

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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A TENTATIVE SUBDIVISION FOR A 28 SMALL LOT, ALLEY LOADED, BUNGALOW STYLE SINGLE FAMILY DETACHED DEVELOPMENT R44092100/R44092104.

DOCKET: S 2-18 (Tentative Subdivision)

REQUEST: Approval of a Tentative Subdivision for a 28 small lot, alley loaded, bungalow style single family detached development.

LOCATION: The subject properties are located west of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive, and are more specifically described as Tax Lots 2100 and 2104, Section 9, T. 4 S., R 4 W., W.M.

ZONING: R-4 PD (Multiple Family Residential Planned Development)

APPLICANT: Alan Ruden, on behalf of Cottages at Chegwyn Village, LLC

STAFF: Jamie Fleckenstein, PLA, Associate Planner

DATE DEEMED COMPLETE: November 06, 2018

DECISION-MAKING BODY: McMinnville Planning Commission

DATE & TIME: February 21, 2019. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: A request for a subdivision of more than 10 lots requires an application to be reviewed by the Planning Commission during a public hearing, as described in Section 17.72.120 of the McMinnville City Code.

CRITERIA: The applicable criteria are specified in Chapter 17.53 of the McMinnville City Code.

APPEAL: The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.72.170 of the McMinnville Zoning Ordinance.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Commission **APPROVES** Tentative Subdivision (S 2-18) **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Commission: Roger Hall
Roger Hall, Chair of the McMinnville Planning Commission

Date: March 14, 2019

Planning Department: Heather Richards
Heather Richards, Planning Director

Date: 3/15/19

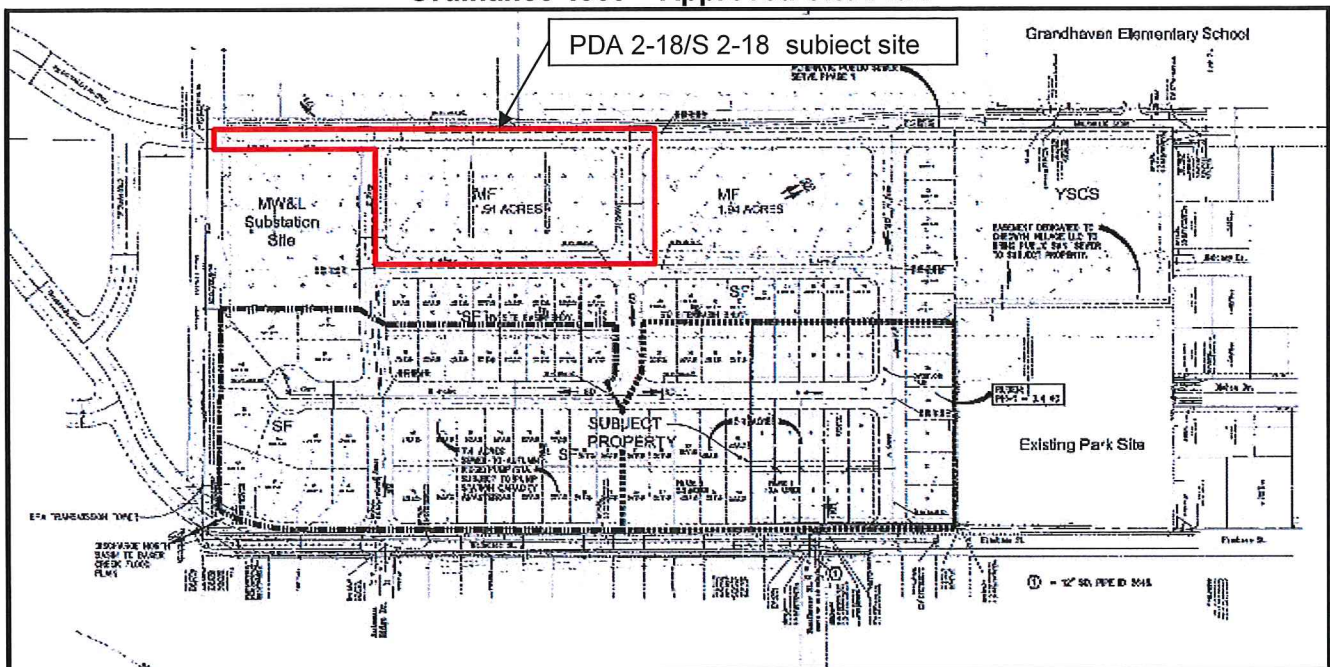
Attachments:

Attachment 1 – Application and Attachments

APPLICATION SUMMARY:

The applicant is requesting approval of a Tentative Subdivision for the construction of an alley loaded 28-lot subdivision of bungalow style single family detached residences, referred to as the Cottages at Chegwyn Village Phase 2. Concurrent to the Tentative Subdivision application, a Planned Development Amendment is requested to allow exceptions to the underlying planned development (Ordinance 4953 as amended by Ordinance 4990) and R-4 zone, including reductions to the average lot size, the front and side yard setbacks, the block length and lot depth to width ratio. The subject site is approximately 2.74 gross acres, and following the conveyance of a small strip of land to McMinnville Water & Light and dedication of rights-of-way, the subdivision will have a net area of approximately 1.88 acres, yielding a density per net acre of 14.89 dwelling units per acre.

