



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

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www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT 3320 NE HIGHWAY 99W

DOCKET: MP 6-17 (Minor Partition)

REQUEST: The applicant is requesting a minor partition to separate an approximately 6.8 acre parcel of land into two parcels approximately 5.6 acres and 1.2 acres in size.

LOCATION: The subject site is located at 3320 NE Highway 99W, and is more specifically described as Tax Lot 700, Section 15, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is dually zoned, with the majority of the site being zoned C-3 (General Commercial) and a southern portion of the site being zoned M-1 (Light Industrial).

APPLICANT: Wade Miller

STAFF: Chuck Darnell, Associate Planner

DATE DEEMED COMPLETE: December 8, 2017

HEARINGS BODY: McMinnville Planning Director

DATE & TIME: January 16, 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, Oregon Department of Transportation, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Director **APPROVES** the minor partition (MP 6-17) **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS
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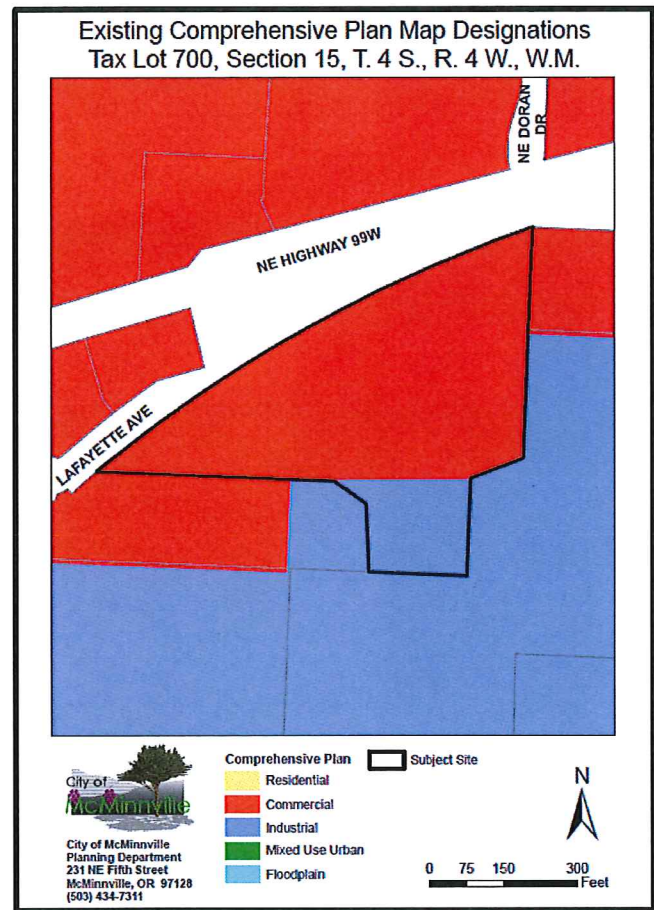
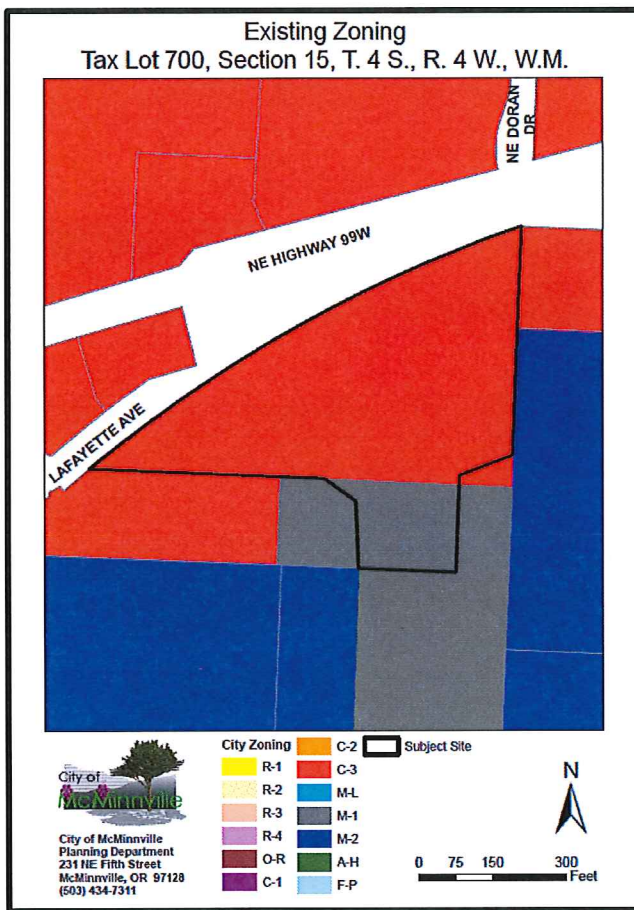
Planning Department: 
Heather Richards, Planning Director

