



**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 MODIFICATION TO THE
COTTAGES AT CHEGWYN VILAGE RESIDENTIAL SUBDIVISION (S 2-16) AT A PORTION OF TAX
LOT 2100, SECTION 09, T. 4 S., R. 4 W., W.M.**

DOCKET: S 4-17 (Minor Modification to S 2-16 Approval)

REQUEST: The applicant is requesting a minor modification to the previously approved Bungalows at Chegwyn Village Phase III 49 lot residential subdivision plan (S 2-16). The modification request would change lot 76 on the platted subdivision map from a single-family lot to a duplex lot.

LOCATION: The subject site is located generally north of NE Samson Street and east of NE Hembree Street and is more specifically described as a portion of Tax Lot 2100, Section 09, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is R-4 PD (Multiple-Family Residential Planned Development).

APPLICANT: Alan Ruden, Inc.

STAFF: Ron Pomeroy, Principal Planner

**DECISION MAKING
BODY:** McMinnville Planning Director

DATE & TIME: August 3, 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; Recology Western Oregon; 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 4-17) **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: Aug 3, 2017

Application Summary:

The applicant is requesting a minor modification to the previously approved Bungalows at Chegwyn Village Phase III 49 lot residential subdivision plan (S 2-16). The modification request would change lot 76 on the platted subdivision map from a single-family lot to a duplex lot.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

S 4-17 is **approved** subject to the following conditions:

TRANSPORTATION

1. The final plat shall reflect that access to Hembree Street for lots 76 – 82 and 95 – 99 is not allowed.
2. Hembree Street adjacent to the development shall be improved with a total of 18-feet of pavement east of centerline, a curbside planting strip, and a five-foot wide sidewalk. The saw-cut location for the proposed street widening shall be as directed by the City Engineer.
3. If the applicant proceeds with the proposed meandering sidewalk along Hembree Street, the final plat shall reflect the dedication of an eight-foot wide public access easement adjacent to the Hembree Street right-of-way on lots 76 – 82 and 95 – 100.
4. The interior streets shall be improved with a 28-foot wide paved section, five-foot wide curbside planting strips, and five-foot wide sidewalks placed one (1) foot from the property line within a 50-foot wide right-of-way, as required by Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance for local residential streets.
5. The applicant shall install a barricade at the northern terminus of proposed NE Joel Court (to be identified as Joel Street on the subdivision plat) and at the eastern terminus of proposed NE Autumn Ridge Drive, consistent with City standards. The barricades shall include signage with text stating: "This street is planned for extension to serve future development."
6. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns. Additionally, on-street parking will not be permitted adjacent to where the private alleys intersect NE Autumn Ridge Drive.
7. 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.
8. That the final plat shall include the appropriate access easements for the lots served by the proposed alleys. The private alleys shall have private maintenance agreements which must be approved by the City prior to the City's approval of the final plat.

SANITARY SEWER

9. That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, and the recommendations of the CH2M Hill Technical Memorandum entitled "*Autumn Ridge and Westside Pump Station Hydraulic Analysis for the Bungalow Phase III Development*" (CH2M Hill; July 20, 2016) 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.

STORM DRAINAGE

10. That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan, and that demonstrates that the existing downstream storm drainage system has adequate capacity, 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.
11. If the final storm drainage plan incorporates the use of backyard collection systems and easements, including those in the proposed alleys, 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.
12. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
13. 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.

MISCELLANEOUS

14. That the proposed Joel Court shall be identified as Joel Street on the final plat.
15. That the final plat shall include 10-foot public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
16. That the final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
17. 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.
18. That the applicant 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.
19. 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.
20. 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 (2) 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.
21. That the applicant shall provide for a landscape design and irrigation plan for the planter strip on Hembree Street that, to the extent practicable, is consistent with the landscaping provided for the Hembree Street planter strip within The Bungalows at Chegwyn Village Phase I and Phase II. Plans shall be submitted to the Landscape Review Committee for review and approval. All required plantings and irrigation along Hembree Street shall be installed prior to recording of the final subdivision plat.

