



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
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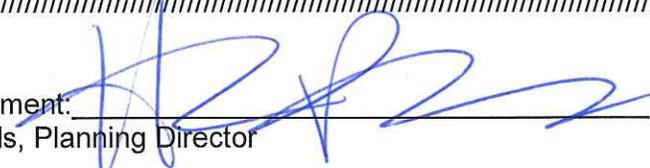
DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR MODIFICATION TO THE HEISER ADDITION RESIDENTIAL SUBDIVISION (S 1-17) AT TAX LOT 1200, SECTION 24, T. 4 S., R. 5 W., W.M.

- DOCKET:** S 1-17 (Minor Modification to S 1-16 Approval)
- REQUEST:** The applicant is requesting a minor modification to the Heiser Addition residential subdivision (S 1-16) approval. The modification request would shift the planned alignment of Heath Street to the eastern edge of the property and reconfigure the lot layout.
- LOCATION:** The subject site is located at 2946 SW Redmond Hill Road and is more specifically described as Tax Lot 1200, Section 24, T. 4 S., R. 5 W., W.M.
- ZONING:** The subject site's current zoning is R-1 (Single-Family Residential).
- APPLICANT:** Denny Elmer, Heiser Addition LLC
- STAFF:** Ron Pomeroy, Principal Planner
- DECISION MAKING BODY:** McMinnville Planning Director
- DATE & TIME:** June 9, 2017
- COMMENTS:** This matter was referred to the following public agencies for comment: City of McMinnville Engineering, Building, Police and Parks Departments; McMinnville Fire Department and Public Works Department, City Manager; City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Wastewater Services; Yamhill County Planning Department, and County Public Works; Frontier Communications; Comcast Cable; 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 modification (S 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:  Date: 6/9/17
Heather Richards, Planning Director

Application Summary:

The applicant is requesting a minor modification to the Heiser Addition residential subdivision (S 1-16) approval. The modification request would shift the planned alignment of Heath Street to the eastern edge of the property and reconfigure the lot layout.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

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

1. That extension agreements as necessary are required for water and electric services to the site which shall include development fees and engineered/approved drawings. The applicant shall contact McMinnville Water and Light for details. The applicant shall also fill out a Subdivision Design application and pay applicable design fees.
2. That the applicant install fire hydrants to serve this development, as may be required by the McMinnville Fire Department. Also, that if fire hydrants are required, they shall be in working order prior to the issuance of building permits.
3. That all existing structures shall be demolished (with appropriate permits from the Building Division) prior to recording of the subdivision plat.
4. That if the property owner wishes a one-year extension of the Commission approval of this tentative plan under the provisions of Section 16 of Ordinance No. 3702, a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
5. That 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.
6. That the final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
7. That the applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
8. That the applicant shall submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
9. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
10. That the applicant shall submit a draft copy of the subdivision 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 subdivision 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. That any wells on the site need to be located and either abandoned by an approved contractor or water rights for the well assigned to a lot or lots.
12. That park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
13. That geotechnical engineering design foundations shall be required for each lot as part of building permit submittal.

TRANSPORTATION

14. That the final plat shall reflect that direct vehicular access to SW Redmond Hill Road for proposed lot 4 is not permitted.
15. That SW Redmond Hill Road shall be improved to City standards to include installation of a 5' wide sidewalk and 5' wide park strip meeting the City's Land Division Ordinance standards.
16. That the interior streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets, with the exception that the north/south street (Heath Street) will not be required to install the sidewalk on the eastside of the proposed street until such time that property to the east develops.
17. That street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
18. That the applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
19. That the applicant shall install barricades at the southern terminus of proposed SW Heath Street and the western terminus of proposed SW Grayson Lane, consistent with City standards. The barricades shall include signage with text stating: "This Street is planned for extension to serve future development."
20. That on-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
21. That the City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
22. That the applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.

23. That the applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the work in Redmond Hill Road, and shall construct any improvements to Redmond Hill Road required by the County Engineer.
24. That upon completion of the subdivision utility work, the applicant shall complete an overlay of SW Redmond Hill Road as directed by the City Engineer and County Engineer.

SANITARY SEWER

25. That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.
26. That the existing septic tank(s) on the site shall be abandoned, filled, and capped, or removed, in accordance with the requirements of the City Engineer and the Yamhill County Sanitarian.

STORM DRAINAGE

27. That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
28. That if the final storm drainage plan incorporates the use of backyard collection systems and easements, such systems must be private rather than public, and private maintenance agreements for them must be approved by the City prior to the City's approval of the final plat. The maintenance agreements shall include requirements that drainage channels / facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
29. That no additional storm drainage runoff shall be conveyed onto any adjacent property without the appropriate public and/or private storm drainage easements. Copies of recorded private easements must be provided to the City prior to the City's approval of the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.
30. That prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

ATTACHMENTS

1. S 1-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: City of McMinnville Engineering, Building, Police and Parks Departments; McMinnville Fire Department and Public Works Department, City Manager; City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Wastewater Services; Yamhill County Planning Department, and County Public Works; Frontier Communications; Comcast Cable; and, Northwest Natural Gas.

The following comments had been received:

McMinnville Engineering Department:

We have reviewed proposed S 1-17 and would note that generally the conditions included in the approval letter for S 1-16 remain valid. I have attached a marked up version of the S 1-16 approval letter reflecting my suggested changes to those conditions of approval.

