



**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 827 SW
GILSON STREET**

DOCKET: MP 1-18 (Minor Partition)

REQUEST: The applicant is requesting a minor partition to partition an approximately 0.85 acre parcel of land into two (2) parcels approximately 30,063 and 7,100 square feet in size.

LOCATION: The subject site is located at 827 SW Gilson Street, and is more specifically described as Tax Lot 1800, Section 20CD, T. 4 S., R. 4 W., W.M.

ZONING: The subject site is zoned R-2 (Single Family Residential).

APPLICANT: Mary Hill

STAFF: Chuck Darnell, Associate Planner

DATE DEEMED COMPLETE: April 6, 2018

HEARINGS BODY: McMinnville Planning Director

DATE & TIME: May 10, 2018

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.

DECISION

Based on the findings and conclusions, the Planning Director **APPROVES** the minor partition (MP 1-18) **subject to the conditions of approval provided in this document.**

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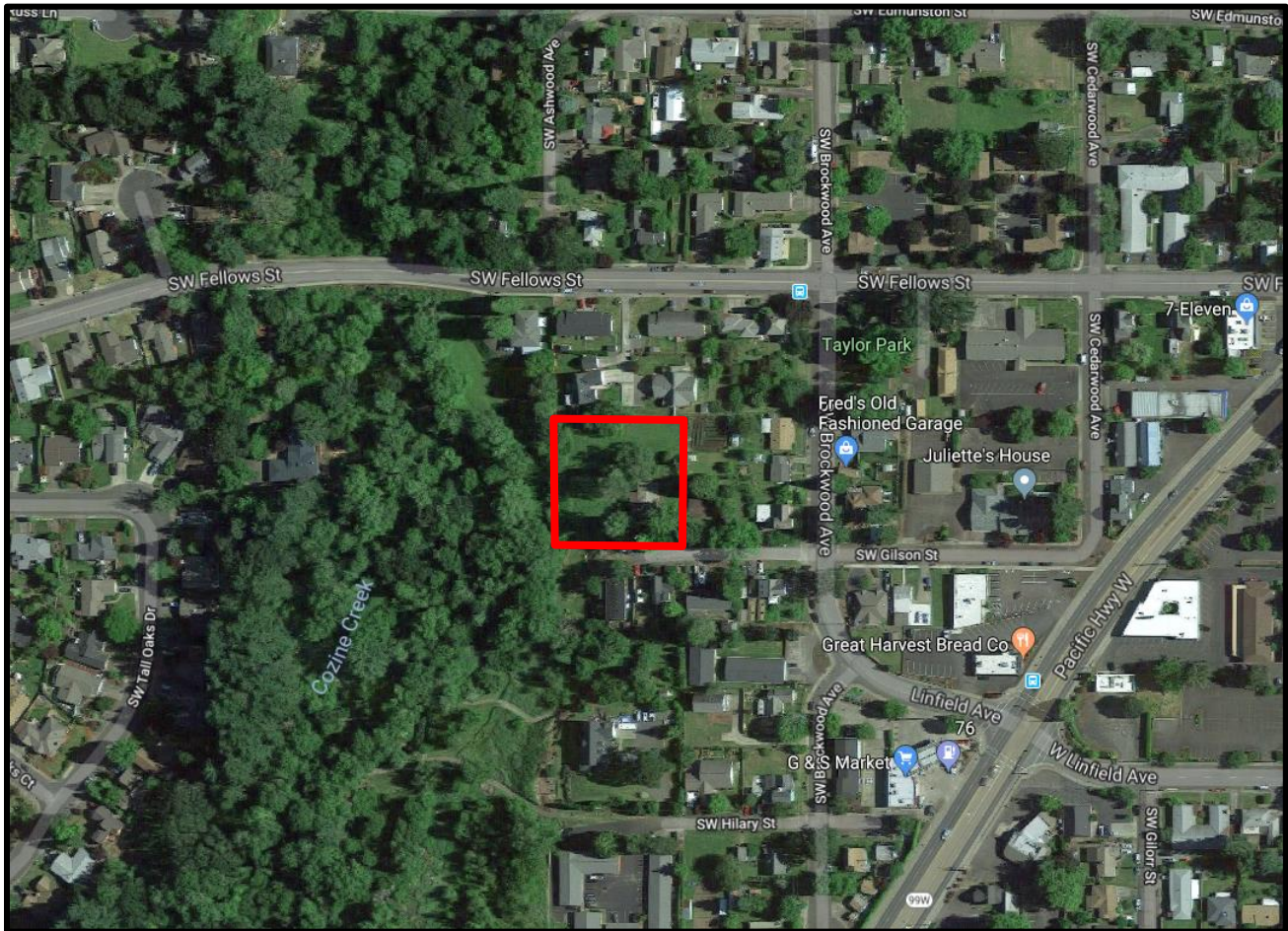
Planning Department: 
Heather Richards, Planning Director

Date: May 10, 2018

APPLICATION SUMMARY:

The applicant is requesting approval to partition an approximately 0.85 acre parcel of land into two (2) parcels approximately 30,063 and 7,100 square feet in size. The proposed partition would result in two (2) lots suitable for single family residential uses, or any other permitted uses in the R-2 (Single Family Residential) zone. The smaller of the two proposed parcels after the partition has an existing single family home, which is proposed to remain and after the partition will meet all required setback and yard requirements.