Currently, the subject site is zoned R-4 PD, with Planned Development Ordinance 4953 and Ordinance 4990 amending the underlying R-4 zone. Ordinance 4990 amended Planned Development Ordinance 4953, which was adopted by the McMinnville City Council May, 2012. Ordinance 4953 rezoned approximately 22.26 acres from County EF-80 to City R-4 PD, and approved a site plan. The subject site was identified as a multi-family on that site plan. The approved "Overall Plan" from Ordinance 4953 can be seen below:

Ordinance 4953 – Approved Site Plan

Ordinance 4953 approved the following setback variances to the R4 zoning standards as part of the planned development:

- Front Yard: 15 feet minimum setback reduced to 10 feet.
- Side Yard: Six (6) feet minimum reduced to zero for garage construction on Lots 2, 4-7, 9, 11, 12, 14, 16-20. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.

Ordinance 4953 also established an average lot size for single family lots within the subject site of 5,000 square feet instead of a 5,000 square foot minimum lot size. Phases 1 and 2 of the Bungalows at Chegwyn Village were developed subject to the planned development standards established by Ordinance 4953.

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Preceding the development of additional phases of the Bungalows at Chegwyn Village, Planned Development Ordinance 4990 was approved by the McMinnville City Council on June 23, 2015 amending Ordinance 4953 for approximately 13.7 acres of land of the original site plan. Exceptions to zoning standards approved by Ordinance 4990 included the following reductions in required yard setbacks:

- Front Yard: No change to 10 foot setback.
- Side Yard: Zero foot setback for garage construction on all lots. All other development shall provide minimum six (6) foot side yard setback.
- Exterior Side Yard: No change to 15 foot setback.
- Rear Yard: No change to 20 foot setback.
- All setbacks for multiple-family lots: 10 feet.

Ordinance 4990 did not amend the original site plan.

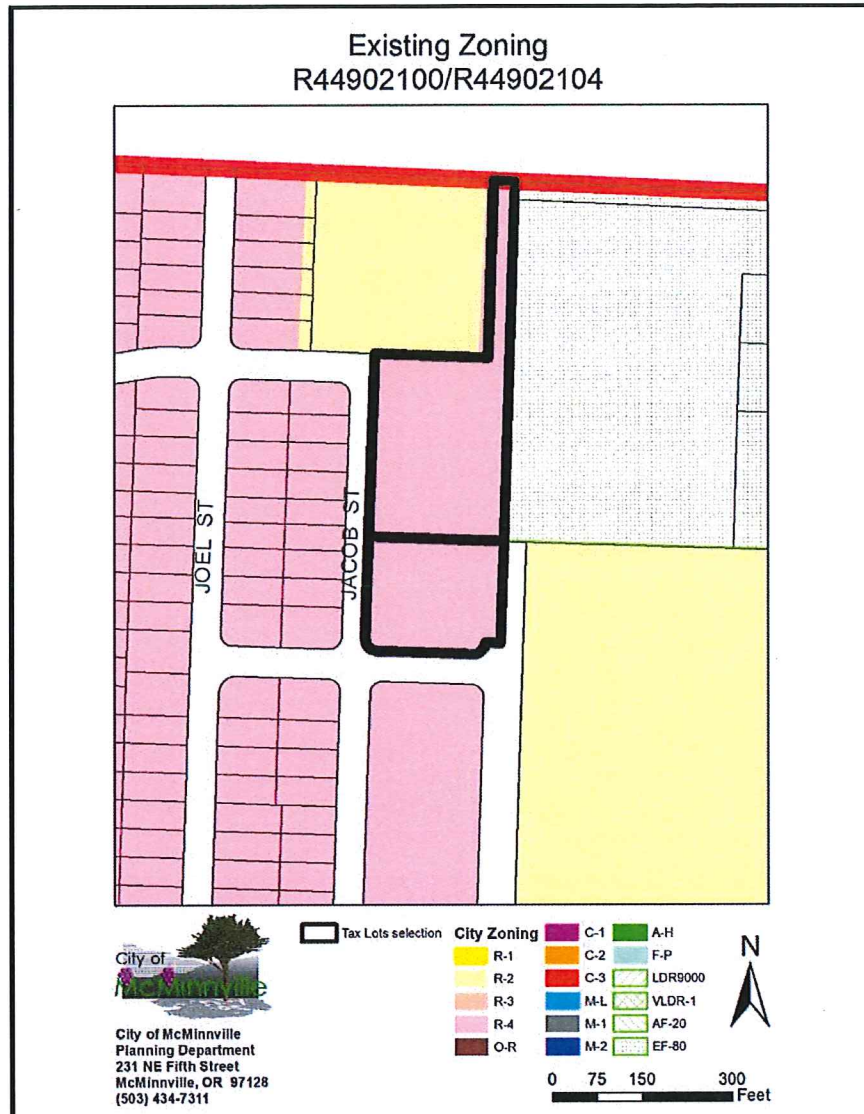
Since that time, portions of the site subject to Ordinance 4990 have been developed with single family and multi-family residences, including the Bungalows at Chegwyn Village Phase 3 and the Cottages at Chegwyn Village. It is the remaining 2.40 acres of the original 22.26 acres that are the subject of the current Planned Development Amendment and Subdivision requests. This 2.40 acres was originally identified as multi-family in the Ordinance 4953 site plan and is subject to the setback standards established by Ordinance 4990.

