



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR A 9-LOT SUBDIVISION OF TAX LOTS R4415 03306 & R4415 03335

- DOCKET:** S 1-20 (Subdivision)
- REQUEST:** Application to subdivide property of approximately 28-acres into nine (9) lots, with eight (8) lots intended for uses permitted in the M-2 general industrial zone and one (1) lot intended exclusively to retain wetlands on the site
- LOCATION:** Site Address: 1500 NE Colvin Court
Map & Tax Lots: R4415 03306 & R4415 03335
- ZONING:** M-2 (General Industrial)
Northeast Industrial Area Overlay (Ordinance 4135)
- APPLICANT:** Rivergate Center LP, c/o Jeanmarie Kapp
- PROPERTY OWNER:** HRCapital Opportunity Fund I
- STAFF:** Tom Schauer, Senior Planner
- DATE DEEMED COMPLETE:** February 8, 2021
- DECISION MAKING BODY & ACTION:** The McMinnville Planning Director makes the final decision, unless the Planning Director's decision is appealed to the Planning Commission.
- DECISION DATE & LOCATION:** March 29, 2021, Community Development Center, 231 NE 5th Street, McMinnville, Oregon.
- PROCEDURE:** An application for a Tentative Subdivision Plan for a subdivision of 10 or fewer lots is processed in accordance with the procedures in Section 17.72.110 of the Zoning Ordinance. The application is reviewed by the Planning Director in accordance with the Director's Review with Notification procedures specified in Section 17.72.110 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Tentative Subdivision Plan are specified in Chapter 17.53 of the Zoning Ordinance (Sections 17.53.070, 17.53.073, 17.53.100-140, and 17.53.150-153. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria

I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application to subdivide property of approximately 28-acres into nine (9) lots, with eight (8) lots intended for uses permitted in the M-2 general industrial zone and one (1) lot intended exclusively to retain wetlands on the site. **See Vicinity Map (Figure 1), Zoning Map (Figure 2), Applicant's Proposed Tentative Subdivision Plan (Figure 3).** The lots are proposed for development with uses permitted in the M-2 General Industrial zone. The applicant also submitted an illustrative concept plan showing how the lots could potentially be developed. **(Figure 4).**

Summary of Criteria & Key Issues

Criteria, Policies, and Standards

The application is subject to the standards and procedures established in Chapter 17.53 (Land Division Standards) of the Zoning Ordinance, which are intended to “[...] provide uniform procedures and standards for the subdivision and partitioning of land, and adjustment of property lines; to assure adequate width and arrangement of streets; to coordinate proposed development with plans for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to secure safety from fire, flood, slides, pollution, drainage or other dangers; to provide adequate light and air, recreation, education, and adequate transportation; to promote energy conservation; to protect in other ways the public health, safety, and welfare; and to promote the goals and policies of the McMinnville Comprehensive Plan.”

The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The Northeast Industrial Area Overlay (Ordinance 4135) also includes conditions of development.

Some provisions of the McMinnville Urban Growth Boundary Management Agreement (Ordinance 4146) also address issues such as street and road development within the UGB. The subject property is adjacent to properties which are within the UGB but outside City limits, and the subject property abuts county roads.

Key Issues

The subdivision would create lots for industrial development. As a result, the lots are sized between about 100,000 square feet (2.3 acres) to about 170,000 square feet (4 acres) to accommodate buildings of approximately 30,000 to 47,000 square feet plus on-site parking and site improvements.

The site includes wetlands, which are proposed to be retained on site: one on a separate tract of land and one on a portion of a development site. A property owners' association is proposed to maintain these common areas following any legal obligations for the responsible party to maintain the wetlands for a specified period of time. DSL provided a Wetland Land Use Notice Response with a preliminary jurisdictional determination that is advisory only. They found that a state permit would not be required because, based on the submitted proposal, the project avoids impacts to jurisdictional wetlands, waterways, or other waters. **(See Attachment 2 for additional information).**

The subject site abuts county residentially-zoned land outside city limits to the east and south. The subdivision design needs to accommodate setbacks and buffering specified in the standards for the M-2 zone and in the Northeast Industrial Overlay Zone (Ordinance 4135).

Attachments:

Attachment 1 – Application and Attachments; Attachment 2 - DSL Wetland Land Use Notice Response

The subject property has frontage on streets and county roads which are not fully improved to the urban standards. This application will need to address right-of-way dedication and “half-street” improvements to the applicable urban standards for the property’s frontage.

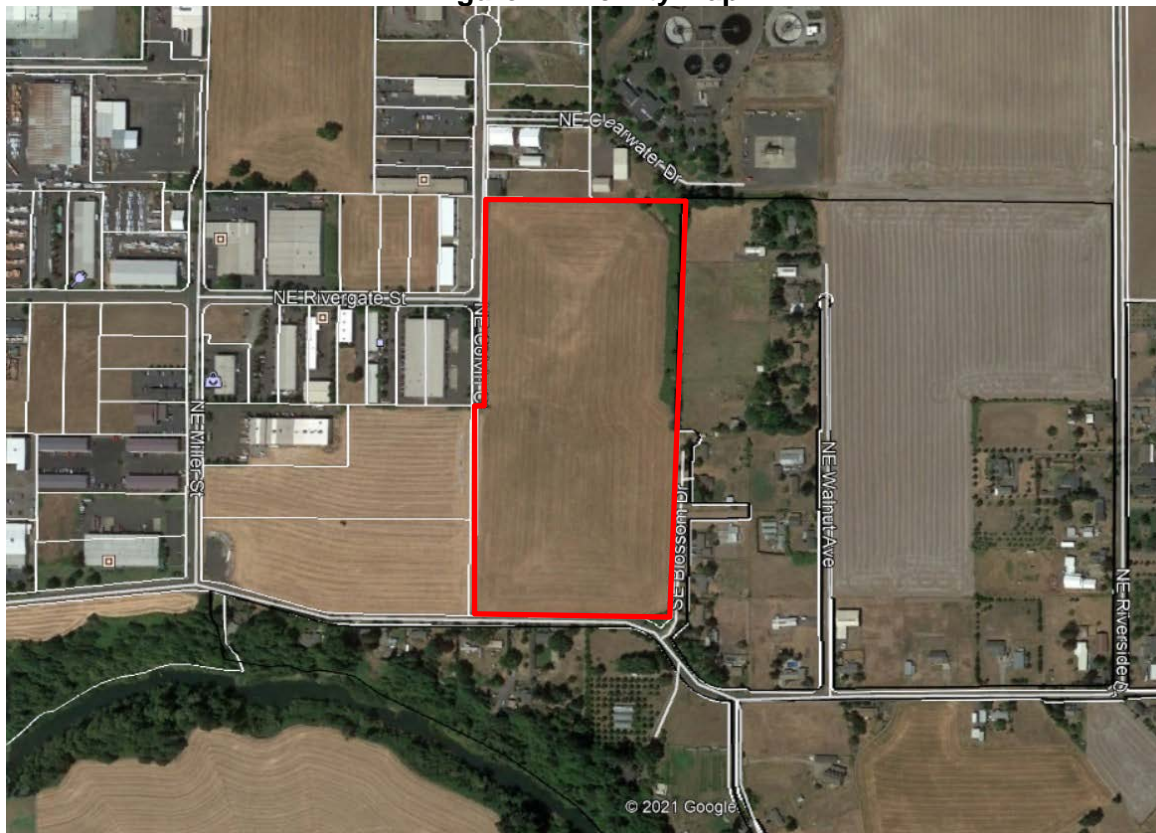
The proposed subdivision would also create new public streets to provide access to the proposed lots, including a new north-south street and a new east-west street. While this would create through lots, which are normally discouraged, the new street would allow the new lots to have direct access from these streets rather than some adjacent streets, including Blossom Drive, a street serving residential development, and Riverside Drive, an arterial street. Access to Riverside Drive would instead be consolidated via the new public streets.

Currently, Blossom Drive accesses Riverside Drive near the southeast corner of the property, and the half-street improvements will need to account for the safety of that intersection together with the half-street improvements.

Note: There is also a small tax lot in separate ownership at the southeast corner of the property, located at the northwest corner of the intersection of Riverside Drive and Blossom Drive, which is about 2,200 square feet.

Underground utilities including water, sewer, storm drainage, and franchise utilities must also be provided if not present along the property frontage (and/or via public utility easements if dictated by topography, to serve the property.

