



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 OF PROPERTY LOCATED GENERALLY SOUTH OF NW 23<sup>RD</sup> STREET AND EAST OF NW HILL ROAD AND IS MORE SPECIFICALLY DESCRIBED AS TAX LOT 00205, SECTION 18, T. 4 S., R. 4 W., W.M.**

- DOCKET:** MP 5-17 (Minor Partition)
- REQUEST:** The applicant is requesting a minor partition to separate an approximately 23 acre parcel of land into two (2) parcels approximately 12.285 acres and 10.721 acres in size.
- LOCATION:** The subject site is located generally south of NW 23<sup>rd</sup> Street and east of NW Hill road and is more specifically described as Tax Lot 00205, Section 18, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is R-1 PD (Single Family Residential, Planned Development).
- APPLICANT:** Baker Creek Development, LLC
- STAFF:** Ron Pomeroy, Principal Planner
- HEARINGS BODY:** McMinnville Planning Director
- DATE & TIME:** September 29, 2017
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Public Works Department, Wastewater Services Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Recology Western Oregon, 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 5-17) **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: 9/29/17

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**Application Summary:**

The applicant is requesting a minor partition to separate an approximately 23 acre parcel of land into two (2) parcels approximately 12.285 acres and 10.721 acres in size.

This request proposes to partition the parent parcel along a subdivision phase line tentatively approved by the Council's adoption of Ordinance 5021 (Attachment 2) approving ZC 1-16, ZC 2-16, and S 3-16.

**CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

**MP 5-17 is approved** subject to the following conditions:

1. 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 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.
2. 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 a 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.
3. 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 period, the applicant must resubmit a tentative plat for further consideration, and comply with regulations and conditions applicable at that time.

**ATTACHMENTS**

1. MP 5-17 Application and Attachments (on file with the Planning Department)
2. Ordinance No. 5021 (on file with the Planning Department)

**COMMENTS**

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

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The following comments had been received:

**McMinnville Engineering Department:**

We have reviewed proposed MP 5-17, and do not have any concerns or suggested conditions of approval.

**McMinnville Fire Department:**

We have no issues with this partition.

**McMinnville Water and Light:**

MW&L has no comments on this application.

**FINDINGS OF FACT**

1. Baker Creek Development, LLC is requesting a minor partition to separate an approximately 23 acre parcel of land into two (2) parcels approximately 12.285 acres and 10.721 acres in size. The subject site is located generally south of NW 23<sup>rd</sup> Street and east of NW Hill road and is more specifically described as Tax Lot 00205, Section 18, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-1 PD (Single Family Residential, Planned Development), 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 Department, Building Department, Public Works Department, Wastewater Services Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Recology Western Oregon, Frontier Communications; Comcast; and Northwest Natural Gas. Conditions of approval have been added to ensure that the partition meets applicable 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.*



Finding: The proposed partition satisfies Goal V 1 and Policy 58.00 in that the partition will help to make possible future development of this site of a variety of housing types and densities while also meeting the requirements of the existing underlying zoning district and the conditions of approval of ZC 1-16 and ZC 2-16 adopted by Ordinance 5021 (Attachment 2).

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 aid in encouraging further development that is land-intensive and cost-effective. The property is located adjacent to land that already fully developed with urban services available to support additional residential development of this site.

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

17.12.060 Density requirements. In an R-1 zone, the lot area per family shall not be less than 9,000, except that the lot area for approved two-family corner lots and common wall, single-family corner lots shall not be less than nine 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 section of the zoning ordinance is satisfied as the proposed parcel sizes exceed the minimum lot sizes noted in requirement of 17.12.060.

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;
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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) zone as modified by ZC 1-16, ZC 2-16, and S 3-16 approved by the adoption of Ordinance 5021.

The following Condition of Approval of ZC 1-16, ZC 2-16, and S 3-16, approved by Ordinance 5021 (Attachment 2), is applicable to this request:

Condition of Approval 3, in part:

3. That the minimum lot sizes [...] for single-family residential lots shall be as follows according to the following lot types identified by the applicant on the Overall Subdivision Plan:
  - a. SFD-70 Lots  
9,000 square foot minimum lot size

- b. SFD-65 Lots  
6,463 square foot minimum lot size
- c. SFD-60 Lots  
5,683 square foot minimum lot size

Finding: With the current request to partition one parcel of land into two (2) parcels approximately 12.285 acres and 10.721 acres in size, the proposed minor partition will not result in any lot being reduced in size below the minimum lot sizes allowed in the R-1 PD (Single Family Residential Planned Development) zone applied to this site as specified in Condition of Approval noted 3 above. There are currently no improvements on the site so all applicable setbacks will continue to be met after the recording of the partition plat. Utilities and access-ways exist at the northern boundary of the two proposed parcels and at the southern boundary of propose parcel 1 and at the west boundary of proposed parcel 2. Conditions of approval have been included to ensure that the applicant provide recorded deeds for the properties and to place a one-year period of approval on the current request.

RP:sjs

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