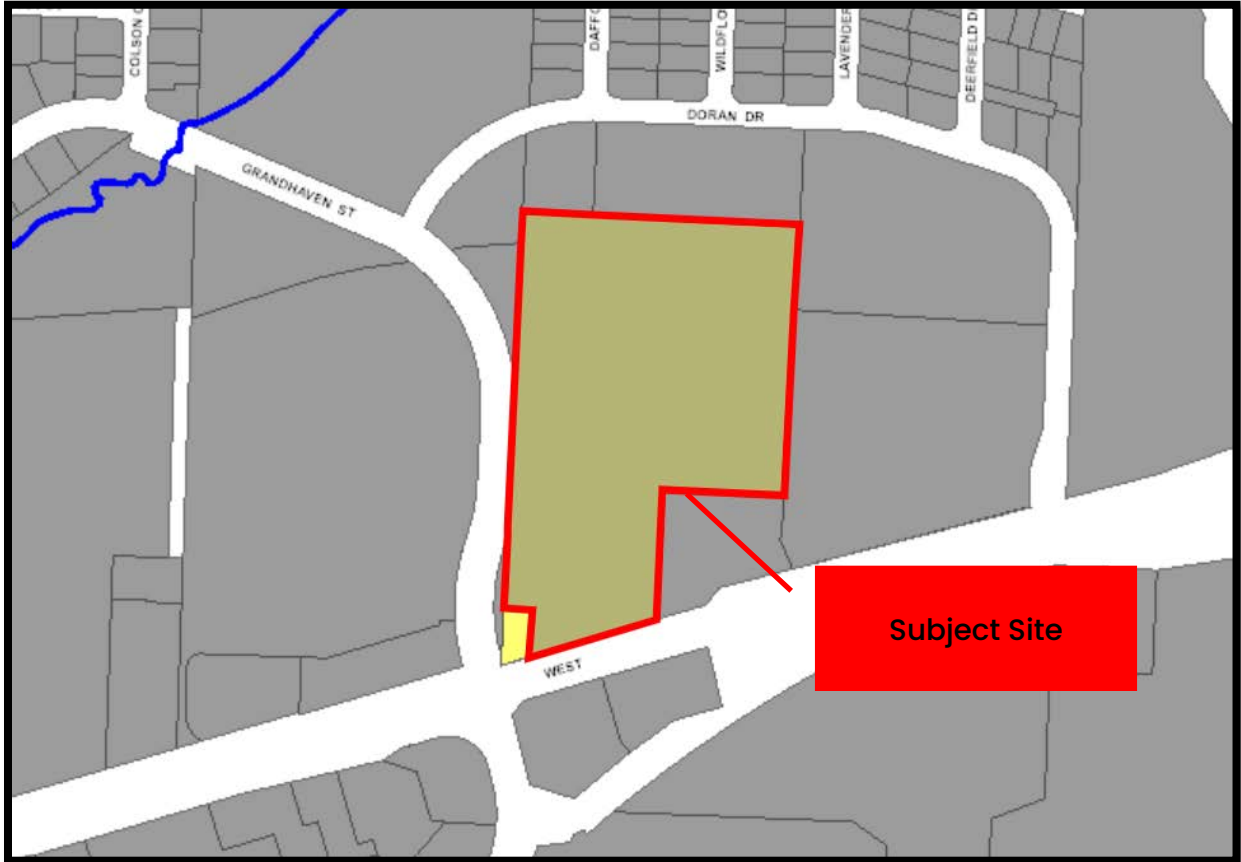
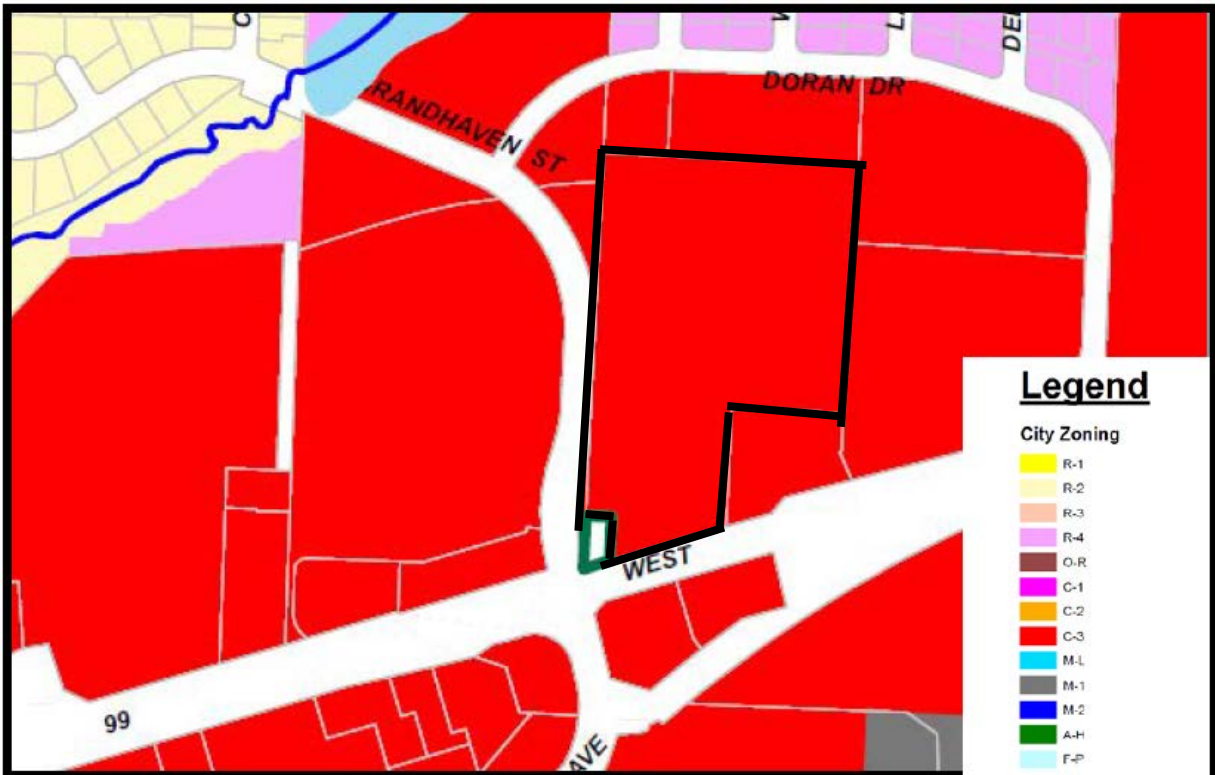