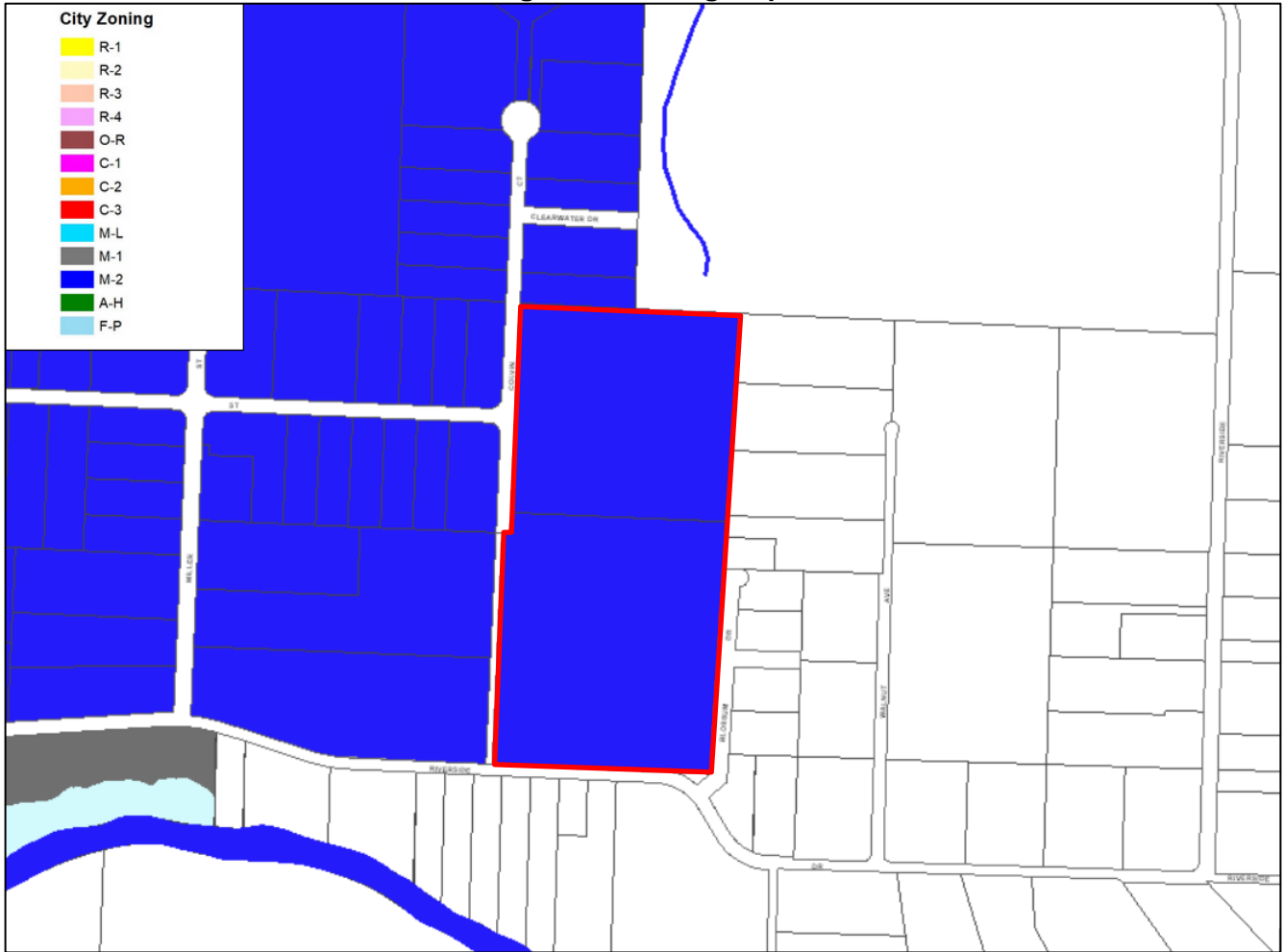
Figure 1. Vicinity Map



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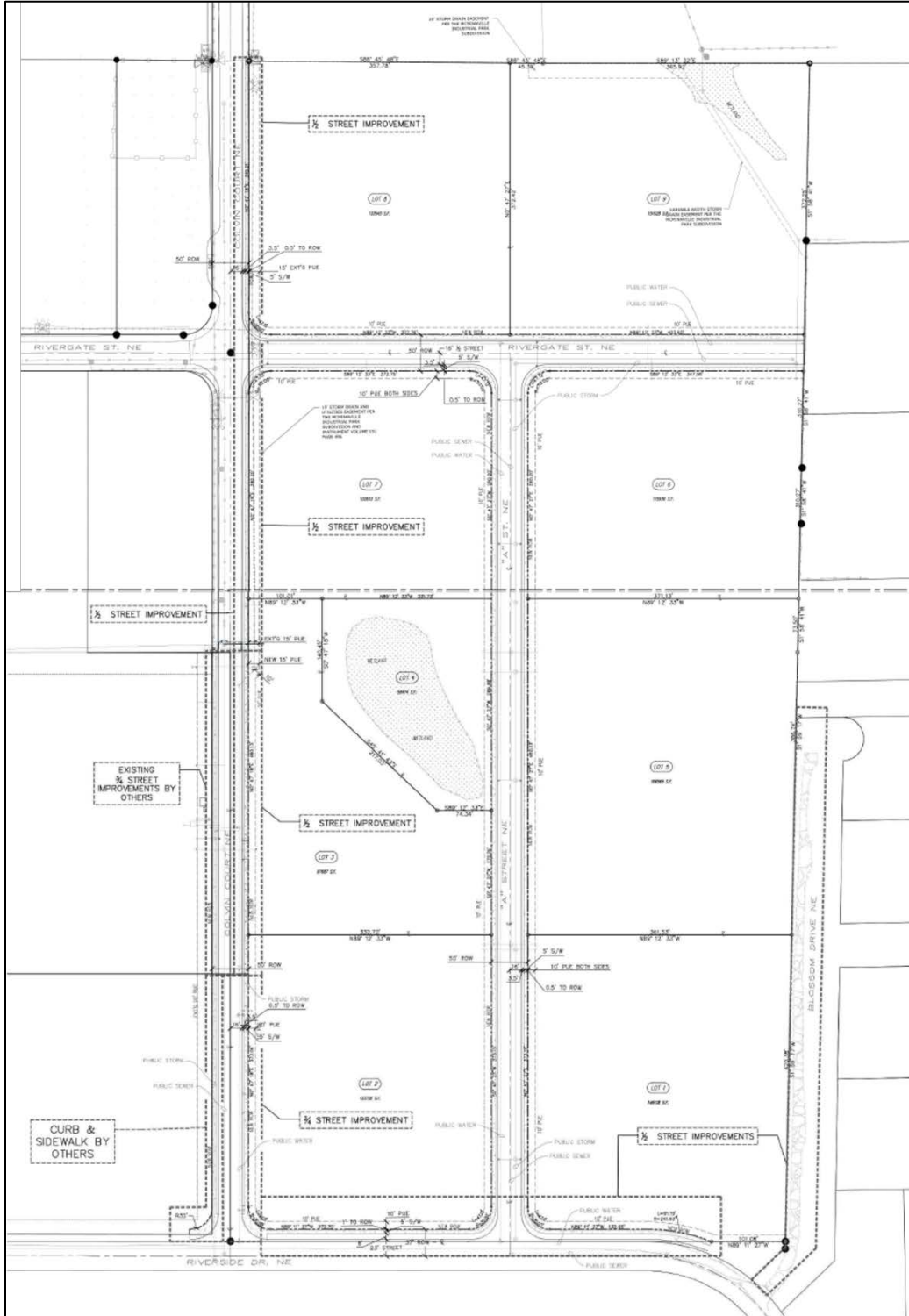
Figure 2. Zoning Map



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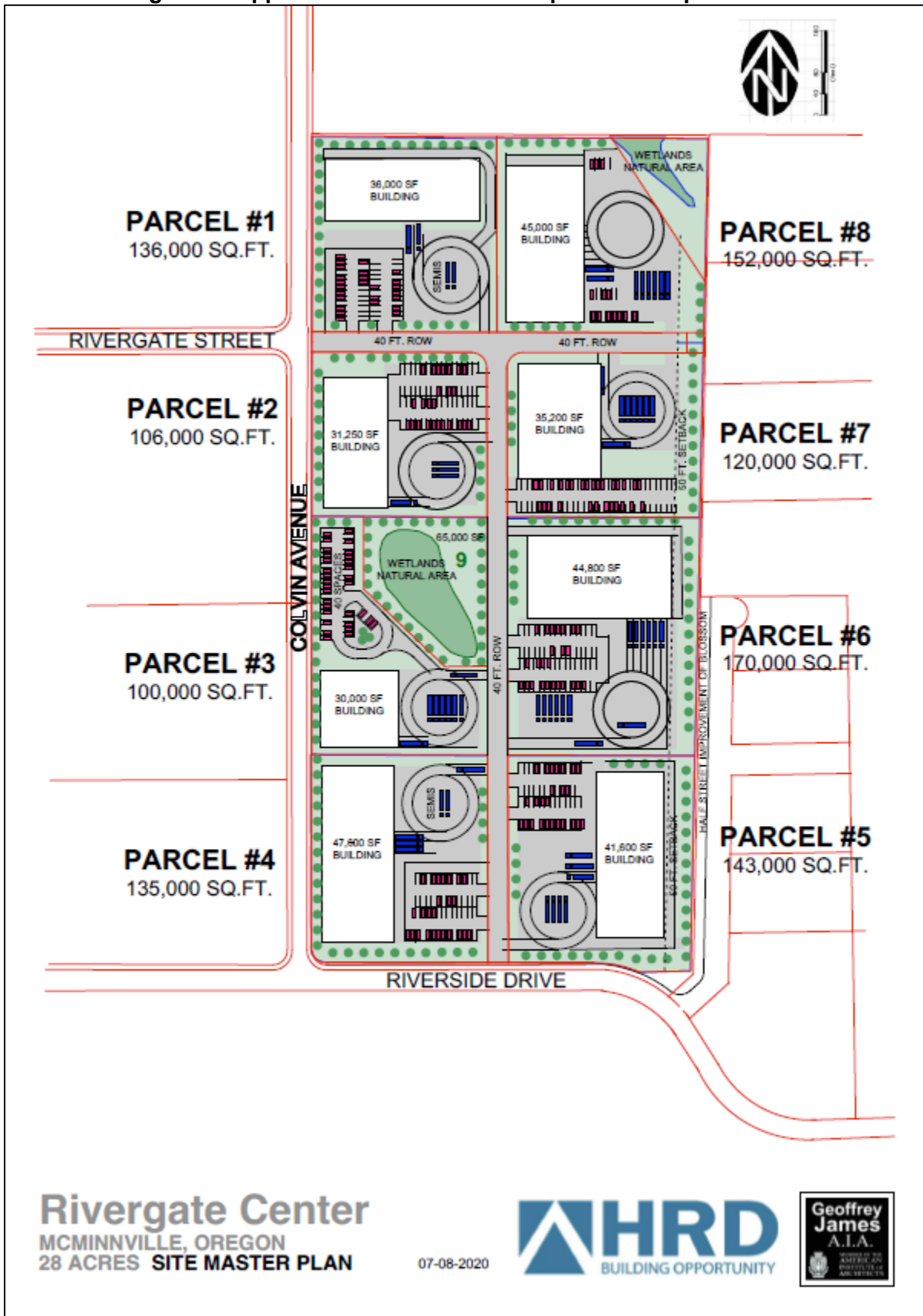
Figure 3. Applicant's Proposed Subdivision Tentative Plan



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Figure 4. Applicant’s Illustrative Conceptual Development Plan



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II. CONDITIONS:

This approval shall expire 12 months from the date the final decision document is signed. Prior to expiration of the approval, the applicant shall comply with the conditions, execute a Construction Permit Agreement, and commence construction, complete construction or provide required security, and submit the final plat. Upon written request, the Planning Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

If the property owner wishes a one-year extension of the Commission approval of this tentative plan, 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.

General

1. If applicable, prior to any disturbance of jurisdictional waters or wetlands, the applicant shall present evidence that all permits and approvals have been obtained from by DSL and the US Army Corps of Engineers for any disturbance or work affecting jurisdictional waters or wetlands.
2. Street names shall be submitted to the Planning Director for review and approval prior to submittal of the final plat.
3. Prior to final plat, obtain approval from the County Surveyor's office for the name "Rivergate Subdivision."
4. Provide information to the Fire Marshal to demonstrate adequate provision for emergency vehicle turnaround at the end of Blossom Drive and on lots adjacent to the terminus of Rivergate Drive.
5. If any revisions to the tentative plan are required as a result of conditions of approval or the review of the engineering plans, the applicant shall submit a revised tentative plan reflecting any required revisions, including any revised easement locations that may be applicable.

