



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT 1730 SW 2ND STREET

DOCKET: MP 7-17 (Minor Partition)

REQUEST: The applicant is requesting a minor partition to separate an approximately 0.77 acre parcel of land into two parcels approximately 0.39 and 0.38 acres in size.

LOCATION: The subject site is located at 1730 SW 2nd Street, and is more specifically described as Tax Lot 100, Section 20CB, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is zoned R-4 PD (Multiple Family Residential Planned Development) and is subject to a development plan approved through a Planned Development (Docket ZC 10-17).

APPLICANT: Raymond Kulback

STAFF: Chuck Darnell, Associate Planner

DATE DEEMED COMPLETE: November 22, 2017

HEARINGS BODY: McMinnville Planning Director

DATE & TIME: December 27, 2017

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided in this exhibit.

APPLICATION SUMMARY:

The applicant is requesting a minor partition to separate an approximately 0.77 acre parcel of land into two parcels approximately 0.39 and 0.38 acres in size. The subject site is associated with an approved and binding development plan, which was approved through a Planned Development under Docket ZC 10-17, that allows for the construction of multiple duplex units on the site as part of a multiple family development. The multiple duplex units will be located on the site in three groups that alternate from the west to the east sides of the development site. The proposed partition would result in each group of duplex units being located on a single parcel. This partition was not required as part of the Planned Development (ZC 10-17), but is being requested by the property owner prior to construction.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

MP 7-17 is approved subject to the following conditions:

1. That the applicant shall record the boundary line adjustment for the common property line between Tax Lot 100 and Tax Lot 101 with the Yamhill County Clerk's office, as approved in Docket BLA 13-17, prior to submitting the draft copy of the final partition plat.
2. That the applicant shall submit shared parking agreements or easements to the Planning Department for review prior to submitting the draft copy of the final partition plat. The shared parking agreements or easements shall be recorded, as approved by the Planning Director, with the Yamhill County Clerk's office prior to the issuance of building permits for the site.
3. That 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 the applicant shall include in the draft copy of the final partition plat an additional access easement for pedestrian access along the sidewalk that will be located throughout the site. This sidewalk was included in the binding development plan approved by the City Council in Ordinance No. 5036 (Docket ZC 10-17). The pedestrian access easement shall also cover the common open space area that was included in the binding development plan, as the common open space area was required to provide open space and amenities for residents of the entire site included in the binding development plan.
5. That 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

Attachments:

Attachment 1 – Application and Attachments

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

6. 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 7-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department:

We have reviewed proposed MP 7-17, and offer the following suggested conditions of approval [...]. Those conditions of approval were included in conditions of approval number 3 and number 4 as provided in this document.

- McMinnville Water and Light:

Public water improvement to remain at the ROW.

- McMinnville Fire Department:

We have no issues with this partition.

FINDINGS OF FACT

1. Raymond Kulback requested a minor partition to separate an approximately 0.77 acre parcel of land into two parcels approximately 0.39 and 0.38 acres in size. The subject site is located at 1730 SW 2nd Street, and is more specifically described as Tax Lot 100, Section 20CB, T. 4 S., R. 4 W., W.M.
2. The subject site is zoned R-4 PD (Multiple Family Residential Planned Development) and is subject to a development plan approved through a Planned Development (Docket ZC 10-17). The subject site 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.

Attachments:

Attachment 1 – Application and Attachments

4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
5. Notice of the application was provided by the City of McMinnville to property owners within 100 feet of the subject site, as required by the process described in Section 17.72.110 (Applications– Director’s Review with Notification) of the McMinnville Zoning Ordinance. No public comments were received prior to the Planning Director’s decision.
6. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

McMinnville’s Comprehensive Plan:

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

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials prior to the McMinnville Planning Director’s review of the request. All members of the public have access to provide testimony and ask questions during the public review process.

McMinnville’s City Code:

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

R-4 Multiple-Family Residential Zone

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.040 Yard requirements. In an R-4 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 fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet; [...]

Attachments:

Attachment 1 – Application and Attachments

Finding: The sections of the zoning ordinance above are satisfied in that the proposed partition creates lots that meet the minimum lot size requirements. The proposed partition will result in all proposed buildings in the approved and binding development plan, which was approved as a Planned Development under Docket ZC 10-17, to be located on a single lot of record. The proposed property lines have been arranged to ensure that the duplex units to be constructed on each parcel as part of the approved development plan will meet their required rear yard and front yard setback requirements of fifteen and twenty feet, respectively.

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.

Attachments:

Attachment 1 – Application and Attachments

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-4 (Multiple-Family Residential) zoning district in terms of use, lot size, and setback requirements. The proposed partition also conforms with the development plan approved as a Planned Development under Docket ZC 10-17 and the requirements of the Planned Development, which will be described in more detail below.

Planned Development Requirements:

The site of the proposed minor partition is subject to an approved and binding development plan, which was approved as a Planned Development under Docket ZC 10-17 and adopted by Ordinance No. 5036. Specific conditions of approval from the Planned Development apply to this minor partition request as follows:

Ordinance 5036 – Section 2 – Conditions of Approval: [...]

5. That the applicant shall submit shared parking and access agreements or easements to the Planning Department for review. The shared parking and access agreements or easements shall be recorded, as approved by the Planning Director, with the Yamhill County Clerk's office prior to the issuance of building permits for the site.
6. That the applicant shall dedicate 18 (eighteen) feet of right-of-way along the site's SW 2nd Street frontage to provide the necessary right-of-way for the roadway as classified in the Transportation System Plan.
7. That the applicant shall dedicate a 10 (ten) foot public utility easement along the site's SW 2nd Street frontage.

Finding: The tentative partition plan identifies access and utility easements that will allow for shared access to the entire development site, even after the proposed minor partition takes place. These access easements are important as the site will be served by a one-way ingress and egress driveway that will allow vehicles to travel through the entire development site from SW 2nd Street to SW Apperson Street. Shared parking between the parcels in the development site was not included in the tentative partition plan, so is still being required as a condition of approval of the minor partition and will be required to be submitted prior to the issuance of building permits for the site. The shared

Attachments:

Attachment 1 – Application and Attachments

parking agreements are not being required until prior to issuance of building permits because the shared parking agreements will need to be associated with all three parcels that will make up the Planned Development site after the proposed minor partition is recorded.

A condition of approval has also been included to ensure that pedestrian access will exist along the sidewalk that was included in the binding development plan that was approved under the Planned Development through an additional access easement. The separation of the development site into multiple properties could bisect this pedestrian accessway, which would not achieve the intent of the binding development plan. The condition of approval also requires this pedestrian access easement to cover the common open space that will be located primarily on the southern-most parcel. This common open space was required as part of the Planned Development to provide open space and amenities for residents of the entire site included in the binding development plan.

The tentative partition also identifies the dedication of 18 (eighteen) feet of right-of-way and a 10 (ten) foot utility easement along the site's SW 2nd Street frontage, which satisfies the property dedication requirements of the Planned Development. A 10 (ten) foot utility easement is also being dedicated along the site's SW Apperson Street frontage.

CD:sjs

Attachments:

Attachment 1 – Application and Attachments