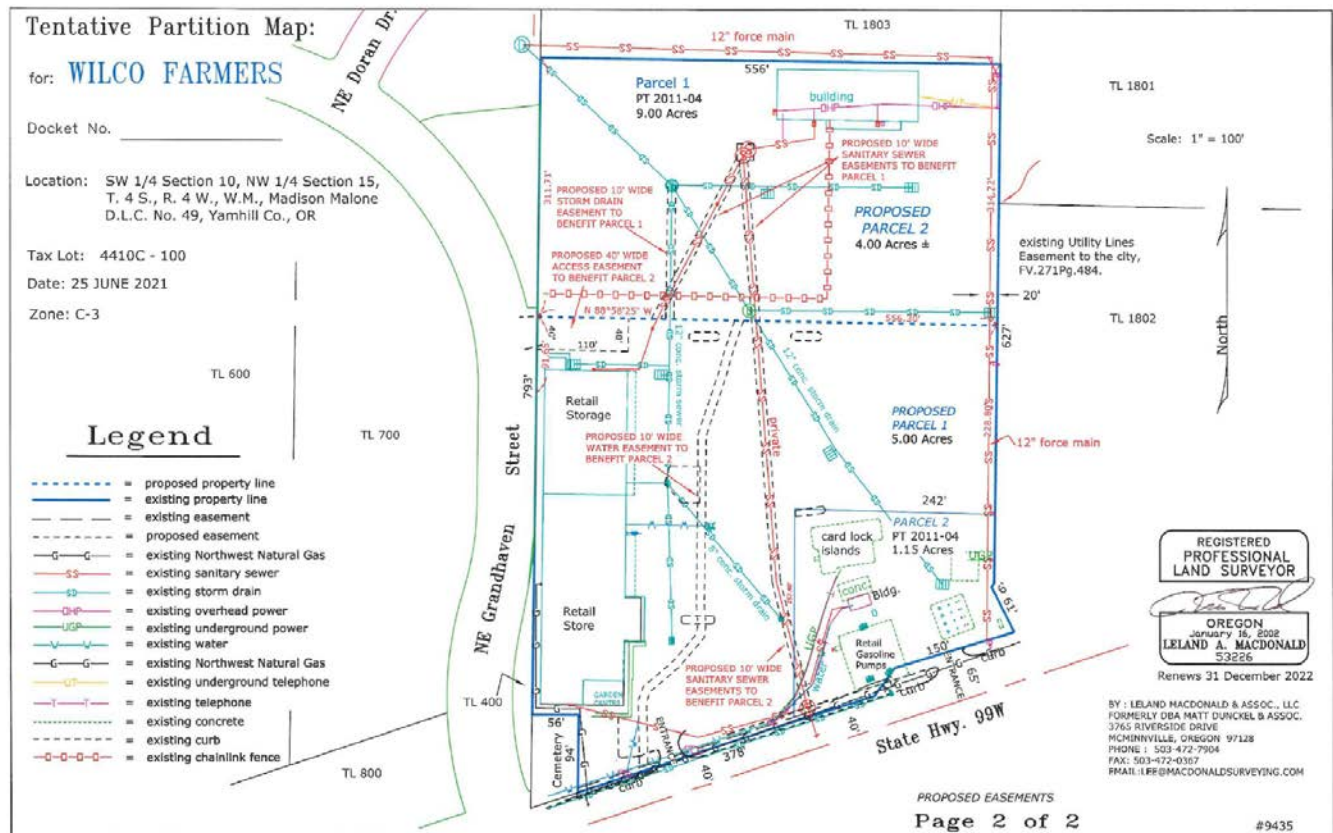