Revisions

6. Provide a pedestrian/bike connection between the easterly terminus of Rivergate Drive and the northerly terminus of Blossom Drive.

Engineering Plans and Permitting

General:

7. The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
8. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.

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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. 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.
11. 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, 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. The maintenance agreements shall include requirements that drainage channels/ facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
13. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
14. Detention facilities shall 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. The maintenance agreements shall include requirements that drainage channels/ facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
15. The final subdivision plans shall incorporate access provisions, and corresponding easements, for the maintenance by the City of all public storm facilities.
16. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities, except that on abutting streets where the applicant is responsible for half-street improvements, the utility easements may be limited to the side of the half-street improvement adjacent to the subject property.
17. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
18. 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.
19. That prior to release of approved construction plans, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by

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the Oregon Division of State Lands and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.

20. The applicant shall 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.
21. 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.
22. The applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment. 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.

Improvements – Colvin Court:

23. The applicant shall improve Colvin Court to Local street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the construction of half street improvements to provide a 20' pavement width to allow for two lanes of travel; installation of curb & gutter, planter strip, sidewalk and street lighting; appropriately sized sanitary sewer; appropriately sized storm drainage facilities; and appropriately sized water facilities within the existing and proposed 50' right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the existing and proposed Public Utility Easements.
24. Full width street improvements on Colvin Court, at its intersection with Riverside Drive, shall be engineered and constructed to accommodate appropriate turning movements onto and off of Colvin Court.

Improvements - Riverside Drive:

25. Riverside Drive is a major collector facility in the City's adopted Transportation System Plan. The adopted right-of-way width for a major collector is 74' total (37' feet on each side of centerline). The existing right-of-way for Riverside Drive adjacent to the site is 20' north of centerline. Therefore, the final plat shall reflect the dedication of 17' additional feet of right-of-way along the site's Riverside Drive frontage.
26. The applicant shall improve Riverside Drive to Major Collector street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the widening of Riverside Drive and the construction of half street improvements to provide 22' of street width north of centerline; bike lane installation, installation of curb & gutter, planter strip, sidewalk, and street lighting; appropriately sized storm drainage facilities; appropriately sized sanitary sewer; and appropriately sized water facilities within the existing and proposed right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the proposed Public Utility Easements. It should be noted that this section of Riverside Drive is under Yamhill County's Jurisdiction. The applicant shall obtain and provide copies of approved Yamhill County permits to the City prior to the release of the Construction Permit Agreement.

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Improvements – Interior Streets:

27. The interior streets shall be improved with a 32-foot wide paved section, 3.5-foot wide curbside planting strips, and 5-foot-wide sidewalks placed one-half foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance. This includes: the installation of curb & gutter, planter strip, sidewalk, and street lighting; appropriately sized storm drainage facilities; appropriately sized sanitary sewer; and appropriately sized water facilities within the proposed right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the proposed Public Utility Easements.

Improvements – Blossom Drive:

28. The applicant shall improve Blossom Drive to Local street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the construction of half street improvements to provide a 20' pavement width to allow for two lanes of travel; installation of curb & gutter, planter strip, sidewalk, and street lighting; appropriately sized sanitary sewer; appropriately sized storm drainage facilities; and appropriately sized water facilities within the 60' right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the proposed Public Utility Easement. It should be noted that Blossom Drive is under Yamhill County's Jurisdiction. The applicant shall obtain and provide copies of approved Yamhill County permits to the City prior to the release of the Construction Permit Agreement.
29. Full width street improvements on Blossom Drive, at its intersection with Riverside Drive, shall be engineered and constructed to accommodate appropriate turning movements onto and off of Blossom Drive.

Street Tree Plan

30. The applicant shall submit an application for a street tree plan to the Landscape Review Committee for review and approval prior to final plat submittal in accordance with Section 17.58.100 of the Zoning Ordinance. The plan shall provide sufficient detail about location of utility services to the lots, locations of street lights, pedestals, and meter boxes, to evaluate the suitability of proposed street tree planting locations.

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 utility vaults, transformers, light poles, and hydrants.

Other Documents

31. The applicant shall submit copies of any proposed restrictive covenants prepared for the development prior to the final plat approval.
32. On the final plat or as part of the restrictive covenants, the applicant shall show special 50' building lines from the easterly and southerly property lines facing residential development specified in Chapter 17.42 of the Zoning Ordinance, as required by Section 17.53.120.
33. As part of the restrictive covenants, the applicant shall indicate direct access to lots is not permitted onto Riverside Drive or Blossom Drive.

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34. Any documents creating a Property Owners' Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. The Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Property Owners' Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&R's shall be reviewed and subject to City approval prior to final plat approval.

Final Plat

35. The final plat shall be in conformance with the final approved tentative plan and shall include all items required by Section 17.53.075.

Construction

36. All work shall be in accordance with the approved plans and permits. Improvements shall be installed in accordance with Section 17.53.150 of the Zoning Ordinance.

Building Permit Issuance

37. At the time of building permit application, applicable SDCs shall be paid.

Other Completion

38. Per Section 17.58.110 of the Zoning Ordinance, street trees shall be installed prior to submittal of the final plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees as prescribed in Section 17.53.153.
39. If security is provided prior to final plat for installation of street trees, the applicant shall complete installation of street trees, per the timing described in Subsection (B) below. The applicant shall plant street trees within curbside planting strips in accordance with the approved street tree plan. 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.
 - 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

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40. Any improvements which were secured prior to final plat approval shall be completed in accordance with the construction permit agreement.
41. As-built plans shall be submitted as required by the Engineering Department within 30 days after acceptance of the improvements by the City Engineer, as required by Section 17.53.150 of the Zoning Ordinance and applicable provisions of the construction permit agreement and other required agreements.

III. ATTACHMENTS:

1. S 1-20 Application and Attachments (on file with the Planning Department)
2. DSL Wetland Land Use Notice Response (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

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

Responses were received from the following agencies, provided below:

- McMinnville Engineering Department
- McMinnville Building Department (no building code issues)
- McMinnville Water & Light
- Oregon Department of State Lands
- Comcast
- Ziplly Fiber

- McMinnville Engineering Department:

General Comments:

- The applicant shall submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
- Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- 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

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development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.

- 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.
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- If the final storm drainage plan incorporates the use of backyard collection systems and easements, 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. The maintenance agreements shall include requirements that drainage channels/ facilities within the storm drainage easements shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
- Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
- Detention facilities shall 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. The maintenance agreements shall include requirements that drainage channels/ facilities within the detention facilities shall be kept in their designed condition, and that no fill or other construction activities (including the construction of fences) will be allowed within those areas.
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- The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
- 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 prior to release of approved construction plans, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.

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Improvements – Colvin Court:

- The applicant shall improve Colvin Court to Local street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the construction of half street improvements to provide a 20' pavement width to allow for two lanes of travel; installation of curb & gutter, planter strip, sidewalk and street lighting; appropriately sized sanitary sewer; appropriately sized storm drainage facilities; and appropriately sized water facilities within the existing and proposed 50' right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the existing and proposed Public Utility Easements.
- Full width street improvements on Colvin Court, at its intersection with Riverside Drive, shall be engineered and constructed to accommodate appropriate turning movements onto and off of Colvin Court.

Improvements - Riverside Drive:

- Riverside Drive is a major collector facility in the City's adopted Transportation System Plan. The adopted right-of-way width for a major collector is 74' total (37' feet on each side of centerline). The existing right-of-way for Riverside Drive adjacent to the site is 20' north of centerline. Therefore, the final plat shall reflect the dedication of 17' additional feet of right-of-way along the site's Riverside Drive frontage.
- The applicant shall improve Riverside Drive to Major Collector street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the widening of Riverside Drive and the construction of half street improvements to provide 22' of street width north of centerline; bike lane installation, installation of curb & gutter, planter strip, sidewalk, and street lighting; appropriately sized storm drainage facilities; appropriately sized sanitary sewer; and appropriately sized water facilities within the existing and proposed right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the proposed Public Utility Easements. It should be noted that this section of Riverside Drive is under Yamhill County's Jurisdiction. The applicant shall obtain and provide copies of approved Yamhill County permits to the City prior to the release of the Construction Permit Agreement.

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Improvements – Blossom Drive:

- The applicant shall improve Blossom Drive to Local street standards, as identified in Section 17.53.101(B) of the McMinnville Municipal Code, along the site's frontage including: the construction of half street improvements to provide a 20' pavement width to allow for two lanes of travel; installation of curb & gutter, planter strip, sidewalk, and street lighting; appropriately sized sanitary sewer; appropriately sized storm drainage facilities; and appropriately sized water facilities within the 60' right-of-way; and the installation of appropriately sized electrical and franchise utility infrastructure within the proposed Public Utility Easement. It should be noted that Blossom Drive is under Yamhill County's Jurisdiction. The applicant shall obtain and provide copies of approved Yamhill County permits to the City prior to the release of the Construction Permit Agreement.
- Full width street improvements on Blossom Drive, at its intersection with Riverside Drive, shall be engineered and constructed to accommodate appropriate turning movements onto and off of Blossom Drive.
- McMinnville Water & Light
 - Water: An Extension Agreement will be required for the public water system. Contact MW&L Engineering for details.
 - Electric: Project will require an Extension Agreement between developer and McMinnville Water & Light. Agreement will include costs to developer for extending power throughout the subdivision, including street lighting, and relocation of existing facilities if needed. Developer is required to provide and install necessary conduit and vaults based upon approved power plans. Due to anticipated electrical requirements, easement area in addition to the 10' PUE's indicated on preliminary plans may be required to install the base electric system."
- Department of State Lands
 - See DSL Wetland Land Use Notice Response (on file with the Planning Department)
 - DSL also provided a letter correcting WD#2018-0274 Wetland Delineation Report (on file with the Planning Department)
- Comcast
 - Provided map of Comcast facilities in the area. (Red is aerial, green is underground). Conflict not expected.
- Ziplay Fiber
 - No conflicts or issues.

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- o When building begins, path from the building to the right-of-way will be required for communications.

