

ORDINANCE NO. 4508

An ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to an R-4 PD (Multi-family Residential Planned Development) zone on approximately 21.8 acres of land located immediately east of the Hillside Manor campus and the Nazarene Church.

RECITALS:

The Planning Commission received an application from Hillside Manor Incorporated, for a zone change (ZC 6-91) dated October 11, 1991, for property located immediately east of the Hillside Manor campus and the Nazarene Church, and further described as Tax Lot 1200, Section 19, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 14, 1991, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on November 6, 1991, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based upon the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to 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 Hillside Manor Incorporated.

Section 2. That the property described in Exhibit "A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from a County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to an R-4 PD (Multi-family Residential Planned Development) zone, subject to the following conditions:

- (a) That the zone change ordinance not take effect until after Council approval of the annexation request.
- (b) That sewer service to the subject property be provided as described in the letter of agreement dated February 5, 1991, and signed by the applicant's attorneys and the City Manager.

- (c) That a detailed landscape plan be submitted to the City's Landscape Committee for review and approval prior to occupancy of the housing units.
- (d) That a bikeway plan be submitted to and approved by the Planning Director. Said plan to show a bike path, meeting the requirements of the McMinnville Master Bikeway Plan, and which shall be designed to meander through the Bonneville Power Administration (BPA) easement. No more than 50 percent of said path shall be required to be located on Hillside Manor property. Park fees (system development charges) shall be set aside from those paid by Hillside Manor to offset the costs of construction of said bike path and such landscaping as must be installed with the development thereof.
- (e) That the portion of the subject property located within the BPA easement and required by the bikeway, be deeded to the City of McMinnville or be encumbered by a public use easement to allow construction, maintenance and use of the bike/pedestrian path.
- (f) That the applicant prepare and submit drainage plans to the Yamhill County and City of McMinnville Public Works departments for review and approval prior to construction of the proposed retention ponds, roadways or other drainage system components.
- (g) That the applicant install a sewer line which extends from the existing pump station to the northeast corner of the site (to allow pump station to be abandoned when site connects to Wallace Road line). Said line shall be sized to serve the existing and future retirement center needs, and shall be installed as part of Phase I development, or Hillside Manor has the option to connect the Phase I development to the Wallace Road sewer main. In addition, at the time when the Wallace Road main meets Hill Road, Hillside Manor will run a sewer line from the existing Manor Building north along Hill Road connecting it to the Wallace Road sewer main.
- (h) That the pump station be evaluated to determine if adequate capacity exists to serve the proposed twenty-five housing units to be constructed as part of Phase I. Documentation verifying this capacity shall be submitted to the Building Division as part of the building permit application.
- (i) That plans for the redesign of the north entrance be coordinated with the County and adjoining property owners.
- (j) That all roadways be constructed to City structural standards.
- (k) That the applicant pay plan check inspection fees to the City Engineering Department at a rate equal to that charged for the inspection of public improvements.

- (1) That the development plans shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him 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.

Passed by the Council this 10th day of December, 1991, by the following votes:

Ayes: Aleman, Windle, Massey, Blanchard, Dell, Hansen

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

Approved this 10th day of December, 1991.

Edward J. Garmley  
MAYOR

Attest:

Carle M. Berditt  
RECORDER

EXHIBIT "A"

A part of the Donation Land Claim of Solomon Beary and wife, Notification No. 1224, Claim No. 54 in Section 19, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows:

BEGINNING at an iron pipe 1247.93 feet South  $89^{\circ}39'$  West and 1247.50 feet North of the Northwest corner of the S. F. Staggs Donation Land Claim, Notification No. 1211, Claim No. 55 in said Township and Range; running thence South  $89^{\circ}39'$  West, 777.48 feet to an iron pipe; thence North 1239.34 feet to an iron pipe set on the North line of said Solomon Beary Donation Land Claim; thence South  $89^{\circ}28'$  East along said line, 777.48 feet to an iron pipe; thence South 1227.33 feet to the point of beginning.