It should be noted that if the planned development amendment is not approved, the provisions of Ordinance 4953 and Ordinance 4990 are still binding on the site and this tentative subdivision plan would not meet the criteria of existing Ordinance 4953 and Ordinance 4990. The existing planned development as described by Ordinance 4953 and 4990 would permit development similar to the Cottages at Chegwyn Village, the development to the south of the subject site. The multi-family portion of The Cottages at Chegwyn Village has 36 dwelling units on approximately 1.96 acres, yielding a density per net acre of 18.36 dwelling units per acre.

The subject site is currently undeveloped, and is zoned R-4 PD (Multi-Family Residential Planned Development). To the north of the subject site where the Cottages at Chegwyn Village Phase 2 is proposed, is undeveloped land owned by McMinnville Water & Light that is anticipated to be the site of a future electrical substation. To the east of the subject site is undeveloped land owned by the McMinnville School District. West of the subject site is the Bungalows at Chegwyn Village Phase 3, a single family residential development. To the south of the subject site is the Cottages at Chegwyn Village, a multi-family residential development. A visual of the subject site and reference maps showing the zoning designations of the subject site and the surrounding properties can be seen below:

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CONDITIONS OF APPROVAL:

The following conditions of approval shall be required:

S 2-18 is recommended for **approval** subject to the following conditions:

1. That the subdivision approval does not take effect until and unless the Planned Development Amendment request (PDA 2-18) is approved by the City Council.
2. The final plat shall reflect that access to McDonald Lane for Lots 15-28 is not allowed.
3. The final plat shall reflect the dedication of 28-feet of right-of-way for NE McDonald Lane. As previously approved, a public utility easement along the site's McDonald Lane frontage, except where the NE Peyton Lane and NE Autumn Ridge Drive right-of-ways intersect the McDonald Lane right-of-way, is not required.
4. Prior to the City's acceptance of the final plat, McDonald Lane adjacent to the development shall be fully improved with a total of 30-feet of pavement (curb to curb width), 6.5-foot wide curbside planting strips (including the curb width), and five-foot-wide sidewalks. This will require the dedication of right-of-way from the adjacent School District owned property (tax lot R4409

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- 02400). Per the development agreement for the McDonald Lane extension, as recorded in document no. 2008-06237, the northern limits of the NE McDonald Lane improvement shall be 30 feet south of the northern edge of the subject properties (R4409 02100 and R4409 02400).
5. The existing McMinnville Water & Light easement over the 28-foot wide right-of-way west of centerline for McDonald Lane will need to be released by McMinnville Water & Light prior to the acceptance of the final subdivision plat by the City.
 6. Autumn Ridge Drive shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. The sidewalk along the north side of Autumn Ridge Drive shall be installed prior to the City's acceptance of the final plat.
 7. The applicant shall install a barricade at the northern terminus of McDonald Lane, consistent with City standards. The barricade shall include signage with text stating: "This Street is planned for extension to serve future development."
 8. 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 driveways for the proposed apartments intersect McDonald Lane.
 9. 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.
 10. That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, 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.
 11. That a detailed, engineered storm drainage plan, which satisfies the requirements of the City's Storm Drainage Master Plan 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.
 12. 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.
 13. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
 14. The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities. Such easement on McDonald Lane, except where the NE Peyton Lane and NE Autumn Ridge right-of-ways intersect the McDonald Lane right-of-way, shall not be required.
 15. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.

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16. 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.
17. 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.
18. 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.
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 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 conduit be placed under Peyton Lane and Autumn Ridge Drive in the north-south direction to provide street crossings for future McMinnville Water & Light electric and fiber without disturbing street improvements.
22. That conduit be placed in the McMinnville Water & Light easement on the west side of McDonald Lane in the north-south direction for future McMinnville Water & Light electric and fiber to avoid conflict with east-west sanitation and storm lines.
23. That pre-placed water services on Peyton Lane be replaced with water services that are size appropriate for single family development. In addition, with abandoned services, the developer shall pave the street back to the water main in those locations on Peyton Lane.
24. That a utility corridor in the form of a public utility easement be provided on the east side of McDonald Lane.
25. That no permanent structures shall be permitted in the McMinnville Water & Light easement.
26. That paving work on Jacob Street shall cover the area of all new water services up to the intersections with Peyton Lane to the south and Autumn Ridge Drive to the north.
27. That the applicant plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the subdivisions as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground

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utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. 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 which does not meet this standard.

- A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
 - B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees. This provision does not apply to the multi-family lot.
 - C. 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 which may die due to neglect or vandalism, for one year from the date of planting
28. That restrictive covenants, conditions, and restrictions (CC&Rs) shall be prepared for the development that are consistent with those in place for existing adjacent single family developments and must meet with the approval of the Planning Director. The submitted CC&Rs shall indicate any necessary maintenance agreements for the alley, in addition to developed "no-parking" standards and enforcement within the alley. The CC&Rs shall also require that placement of trash and recycling containers be allowed only on the adjacent lots. Such containers are not to be stored anywhere within the 20-foot-wide alleyway at any time.
29. That the Tentative Subdivision Plan shall expire one (1) year from the date of this approval. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), 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 this approval.
30. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in this subdivision. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, at least three material types will need to be used on the front elevations, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.
31. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.
32. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.