Public Comments

Notice of this request was mailed to property owners located within 100 feet of the subject site. No public testimony was submitted during the public comment period.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on September 4, 2020.
2. The application was initially deemed incomplete and additional information was requested and submitted. One of the incomplete items was submittal of plans for the improvements to Blossom Drive. The applicant submitted the rest of the information identified for completeness, but they indicated they didn't intend to submit the plans for improvements to Blossom Drive at that time, and would submit them if required in response to a condition of approval. Staff deemed the application "complete" for processing on February 8, 2021. State law specifies the City is to process an application if the applicant submits some of the requested information and a statement that they don't intend to provide other information.
3. On February 11, 2021, notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.110 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of the Decision Document.

4. On February 11, 2021, notice of the application and public comment period was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance.

The 14-day public comment period closed on February 25, 2021. No public testimony was submitted during the public comment period.

5. The Planning Director issued a decision on March 29, 2021.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
Site Address: 1500 NE Colvin Court
Map & Tax Lots: R4415 03306 & R4415 03335
2. **Size:** Approximately 28.1 acres
3. **Comprehensive Plan Map Designation:** Industrial

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4. **Zoning:**
 - a. **Subject Property:** M-2 (General Industrial)
 - b. **Surrounding Properties:**
 - i. **North:** M-2 to the northwest, County EF-80 to the northeast (outside UGB)
 - ii. **West:** M-2 General Industrial
 - iii. **South:** County VLDR 2.5 residential (in UGB, outside City limits)
 - iv. **East:** County VLDR 2.5 residential (in UGB, outside City limits)
5. **Overlay Zones/Special Districts:** Northeast Industrial Area (Ordinance 4135)
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** Wetlands
8. **Other Features:**
 - a. **Slopes:** The property is generally level, with berms present along the northerly portion of the east property line.
 - b. **Easements.** There is a storm drainage easement on the northeastern portion of the property which also includes the majority of the northeasterly wetlands. There is a public utility easement along the improved portion of the frontage of NE Colvin Court.
 - c. **Trees.** Some trees are present along the easterly portion of the property and the southeast corner of the property.
9. **Utilities:**
 - a. **Water:** Municipal water is present in the improved portion of the NE Colvin Ct right-of-way. It isn't present along the other frontages.
 - b. **Sewer:** Sanitary sewer is present in the improved portion of the NE Colvin Ct right-of-way. It isn't present along the other frontages.
 - c. **Stormwater:** Underground storm drainage lines and catch basins are present along part of the improved portion of NE Colvin Court. Other storm drainage on and along the property frontage is surface drainage.
 - d. **Power:** Overhead power is present along the east side of the improved portion of NE Colvin Court, along the south side of NW Riverside Drive, and along the east side of NE Blossom Drive.
 - e. **Other Services:** Other services are available to the property.

10. **Transportation and Access:**

The subject property has three frontages:

- **Riverside Drive.** Approximately 750 feet of frontage. 50' ROW, with 2 land rural street section and no shoulder
- **Colvin Court.** Approximately 1,600 feet of frontage. 50' ROW along improved portion, 25' ROW on west side along unimproved portion. The approximate north 800 feet are asphalt without curb, gutter, or sidewalk on the east side. The approximate south 800 feet are unimproved, and right of way has been dedicated on the west side but not the east side.

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- **Blossom Drive.** Approximately 800 feet of frontage. Approximately 60' ROW. This is a narrow graveled road.

The application includes two proposed new streets internal to the subdivision: an east/west extension of NE Rivergate Street and a new north/south street in the middle of the property.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Tentative Subdivision Plan are specified in Chapter 17.53 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

The Northeast Industrial Area Overlay (Ordinance 4135) also includes conditions of development.

Some provisions of the McMinnville Urban Growth Boundary Management Agreement (Ordinance 4146) also address issues such as street and road development within the UGB. The subject property is adjacent to properties within the UGB but outside City limits and abuts county roads.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

CHAPTER IV. ECONOMY OF MCMINNVILLE

INDUSTRIAL DEVELOPMENT

GOAL IV 5: TO CONTINUE THE GROWTH AND DIVERSIFICATION OF McMINNVILLE'S INDUSTRIAL BASE THROUGH THE PROVISION OF AN ADEQUATE AMOUNT OF PROPERLY DESIGNATED LANDS.

GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.

General Policies

47.00 Industries that locate in the community shall meet federal, state, and local environmental standards. These standards shall be given full weight in evaluating the desirability of the

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industry. Criteria for evaluation shall include, but not be limited by the effect the industry would have on:

1. The natural environment, including air and water quality, natural drainage ways, and soil properties and other physical characteristics of the land including topography.
2. The human environment, including the amount of noise and traffic generated and the ability of the housing industry to provide sufficient dwelling units with at least an adequate level of required urban services.
3. The physical facilities of the community, including the ability of sanitary and storm sewer systems, water supply and distribution system, energy supply distribution systems, police and fire, and schools to provide designated services.

48.00 The City of McMinnville shall encourage the development of new industries and expansion of existing industries that provide jobs for the local (McMinnville and Yamhill County) labor pools.

Locational Policies

49.00 The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.

49.01 The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods. (Ord. 4961, January 8, 2013)

49.02 The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord. 4961, January 8, 2013)

49.03 In designating new industrial properties, and in redesignating properties to industrial zoning from other designations, the City shall work to provide employment opportunities in locations that are reasonably accessible to McMinnville residents, while minimizing the need to drive through existing or planned residential neighborhoods. (Ord. 4961, January 8, 2013)

50.00 The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.

51.00 The City of McMinnville shall encourage the location of airport-related industrial uses only on the industrial land which is adjacent to the airport. Those lands so reserved shall be designated in the planned development overlay covering this area.

52.00 The City of McMinnville shall create a new "limited light industrial" zone which shall be placed on the industrial areas on the south side of Three Mile Lane in those areas where residential development is expected on the north side of the road. The new zone will allow only those types of industrial uses that will not conflict with the residential uses.

53.00 The City of McMinnville shall encourage the phased development of industrial land so that a moderate rate of growth occurs. A moderate rate of growth will be considered that rate which

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enables the City to provide urban services in a timely, orderly, and economic fashion, and which allows the private sector to provide for the needs of the new residents.

54.00 *The City of McMinnville shall establish industrial planned development ordinances which shall be placed over the future industrial areas designated on the McMinnville Comprehensive Plan Map, the industrial reserve area, and certain existing industrially designated areas within the city limits. The overlay shall also be applied to any areas which are in the future designated for future industrial use through an amendment to the comprehensive plan map. The overlays shall provide standards to control the nuisance and negative environmental effects of industries. These controls shall cover, but not be limited to, the following areas:*

1. *Landscaping and screening*
2. *Noise suppression*
3. *Light and heat suppression*
4. *Pollution control for air, water, and land*
5. *Energy impacts*
6. *Traffic impacts*

57.00 *Agricultural activities shall be encouraged on industrially designated lands until such time as the lands are utilized for industrial purposes.*

APPLICANT'S RESPONSE:

Public Facilities and Services Requirements

The land division ordinance, as well as other codes, set the minimum requirements for the provision of public facilities and services for new residential developments. Those requirements include the provision of sanitary sewerage collection lines, storm drainage systems, street improvements, and water service. Not only are the minimum requirements set in these ordinances, but the responsibilities of both the city and the developer for providing these facilities and services are established.

It is important that the design standards for these public improvements be adequate to handle the expected levels of development without adding unnecessary costs to the price of housing. It is noted in the transportation element of this plan that street improvement standards, especially for local discontinuous streets, should be reevaluated to allow some flexibility in improvement requirements. Still, the provision of at least a minimum level of these services must remain a priority consideration.

The plans demonstrate that the provision of public facilities and services will occur concurrent with the phased development. As required, the facilities have been designed to handle the needs of the proposed development and meet requirements set forth by the McMinnville Zoning Ordinance and Public Works standards. The Applicant has received concurrence from City staff that system capacity exists for the extension of utilities service. Traffic capacity is demonstrated in the Traffic Analysis Report included with this application.

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FINDING:

- **General Policies: SATISFIED WITH CONDITIONS.** The general policies are met through conditions of approval which require compliance with federal, state, and local laws and permitting requirements.
- **Locational Policies. NOT APPLICABLE.** These policies do not apply to this quasi-judicial application. They provide direction to the City for designating industrial land, and associated policies, and regulations. The applicable M-2 zoning district and Northeast Industrial Overlay include policies that address separation and buffering from residential development that will apply to the development of the lots. Policy 53.00 is addressed through compliance with standards that require provision of public improvements concurrent with the subdivision.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT**GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.****Urban Policies:**

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).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

APPLICANT'S RESPONSE: As shown on the preliminary utility plans, the development will improve public facilities to provide an adequate level of urban services as required by this policy. In coordination with the City, the applicant has confirmed that adequate sanitary sewer capacity exists. Storm sewer improvements will be installed with each phase of the planned development. Streets will be built to City standards as shown by the plans. Water services for the proposed residential uses will be extended to the site from adjacent main lines.

FINDING: NOT APPLICABLE. This goal and the urban services addressed by this policy relate to proposed residential development, not industrial subdivisions or development.

CHAPTER VI. TRANSPORTATION SYSTEM.**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.**

APPLICANT'S RESPONSE: The development of the sites outlined in these applications will result in the improvement of the perimeter streets, i.e. Colvin, Riverside, and Blossom.

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FINDING: SATISFIED WITH CONDITIONS. With conditions of approval addressing the street standards and improvements, access provisions, and connectivity, the proposal is consistent with this broader goal regarding the transportation system.

STREETS

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

APPLICANT’S RESPONSE: This policy is met by the proposed roadways and lot frontages along those rights-of-way in the application’s plans.

FINDING: SATISFIED WITH CONDITIONS. The proposed street layout and conditions of approval regarding the frontage and intersection improvements provide for each lot to have public street access for each lot, access from a lower classification street, with access limited to public street intersections at Riverside Drive, and access for the easterly industrial lots from the new internal streets, so industrial lots don’t have direct access to Blossom Drive, which is used by the residential properties to the east.

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).*
5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

APPLICANT’S RESPONSE: The attached preliminary development plans indicate that the proposed road sections meet the City design standards. The development will support all modes of transportation as encouraged by design factor. Connectivity to adjacent developments and extension of existing streets is proposed, while no cul-de-sacs are planned to provide conformance with design factor 5. Therefore, all design factors of this policy are met by the proposal. In the case of Blossom Drive, in the County, this area has yet to be surveyed, so specific design and road sections will be designed in the detailed design phase.