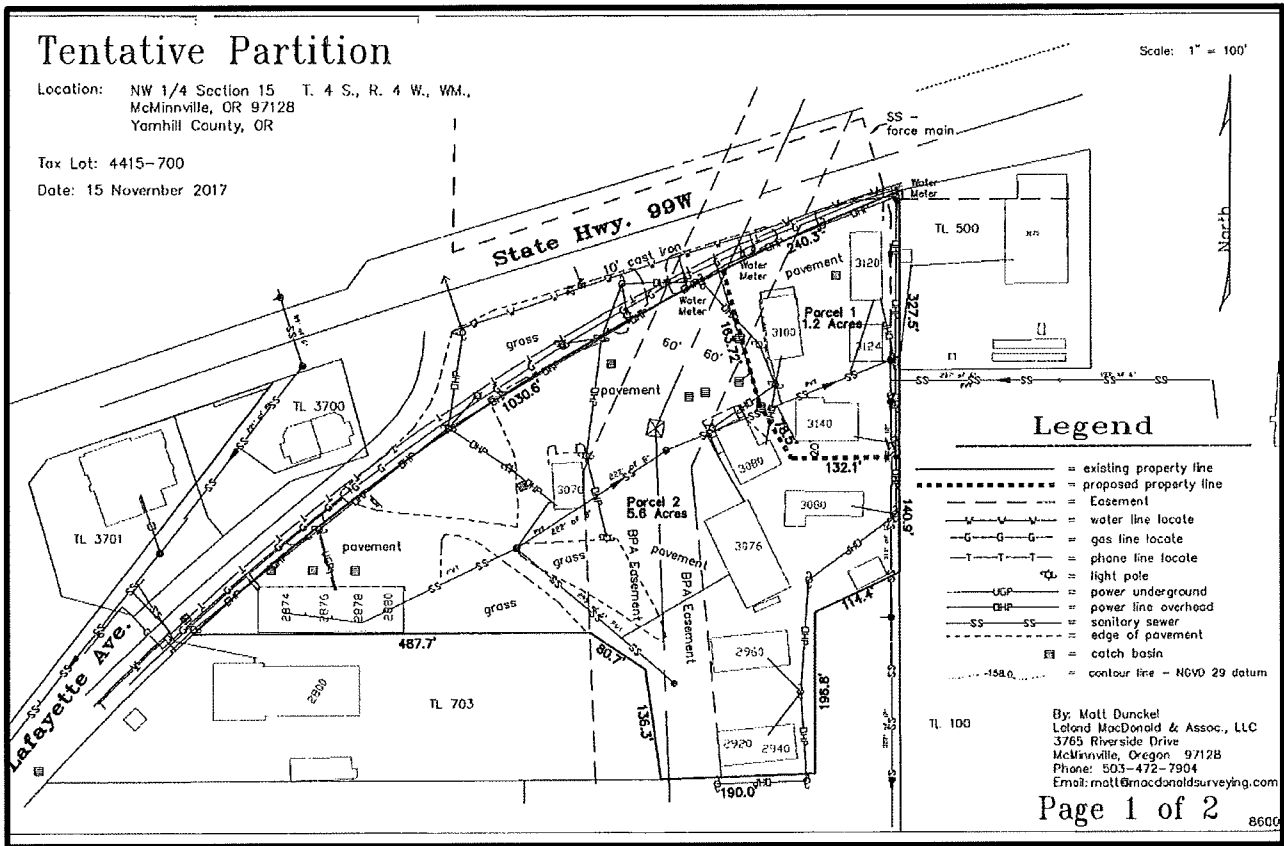
Date: Jan. 16, 2018

APPLICATION SUMMARY:

The applicant is requesting a minor partition to separate an approximately 6.8 acre parcel of land into two parcels approximately 5.6 acres and 1.2 acres in size. The subject site is a large commercial and industrial site with a variety of commercial and industrial buildings and businesses located on the existing single parcel of land. The applicant is proposing the minor partition to separate the existing buildings onto multiple parcels to allow for additional signage for the businesses located on the parcels.

The property is dually zoned and carries two land use designations on the McMinnville Comprehensive Plan Map. However, the portion of the site proposed to be partitioned from the larger existing parcel is completely zoned as C-3 (General Commercial) and designated as Commercial on the Comprehensive Plan Map. Maps identifying the existing zoning, comprehensive plan designations, and the proposed partition are provided below:





CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

MP 6-17 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 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.
2. Prior to the City’s approval of the final partition plat, sidewalks meeting current standards shall be constructed along the site’s Highway 99W frontage. The applicant shall obtain the necessary permits from the Oregon Department of Transportation for the sidewalk construction.
3. 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, electrical, and water services will be provided to each of the proposed lots. The utility plan shall identify existing private water and electrical services to the existing uses on each of the proposed lots. Each lot will need to be served by a separate 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.