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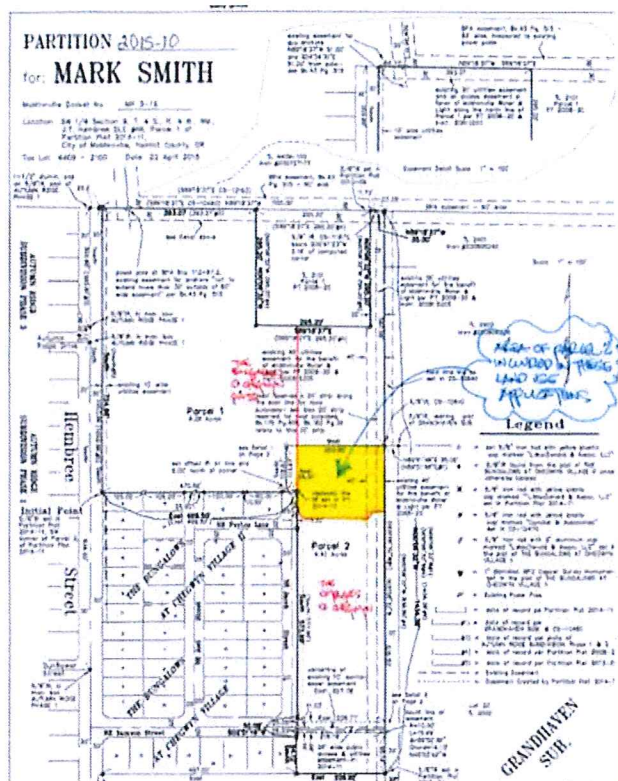
1. S 2-18 Application and Attachments (on file with Planning Department)
2. Testimony Received - Jonathan Booth – Email received December 4, 2018 (on file with Planning Department)
3. Testimony Received – John and Karen Vanderwall – Email received February 5, 2019 (on file with Planning Department)
4. Testimony Received – Patrick Evans – Email received February 10, 2019 (on file with Planning Department)
5. Agency Comments – McMinnville Water & Light Memorandum, November 30, 2018 (on file with Planning Department)
6. Communication - Letter of Intent from McMinnville School District, February 1, 2019 (on file with Planning Department)
7. Communication – MW&L conveyance confirmation - Email from Brian Ruden received January 25, 2019 (on file with Planning Department)

COMMENTS:**Agency Comments**

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

- McMinnville Engineering Department:

The application materials do not seem to accurately describe the properties included in the proposal. Specifically, a portion of parcel 2 of partition 2015-10 (AKA tax lot R4409 02104) is included in the subdivision area, and none of the application materials accurately show the northern property line of this parcel.



Suggested conditions of approval for the applications include:

- The final plat shall reflect that access to McDonald Lane for Lots 15-28 is not allowed.
- The final plat shall reflect the dedication of 28-feet of right-of-way for NE McDonald Lane. As previously approved, a public utility easement along the site's McDonald Lane frontage, except where the NE Peyton Lane and NE Autumn Ridge Drive right-of-ways intersect the McDonald Lane right-of-way, is not required.
- Prior to the City's acceptance of the final plat, McDonald Lane adjacent to the development shall be fully improved with a total of 30-feet of pavement (curb to curb width), 6.5-foot wide curbside planting strips (including the curb width), and five-foot-wide sidewalks. This will require the dedication of right-of-way from the adjacent School District owned property (tax lot R4409 02400). Per the development agreement for the McDonald Lane extension, as recorded in document no. 2008-06237, the northern limits of the NE McDonald Lane improvement shall be 30 feet south of the northern edge of the subject properties (R4409 02100 and R4409 02400).
- The existing McMinnville Water & Light easement over the 28-foot wide right-of-way west of centerline for McDonald Lane will need to be released by McMinnville Water & Light prior to the acceptance of the final subdivision plat by the City.
- Autumn Ridge Drive shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. The sidewalk along the north side of Autumn Ridge Drive shall be installed prior to the City's acceptance of the final plat.

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- 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.
- That a detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City’s adopted Conveyance System Master Plan, 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.
- That a detailed, engineered storm drainage plan, which satisfies the requirements of the City’s Storm Drainage Master Plan 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.
- 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.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City’s Building Division.
- The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities. Such easement on McDonald Lane, except where the NE Peyton Lane and NE Autumn Ridge right-of-ways intersect the McDonald Lane right-of-way, shall not be required.
- The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
- 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.
- 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.
- 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.

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- 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.
- 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 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.
- McMinnville Fire Department:
We have no issue with revised plan. The only comment would be to ensure the proper hydrant spacing is maintained (one hydrant every 500ft).
- Bonneville Power Administration
BPA has reviewed the amended Chegwyn Village Development plans. Proposed amendments for Phase II will not negatively impact the BPA transmission line easement.
- McMinnville Water & Light
McMinnville Water and Light (MW&L) provided comments in a Memorandum dated 11-30-2018. Those comments have been incorporated into this decision document. The memorandum is provided as an attachment to this document (Attachment 5)

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. As of the date this report was written, 3 emails have been received.

