

ORDINANCE NO. 3947

An Ordinance amending Ordinance 3763 by providing text changes in Sections 5 and 9 of the document entitled "Planning Commission Conditions Under Section 3.740, Subsection (5) of Ordinance 3380 for Shadowood Planned Development."

WHEREAS, on August 5, 1975, the McMinnville City Council adopted Ordinance 3763 which included the plans and conditions of the Shadowood Planned Development. Since that time a number of minor changes to the planned development have been considered by the developers. There is, however, no flexibility built into Ordinance 3763. The most minor of changes must come before the Planning Commission, and the developers must pay a \$200 fee for each of these occurrences. It is the applicant's wish that these minor changes could be approved by the City staff, thus saving the developers and the City both time and money; and

WHEREAS, upon application of Randall Hartzell, agent for YACOSCO, Inc., a public hearing was held on August 10, 1978 at 7:00 p.m. to consider text changes to Ordinance 3763 which would allow City staff to approve minor changes in the Shadowood Planned Development without obtaining the approval of the Planning Commission, and the staff recommended that the application be approved; and

WHEREAS, the Planning Commission approved said amendments and has recommended their approval to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Ordinance 3763 is amended by providing text changes in Sections 5 and 9 of the plans and conditions of Shadowood, entitled "Planning Commission Conditions Under Section 3.740, Subsection (5) of Ordinance 3380 for Shadowood Planned Development," as follows:

"5. Open Space. Major changes to the open space and walkways as detailed on the plat plan shall not be allowed without first obtaining the approval of the Planning Commission. Minor changes may be approved by the City Planning Director after he has obtained approval of the proposed change from the Shadowood Greenways Homeowners Association. It shall be the Planning Director's decision as to what constitutes a major or minor change.

"9. Modification of Planned Development.

"(a) The developer is responsible for requesting permission of the Planning Commission for any major change of the details contained herein. In addition, it is the developer's responsibility to request extensions of time which may be required due to the demand for this kind of housing or due to economic difficulties in financing any particular phase.

"(b) Minor changes to the details contained herein may be approved by the City Planning Director after he has obtained approval of the proposed change from the Shadowood Greenways Homeowners Association. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him regarding a requirement of the ordinance may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

"(c) Nothing contained herein shall be interpreted to indicate that a request shall or shall not be approved."

Section 2. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled Initiative and Referendum, for a period of thirty days.

Passed by the Council this 5 day of September, 1978, by the following votes:

Ayes: Porter, Willoughby, Hamby, Fax, Daley and Lewis

Nays: \_\_\_\_\_

Approved by the Mayor this 5 day of September, 1978.

  
MAYOR

Attest:

  
RECORDER