FINDING: SATISFIED WITH CONDITIONS. With conditions of approval, the proposed streets meet the applicable design standards. The proposed street layout avoids wetlands. For further connectivity, the City evaluated whether Blossom Drive could be extended north to NE Clearwater Drive, which would provide additional connectivity and also allow the easterly extension of NE Rivergate Street to have connectivity on the east side. However, at this time NE Clearwater Drive isn’t constructed as a public street within a right-of-way or intended for other streets to connect to.

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The proposed street layout results in two dead-end streets: Blossom Drive continues to dead-end adjacent to the property. The proposed easterly extension of NE Rivergate Drive terminates at a dead-end at its easterly end.

119.00 *The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

APPLICANT’S RESPONSE: No collector streets are proposed with these development applications. Existing streets and transportation corridors are utilized. Anticipated through-traffic on local streets will serve this neighborhood only, not the larger regional area. The proposed street widths are standard for local streets. Therefore, this policy is met by the proposal.

FINDING: SATISFIED. The proposed development uses the existing arterial/collector corridors and provides for access and connectivity with new local access streets.

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

1. *Major, minor arterials.*

–Access should be controlled, especially on heavy traffic-generating developments.

–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.

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.

–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.

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–Landscaping should be encouraged along public rights-of-way.

APPLICANT’S RESPONSE: Street widths are appropriate. Off street parking will be provided on every lot. Street trees will be installed along all rights of way. Each lot or parcel will be landscaped and will be reviewed at the Site Plan Review of each lot.

FINDING: SATISFIED WITH CONDITIONS. With the conditions, the application complies with these street standards and the associated buffering requirements of the zoning district. This provides for adequate access control, and buffering and separation of traffic from residential uses, the standards provide for street trees, buffering, and landscaping along the major streets and on the properties as part of the subdivision or subsequent development of individual lots.

123.00 *The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.*

APPLICANT’S RESPONSE: All proposed street improvements are within the urban grown boundary and rights-of-way will be dedicated to the City after improvements to City standards are installed in compliance with this policy.

FINDING: SATISFIED WITH CONDITIONS. The UGB management agreement provides policies that apply to county roads, which includes Riverside Drive and Blossom Drive. Conditions of approval require the applicant to make urban half-street improvements along the frontage and at intersections, and to obtain required county permits. Public right-of-way will need to be dedicated, and improved City streets will be dedicated.

Parking

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

APPLICANT’S RESPONSE: The proposed developments will include off-street parking.

FINDING: NOT APPLICABLE. Off-street parking and loading requirements will be addressed at the time of development of individual lots.

Complete Streets

132.24.00 *The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
2. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Narrower traffic lanes;*

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- b. *Median refuges and raised medians;*
 - c. *Curb extensions (“bulb-outs”);*
 - d. *Count-down and audible pedestrian signals;*
 - e. *Wider sidewalks;*
 - f. *Bicycle lanes; and*
 - g. *Street furniture, street trees, and landscaping*
3. *Improve pedestrian accommodation and safety at signalized intersections by:*
- a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
 - b. *Timing signals to minimize pedestrian delay and conflicts.*
 - c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT’S RESPONSE: The site is relatively flat, and the streets, and site developments will be planned to comply with ADA standards.

The internal local streets will have traffic lanes that conform to City local street standards. Therefore, this policy is met.

FINDING: SATISFIED WITH CONDITIONS. With the conditions of approval, the proposal will comply with applicable design standards. The proposal doesn’t involve any signalized intersections.

Connectivity and Circulation

- 132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

APPLICANT’S RESPONSE: The proposed new street connections will all be consistent with the Local Street Connectivity Map.

FINDING: SATISFIED WITH CONDITIONS. The proposed street network provides new street connections and provides public street access to all proposed lots. There are two dead-end streets adjacent to and within the subdivision: NE Rivergate and NE Blossom. These can’t be connected unless the street layout is reconfigured. However, some additional connectivity can be provided with a pedestrian/bike connector between the termini of these streets.

Growth Management

- 132.29.05 *Off-site improvements to streets or the provision of enhanced pedestrian and bicycle facilities in the McMinnville planning area may be required as a condition of approval for land divisions or other development permits.*

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APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. The intersections at Riverside Drive/Blossom and Riverside/Miller will require both side (east and west) of the intersection to be improved, as will the intersections for the new streets in the subdivision at intersecting streets.

Additional connectivity can be achieved through provision of a pedestrian/bike connector between NE Rivergate Street and NE Blossom Drive.

Livability

132.35.00 *Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.*

APPLICANT’S RESPONSE: The development will be designed to meet Policy 132.35.00 to the extent possible.

FINDING: SATISFIED WITH CONDITIONS. With conditions, the proposed improvements and street layout will meet the design standards designed to meet these objectives, and they will minimize neighborhood disruption through buffering and by limiting direct access from proposed lots to streets adjacent to residential development.

Growth Management

132.40.05 *Conditions of Approval – In accordance with the City’s TSP and capital improvements plan (CIP), and based on the level of impact generated by a proposed development, conditions of approval applicable to a development application should include:*

1. *Improvement of on-site transportation facilities,*
2. *Improvement of off-site transportation facilities (as conditions of development approval), including those that create safety concerns, or those that increase a facility’s operations beyond the City’s mobility standards; [...]*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. With the conditions of approval, the proposal and improvements address this policy.

Circulation

132.41.25 *Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: All access points to industrial parcels will be from internal streets.

FINDING: SATISFIED WITH CONDITIONS. With conditions, the proposal complies with this policy. Access to individual lots will be consolidated to local streets, with public street intersections to Riverside Drive.

132.41.30 *Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.*

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APPLICANT’S RESPONSE: The street connections proposed between adjacent property and rights of way conform to this policy.

FINDING: SATISFIED WITH CONDITIONS. The proposal provides street connectivity to the extent practical, while balancing reduction of conflicts with adjacent residential development. The street alignment would not preclude the future northerly extension of Blossom Drive to Clearwater Drive, should there be a future change in policy regarding connectivity to Clearwater Drive. If properties to the east further develop, it was also be possible to extend Blossom Drive north at least to the easterly terminus of Rivergate Drive which is proposed as part of this subdivision.

As part of the subdivision, a pedestrian/bike connection can be provided between the termini of Rivergate and Blossom.

Environmental Preservation

132.46.00 *Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.*

APPLICANT’S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy. Maintenance will be completed by the City. Street trees are proposed to improve air quality, noise buffering, and support water quality, as trees absorb rainfall.

FINDING: SATISFIED WITH CONDITIONS. With conditions and improvements, the proposal addresses these objectives through compliance with the applicable street standards and a street layout the minimizes impacts on natural features. Buffering along streets adjacent to residential lands will reduce noise impacts.

132.46.05 *Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.*

APPLICANT’S RESPONSE: Streets are designed and will be constructed to City standards to meet this policy.

FINDING: SATISFIED WITH CONDITIONS. With conditions, the proposal will comply with the applicable street standards designed to achieve this policy.

Systems Development

132.51.05 *Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.*

APPLICANT’S RESPONSE: The proposed project will provide sidewalks in support of this policy.

FINDING: SATISFIED WITH CONDITIONS. With the conditions of approval, the proposal will provide pedestrian improvements to meet this policy. A pedestrian/bike connector between

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Rivergate and Blossom can provide pedestrian and bike connectivity without a full street connection.

Americans with Disabilities Compliance

132.52.00 *Compliance with ADA Standards – The City shall comply with the requirements set forth in the Americans with Disabilities Act regarding the location and design of sidewalks and pedestrian facilities within the City’s right-of-way.*

APPLICANT’S RESPONSE: This is a directive to the City. Through construction plan review by the City of sidewalks, the Applicant will meet this policy objective.

FINDING: SATISFIED WITH CONDITIONS. With conditions of approval, the improvements will address ADA provisions consistent with PROWAG standards.

McMinnville TSP Implementation

132.62.00 *TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

132.62.20 *TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. With conditions of approval, the proposal is consistent with the provisions of the TSP and the standards which implement the TSP.

CHAPTER VII. COMMUNITY FACILITIES AND SERVICES

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.

APPLICANT’S RESPONSE: This goal is met for this project. Public and private utilities have been and will be planned and provided for in advance of or concurrent with development. This includes parks, streets and ways, water service, storm and sanitary sewer service, power, and other franchise utilities.

FINDING: SATISFIED WITH CONDITIONS. With the concurrent provision of public improvements proposed in the application and required by the Zoning Ordinance and conditions of approval, the proposal is consistent with this goal.

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Sanitary Sewer System

- 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.*
- 141.00 *The City of McMinnville shall continue to separate storm and sanitary sewers where they are connected to reduce the inflow of storm sewer waters to the sewage treatment plant. Ongoing maintenance and improvements of the existing system shall also be undertaken to reduce infiltration of rain water into the system.*

APPLICANT'S RESPONSE: The proposed sanitary sewer and storm sewer systems are separate, conforming to this policy.

FINDING: SATISFIED WITH CONDITIONS. With conditions, and consistent with city standards, the proposal will connect to separate sanitary and storm sewer facilities.

Storm Drainage

- 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.*
- 143.00 *The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

APPLICANT'S RESPONSE: The proposed project retains natural drainage ways for storm water drainage, conforming to this policy.

FINDING: SATISFIED WITH CONDITIONS. With conditions of approval, the proposal will provide storm drainage consistent with city standards. The proposal retains the drainage easements and drainageway associated with the wetlands on the northeast part of the property, and maintains the centrally located wetlands on the property.

Water System

- 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.*

APPLICANT'S RESPONSE: This is a directive to the City and McMinnville Water and Light. The applicant has been assured by these agencies that water service at urban densities is available to the site for development.

FINDING: SATISFIED WITH CONDITIONS. With conditions, the proposal will complete public improvements for the municipal water system and be served by McMinnville Water and Light.

- 149.00 *The City of McMinnville shall carefully consider the environmental impact of the location and design of water system facilities to minimize adverse effects on residential, farm, and natural areas.*

APPLICANT'S RESPONSE: This is a directive to the City. No water system extension on-site will impact natural areas. It will all be completed within proposed dedicated street rights-of-way outside of natural areas.

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FINDING: SATISFIED. Municipal water facilities associated with the development will be within the public right-of-way.

150.00 *The City of McMinnville and McMinnville Water and Light shall cooperate with Yamhill County, the Bureau of Land Management, and private parties owning or regulating lands around the municipal water supply impoundments to restrict land uses around these sites to those which would be compatible with and protect water quality and quantity.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT APPLICABLE. This proposal does not affect municipal water supply impoundments.