- Email – Jonathan Booth, December 4, 2018 (Attachment 2), expressing support of the application based on the applicant's past development history.
- Email – John and Karen Vanderwall, February 5, 2019 (Attachment 3), expressing overall support for the application, but with concerns related upkeep and maintenance of affordable homes that may be bought by investors and not be owner-occupied.
- Email – Patrick Evans, February 10, 2019 (Attachment 4), expressing opposition to the application with concerns related to the change from multi-family to single family development, ownership of those developments and the impact that lack of maintenance would have on the surrounding neighborhood, hindrance to fire response due to setbacks, and lack of benefit to the neighborhood.

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FINDINGS OF FACT

1. Alan Ruden, on behalf of the property owner Cottages at Chegwyn Village, LLC, requested approval of a tentative subdivision for the construction of an alley-loaded 28 lot detached single family subdivision, which would replace multi-family development that was planned for the lot, as previously approved under the “Overall Plan” and made binding on the site by Planned Development Ordinance 4953.
2. The subject site is located west of NE McDonald Lane, east of NE Jacob Street, north of NE Peyton Lane, and south of NE Autumn Ridge Drive, and is more specifically described as Tax Lots 2100 and 2104, Section 9, T. 4 S., R 4 W., W.M.
3. The site is currently designated as Residential on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map.
4. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
5. 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.
6. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications–Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Friday, February 15, 2019. No public testimony was provided to the Planning Department prior to the Planning Commission public hearing.
7. 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 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

Finding: Goal V 1 and Policy 58.00 are SATISFIED. The proposed planned development amendment will implement the necessary changes to zoning standards to allow the development of a new type of housing product - alley loaded small lot bungalow style single family detached residential - at a density not typical for single family residential development.

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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.

Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Finding: Goal V 2 and Policies 68.00, 71.00, and 73.00 are SATISFIED. The proposed Planned Development Amendment will allow the development of a 28 lot, alley loaded, detached bungalow style single family housing subdivision, a unique and innovative development that will meet a market demand for lower cost single family detached housing. The innovation of the development can be found in using several techniques to help keep the potential housing costs down while providing a unique character to the subdivision. Small lots keep the cost of land to a minimum. Smaller homes keep the cost of construction and materials down. Alley loaded off-street parking means garages can be eliminated, further keeping the cost of development down, which can be translated to lower sale prices for the homes. Providing an alley to serve the lots and access off-street parking also means that no driveways are necessary in the front of the homes that would disrupt the sidewalk or planting strips in the rights-of-way. Uninterrupted planting strips will allow for more street trees and screening/buffering of the development from the street. Uninterrupted sidewalks translate to a more pleasant and safe pedestrian experience throughout the development. The type of housing that will be provided, alley loaded single family homes on small lots at a density typically found in townhome developments, is innovative and will be unique to the area. The development is being proposed on land designated residential and that has urban services available to serve the development. Therefore, the proposed Planned Development Amendment and resulting development is consistent with the Housing and Residential Development Goals of the Comprehensive Plan and satisfies Policies 68.00, 71.00, and 73.00.

Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Finding: Policies 75.00 and 76.00 are SATISFIED. Located less than ¼ mile away from the proposed development is Chegwyn Farms Neighborhood Park, an existing City Park. As defined in the 1999 McMinnville Parks, Recreation, and Open Space Master Plan, a neighborhood park is designed to serve residences within a ½ mile radius without crossing a major street. Chegwyn Farms Neighborhood Park is accessible to all future occupants of the proposed development via public walkways along local residential streets, a shared use path connecting the park to NE Samson Street, and by vehicular access from NE Hembree Street or NE Mohan Drive. The proposed planned development amendment and development are consistent with the Comprehensive Plan Policies 75.00 and 76.00 in that a park with open space and recreation facilities is readily accessible to occupants of the planned development.

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Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Finding: Policies 77.00 and 78.00 are SATISFIED. The primary internal traffic system within the proposed development as allowed by the planned development amendment is the alley serving all lots. All off street parking is proposed to be accessed via the alley, which will be a shared access easement. Alley loaded off-street parking will encourage vehicular traffic on the alley in the rear of the lots. The alley connects to local residential streets, Autumn Ridge Drive to the north and Peyton Lane to the south, which in turn connect to McDonald Lane, a minor collector. Alley loaded off-street parking eliminates the need for driveways crossing sidewalks to access front-loaded garages or other parking in the front of a residence. The result is an uninterrupted sidewalk along the east and west edges of the development, safer for pedestrians and bicyclists. The sidewalks along the north and south edges are broken only once were the alley is accessed from the local street. The alley promotes efficient traffic flow from the development into the adjacent street network while creating a safe pedestrian and bicycle environment. The traffic system around the perimeter of the proposed development is carried by the extension of existing streets, McDonald Lane to the west, and Autumn Ridge Drive to the north. This is extension of the existing street grid is compatible with the circulation patterns of adjoining properties. Therefore, the planned development amendment and proposed development is compatible with Policies 77.00 and 78.00.

Policy 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

Finding: Policy 81.00 is SATISFIED. While no internal pedestrian or bicycle pathway was provided in the development proposal, staff felt that such a path would provide negligible benefit over public sidewalks around the perimeter of the development. The public sidewalk on McDonald Lane, easily accessible from the proposed development, provides direct access to Grandhaven Elementary School and nearby commercial facilities located on Highway 99.