The locations of the existing property proposed to be partitioned can be seen below:

**CONDITONS OF APPROVAL**

The following conditions of approval shall be required:

MP 1-18 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.

Attachments:

Attachment 1: On File with Planning Department

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 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 prior to the City's approval of the final plat, the property owner shall sign and record a waiver of the right of remonstrance for the future improvement of Gilson Street to City standards, to include a public sidewalk, utilities, curbs, and travel lanes. At the appropriate time, the applicant shall contact the City Engineering Department ((503) 434-7312) to request the preparation of the waiver document for the owner's signature and for recording.
4. That the location of the surveyed location of the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps (FIRM) as prepared by the Federal Emergency Management Agency (FEMA) be identified on the final plat. The survey datum for the final plat shall be based on the North American Vertical Datum (NAVD) of 1988.
5. Prior to the City's approval of the final partition plat, the existing structure located on the proposed Parcel 1 (30,063 square foot lot) shall be removed.
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 1-18 Application and Attachments (on file with 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department:

We have reviewed proposed MP 1-18, and offer the following suggested conditions of approval [...].

Note - Those conditions of approval suggested by the Engineering Department were included in conditions of approval number 1 through number 4 as provided in this document.

- McMinnville Fire Department:

We have no issues with this partition.

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- McMinnville Water and Light:

Contact MW&L for costs to install a water service/meter and electric service/meter to the new parcel.

FINDINGS OF FACT

1. Mary Hill requested a minor partition application to partition an approximately 0.85 acre parcel of land into two (2) parcels approximately 30,063 and 7,100 square feet in size. The subject site is located at 827 SW Gilson Street, and is more specifically described as Tax Lot 1800, Section 20CD, T. 4 S., R. 4 W., W.M.
2. The subject site is zoned R-2 (Single Family Residential) 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, 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 testimony was provided to the Planning Department.
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 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 allow for further development that is land-intensive and cost-effective. The property is located in an area that is already fully developed with urban services available to support additional residential development.

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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-2 Single Family Residential Zone

17.15.030 Lot size. In an R-2 zone, the lot area shall not be less than seven thousand square feet except as provided in Section 17.15.010(C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.040 Yard requirements. In an R-2 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 twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall not be less than twenty feet. [...]

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 one larger lot that will have buildable area that will allow for structures to be adequately located on the lot and still maintain the proper setbacks as required in the R-2 zone. The smaller lot will contain the existing single family home, and the proposed partition allows for the existing structure to still meet all proper setbacks as required in the R-2 zone.

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;

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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.
 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-2 (Single Family Residential) zoning district in terms of lot size and setback requirements. 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 testimony was provided to the Planning Department. A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision.

Land Division Standards – Approval of Streets and Ways

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17.53.101 Streets.

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table: [...]

Finding: Gilson Street, adjacent to the subject property, is not improved to current City standards. Gilson Street is identified as a Local Residential street in the McMinnville Transportation System Plan, and that type of street would generally include a 28-foot street width, curbs, a 5 foot sidewalk, and a 5-foot planter strip. In lieu of constructing the street improvements required to bring Gilson Street up to current City standards at the time of this land division, a condition of approval has been included to require that the property owner sign and record against the property a waiver of the right of remonstrance for the future improvement of Gilson Street to City standards.

17.53.105 Lots.

- A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.
1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.
- B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.
- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.
- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing. [...]

Finding: The proposed lot size and shape for the partition includes an irregular configuration. The proposed partition would result in a larger parcel (Parcel 1) that completely surrounds a smaller parcel (Parcel 2). This shape is appropriate for the location of the partition and the existing conditions. The existing street improvements currently do not extend across the full frontage of the existing property due to topographical constraints near the western terminus of the public right-of-way at the intersection of Cozine Creek. The shape of proposed Parcel 1, with a portion of the parcel extending south from behind the existing house that will remain on Parcel 2, will allow for the parcel to have adequate access from the existing improved portion of the Gilson Street right-of-way. This does result in the creation of a lot that could be further partitioned into a flag lot, but is the only reasonable method of providing access to the rear of the existing property given the current development and topographical constraints. Parcel 1 will have a 25' width on the south side of the parcel adjacent to the improved portion of the

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Gilson Street public right-of-way, which meets the minimum width requirement for lot access. All proposed lot side lines will run at right angles to the Gilson Street public right-of-way.

The lot lines created through the proposed partition would also allow for future further partitioning of the larger parcel (Parcel 1), should Gilson Street be improved to current City standards and extended to provide further access to the western half of Parcel 1. The tentative partition plat also identifies a potential area that could be used for future access to the western half of Parcel 1, should Gilson Street be improved and extended.

CD:sjs