



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

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT 1600 NE MCDONALD LANE.

- DOCKET:** MP 3-17 (Minor Partition)
- REQUEST:** The applicant is requesting a minor partition to separate an approximately 0.46 acre parcel of land into three (3) parcels approximately 0.19 acres, 0.16 acres and 0.11 acres in size.
- LOCATION:** The property is located at 1600 NE McDonald Lane and is more specifically described as Tax Lot 5400, Section 16DB, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is R-2 (Single Family Residential).
- APPLICANT:** Linda Lindsay
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Director
- DATE & TIME:** June 1, 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 3-17) **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Department:  _____ Date: 6/2/17

Heather Richards, Planning Director

Application Summary:

The applicant is requesting a minor partition to separate an approximately 0.46 acre parcel of land into three (3) parcels approximately 0.19 acres, 0.16 acres and 0.11 acres in size.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

MP 3-17 is approved subject to the following conditions:

1. That, based on the size of Parcel 2 and Parcel 3, the only use that will be permitted on those lots will be single family dwellings with a common wall between each other. The final partition plat shall identify that use on Parcel 2 and Parcel 3. The development of the common wall single family dwellings must comply with all standards for that type of dwelling unit as described in Section 17.15.010(C) of the McMinnville Zoning Ordinance.
2. That the property owner(s) shall be responsible for providing water and electric service to each of the proposed parcels consistent with the requirements of McMinnville Water and Light. All associated costs shall be borne by the applicant. Please contact McMinnville Water & Light at (503) 472-6158 to coordinate design review and extension agreement requirements for water and/or electric services to the site.
3. 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.
4. That prior to the City's approval of the final partition plat, the applicant shall provide the City Engineering Department with a copy of a televised report of the condition of the portions of the existing sanitary sewer lateral that will continue to serve proposed Parcel 2. If necessary, the existing lateral will need to be repaired or replaced so that it is in compliance with the City's sewer ordinance prior to the recording of the partition plat.
5. That no additional driveways will be allowed onto McDonald Lane, and the final partition plat shall reflect that the access for Parcel 2 and Parcel 3 shall be limited to driveway(s) onto 16th Street.
6. Prior to the City's approval of the final partition plat, the existing site driveways shall be reconstructed, as necessary, to meet the applicable Public Right-of-Way Accessibility Guidelines (PROWAG) standards. Additionally, sidewalks meeting current standards shall be constructed along the site's McDonald Lane and 16th Street frontages.
7. 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 shall be

installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.

8. The final plat shall include the dedication of a 10-foot utility easements along the site's 16th Street and McDonald Lane right-of-way frontages for the placement and maintenance of required utilities.
9. 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 3-17 Application and Attachments
2. Testimony Received
 - a. Cindee Paulsen – Received May 4, 2017
 - b. Doug & Karen Thwaite - Received May 4, 2017
 - c. Gary & Nancy Mehlhoff – Received May 5, 2017
 - d. Mark & Renee Lucas – Received May 8, 2017
 - e. Tracy & Jeanne Pardun – Received May 8, 2017
 - f. Jim & Debbie Smith – Received May 8, 2017

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 3-17, and offer the following suggested conditions of approval for the application. Those suggested conditions of approval have been included above.

McMinnville Building Department:

If there are existing buildings, I would require the location especially on the "0" lot lines. This approval could put them in violation of the building code.

McMinnville Fire Department:

We have no issues with this proposal.

McMinnville Water and Light:

Contact MW&L for costs to install additional water and electric services to serve the new parcels.

FINDINGS OF FACT

1. Linda Lindsay is requesting a minor partition to separate an approximately 0.46 acre parcel of land into three (3) parcels approximately 0.19 acres, 0.16 acres and 0.11 acres in size. The property is located at 1600 NE McDonald Lane and is more specifically described as Tax Lot 5400, Section 16DB, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-2 (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, but that issue has been resolved after further discussion and clarification with the Building Official. A condition of approval has been added to ensure that the development of the site meets applicable building code requirements.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00: City land development ordinance shall provide opportunities for development of a variety of housing types and densities.

Policy 60.00: Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

Finding: The proposed partition satisfies Goal V 1 and Policies 58.00 and 60.00, in that the partition will create a variety of housing types and densities while also meeting the requirements of the existing underlying zoning district. The proposed use of common wall single family dwellings on Parcel 2 and Parcel 3 is consistent with Policy 60.00 in that it will provide land-intensive and cost-effective development in an existing built environment.

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.

Policy 68.00: The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Finding: Goal V 2 and Policy 68.00 are satisfied in that the partition will allow for further development that is land-intensive and cost-effective. The property is located in an area that is already fully developed with urban services available to support additional residential development.

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

R-2 Single Family Residential Zone

17.15.010 Permitted uses. In an R-2 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling...
- [...]
- C. A 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.

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. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.060 Density requirements. In an R-2 zone, the lot area per family shall not be less than seven thousand square feet, except that the lot area for two-family corner lots and common wall, single-family corner lots shall not be less than eight thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: The sections of the zoning ordinance above are satisfied in that conditions of approval will limit the use of the parcels to those that would be allowed based on the proposed sizes of Parcel 2 and Parcel 3. The proposed partition creates lots that meet the minimum lot size and density requirements, based on the proposed use of common wall single family dwellings on Parcel 2 and Parcel 3. The proposed lot lines have been arranged to ensure that the structure that is remaining will meet setback requirements, and any new structure will be required to meet necessary setback requirements through the building permit process. A condition of approval has been included that will ensure that the construction of the common wall single family units conforms to the development standards in Section 17.15.010(C). One of those standards is that the common wall shall be a fire wall consistent with the Uniform Building Code, which satisfies the initial comment in opposition received by the Building Department.

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-2 (Single Family Residential) zoning district in terms of use, lot size, and setback requirements.

CD:sjs