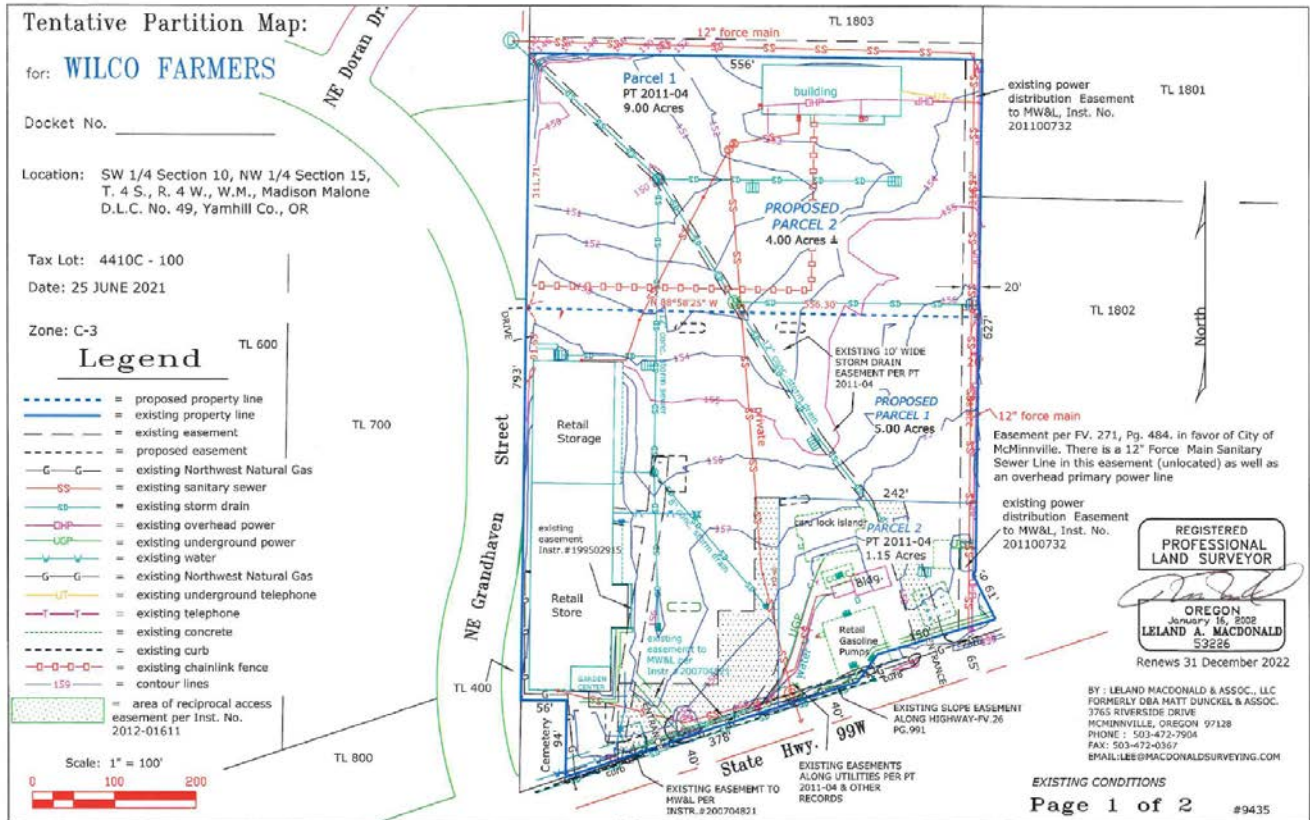
Figure 2. Zoning Map