Water and Sewer-Land Development Criteria

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.*
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.*

APPLICANT’S RESPONSE: The applicant recognizes these applications will be reviewed in coordination to McMinnville Water and Light for the City to obtain concurrence that sufficient water supply is available to meet demands of the development. This review will ensure that the proposed uses are commensurate with the planned comprehensive plan map designation for the area.

The applicant has coordinated with the City Public Works Department and received assurance that sufficient sewer capacity exists with the proposed on-site improvements and connections to the existing system.

FINDING: SATISFIED. The proposal was reviewed by affected agencies, and no issues were identified with adequate capacity to serve the property or subdivision.

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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.

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.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Prior to submitting an application, the applicant is required to conduct a noticed neighborhood meeting, which the applicant satisfied. Further, the process for a Tentative Subdivision Plan provides an opportunity for citizen involvement through the public notice and comment period. Throughout the process, there are 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, and an opportunity to appeal a decision.

McMinnville Zoning Ordinance (Title 17 of the Municipal Code)

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

NOTE: *Some of the applicant’s responses provided on Page 24 of the application appear to address provisions of Chapter 17.51 and 17.74 pertaining to Planned Developments, which are not applicable to the proposed subdivision application.*

Section 17.09.020 Zone Boundaries.

APPLICANT’S RESPONSE: A review of the McMinnville Zone Map indicates that the 28 acres of the proposed planned development is currently zoned M-2.

FINDING: NOT APPLICABLE. Note: The proposed application is for a Subdivision, not a Planned Development.

Chapter 17.42. M-2 General Industrial Zone.

Note: *The M-2 zone lists permitted and conditional uses. It doesn’t have any provisions governing minimum lot size or lot dimensions. There are no required yards within the M-2 zone, except when a side yard or rear yard is adjacent to a residential zone, in which case the yard is 50 feet. The maximum building height is 80 feet.*

APPLICANT’S RESPONSE: All anticipated and planned uses within the subdivision will be in conformance with Section 17.42.010 Permitted Uses. No Conditions Uses are proposed.

The subdivision plans show complete conformance with 17.42.030 Yard Requirements.

In addition, all future buildings within this subdivision will have complete conformance with 17.42.040 Height Requirements.

FINDING: SATISFIED WITH CONDITIONS. The lots will need to have sufficient area to maintain the required 50-foot buffering from the adjacent residential zones. The applicant’s illustrative conceptual development plan shows there is area to maintain the required 50-foot

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buffers to the east and south. The required buffering will need to be provided in conjunction with the development of platted lots.

Chapter 17.53. Land Division Standards.

Land Division Standards - Subdivision

17.53.070. Submission of Tentative Subdivision Plan. *An application to subdivide 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 subdivider shall prepare a tentative plan together with improvement plans and other supplementary material required to indicate his general program and objectives, and shall submit 25 (twenty-five) copies of the tentative plan and supplementary data to the Planning Director’s office. The tentative plan need not be a finished drawing, but shall show pertinent information to scale in order that the review body may properly review the proposed development. Additionally, condominiums shall be processed under the provisions of ORS 100. All subdivision developments shall comply with the requirements of the Oregon Fire Code.*

- A. Scale. *The tentative plan shall be drawn on a sheet 18 (eighteen) by 24 (twenty-four) inches in size at a scale of one inch equals 50 (fifty) feet, or a reasonable engineer’s scale for the sheet size. A smaller sheet size may be used provided that all required information is legible and is approved for use by the Planning Department.*
- B. General Information. *The following general information shall be shown on the tentative plan:*
 1. *Proposed name of subdivision. No plan of a subdivision shall be approved which bears a name which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the same county, except for the words “town,” “city,” “place,” “court,” “addition,” or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the contiguous subdivision plat of the same name last filed; Date, north arrow, and scale of drawing;*
 2. *Appropriate identification clearly stating the plan is a tentative plan;*
 3. *Location of the subdivision sufficient to define the location and boundaries of the proposed tract;*
 4. *Names and addresses of the owner(s), subdivider, engineer, and surveyor;*
 5. *In the event the subdivider plans to utilize the provisions of ORS 92.060 as pertains to “Delayed Monumentation,” he shall notify the County Surveyor and Planning Commission and report said fact on the tentative plan;*
 6. *A subdivision guarantee report issued by a title insurance company in the name of the owner(s) of the land, showing all parties whose consent is necessary and their interest in the premises and all encumbrances, covenants, and other restrictions pertaining to the subject property.*
- C. Existing Conditions. *The following existing conditions shall be shown on the tentative plan:*
 1. *The location, widths, and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, city boundary lines, and monuments;*
 2. *The direction of slope by means of arrows or other suitable symbol;*
 3. *The location of at least one temporary bench mark, on established City datum, within 200 feet of the plat boundaries;*
 4. *The location and direction of water courses, and the location of areas subject to flooding on a probability frequency one (1) percent or greater;*
 5. *Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees. Areas noted in the Comprehensive Plan, Volume I Background*

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Element, Chapter VII, The Parks and Recreation and Open Space Master Plan (1999), as potential open space lands should be identified;

6. *Existing uses of the property, including location of existing structures to remain on the property after platting.*
- D. *Proposed Plan of Subdivision.* *The following information shall be included on the tentative plan:*
1. *The location, width, names, approximate grades, and radii of curves of streets. The relationship of streets to any existing streets and to any projected streets as shown on the McMinnville Comprehensive Plan Map 1980, as amended, or as identified in the McMinnville Comprehensive Plan text and Transportation System Plan, or as may be suggested by the Planning Commission in order to assure adequate traffic circulation;*
 2. *The location, width, and purpose of easements;*
 3. *The location and approximate dimensions of lots and the proposed lot and block numbers;*
 4. *Sites, if any, allocated for purposes other than single-family dwellings, such as multiple-family dwellings, parkland, open space common areas, etc.*
 5. *Access. As required by the Oregon Fire Code, a minimum of two access points is required when more than 30 (thirty) one-family or two-family dwellings or one-hundred multi-family units are being served.*
- E. *Partial Development.* *If the tentative subdivision plan pertains to only part of the tract owned or controlled by the subdivider, the requirements of Section 17.53.090 (future development plan) shall apply.*
- F. *Explanatory Information with Tentative Subdivision Plan.* *The following information shall be required by the Planning Commission or staff and if it cannot be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:*
1. *A vicinity plan, showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets and utilities may be extended to connect to existing streets and utilities;*
 2. *Proposed deed restrictions, if any, in outline form;*
 3. *The location of existing sewers, water mains, culverts, drain pipes, and electric lines and elevations of sewers at points of probable connections within the subdivision and in the adjoining streets and property;*
 4. *Special studies of areas which appear to be hazardous due to local conditions such as inundation or slippage;*
 5. *Contour lines related to an established bench mark on city datum and having minimum intervals as follows:*
 - a. *For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed;*
 - b. *For slopes of five (5) percent to 15 (fifteen) percent: two (2) feet;*
 - c. *For slopes of 15 (fifteen) percent to 20 (twenty) percent: five (5) feet;*
 - d. *For slopes of over 20 (twenty) percent: 20 (twenty) feet.*
- G. *Supplemental Plans with Tentative Subdivision Plans.* *Any of the following plans may be required by the Planning Commission or staff to supplement the plan of subdivision:*
1. *Approximate center line and right-of-way profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of the streets and the nature and extent of street construction. Where any cut or fill will exceed three (3) feet in depth, a cross section of the road shall also be submitted.*
 2. *Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.*

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3. *If lot areas are to be graded, a plan showing the nature of cuts and fills exceeding five (5) feet, and information on the character of the soil.*

APPLICANT’S RESPONSE:

- 17.53.070. The Sections 17.72.020 through 17.72.070 have been met as described under those sections below. This application includes a tentative plan with improvement plans and supplementary material as required by this code that indicates the development’s program and objectives. The applicant has provided the necessary copies to the City staff for review. The development complies with the requirements of the Oregon Fire Code. This section’s requirements are met.
- (A). The plans submitted with this application meet these specifications.
- (B). The submitted plans provide all of the required information listed below.
- (C). The attached Existing Conditions Plan provides all of the required information listed above (see Exhibit 3).
- (D, (E), (F), (G):
 - (D). The attached Preliminary Plat, Preliminary Grading Pan, Preliminary Site Plan, and Street Profiles and Details provide all of the required information identified in this section.
 - (D). The tentative subdivision plan and supporting documents include all the above listed requirements.
 - (F)(1). A Vicinity Plan is included in these documents.
 - (F)(2). There are no deed restrictions yet developed at this time of tentative subdivision but will be submitted for review at detailed Site Plan Review.
 - (F)(3). The attached plans provide the information described above.
 - (F)(4). The applicant’s Geotechnical Report has analyzed soil conditions on the subject site. The report provides specific construction recommendations. There are no identified hazardous or slide areas.
 - (F)(5). The attached Topographic Survey, Existing Conditions Plan and proposed Grading Plans include 1-ft. contour lines in accordance with this section.
 - (G)(2). The Utility Plans show the proposed storm sewer improvements.
 - (G)(3). The attached Preliminary Grading Plan illustrates all cuts and fills associated with the proposed development. The applicant has also attached a Geotechnical Report which analyzes existing soil conditions and provides recommendations to ensure soil stability.

FINDING: SATISFIED WITH CONDITIONS. The applicant has submitted the necessary information for a complete application described above, except as noted, and which can be satisfied with conditions. The applicant didn’t provide engineered drawings for improvements to Blossom Drive. As conditions of approval, in addition to other improvements, the applicant needs to provide engineered plan and profile drawings for public improvements to Blossom Drive and the intersection of Blossom Drive and Riverside Drive.

The applicant’s narrative notes deed restrictions will be provided at the time of detailed site plan review. However, deed restrictions will need to be provided prior to lots being sold, so will be required prior to final plat.

NOTE: *The applicant’s narrative references a Geotechnical Report, but no Geotechnical Report was submitted with the application.*

17.53.071. Preliminary Review of Tentative Subdivision Plan. *Upon receipt, the Planning Department shall distribute copies to appropriate officials and agencies designated by the City. In addition, coordination of the tentative plan should be made with affected county, state, and federal agencies, and all affected special districts. These officials and agencies shall be given a reasonable*

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time to review the plan and to suggest any revisions that appear to be indicated in the public interest. A tentative plan for a subdivision with up to 10 (ten) lots shall be reviewed by the Planning Director in accordance with Section 17.72.110. A tentative plan for a subdivision with more than 10 (ten) lots shall be subject to Planning Commission review as required in Section 17.72.120. (Ord. 4920, §4, 2010)

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The application was processed in accordance with these procedures, and the proposal was distributed to affected agencies for review and comment.

