

ORDINANCE NO. 4641

An Ordinance rezoning approximately 45.44 acres of land from an existing County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a City R-4 PD (Multiple-Family Residential Planned Development) zone. The site is located east of Old Sheridan Road, west of Oregon State Highway 18, and south of the Yamhill ESD campus, and is further described as Tax Lot 1200, Section 29, and Tax Lot 700, Section 30, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 4-97) from CLM Development, L.L.C., dated March 17, 1997 for some 45.44 acres of land located east of Old Sheridan Road, west of Oregon State Highway 18, and south of the Yamhill ESD campus, and further described as Tax Lot 1200, Section 29, and Tax Lot 700, Section 30, T. 4 S., R. 4 W., W.M.

A public hearing was held on April 17, 1997, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on April 10, 1997, 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 zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on 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 CLM Development, L.L.C.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from an existing EF-40

(Exclusive Farm Use - 40-acre minimum) zone to an R-4 PD (Multiple-Family Residential Planned Development) zone subject to the following conditions:

- a. That setback requirements for the proposed single-family lots, unless otherwise varied by the Planning Director to preserve an existing tree, are as follows:

Front - 15 feet from property line  
Interior Side - 5 feet from property line  
Exterior Side - 10 feet from property line  
Rear - 20 feet from property line  
Garage - 20 feet from open side of garage to property line

The setback requirements for the proposed multi-family lots are as required by the R-4 zone.

- b. That site plans and building elevations of the multiple-family units must be submitted to and approved by the Planning Director prior to the issuance of any building permits for said units. The multiple-family projects must be nonlinear in design and parking lots must be broken up by landscaping. In addition, streetside landscaping shall be emphasized.
- c. That existing trees greater than 9 inches DBH (diameter at breast height) shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director. The Director may permit a reduction or require an increase in normally required setbacks to avoid the removal of existing trees. In no case shall the front opening of a garage be less than 18 feet from the back edge of the sidewalk, unless an off-street parking space is provided elsewhere on the site outside of the garage.
- d. That the applicant provide a buffer along the subject site's east property line for the purpose of minimizing noise impacts from the adjacent Oregon State Highway 18. At a minimum, this buffer shall consist of a solid wood fence non-linear in design (incorporate vertical and horizontal articulation), a minimum of six feet in height with varied plant material spaced as appropriate to the species along the east side of the fence. A design for such buffer shall be submitted to the Planning Director for review and approval prior to its installation. Said buffer shall be installed as part of the required subdivision improvements.
- e. That the western portion of Mitchell Drive, extending from Old Sheridan Road to the western property line of lots 76 and 129, shall be improved with two, 13-foot wide travel lanes on either side of a 6-foot wide median strip with 5-foot wide sidewalks placed along both curbs. Said improvements shall be centered within a 43 foot wide right-of-way.

- f. That the total number of dwelling units allowed to be developed within the subject site shall not exceed 172 (28.73 buildable acres x 6 dwelling units per acre), unless additional density is permitted as a result of the modification or repeal of comprehensive plan policy 71.01 or other legislative action by the City Council.
- g. That final development plans as approved by the Planning Director 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.

First Reading - Read and passed by the Council this 27th day of May by the following votes:

Ayes: Aleman, Hughes, Payne, Tomcho, Windle

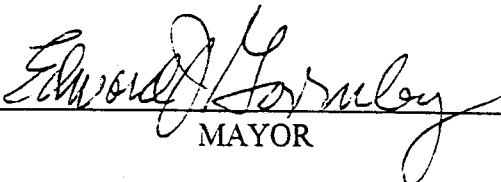
Nays: Massey

Second Reading - Read and passed by the Council this 10th day of June, 1997 by the following votes:

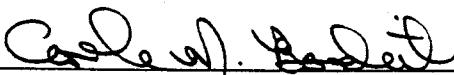
Ayes: Aleman, Hughes, Payne, Tomcho

Nays: Massey

Approved this 10th day of June, 1997

  
MAYOR

Attest:

  
RECORDER