4. 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 6-17 Application and Attachments (on file with the Planning Department)

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, Oregon Department of Transportation, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department:

We have reviewed proposed MP 6-17, and have the following comments:

Sanitary Sewer

All of the buildings on the property are served by a private 8" sanitary sewer line. If the property is divided into two parcels, the shared private system will not be allowed, and each parcel must be served by a connection to the public sanitary sewer system. A portion of the private system could be converted to public if it meets City standards. The applicant would need to provide a televised inspection report for the portion of the line to be dedicated to the public, and would be responsible for any repairs necessary to bring it to public standards. A manhole would need to be installed at the end of the public line to provide for maintenance access, and a public sanitary sewer easement would need to be dedicated on the final plat.

Storm Drainage

The applicant's plan does not indicate how the parcels are currently served by a storm drainage system. The final plat should reflect any private easements necessary to accommodate storm drainage for both parcels.

Transportation

Currently, the property's frontage along Highway 99W does not include sidewalks. Sidewalks will need to be installed prior to the City's approval of the final partition plat. The applicant will need to obtain the necessary permits from the Oregon Department of Transportation for the sidewalk construction. Additionally, the final plat should reflect any cross easements necessary for access.

... and suggested conditions of approval: [...]. Those conditions of approval were included in conditions of approval numbers 1-3 as provided in this document.

Attachments:

Attachment 1 – Application and Attachments

- McMinnville Water and Light:

Water: This Partition Plat has the potential of affecting the customer side water lines. Easements may be needed to ensure both parcels still have access to the existing public meters at the right of way.

Power: Easements will be required for overhead power crossing either parcel to serve the other.

- McMinnville Fire Department:

We have no issues with this partition.

- Oregon Department of Transportation:

ODOT staff has completed a review of the submitted application and has the following comments.

The property abuts the Pacific Highway West, No. 91, State Route OR-99W, and is subject to state laws administered by the Oregon Department of Transportation. These laws may require the applicant to obtain one or more state permits to carry out the intended use of the property, or to otherwise comply with state law without need for a permit. Tax Lot 700 of Yamhill County Assessors Map 4415, identified with this Minor Partition application is currently served by three existing connections (driveways) to OR-99W. ODOT has reviewed its access permit records and determined there is not an existing permit for the highway connections.

In June 2014 new administrative rules were adopted by the Oregon Legislature related to the issuance of access permits for connections (driveways) to the state highway system. The rule contained a new section related to existing private connections that do not have an access permit issued by ODOT; OAR 734-051-3015, Presumption of Written Permission for an Existing Private Connection. This portion of rule gives ODOT the ability to acknowledge existing connections as if they had legal status similar to an access permit. ODOT makes this determination based on documentation that indicates a connection was in existence as of January 1, 2014. Specific to the three highway connections associated with this land use notice, ODOT has verified that the connections meet the administrative rule criteria and thereby can be viewed as permitted. The applicant will not need to obtain access permits for the three existing connections to OR-99W.

Please note if the applicant or their contractor is required to occupy state highway right-of-way to relocate or reconstruct franchise utilities, **A Permit To Occupy Or Perform Operations Upon A State Highway** will be necessary. The permit can be obtained by contacting Tom Sagers, District 3 Permit Specialist at 503.986.2876. The applicant or their contractor shall obtain the permit 30 calendar days prior to commencing any activities within state highway right-of-way.

FINDINGS OF FACT

1. Wade Miller requested a minor partition to separate an approximately 6.8 acre parcel of land into two parcels approximately 5.6 acres and 1.2 acres in size. The subject site is located at 3320 NE Highway 99W, and is more specifically described as Tax Lot 700, Section 15, T. 4 S., R. 4 W., W.M.

Attachments:

Attachment 1 – Application and Attachments

2. The subject site is dually zoned, with the majority of the site being zoned C-3 (General Commercial) and a southern portion of the site being zoned M-1 (Light Industrial). The subject site is designated as Commercial and Industrial on the McMinnville Comprehensive Plan Map, 1980, with the dual Comprehensive Plan designations applying to the same portions of the site that are dually zoned. The portion of the site proposed to be partitioned from the larger existing parcel is completely zoned as C-3 (General Commercial) and designated as Commercial on the Comprehensive Plan Map.
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, 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, Oregon Department of Transportation, 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:

Attachments:

Attachment 1 – Application and Attachments

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.

Attachments:

Attachment 1 – Application and Attachments

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 C-3 (General Commercial) zoning district in terms of use and setback requirements. The use of the property is not proposed to be changed as part of the minor partition, and the existing buildings on the new parcels are not in violation of any setback requirements in the underlying C-3 zone. The source, method, and plans for the provision of utilities to each parcel was identified on the tentative partition plan, but because both parcels share a private sanitary sewer system, a condition of approval has been included to require that each parcel be provided with its own utilities including sanitary sewer service. A condition of approval has been included to require the applicant to submit a utility plan to demonstrate how each parcel will be provided with its own utilities.

CD:sjs