17.53.073. Preliminary Approval of Tentative Subdivision Plan.

- A. It shall be the responsibility of the Engineering Department and Planning Department to review a tentative plan to insure that it substantially conforms to the requirements of this chapter prior to the submittal of the plan to the Commission. The Planning Director may refuse to submit a tentative plan to the Commission if it is found that it does not substantially conform to the chapter requirements.
- B. Upon finding that a tentative plan substantially conforms to the requirements of this chapter, the Planning Director shall either approve the plan or approve the plan with conditions (for subdivisions with up to 10 lots). When the plan is for a subdivision with more than 10 (ten) lots, the plan along with the reports of appropriate officials and agencies shall be submitted to the Commission for review at its earliest practicable meeting.
- C. The decision of the Planning Director may be appealed to the Planning Commission as provided in Section 17.72.170. The decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180. Approval of the tentative plan shall indicate approval for preparation of the final plat if there is no substantial change in the plan of the subdivision and if the subdivider complies with the requirements of this chapter. (Ord. 4920, §4, 2010)

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposal is a subdivision with 10 or fewer lots. The Director found the criteria and standards can be satisfied with conditions and approved the proposal with conditions necessary to satisfy the applicable requirements.

Land Division Standards - Future Development Plan

17.53.080. Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

- A. Any potential future lots (lot size shall be depicted)
- B. Existing and proposed utilities including water, sewer, and storm drains.
- C. Streets and access points for potential future lots

It shall be the responsibility of the Engineering Department and Planning Department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that the infrastructure for the future plan is consistent with the current development requirements. The Planning Director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:

- A. The construction of streets and utilities or the dedication of right-of-way for future improvements.

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B. Any easements as deemed necessary for the extension of utility services.

APPLICANT’S RESPONSE: None.

FINDING: NOT APPLICABLE. The proposed subdivision is for industrial uses. There is no minimum lot size for the M-2 zone. The applicant’s illustrative conceptual development plan shows the lots developed consistent with the proposed lot layout, without further land division. A future development plan is not needed.

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.*
 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.*

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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).*

APPLICANT'S RESPONSE:

- (A). The streets will be created in conformance with the requirements for a subdivision. City Council has not initiated the establishment of a street on the subject site, therefore these conditions do not apply and have been omitted for brevity.

FINDING: SATISFIED. Access to all lots is proposed via public streets, with right-of-way dedication and development of public infrastructure to occur as part of the subdivision. No streets are proposed to be created by deed, and no private easement access or private ways/drives are proposed.

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:*
 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.*
- 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:*

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COMPLETE STREET DESIGN STANDARDS									
		Arterial		Collector		Neighborhood Connector	Local Residential	Alley	
		Major	Minor	Major	Minor				
Streetscape	Street Profile	Auto/Truck Amenities (lane widths) ¹	2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width	20 ft.
		Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None	None
		Bike Facility ²	2 lanes (6 ft.)	2 lanes (6 ft.)	2 lanes (5 ft.)	2 lanes (5 ft.) or shared lane	Shared Lane	Shared Lane	None
		Curb-to-curb Street Width ³	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone (with ADA)	On-Street Parking Two Sides None	74 ft.	46 ft.	44 ft.	30 or 40 ft.	28 ft.	28 ft.	Not Apply
		Pedestrian Amenities ⁴	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None
		Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res	None
	Traffic Management	Preferred Adjacent Land Use – Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low
		Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 – 3,000	1,200	500
		Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical	Not Typical
Managed Speed ⁵		35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph	
Through-traffic Connectivity		Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible	
Access Control		Yes	Yes	Some	Some	No	No	No	
Maximum Grade		6%	6%	10%	10%	12%	12%	12%	
Right-of-Way:		104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.	

General Design Notes:

- Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lanes widths shall be 12 feet.
- An absolute minimum bike lane width for safety concern is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur in locations where existing development along an established route or other physical constraint preclude construction of the preferred facility width.
- Street design for each development shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
- Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
- None with on-street parking

Street Design Standard Notes:

- Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area.
- The right-of-way, street width, improvement standards, and turnaround radius of commercial/industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.
- Intersection curb radii shall not be less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within a 60-foot distance of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and installation of "No Parking" signs as approved by the City Engineering Department.
- Sidewalks and planting strips shall not be required along eyebrows.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department.

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.

- 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.
- 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.
- 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

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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.

- 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.
- 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 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.)
- 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.)
- 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.
- 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

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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.

- 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.
- 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.)
- 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.)
- 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.)
- 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.
- 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.)

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APPLICANT’S RESPONSE:

- (A)(1). The attached plans illustrating the location, width, and grade of the proposed streets have been considered in relation to existing and planned streets, topography, public safety, and the proposed uses. As required, the arrangement of streets in the proposed subdivision provides for the extension of existing principal streets in surrounding areas.
- (B). The applicant is proposing dedication of street rights-of-way and design of road improvements to conform to City standards.
- (F). The proposed intersection angles of this development meet the above standards as shown on the plans.
- (G). The proposed subdivision complies with these requirements.
- (L)(Paragraph 2). Preliminary grading plans and street profiles are submitted, and the applicant intends to construct to these requirements. Street design will comply with City requirements during the permitting of public improvement construction plans.
- (P). Generally, all proposed streets are public, dedicated public ROW’s. Any proposed private access drives meet the standards of Section 17.53.100(D) in this narrative. The private drive has an adequate width for the proposed use and will be constructed to the same structural standards as a public street as required by this code. The submitted Preliminary Utility Plan indicates that storm drainage facilities have also been provided within the private drive to manage storm drainage.
- (T). Park strips are provided between the curb and sidewalk of all streets in accordance with the above standards.

FINDING: SATISFIED WITH CONDITIONS. The proposed street layout includes the projection/extension of Colvin Court and Rivergate Drive along their existing alignments, improves the abutting street right-of-way, and creates a new north-south street for needed access and circulation to the lots. Rivergate and Blossom terminate at street plugs allowing for future extension and/or connection. The lot shapes and orientation provide opportunities for solar access. The proposed streets and half streets conform to the applicable standards. Streets continue alignments and avoid offsetting “T” intersections. Lots have adequate access to off-street parking and loading without alleys. With conditions of approval, the proposal will meet the applicable street design standards. As a condition of approval, the applicant shall obtain approval for proposed street names.

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.*
- 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*

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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.

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)*

APPLICANT'S RESPONSE:

- (C)(1). The attached Preliminary Plat indicates that the applicant is proposing to dedicate 10-ft. wide public utility easements along all street rights-of-way within the proposed planned development. Other easements through proposed lots or tracts are also shown, as necessary, at the required widths.
- (C)(2). The subdivision is not traversed by a water course. This section is not applicable.
- (C)(3). There are no pedestrian ways proposed in this industrial subdivision.

FINDING: SATISFIED WITH CONDITIONS. The block lengths and perimeters are appropriate for industrial development. Most of the lots have dimension that are approximately 350' or 400', so a maximum block dimension of 400' for industrial lots of this size is not appropriate, or it would require each lot be bounded by a public street on each side so that each lot was a block.

On the east side, the applicant can address the lack of street connectivity between Blossom Drive and Rivergate Drive with a bike/ped connection.

As a condition of approval, easements will be dedicated as needed for utilities.

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.*

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APPLICANT’S RESPONSE:

- (A). Lots are designed to be appropriate for the type of uses contemplated.

FINDING: SATISFIED WITH CONDITIONS.

- Size and shape.** The lot sizes and shaped are appropriate for the uses contemplated as evidenced by the applicant’s illustrative conceptual development plan. That plan demonstrates ability to address off-street parking and service facilities. The proposal identifies a lot to be maintained for wetlands preservation, which would be owned and maintained by a property owners; association, and which wouldn’t be for sale as a developable lot.
- Access.** All proposed lot have access to a public street, with no direct access to arterials or collectors proposed.
- Through lots.** The proposal includes some through lots. Those through lots are provided where they separate industrial from residential traffic and provide direct access internal to the subdivision, with access to abutting streets limited to public street intersections.
- Lot side lines.** Lots are rectangular with lot lines generally running at 90 degrees to the streets.
- Flag lots.** No flag lots are proposed.

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

- Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.*
- Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*
- The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.*
- 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.*
- 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.*

APPLICANT’S RESPONSE:

- The exhibit drawings and Grading Plans demonstrate that the proposed cuts and fills conform to these standards. The proposed storm drainage system is shown on the Utility Plans.

FINDING: SATISFIED WITH CONDITIONS. With conditions of approval, these grading requirements are satisfied. The existing topography is generally level, with berms on the east side of the property.

17.53.120 Building Lines. *If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the applicant will need to show special 50’ building setbacks abutting residential land on the plat or include that in the deed restrictions.

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17.53.130 Large Lot Subdivision. *In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.*

APPLICANT’S RESPONSE: None.

FINDING: NOT APPLICABLE. The M-2 zone doesn’t have minimum lot sizes. The large lots are proposed for industrial uses, and the illustrative development plan shows lots developed consistent with the proposed lot sizes without further divisions.

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).*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS. The entirety of the parent parcel is proposed for subdividing. No lots are proposed for dedication to the public. As a condition of approval, the one undevelopable lot containing wetlands to be maintained by the property owners’ association shall be designated and identified for that purpose, together with CCR’s with the appropriate maintenance agreement.

17.53.150. Improvement Procedures.

APPLICANT’S RESPONSE: Improvements Procedures will be followed at the time of site construction and permitting.

FINDING: SATISFIED WITH CONDITIONS. Prior to final plat, the public improvements will need to be constructed consistent with the City standards and the conditions of approval.

17.53.151. Specifications for Improvements.

17.53.153. Improvement Requirements.

APPLICANT’S RESPONSE: The applicant/developer will install water, electrical, sewer, drainage facilities, streets, pedestrian ways, private drives, alleys, and street trees with the proposed planned development project as required with each phase of development. Improvements Procedures will be followed at the time of site construction and permitting.

FINDING: SATISFIED WITH CONDITIONS. Prior to final plat, the public improvements will need to be constructed consistent with the City standards and the conditions of approval.

Chapter 17.58. Trees

17.58.080. Street Tree Planting-When Required

APPLICANT’S RESPONSE: Subdivisions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

The proposal is for a new subdivision so street tree planting is required, and will be installed, in the curb-side planting strip.