Policy 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

Finding: Policy 82.00 is SATISFIED. The proposed development is bounded by existing development to the west and south. Vacant, undeveloped properties border the subject site to the north and east. The proposed extension of Autumn Ridge Drive along the north side of the proposed development and McDonald Lane along the east side, and extension of associated utilities will preserve the development potential of the adjacent properties.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. 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).*

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4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).*

Finding: Policy 99.00 is SATISFIED. Adequate urban services can be provided concurrently with development to serve the subdivision. Sanitary sewer and storm drain lines are available via McDonald Lane, and are proposed to be extended to serve the development. McDonald Lane and Autumn Ridge Drive are proposed to be extended to provide access to the entirety of the proposed development. Water and power are located in Autumn Ridge Drive, McDonald Lane, and Jacob Street, and are planned to be extended to the subject site to serve the property.

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.

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
3. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
4. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths).*

Finding: Goal VII and Policies 117.00 and 118.00 are SATISFIED. Each individual parcel of the proposed subdivision will be accessed via private alley, which is in turn accessed via NE Autumn Ridge Drive and NE Peyton Lane. The alley will be paved and accessed by driveway approaches from the public streets constructed to City standards. The extension of Autumn Ridge Drive and McDonald Lane provide further access to parcels in the subdivision and allow for future development of adjacent properties. The streets will be constructed to City standards, providing asphalt surfacing, curbs, planting strips, and sidewalks that combine to provide meet multi-modal transportation needs.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

2. *Major, minor collectors.*
 - *Designs should minimize impacts on existing neighborhoods.*
 - *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
 - *On-street parking should be limited wherever necessary.*
 - *Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)*
 - *As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.*
3. *Local Streets*
 - *Designs should minimize through-traffic and serve local areas only.*
 - *Street widths should be appropriate for the existing and future needs of the area.*
 - *Off-street parking should be encouraged wherever possible.*
 - *Landscaping should be encouraged along public rights-of-way.*

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Finding: Policy 122.00 is SATISFIED. NE McDonald Lane is classified as a minor collector, and will be extended to service the proposed development in accordance to City Standards, including paving, curbs, planter strips with landscaping, and sidewalks. The applicant is dedicating right-of-way to the City to extend the west half of McDonald Lane. The applicant has indicated that they are working with the McMinnville School District, property owners to the east of the proposed development to allow the full construction of McDonald Lane right-of-way to City standards. The applicant further indicates that the McMinnville School District is supportive of the request and has agreed to a temporary easement to allow access and construction of the full right-of-way, with dedication of the school district owned portion of the McDonald Lane right-of-way to occur following completion of construction. Autumn Ridge Drive, a designated local street, will also be extended to serve the proposed development per City standards, including paving, curbs, planter strips with landscaping, and sidewalks.

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

Finding: Policies 126.00 and 127.00 are SATISFIED. The proposed development provides the required two (2) off-street parking spaces per dwelling unit (up to 4 bedrooms). Off-street parking is accessed via a proposed alley in the rear of the lots.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 132.00 and 132.15 are SATISFIED. The proposed subdivision is one square block in area, bounded by Autumn Ridge Drive, Jacob Street, Peyton Lane, and McDonald Lane. Each street surrounding the subdivision has, or will have, public sidewalks that connect to the City's street and sidewalk network. This public walkway network provides direct access to adjacent neighborhoods, Chegwyn Farms Neighborhood Park, Grandhaven Elementary School, and the commercial facilities located on Highway 99. Although no dedicated bike or foot path internal to the subdivision was proposed as part of the development, staff felt that the benefit of such an element would be negligible to the benefits of the uninterrupted, or minimally disrupted, sidewalks created by the use of the alley and alley loaded off-street parking. The required right-of-way improvements which include sidewalks, will connect the proposed development to the adjacent neighborhoods.

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.

Policy 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.

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- Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:*
- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
 - 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
 - 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
 - 4. Extensions will implement applicable goals and policies of the comprehensive plan.*
- Policy 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.*
- Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*
- Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*
- Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*
- 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
 - 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
 - 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
 - 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*
- Policy 147.00 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. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*
- Policy 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 McMinnville Water and Light, 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.*

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3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the 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 waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VIII and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00, and 151.00 are SATISFIED. Based on comments received, 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.

Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.

Policy 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 annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are SATISFIED. Emergency services departments have reviewed this request and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

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.

Policy 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.

Finding: Goal VII 3 and Policy 163.00 are SATISFIED. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Goal VIII 1 and Policies 173.00 and 177.00 are SATISFIED. Policies 173.00 and 177.00 are satisfied. McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

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

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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 is SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

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

Chapter 17.53 Land Division Standards – Approval of Streets and Ways

17.53.100 Creation of Streets

- A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:
 - 1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;
 - 2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;
 - 3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.
- B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.
- C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:
 - 1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;
 - 2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.

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3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.
- D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:
1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.
 2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.
 3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.
 4. Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.
 5. Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions (Amended 8/14/07 by Ordinance No. 4879).

Finding: Section 17.53.100 is SATISFIED. No new streets are proposed to be created as part of the proposed development. NE Jacob Street and NE Peyton Lane are fully developed adjacent to the proposed development. Autumn Ridge Drive and McDonald Lane are proposed to be extended from their existing terminus to the extent of the proposed subdivision, and the applicant will dedicate that right-of-way.