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Figure 3. Applicant's Proposed Partition Maps (2 Pages)



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### **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.

### **Planned Development Overlay Provisions**

For properties subject to Planned Development (PD) overlay designations, special provisions of the PD ordinance may also apply.

This is a partition of a parcel that was partitioned in 2011. This partition involves Parcel 1 of Partition 2011-04. The subject property is part of a planned development overlay per Ordinance No. 4006, adopted on April 3, 1979, by the McMinnville City Council. Ordinance No. 4006 rezoned the property from Yamhill County AF-20 (Agricultural Forestry 20-acre minimum) to C-3 PD (General Commercial Planned Development).

The provisions of the planned development include the following two conditions:

- The owner or developer is responsible for requesting permission of the Planning Commission for any major change of the details contained in the plot plan. Any request of this type will be handled by the Planning Commission as a zone change request.
- Minor changes to the details of the plan may be approved by the City Planning Director. It shall be the Planning Director’s decision as to what constitutes a major or minor change. An appeal from a ruling by [Planning Director] may be made only to the Commission. Review of the Planning Director’s decision by the Planning Commission may be initiated at the request of any of the Commissioners.

### **Zoning**

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. Per **Figure 2, Zoning**, all properties adjacent to the subject site are commercially zoned.

## **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. Currently Proposed Parcel #1 and Proposed Parcel #2 share a private sewer lateral. Each parcel 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

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Engineer for the 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. The applicant will need to evaluate the existing private sanitary sewer laterals for defects that allow inflow and infiltration (I & I) of groundwater and rainwater into the sanitary sewer system. Prior to the City's approval of the final plat, the applicant shall have the private sewer sanitary laterals video inspected, and the applicant shall provide a copy of the inspection to the City Engineering Department for evaluation. Any defects found in the lateral shall be repaired and/or replaced as part of the building permit work. Contact Jeff Gooden at 503-434-7312 with any questions regarding the sewer lateral inspection.
3. The final partition plat shall include easements for access, sanitary sewer, and storm water facilities as shown on the tentative partition plat. These easements shall be noted as private.
4. Maintenance agreements as necessary for the existing private sanitary sewer and storm water 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.
5. Maintenance agreements as necessary for ingress and egress easement(s) shall be submitted to the Planning Department for review and approval prior to approval of the final partition plat.
6. Maintenance agreements as necessary for the existing private storm water facilities, shall be submitted to the Planning Department for review and approval prior to approval of the final partition plat.
7. Prior to the City's approval of the final plat, the applicant shall provide the city with evidence of compliance with ODOT's 's access requirements for access to 99W.
8. Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveway and sidewalk 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 Jeff Gooden at (503) 434-7312 with any questions regarding the driveway/sidewalk improvements.
9. The site is adjacent to Pacific Highway West, No. 091 (OR-99W), and is subject to state laws administered by ODOT. The site currently has two highway approaches at MP 35.44 and 35.47 (via assumed easement). No modifications have been proposed to either of the approaches and the partition request will not trigger any requirements from ODOT. If the applicant needs to perform any work in the highway right-of-way, they will need to call the ODOT District 3 Permits office at 503-986-2900.
10. A double check backflow assembly required at premise (by water meter). Water meter resides in front of Wilco.
11. 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.
12. 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

