

ORDINANCE NO. 4040

An Ordinance rezoning certain property from existing City of McMinnville zone of R-1 PD (Single-family Residential) planned development to an R-2 PD (Single-family Residential) planned development zone on a parcel of land approximately 77.13 acres in size, and repealing Ordinance 3556 and substituting in lieu thereof the following planned development ordinance.

WHEREAS, the Planning Commission received an application for a zone change (ZC 8-79) dated April 20, 1979 on the property located at the southeast corner of Hill Road and West Second Street, described as Tax Lots 2700, 2800, 2801, 3200, 3300, and 3301, Section 19, Township 4 South, Range 4 West, Wil-lamette Meridian; and

WHEREAS, a public hearing was held on July 12, 1979 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on July 2, 1979, and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing the testimony of the applicant and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact has approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Jack P. Leonard.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoning from existing City of McMinnville zone of R-1 PD (Single-family Residential) planned development to an R-2 PD (Single-family Residential) planned development zone, subject to the following conditions:

- (a) Applicant shall dedicate to the City of McMinnville the park area as designated on the development plans submitted with the planned unit development. This park area shall be developed and landscaped by applicant in a style and manner which is designed to be low in maintenance costs. The park style and design characteristics shall be recommended by the Parks and Recreation Director and approved by the Planning Commission. In addition, applicant shall complete at least one-half of the park within Phase I upon completion of seventy-five percent of the living units to be constructed in said phase. The remainder of the park shall be completed prior to any building permits being issued for Phase 3. It is the responsibility of the developer to plant park grass and trees during the period of November 1 through March 31. This time period is conducive to park construction and will be more likely to ensure the survival of plants and trees. Failure to plant within this time

period shall be grounds to revoke the planned unit development.

For a period of not less than seven years or until completion of the project if longer than seven years, applicant or his successor in interest, assigns or any other party acting in his place shall pay to the City of McMinnville a sum of money for park maintenance at a rate of \$3,000 per year for each acre of dedicated and developed park according to the schedule established above.

Completion of the park sections referred to herein includes installation of asphaltic walkways, planting of grass and trees, and installation of an underground sprinkler system and appropriate play equipment as may be necessary to complete the park. The developer or his assigns, or successors in interest or other party shall commence annual payments to the City not later than thirty days after the park area to be completed in Phase 1 has been accepted by the City of McMinnville.

Annually thereafter the developer shall pay to the City the monies due according to this agreement. This payment schedule applies equally to both phases of park development.

- (b) The planned development shall be adopted as a conceptual plan. Minor changes in the layout of Phases 2 and 3 may be made at the time of subdivision without invalidating this approval.
- (c) At such time that Phase 2 of the project is brought before the Commission for subdivision approval, plot plans and elevations for the apartment complexes and the commercial structures must be submitted to and approved by the Commission. All uses proposed for the commercial area must be approved by the Commission. The commercial structures may not be of a type that would require an aggregate total of more than 46 units of sewer use.
- (d) That none of the residential lots abutting West Second Street may take access on West Second Street.
- (e) That the street names proposed for Phases 2 and 3 not be binding on the City.
- (f) That setback requirements be as follows:

Front yard: 20 feet minimum - all dwellings

Rear yard: 20 feet minimum - all dwellings

Side yard: (1) Town house and paired units interior common walls are zero lot line construction. Exterior sides shall have a five foot minimum with a 15 foot minimum between buildings.

(2) Single-family detached five foot minimum with a 15 foot minimum between structures.

(3) All exterior side yards abutting streets shall be a minimum of 20 feet.

- (g) That a waiver of remonstrance against the improvement of West Second Street for its entire length where it abutts the subject property be signed by the owners and submitted to and approved by the City Attorney.

Section 3. That Ordinance 3556 is repealed in its entirety.

Section 4. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

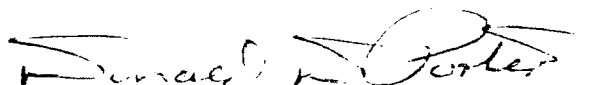
Passed by the Council this 4th day of September, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Springer, Wilson

Nays: _____

Council President

Approved by the ~~Mayor~~ this 4th day of September, 1979, in the absence of the Mayor.



COUNCIL PRESIDENT

Attest:



RECORDER

EXHIBIT "A"

Beginning at the intersection of the South line of West Second Street (60' ROW) and the East line of Hill Road (60' ROW) County Road No. 435; thence Southerly along the East line of said Hill Road 660 feet to the Northerly line of that certain tract of land conveyed to Roy E. Paulsen, Jr., and Darlene Paulsen, as recorded in Film Vol. 77, page 1104, Deed Records of Yamhill County, Oregon; thence Easterly along the North line of said Paulsen tract 247 feet to the Northeast corner thereof; thence Southerly along the East line of said Paulsen tract 200 feet to the South line of said Paulsen tract; thence Easterly on a continuation of said Paulsen South line 56 feet; thence Southerly parallel to the East line of said Hill Road 258 feet to the Southeast corner of that certain tract of land conveyed to Dale S. Walter and Carolyn Walter as recorded in Film Volume 77, page 931, Deed Records of Yamhill County, Oregon; thence Westerly along the South line of said Walter tract 290 feet to the East line of Hill Road; thence Southerly along the East line of said Hill Road, 1,650 feet to the Southline of that certain tract of land conveyed to Jack P. and Helen J. Leonard as recorded in Film Vol. 52, page 105, Deed Records of Yamhill County, Oregon; thence Easterly along the South line of said Leonard tract, 1,217 feet to the Southeast corner of said Leonard tract; thence Northerly on the East line of said Leonard tract, 2,796 feet to the South line of West Second Street; thence Westerly along the South line of said West Second Street to the place of beginning