The applicant is proposing the creation of an alley to access the required off-street parking in the rear of each of the 28 proposed lots. The alley is identified on the tentative subdivision plan as an access easement rather than a private drive/way or dedicated public alley. Section 17.53.100(C) allows a private access easement to be approved if it is the only reasonable method to provide access to three (3) lots or less. Because the proposed small lots and reduced side yard setbacks, providing access easement/alley access to the rear of the lots is the only reasonable method to provide access that also preserves goals of the development, such as not providing garages to minimize costs, and creating an uninterrupted and more pleasant pedestrian experience in the adjacent rights-of-way. The access easement is 20 feet in width, more than the 15 feet required minimum and able to allow a minimum 10 foot wide hard paved surface. Since the access easement/alley serves each of the 28 proposed lots, providing access to required off-street parking in the rear of each lot, staff recommends an amendment to the planned development to allow the access easement to serve more than three (3) lots. This change to the zoning will allow uninterrupted sidewalks along NE Jacob Street and McDonald Lane by eliminating the need for driveways crossing the sidewalk to access off-street parking in the front of the lots, thereby creating a more pleasant pedestrian experience.

17.53.101 Streets

- A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

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1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or
3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

Finding: Section 17.53.101(A) is SATISFIED. To fully serve and provide access to the proposed development, McDonald Lane and Autumn Ridge Drive are proposed to be extended from their termini to their intersection at the northeast corner and boundary of the proposed development. These are existing principal streets in the area, and continuation of these streets is appropriate. Extension of the existing streets will allow access to adjacent undeveloped lots to the north and east of the subject site.

The eastern property line of the subject site falls on the centerline of the McDonald Lane extension, meaning half of the required right-of-way width falls within the subject property, and the other half of the required right-of-way width falls within the undeveloped property to the east owned by the McMinnville School District. The applicant has provided a letter of intent from the McMinnville School District indicating the intention of the school district to provide a temporary easement to allow access and construction of the full right-of-way width for McDonald Lane. Upon completion of the extension of McDonald Lane, the school district intends to dedicate the portion of the developed McDonald Lane right-of-way in its ownership to the City prior to the approval of the final plat.

- 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: [...] Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

Finding: Section 17.53.101(B) is SATISFIED. Autumn Ridge Drive is classified as a local residential street, requiring a 50 foot wide right-of-way dedication to fulfill City specifications. As a local residential street, Autumn Ridge Drive is specified to have a curb-to-curb street width of 28 feet, and sidewalk and planter strips widths of five (5) feet each. The continuation of Autumn Ridge Drive to these standards is shown on the tentative subdivision plan and is required prior to approval of the final plat. McDonald Lane is classified as a minor collector, requiring a curb-to-curb street width of 30 feet, a five (5) foot wide sidewalk and minimum six (6) foot wide planter strips in a 56 foot wide right-of-way dedication. The continuation of McDonald Lane to these standards is shown on the tentative subdivision plan and is required prior to the approval of the final plat.

- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

Finding: Section 17.53.101(C) is SATISFIED. Reserve strips or street plugs are not proposed.

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- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in “T” intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

Finding: Section 17.53.101(D) is SATISFIED. Extensions of Autumn Ridge Drive and McDonald Lane occur along the continuation of center lines of the existing streets.

- E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

Finding: Sections 17.53.101(E) and (F) are SATISFIED. Autumn Ridge Drive and McDonald Lane will be extended to their intersection at the northeast boundary of the subdivision, intersecting at an approximately right angle.

- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

Finding: Section 17.53.101(G) is SATISFIED. No existing streets adjacent to the development are of inadequate width.

- H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.
- J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length

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of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

Finding: Sections 17.53.101(H), (I), and (J) are SATISFIED. Half streets, cul-de-sacs, and eyebrows are not proposed in the development.

- K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

Finding: Section 17.53.101(K) is SATISFIED. Autumn Ridge Drive and McDonald Lane are existing streets that will be extended, retaining their existing names.

- L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
 2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

Finding: Section 17.53.101(L) is SATISFIED. The subject site is generally flat, with a minimal slope of one (1) to two (2) percent from west to the east and north. Therefore, the grades of the proposed streets do not exceed City standards, 10 percent maximum for collectors, and 12 percent maximum for local residential streets.

- M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

Finding: Section 17.53.101(M) is SATISFIED. The proposed subdivision is not adjacent to railroad right-of-way.

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- N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.
- P. Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

Finding: Sections 17.53.101(N), (O), and (P) are SATISFIED. Frontage roads/streets, and private ways/drives are not part of the development proposal. The subject site is zoned residential, and therefore is not required to have an alley.

- Q. Bikeways. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)

Finding: Section 17.53.101(Q) is SATISFIED. McDonald Lane, designated as a Minor Collector, is not identified in the Bicycle System Plan in the Transportation System Plan, and therefore dedication of a wider right-of-way to accommodate bicycle lanes is not required.

- R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)

Finding: Section 17.53.101(R) is SATISFIED. New residential collector or arterial streets are not proposed in the development.