Also note that the Executive Summary included in the S 1-17 application packet indicates that the developer will construct "three-quarter -street improvements along Heath Street." Full street improvements will be required for Heath Street, with the exception that the applicant will not need to install the sidewalk on the east side of the proposed north/south street (Heath Street). That sidewalk would be installed in the future if/when the property to the east develops. This requirement is reflected in the suggested conditions of approval.

McMinnville Building Department:

No action required from Building.

McMinnville Water and Light:

A Water Extension Agreement will be required as well as MW&L review and approval of the public water system design. An electric Extension Agreement will be required as well as MW&L review and approval of the electrical system design. Additional easement area may be required for lots 16, 17, 18 and 19.

FINDINGS OF FACT

1. Heiser Addition, LLC is requesting approval of a minor modification of a recently approved tentative subdivision plan that, if approved, would shift the planned alignment of Heath Street to the eastern edge of the property and reconfigure the previously approved 20-lot layout on the 5.4 acre parcel of land. The subject property is located at 2946 SW Redmond Hill Road and is more specifically described as Tax Lot 1200, Section 24, T. 4 S., R. 5 W., W.M.
2. The subject property is designated Residential on the City of McMinnville Comprehensive Plan Map and is zoned R-1 (Single-Family Residential) on the City of McMinnville Zoning Map.
3. Sanitary sewer and municipal water and power are all available or can be made available to the site. The municipal Water Reclamation Facility has sufficient capacity to accommodate expected waste flows resulting from residential development of the property.
4. This matter was referred to the following public agencies for comment: City of McMinnville Engineering, Building, Police and Parks Departments; McMinnville Fire Department and Public Works Department, City Manager; City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Wastewater Services; Yamhill County Planning Department, and County Public Works; Frontier Communications; Comcast Cable; and, Northwest Natural Gas.
5. Goals and Policies from the McMinnville Comprehensive Plan, which are applicable to the request, are as follows:

CONCLUSIONARY FINDINGS**Chapter V Housing and Residential Development**

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

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.

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

Urban Policies:

99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development. Services shall include, but not be limited to:

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

Chapter VI Transportation System

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Streets:

117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

119.00 The City of McMinnville shall encourage utilization of existing transportation corridors whenever possible before committing new lands.

Parking

126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Supportive of General Land Use Plan Designations and Development Patterns

132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive plan. The design and implementation of transportation facilities and services shall be based on serving currently and future travel demand – both short-term and long-term planned uses.

Chapter VII Community Facilities and Services

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.

Sanitary Sewer System:

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.

Storm Drainage:

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.

Water System:

144.00 The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

147.00 The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.

Water and Sewer - Land Development Criteria:

151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by the City Water and Light Department, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
3. Sufficient water and sewer system personnel and resources, as determined by the Water and Light Department and City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and wastewater quality standards can be adhered to.
5. Applicable policies of the Water and Light Department and the City relating to water and sewer systems, respectively, are adhered to.

Police and Fire Protection:

155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexation, subdivision proposals, and other major land use decisions.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

- 6. The following sections of the McMinnville Zoning Ordinance (No. 3380) are applicable to this report as decision-making criteria:

General Provisions:

"17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare."

R-1 Single-Family Residential Zone:

"17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

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

"17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [..]"

Parking:

"17.60.060 (A)(5) Single-Family. Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms."

CONCLUSIONARY FINDINGS FOR APPROVAL

- 1. The subject requests comply with the applicable McMinnville Comprehensive Plan Goals and Policies (see Finding of Fact No. 5) as follows:

- a) Goals V-1, V-2, VIII-2 and Policies 58.00, and 178.00 are satisfied by the request as additional single-family housing opportunities will be provided; the application of the Uniform Building Code guarantees the quality of the housing; an urban level of services is available to serve the proposed development; and, the subject site is located in an area that has experienced recent residential development. The property is within the city limits of McMinnville and located adjacent to other single-family residential development thereby promoting a compact urban form and encouraging conservation of all forms of energy.
 - b) Goal VI-1 and Policies 117.00 and 119.00 are satisfied as the subdivision and proposed lots will abut public streets developed to City standards with adequate capacity to accommodate the expected trip generation from the subdivision.
 - c) Goal VII 1 and Policies 99.00(1)-(5), 136.00, 142.00, 144.00, 147.00, and 151.00(1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.
 - d) Policy 126.00 is satisfied in that on-street parking shall be minimized to the extent possible through the provision of at least two off-street parking spaces for each single-family residence at the time of building permit review.
 - e) Policy 132.27.00 is satisfied in that the proposed street design reflects and supports the land use designation of the site and urban development patterns within the surrounding area.
 - f) Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area. If fire hydrants are required, they must be in working order prior to issuance of building permits, as a condition of approval of this application.
 - g) Goal VII-3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.
2. The subject requests comply with the applicable provisions of the McMinnville Zoning Ordinance (Finding of Fact No. 6) as follows:
- a) Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
 - b) Section 17.12.010(A) and 17.12.030 are satisfied by the request as single-family dwellings situated on lots at least 9,000 square feet in size are permitted uses on land zoned R-1.
 - c) Section 17.60.060(A)(5) is satisfied by the request as a minimum of two off-street parking stalls shall be required as part of the building permit review for each lot.