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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.

13. 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 2-21 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; Northwest Natural Gas; and ODOT Region 2.

Responses were received from the following agencies, provided below:

- McMinnville Building Department: No building code concerns
- Comcast: No issues.

#### ***Engineering Department:***

- 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. Currently Proposed Parcel #1 and Proposed Parcel #2 share a private sewer lateral. Each parcel 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 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.
- The applicant will need to evaluate the existing private sanitary sewer laterals for defects that allow inflow and infiltration (I & I) of groundwater and rainwater into the sanitary sewer system. Prior to the City's approval of the final plat, the applicant shall have the private sewer sanitary laterals video inspected, and the applicant shall provide a copy of the inspection to the City Engineering Department for evaluation. Any defects found in the lateral shall be repaired and/or replaced as part of the building permit work. Contact Jeff Gooden at 503-434-7312 with any questions regarding the sewer lateral inspection.
- The final partition plat shall include easements for access, sanitary sewer, and storm water facilities as shown on the tentative partition plat. These easements shall be noted as private.

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- Maintenance agreements as necessary for the existing private sanitary sewer and storm water 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.
- Maintenance agreements as necessary for ingress and egress easement(s) shall be submitted to the Planning Department for review and approval prior to approval of the final partition plat.
- Maintenance agreements as necessary for the existing private storm water facilities, 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 provide the city with evidence of compliance with ODOT's 's access requirements for access to 99W.
- Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveway and sidewalk 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 Jeff Gooden at (503) 434-7312 with any questions regarding the driveway/sidewalk improvements.

***McMinnville Fire Department:***

- FD has no issues with this request. Note: any new development or construction will need to meet current Oregon Fire Code for access and water supply.

***McMinnville Water and Light:***

- A double check backflow assembly required at premise (by water meter). Water meter resides in front of Wilco.

***Oregon Department of Transportation:***

- The site is adjacent to Pacific Highway West, No. 091 (OR-99W), and is subject to state laws administered by ODOT. The site currently has two highway approaches at MP 35.44 and 35.47 (via assumed easement). No modifications have been proposed to either of the approaches and the partition request will not trigger any requirements from ODOT. If the applicant needs to perform any work in the highway right-of-way, they will need to call the ODOT District 3 Permits office at 503-986-2900.

**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.

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**V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The application was submitted on July 12, 2021.
2. The application was deemed incomplete on August 6, 2021. A revised application submittal, including items that were requested by the Planning Department to deem the application complete, was provided on August 16, 2021.
3. The application was deemed complete on August 27, 2021.
4. On August 27, 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 2, 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.
6. The 14-day public comment period closed on September 16, 2021.
7. No Public testimony was submitted to the Planning Department.
8. The Planning Director issued a decision on October 15, 2021.

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

1. **Location:**
  - a. Address: 2755 NE Hwy 99W
  - b. Map & Tax Lot: R4410C=00100 (Parcel 1, Partition 2011-04)
2. **Size:** 9.00 acres
- 3.
4. **Comprehensive Plan Map Designation:** Commercial
- 5.
6. **Zoning:**
  - a. **Subject Property:** C-3 PD (General Commercial Planned Development)
7. **Overlay Zones/Special Districts:** None identified, other than the C-3 PD Overlay described above
8. **Current Use:** Wilco Farm Store
9. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified.