- S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)

Finding: Section 17.53.101(S) is SATISFIED. Sidewalks five (5) feet in width are required in the extensions of the rights-of-way of Autumn Ridge Drive and McDonald Lane prior to approval of the final plat. Sidewalks along Joel Street and Peyton Lane are to be provided in accordance with City standards.

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- T. Park strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

Finding: Section 17.53.101(T) is SATISFIED. Park strips developed to City standards are required in all right-of-way improvements in the subdivision proposal. Street tree plan is required to be submitted for review and approval by McMinnville’s Landscape Review Committee.

- U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager. (Ord. 5023, §2, 2017; Ord. 4922, §4B, 2010; Amended 8/14/07 by Ordinance No. 4879.)

Finding: Section 17.53.101(U) is SATISFIED. No gates are proposed in the development.

17.53.103 Blocks

- A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

Finding: Sections 17.53.103(A) and (B) are SATISFIED. The proposed subdivision is located in one square block within the existing street network. As proposed between existing streets (Autumn Ridge Drive, Joel Street, Peyton Lane, and MacDonald Lane) the proposed subdivision has a block length in the north-south direction of approximately 440 feet. The City standard is a block length of 400 feet unless the location of adjoining streets justifies an exception. Because the proposed block length is only 10 percent over the standard, and constrained by the location and layout of adjoining streets, staff recommends allowing an exception to the standard block length as part of the associated planned development amendment. The proposed subdivision has a block perimeter of approximately 1,300 feet, less than the 1,600 foot maximum perimeter.

- C. Easements.
1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.
 2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer’s office. Streets or parkways parallel to major water courses may be required.

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3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

Finding: Section 17.53.103(C) is SATISFIED. An existing 45 foot wide McMinnville Water & Light (MW&L) easement is currently in place on the eastern edge of the subject site along McDonald Lane. MW&L has provided comments that indicate they can accommodate a reduction in the easement width to 17 feet, as was done previously in 2016 to accommodate the housing development and street improvements to the south of the proposed development. Comments from MW&L have been incorporated into the decision document and conditions of approval.

As required by code, 10 foot wide public utility easements are provided along all rights-of way and additionally along each side of the access easement/alley. No easement for a pedestrian way is proposed, however. Staff considered the benefit of a proposed pedestrian way through the development that would provide access through a longer than standard block. However, staff came to the conclusion that providing a pedestrian way would not provide substantial benefit above and beyond providing sidewalks within the right-of-way. The primary reason for this conclusion is that a mid-block pedestrian way would direct people to the existing sidewalk network. Without the benefit of a mid-block crossing of McDonald Lane, pedestrians would be directed to sidewalk crossings at Autumn Ridge Drive or Peyton Lane, which are easily accessed by the sidewalk network around the proposed development.

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.

Finding: Section 17.53.103(A) is SATISFIED. The size and shape of the 28 proposed lots are appropriate for the proposed use of the lots. A planned development amendment is requested to reduce the average lot size to 2,925 square feet, with a minimum lot size of 2,703 square feet and a maximum lot size of 3,789 square feet. The size of the resulting lots will allow the development to provide smaller and potentially less expensive single family detached bungalow style homes at a density similar to that allowed for common wall single family residences (townhomes) in the R-4 zone. The proposed depth for interior lots is approximately three (3) times the width, or 3:1, and the proposed depth for corner lots slightly exceeds two (2) times the width, or 2.1:1. The City standard is that lot depth shall not ordinarily exceed two (2) times the width. When removing the area of lots proposed for the rear alley/access easement, the depth to width ratio for interior lots falls to 2.7:1, and the ratio for the corner lots is 2:1, meeting the City standard. Staff recommends amending the planned development to allow the lot depth to width ratio to exceed the 2:1 standard.

- 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.

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Finding: Section 17.53.103(B) is SATISFIED. Each of the 28 proposed lots abuts the adjacent street for a minimum of 25 feet, as indicated on the tentative subdivision plan. Each lot also abuts the rear alley/access easement. The access easement is proposed to be 20 feet wide, and abuts local residential streets (Autumn Ridge Drive and Peyton Lane) for more than the required 15 feet.

- 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: Sections 17.53.103(E), (E), and (E) are SATISFIED. The lot side lines run at right angles to the adjacent streets, and no flag lots or through lots are proposed for the development.

17.53.110 Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
- C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.
- D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.
- E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

Finding: Section 17.53.110 is SATISFIED. The subject site is generally flat, with minimal one (1) to two (2) percent slopes falling towards the west and north. Because of this condition, it is not expected that any cut and fill slopes would exceed City guidelines. The City Engineer has provided comments relative to a storm drainage system for the site, and those comments have been incorporated into the decision document.

17.53.140 Left Over Land. Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

Finding: Section 17.53.140 is SATISFIED. The tentative subdivision plan indicates that a portion of the subject site on Tax Lot R4409 02100 is not going to be developed as part of the subdivision and will be, in effect, left over land. This area of land is the skinny strip of land extending north from the extension of Autumn Ridge Drive along the approximate projection of McDonald Lane. This portion of the subject site is proposed to be conveyed to McMinnville Water & Light, owners of the property adjacent to this portion to the west. The applicant has provided confirmation in the form of an email that McMinnville Water & Light would be willing to take ownership of the narrow strip of land adjacent to their future substation site. Conveyance of the left over land to McMinnville Water & Light will be required before approval of the final subdivision plat.

JF

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