22. That the applicant shall submit a street tree plan for the park strips along the interior public streets, and the section of Hembree Street adjacent to this proposal. The plans shall identify species, caliper size, and spacing for all proposed trees. Plans will be forwarded for review and approval by the Landscape Review Committee and by McMinnville Water & Light. All street trees shall have a two-inch minimum caliper measured at six (6) inches above ground surface, shall exhibit size and growing characteristics appropriate for the particular planting strip, and shall be spaced as appropriate for the selected species and as may be required for the location of above-ground utility vaults, transformers, light poles, and hydrants. In addition, street trees shall not be planted within 30 feet of street intersections.

All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material that does not meet this standard.

Street trees shall be planted in accordance with the approved street tree plan. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

For trees not installed prior to final platting, each year the applicant/owner shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and has received final occupancy, or adjacent to any non-buildable tracts for which street trees are required. This planting schedule shall continue until all platted lots have been planted with street trees. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees that may die due to neglect or vandalism, for two years from the date of planting.

23. That restrictive covenants (CC & R's) shall be prepared for the development and must meet with the approval of the Planning Director. The submitted CC & R's shall indicate any necessary maintenance agreements between each lot approved for zero lot line construction for the garages and each neighboring property in addition to developed "no-parking" standards and enforcement within the alley and individual aprons, and maintenance agreements for common areas. The CC & R's shall also require that placement of trash and recycling containers be allowed only on the adjacent lots and their driveways to the alleys. Such containers are not to be stored anywhere within the 20-foot-wide alleyway at any time.
24. 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.
25. That fencing in the rear of all lots shall be no closer than ten (10) feet from each building lot's rear property line.
26. That nothing in these conditions may be construed to require lesser standards than those required by Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance and all requirements of that ordinance shall be met, unless otherwise permitted by the planned development overlay for the subject development.
27. That the applicant shall design the duplex to reflect the same character and craftsman bungalow architecture of the neighborhood, retaining the same form of a single-family structure with the function of a duplex.
28. That approval of this tentative subdivision plat will expire 12 (twelve) months after the date of mailing of said approval. If the owner of the property wishes a one-year extension of the Commission approval of this tentative plan under the provisions of Section 17.53.075 (Submission of Final Subdivision Plat) of the McMinnville Zoning Ordinance, 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 the approval. If the final plat has not been submitted prior to expiration of the tentative plat, and if an extension request has not been submitted and approved, the applicant must resubmit a tentative

plat for further consideration, and comply with the regulations and conditions applicable at the time of submittal.

ATTACHMENTS

1. S 4-17 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; Recology Western Oregon; Comcast Cable; and, Northwest Natural Gas.

The following comments had been received:

McMinnville Engineering Department:

We have reviewed proposed S 4-17 and do not have any suggested changes to the prior subdivision conditions of approval.

McMinnville Fire Department:

We have no problem with this changing from single family to duplex.

McMinnville Water and Light:

MW&L has no comments on this application.

FINDINGS OF FACT

1. Alan Ruden, Inc. is requesting approval of a minor modification of a previously approved subdivision plan that, if approved, would change lot 76 on the platted subdivision map from a single-family lot to a duplex lot. The subject site is located generally north of NE Samson Street and east of NE Hembree Street and is more specifically described as a portion of Tax Lot 2100, Section 09, T. 4 S., R. 4 W., W.M.
2. The subject property is designated Residential on the City of McMinnville Comprehensive Plan Map and is zoned R-4 PD (Multiple-Family Residential Planned Development) 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; Recology Western Oregon; 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-4 Multiple--Family Residential Zone:

"17.21.010 Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling;
- B. Two-family dwelling [..]"

"17.21.030 Lot Size. In an R-4 zone, the lot size shall not be less than five thousand square feet [..]"

Parking:

“17.60.060 (A)(5) Single-family and two-family dwelling. 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, 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 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 with four or fewer bedrooms 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 17.21.010(A-B) and 17.21.030 are satisfied by the request as single-family and duplex dwellings situated on lots at least 5,000 square feet in size are permitted uses in the R-4 zone and, if approved, on Lot 76 of this R-4 PD zoned site.
- 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 dwelling unit; a minimum of four off-street parking spaces to serve the duplex.

RP:sjs