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**10. Other Features:**

- a. **Slopes:** The property is generally flat
- b. **Easements and Utilities:** There are numerous easements across the property and benefitting the property on adjacent properties for access and utilities. **See Figure 3.** The McMinnville Engineering Department has also provided comments regarding easements. *See Section IV.*

**11. 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. **Stormwater:** There is an existing 10' wide storm drain easement per PT 2011-04
- d. **Other Services:** Other services are available to the property. The tentative plan shows the above utilities and also gas lines and underground power.

**12. Transportation and Access:**

The parcel currently has a shared access on Highway 99W that will be retained for the benefit of Proposed Parcel #1. The parcel also currently has an access off of NE Grandhaven Street. There is a proposed 40' wide access easement proposed to benefit Proposed Parcel #2 from this access.

**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.

**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:

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**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 117.00      The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*
- 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 125.00      The City of McMinnville shall adopt measures to control access onto US Highway 99W from heavy traffic-generating developments. Planned development overlays on new large commercially or industrially designated areas adjacent to the highway would give the City needed access controls.*
- Policy 132.41.25      Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed partition utilizes existing shared access points. No new streets or access points are proposed. Conditions of approval 1-8 requiring easements for use of shared circulation and access points address consistency with these policies.

- 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 132.62.20      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 CONDITIONS.** The proposed partition retains the current access and circulation system without revisions. The properties are already developed. The partition allows for buildings on one parcel to be separately owned on separate parcels, while providing necessary easements for shared access and circulation and use of existing access points to Highway 99. No new streets are proposed. Conditions 1-9 regarding easements and maintenance agreements ensure consistency with these policies.

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**GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMinnville Urban Growth Boundary.**

- Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*
- Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*
- Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*
- Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS.** The existing development is served with municipal utilities including sanitary sewer, water, and storm water drainage. These policies are satisfied with conditions of approval which require easements necessary for the continued access to these utilities with the partitioning of the property. No natural drainage ways are affected by the partition. These policies are satisfied with conditions 1-9 regarding easements and maintenance agreements.

**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.

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**McMinnville Zoning Ordinance (Title 17 of the Municipal Code)**

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

**Chapter 17.53. Land Division Standards:****Land Division Standards - Partition**

**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 which was deemed complete upon a determination that the items specified in Section 17.53.060(A) were submitted.

**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: SEE BELOW.** The application was processed in accordance with Section 17.72.100. Findings regarding substantial conformance of the tentative plan with the requirements of this Chapter are addressed individually below.

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**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 WITH CONDITIONS.** The conditions required for this partition are no greater than would be required for a subdivision application.

The proposed partition will not result in more than three parcels within a calendar year. The proposed partition doesn't result in any parcels of one acre or more in size.

The proposed partition results in a parcel configuration in which utilities and access will cross the proposed property line. This includes easements between Proposed Parcels 1 and 2, as well as easements related to services across other adjacent parcels where utilities which currently cross property lines without current easements. This criterion is satisfied subject to conditions 1-9 in Section II of this decision which require dedication of easements and maintenance agreements where utilities and access cross property lines, will cross the proposed property line, and where the dedication of the public utility easement along the frontage of the property is required.

**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 CONDITIONS.** Conditions of approval 11-13 are included to specify that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision, and the final plat must be finalized or the tentative plan will expire, unless an extension is approved as specified in the Zoning Ordinance.

### ***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...*

*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 the infrastructure for the future plan is consistent with the current development*

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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.** There is no minimum lot size for development in the C3 zone. The C3 Planned Development Overlay from Ordinance No. 4006 will remain on the property requiring a review of any substantial changes to the site plan for new development.

### **Land Division Standards – Approval of Streets and Ways**

#### 17.53.100 Creation of Streets.

- A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:
  1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;
  2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;
  3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.

**APPLICANT'S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** No new street is proposed.

- B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.

**APPLICANT'S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** No new street is proposed.

- 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 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

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*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:** The applicant proposes to partition the existing Parcel 1 (Partition 2011-04) consisting of approximately 9 acres, into two (2) parcels labeled Proposed Parcel 2 consisting of approximately (4) four acres and Proposed Parcel 1 consisting of approximately (5) acres. The applicant is the owner of Parcel 1 (Partition 2011-04) and is under contract to sell the Proposed Parcel 2 and retain ownership of Proposed Parcel 1. The proposed parcels are shown on the Tentative Partition Map.

