



CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

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[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT 2950 NE HEMBREE STREET.**

- DOCKET:** MP 1-17 (Minor Partition)
- REQUEST:** The applicant is requesting a minor partition to separate an approximately 0.89 acre parcel of land into three (3) parcels approximately 0.21 acres, 0.37 acres, and 0.31 acres in size.
- LOCATION:** The property is located at 2950 NE Hembree Street and is more specifically described as Tax Lot 800, Section 9CD, T. 4 S., R. 4 W.
- ZONING:** The subject site's current zoning is R-1 (Single Family Residential).
- APPLICANT:** Ishmael Duckett
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Director
- DATE & TIME:** April 5, 2017.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION AND CONDITIONS OF APPROVAL**

Based on the findings and conclusions, the Planning Director **APPROVES** the minor partition (MP 1-17) **subject to the conditions of approval provided in this document.**

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**DECISION: APPROVAL WITH CONDITIONS**  
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Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: 4/5/17

**Application Summary:**

The applicant is requesting a minor partition to separate an approximately 0.89 acre parcel of land into three (3) parcels approximately 0.21 acres, 0.37 acres, and 0.31 acres in size.

**CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

**MP 1-17 is approved** subject to the following conditions:

**TRANSPORTATION**

1. Grandhaven Street is designated as a major collector (74' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' sidewalks within a 60' right-of-way). The existing right-of-way width adjacent to the proposed partition lots does not meet the current standard of 37' from centerline. Therefore, the final partition plat shall reflect the dedication of additional right-of-way, equaling 37' total from centerline, along the site's Grandhaven Street frontage.

The completion of MP 1-17 will not necessitate an upgrade/widening of Grandhaven Street to meet the major collector requirements.

2. Hembree Street is designated as a local street (50' right-of-way) in the City's Transportation System Plan (TSP). The street was constructed prior to the adoption of the TSP (2010), and was built to the minor collector standard contained in the 1994 Transportation Master Plan (36' of paved surface, and 5' curbside sidewalks within a 60' right-of-way) adjacent to the subject site. No additional improvements to Hembree Street are required.
3. The proposed shared driveway for Parcel 3 and Lot 7 of Witt Addition is acceptable. The necessary access easements shall be granted on the final partition plat, and at the time of building permits for Parcel 3, the existing driveway shall be upgraded to meet current ADA standards.
4. The access for Parcel 1 and Parcel 2 shall be limited to a joint driveway access onto Hembree Street, and the final plat shall reflect no access to Grandhaven Street for Parcel 1 and Parcel 2.
5. The existing driveway onto Grandhaven Street for the existing house (2950 NE Hembree Street) on Parcel 2 shall be removed prior to the City's approval of the final plat.

**UTILITIES**

6. 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. Each lot 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, including the proposed sewer lateral to serve Parcel 1, shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.

7. City records do not indicate how the existing house (2950 NE Hembree Street) is served by sanitary sewer, but it is likely that it is connected to the existing 8" public sewer main in the eastern portion of the site. The applicant shall identify the location of the existing sewer lateral and provide the City Engineering Department with a copy of a televised report of the condition of the existing lateral. If necessary, the lateral will need to be repaired or replaced so that it is in compliance with the City's sewer ordinance prior to the City's approval of the final plat.
8. The map submitted with the partition application indicates that the existing public sewer easement (recorded as Film Volume 29 Page 656) on Parcel 3 is "to be vacated." There is an existing 8" public sewer main within that easement. Therefore, the easement will need to remain, and shall be reflected on the final partition plat.

### MISCELLANEOUS

9. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
10. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. 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.
11. The applicant shall record the boundary line adjustment for the common property line between Tax Lot 800 and Tax Lot 902 with Yamhill County, as approved in docket BLA 2-17, prior to submitting the final plat.
12. That, prior to the release of building permits for Parcel 4 (Tax Lot 902), the existing structure shall be demolished. A demolition permit shall be obtained prior to demolishing the existing structure.
13. 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 written request for an extension of this approval has not been submitted and approved within that same time period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.

### ATTACHMENTS

1. MP 1-17 Application and Attachments

### COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

McMinnville Engineering Department:

We have reviewed proposed MP 1-17, and offer the following comments and suggested conditions of approval. Those suggested conditions of approval have been included above.

McMinnville Building Department:

What guarantee do we have that the barn will be removed in 30 days. I feel in order to approve the demo needs to be completed prior to approval.

Yamhill County Public Works:

I have reviewed the subject request and find that County Public Works has no conflicts with this request.

### **FINDINGS OF FACT**

1. Ishmael Duckett is requesting a minor partition to separate an approximately 0.89 acre parcel of land into three (3) parcels approximately 0.21 acres, 0.37 acres, and 0.31 acres in size. The property is located at 2950 NE Hembree Street and is more specifically described as Tax Lots 800, Section 9CD, T. 4 S., R. 4 W.
2. The site is currently zoned R-1 (Single Family Residential), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. The Building Department submitted a comment in opposition, and a condition of approval has been included to address the Building Department concerns.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

### **CONCLUSIONARY FINDINGS**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

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:

- 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.
- 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.

Finding: The proposed partition, along with the conditions of approval, conforms with the requirements of a tentative partition and with the requirements of the underlying R-1 (Single Family Residential) zoning district in terms of lot size and setback requirements. A condition of approval has been included to ensure that the boundary line adjustment, as approved by docket BLA 2-17, is completed prior to submission of the final plat. The proposed partition is based on the fact that Tax Lot 800 has been reduced in size, as proposed on the partition plat and approved through docket BLA 2-17.

CD:sjs