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FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the applicant will need to submit a landscape plan for approval by the Landscape Review Committee prior to final plat. If street trees on the approved plan aren't planted prior to final plat, it will be necessary to provide financial surety for their planting prior to Certificate of Occupancy for development each lots or planting within the specified seasonal planting window.

17.58.090. Street Tree Standards.

APPLICANT'S RESPONSE:

- (A). Proposed street tree species are chosen from the McMinnville Street Tree List.
- (B). Following site construction, the street trees will be planted according to the specifications of this code section, as noted on the attached landscaping plans included with this application.
- (C). The proposed stature of the street trees, small, medium, and large, as well as the mature height and proposed spacing will be installed to City standards.
- (E). Proposed street trees are properly spaced from utilities, street intersections, driveways, alleys, as required by this Section, except in some cases driveway wings and water meter boxes encroach into the 5-foot and 10-foot spacing requirements.
- (F). There are street trees on existing City streets. Additional street trees will be planted at half street improvements of all perimeter street rights of way.
- (G). The applicant is not proposing to locate street trees within sidewalk cuts, therefore these standards do not apply.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the applicant will be required to apply for and obtain approval of a street tree plan prior to final plat. The requirements and standards of this Section will be met through review and approval of a street plan by the Landscape Review Committee and installation of street trees consistent with the approved plan, as required by the conditions of approval.

17.58.100. Street Tree Plans

A. Submittal.

B. Street Tree Plan Content.

APPLICANT'S RESPONSE: Specific Street Tree Plans will be submitted for the Site Plan Review.

FINDING: SATISFIED WITH CONDITIONS. This requirement will be met through the condition of approval and provisions of the Zoning Ordinance that require the applicant to apply for and obtain approval of a street tree plan prior to filing for final plat, as required by Section 17.58.100(A). The content will need to provide the items required by Section 17.58.100(B).

Note: *The Street Tree plan is required prior to filing for final plat. Landscape plans for development of individual lots must be submitted and approved prior to issuance of building permits for individual lots.*

Chapter 17.62. Signs

17.62.080. Sign Permits.

APPLICANT'S RESPONSE: No Response.

FINDING: NOT APPLICABLE. No sign is proposed as part of the subdivision. Future signs will be subject to the applicable sign standards.

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Chapter 17.72. Applications and Review Process

17.72.020. Application Submittal Requirements.

APPLICANT'S RESPONSE:

(A). The applicant has filed the application on the form provided by the Planning Department and includes scalable site plans which show the elements required by this section.

(B). As required, this Applicant's Statement discusses in narrative form the project background, the intent, nature and proposed use of the proposed development in detail. All applicable approval criteria have been met.

(C), (D), (E). The attached Preliminary Subdivision Plans and this narrative provide a property description and assessor map parcel numbers. Legal descriptions for the subject parcels have been submitted with this application. In addition, the applicant has submitted land use application forms which indicate that the applicant is also the sole property owner of the subject site.

(G). In addition to the materials listed above, the applicant has submitted a Geotechnical Report, Traffic Report, Wetlands Report, and Neighborhood Meeting Documentation for the proposed subdivision.

FINDING: SATISFIED WITH CONDITIONS. As part of the completeness review, staff found the applicant submitted the items necessary to deem with application complete, with the exception of plans for the improvements to Blossom Drive. As a condition of approval, the applicant shall submit plans for the improvements to Blossom Drive.

17.72.030. Filing Fees

APPLICANT'S RESPONSE: As required, the applicant has submitted the required filing fee with the submitted applications.

FINDING: SATISFIED. The applicant submitted the required filing fee.

17.72.095. Neighborhood Meetings

APPLICANT'S RESPONSE: The applicant held a neighborhood meeting to discuss the land use applications with area residents in August 2020.

As required, the applicant mailed a neighborhood meeting notice to all property owners within 300-feet of the subject site. The notice was mailed out meeting the requirements of this code. A copy of the mailing list, invitation letter, and other materials mailed to the neighbors is included with this application.

As required, the applicant mailed a copy of the neighborhood meeting notice to the City Planning Department.

As required, the applicant took a video recording at the neighborhood meeting, in lieu of minutes, and a meeting summary has also been submitted.

The applicant has decided to go with a conventional industrial park development of eight parcels, plus one dedicated wetlands (undeveloped) natural area parcel. This meets the expressed preference of the neighborhood attendees.

It is apparent that the new proposal is now acceptable to the neighbors.

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The revised proposal is for all industrial buildings, per the M-2 zoning.

FINDING: SATISFIED. The applicant submitted the necessary documentation to demonstrate they complied with the neighborhood meeting requirements.

Northeast Industrial Area Planned Development Overlay Ordinance No. 4135

Section 1. Statement of Purpose. *In the process of preparing the McMinnville Comprehensive Plan and drawing the McMinnville Urban Growth Boundary, it has been determined by the City that certain properties, herein described, should be reserved for industrial development. The City recognizes that the development of these lands could, if not properly managed, create a land use conflict with neighboring uses and could put a strain on the physical condition of the existing road network. The City finds that specific conditions must be applied to the development of these lands to insure that the goals and policies of the McMinnville Comprehensive Plan concerning industrial land uses are applied and to insure that land use conflicts are minimized and that the physical facilities of the City and Yamhill County are not overburdened. For these reasons a planned development overlay shall be placed on this area.*

FINDING: SATISFIED WITH CONDITIONS. This overlay was placed on the property in 1981. Public facility plans have since been adopted to address adequate sewer, water, sanitary sewer, and transportation facilities for lands within the UGB. Conditions of approval ensure provision of public improvements to utilities and transportation facilities as part of the subdivision to address these issues. Conditions of approval addressing the “conditions of the development” (below) also address buffering to potential mitigate land use conflicts with neighboring uses.

Section 4. Policies. *The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and any other applicable City codes shall be adhered to.*

FINDING: SATISFIED WITH CONDITIONS. See findings above regarding consistency with the Comprehensive Plan goals and policies.

Section 5. Conditions of Development. *In the northeast industrial area the following limitations shall apply to all uses:*

- (a) *Development plans for any proposed use in the northeast industrial area must first be approved by the Planning Commission. The following areas must be addressed by the Commission prior to approval of the final development plans:*
- (1) **Noise generation.** *The City will examine the potential noise generation of proposed developments and the potential impact of the noise on nearby residential areas. Landscaping, earthen berms, desirable building design and siting, and/or other methods may be required to lessen noise. DEQ standards will be used by the City as a guideline. Special attention shall be given to the protection of the Riverside residential area;*
 - (2) **Circulation pattern.** *The City will examine the proposed circulation pattern of any proposed development to insure that it facilitates a functional circulation pattern for the entire northeast industrial area;*
 - (3) **Air and water pollution.** *The City will examine potential air and water pollution impacts of developments and may place restrictions beyond State DEQ standards where deemed necessary;*

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- (4) **Appearance.** *The City may require that the site be visually screened from neighboring residential areas through earthen berms, landscaping and/or other screening methods. This screening may fulfill portions of the required landscaping for the development.*
- (b) *In the northeast industrial area outside storage abutting or facing a residential zone shall be enclosed by a sight-obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Commission. Outside storage in a required yard shall not exceed ten feet in height;*
- (c) *All outside lighting shall be directed away from residential zones;*
- (d) *No development which is not a permitted use in the light industrial or limited light industrial zone shall be allowed to locate within 500 feet of any residentially designated area or any area in residential use;*
- (e) *Before any development is allowed, the City will develop a strategy for the improvement to industrial standards of the affected portions of Riverside Drive. Uses located in the northeast industrial area will be required to share in the improvement costs of said road;*
- (f) *If the improvement of Riverside Drive to industrial standards is to take place sometime after industrial uses have located in the northeast industrial area, the industrial uses may be required to finance a temporary improvement to said road before any development takes place. Participation in any temporary improvements shall not relieve the party from additional, different or new improvement required for Riverside Drive.*
- (g) *The Planning Commission may give conceptual approval to an industrial park plan for a portion or portions of the northeast area or for the entire area. When conceptual approval is requested a plan showing the major street pattern and the expected lotting pattern must be approved by the Commission. Specific site developments within an industrial park which has been conceptually approved are subject to the requirements of this ordinance and must be approved individually.*

FINDING: SATISFIED WITH CONDITIONS. Once the subdivision is platted, at the time of development of individual lots, development will need to comply with the standards above. Landscape plans will be required at the time of development of individual lots. Perimeter grading and berming for buffering along the south and east property lines may be installed as part of the subdivision prior to final plat, provided that is addressed on a landscape plan.

The boundary of the Northeast Industrial Area encompasses a much larger area than the property on the subdivision application. Much of the land within the boundary has since developed and established the major street and utility network, addressing some of the major items above. Remaining items at the time of development of individual lots are addressed through the building permit process for permitted uses, without separate review by the Planning Commission.

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McMinnville Urban Growth Boundary Management Agreement (Ordinance No. 4146)**Section 1. Policies****Specific Policies**

The City and County agree to the application of the following policies and procedures regarding lands between the city limits and the Urban Growth Boundary:

- H. (1) *The City and County shall evaluate street and road development within the Urban Growth Boundary consistent with the City Comprehensive Plan according to the following criteria:*
- (a) *The circumstances under which the City will assume ownership or maintenance responsibility for County roads within the corporate limits;*
 - (b) *The conditions under which new public streets and roads will be developed within the Urban Growth Boundary;*
 - (c) *The conditions under which existing roads designated as future arterials in the City Comprehensive Plan will be improved; and*
 - (d) *The conditions under which the County and other roads should meet City standards within the Urban Growth Boundary. Roads should be compatible with City street alignments and extensions. Upon annexation of property, roads adjacent to (and which serve) such property shall also be annexed.*
 - (e) *The City shall request surrender of jurisdiction by the County of all County roads pursuant to criteria H(1)(a) through H(1)(d).*
- (2) *The County and City shall cooperatively develop an implementation policy to include, but not be limited to, items listed in H(1).*

FINDING: SATISFIED WITH CONDITIONS. With the conditions approval, the proposed subdivision will provide “half-street” improvements to Blossom Drive and Riverside Drive. This provides for improvements to urban standards as specified in (H)(1)(d). The Blossom Drive improvements would be within the existing right-of-way. The Riverside Drive Improvements would include dedication of right-of-way and would follow the current alignment, but provide for “half-street” construction to urban standards.

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