The Proposed Parcel 2 is located approximately 543' or 181 yards north from Hwy 99 with the Wilco retail store and parking field on Proposed Parcel 1 separating Proposed Parcel 2 from Highway 99. However there is an existing driveway located on NE Grandhaven Street at the Northwest corner of Proposed Parcel 1 immediately adjacent to Proposed Parcel 2. This existing Grandhaven driveway is fully paved and is approximately (40) forty feet wide

The applicant has proposed a (40) forty foot wide by (100) one hundred foot deep easement located at the Grandhaven driveway to provide access to Proposed Parcel 2. The proposed (40) forty foot wide easement is well above the minimum width of (15) fifteen feet required under Section 17.53.100(C)(1). The proposed easement will utilize existing improvements and not negatively impact traffic flow on NE Grandhaven Street. Given the existing driveway improvements and proximity to Proposed Parcel 2, the proposed 40' x 100' easement is the only reasonable method to provide access to the Proposed Parcel 2 at the rear portion of the unusually deep Parcel 1 (Partition 2011-04).

The proposed easement area is over an existing improved driveway as shown on the enclosed Tentative Partition map. The applicant will prepare an easement for said access, subject to approval by the city Attorney, and file as a closing condition of the Proposed Parcel 2 pending sale.

By utilizing existing driveway improvements that exceed the minimum width standard and are also positioned in immediate proximity to the Proposed Parcel 2 to be served by the access, the proposed easement meets the requirements of MMC Section 17.53.100 (C) by providing the only reasonable method by which the rear portion of the unusually deep lot being partitioned may be accessed.

**FINDING: SATISFIED WITH CONDITIONS.** The City concurs with the applicant's response and conditions of approval require that the proposed access easement at NE Grandhaven Street be memorialized with the recording of the partition.

- D. *A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:*
  1. *If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.*

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2. *The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.*
3. *Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.*
4. *Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.*
5. *Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions (Amended 8/14/07 by Ordinance No. 4879).*

**APPLICANT’S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** The application is for a partition, not a subdivision, and a private way/drive is not proposed.

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 None	na 74 ft.	na 46 ft.	na 44 ft.	30 or 40 ft. 30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone <small>(with ADA)</small>	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
	Traffic Management	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 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.

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.
- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.
- E. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography

requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.
- H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.
- J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)
- K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)
- L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
  2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).
- Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.
- M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the

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appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

- N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.
- P. Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.
- Q. Bikeways. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)
- R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)
- S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)
- T. Park strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.
- U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager. (Ord. 5023, §2, 2017; Ord. 4922, §4B, 2010; Amended 8/14/07 by Ordinance No. 4879.)

**APPLICANT'S RESPONSE:** None.

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**FINDING: NOT APPLICABLE.** No new street is proposed, and no new access point is proposed. As a condition of approval, adequate easements will be required to assure use of existing access points and shared on-site circulation.

17.53.103 Blocks.

A. General. *The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

**APPLICANT’S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** No new streets are proposed.

B. Size. *No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT’S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** No new streets are proposed.

C. Easements.

1. Utility lines. *Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*
2. Water courses. *If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer’s office. Streets or parkways parallel to major water courses may be required.*
3. Pedestrian ways. *When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS.** Conditions of approval 1-9 addressing easements and maintenance agreements address compliance with (C)(1). Subsections (2) and (3) are not applicable.

**Chapter 17.33. C-3 General Commercial Zone**

Note: There is no minimum lot size in the C-3 zone.

17.33.030. Yard Requirements. Except as provided in Section 17.54.050, and “A” and “B” below, there shall be no required yards in a C-3 zone:

- A. Side yard shall not be less than twenty feet when adjacent to a residential zone;
- B. Rear yard shall not be less than twenty feet when adjacent to a residential zone.

**APPLICANT’S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** There is no adjacent residential zone.