

ORDINANCE NO. 4768

An Ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use 40-acre minimum) zone, and a City R-1 (Single-Family Residential) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone on two parcels of land, totaling 34.5 acres in size.

RECITALS

The Planning Commission received an application (ZC 3-02) from Premier Homes for a zone change from a County EF-40 (Exclusive Farm Use 40-acre minimum) zone to a City R-4 PD (Multi-Family Planned Development) zone on two parcels of land, totaling approximately 34.5 acres in size. The property is more specifically described as Tax Lots 2005 and 2006, Section 9, T. 4 S., R. 4 W., W.M.

A public hearing was held on April 18, 2002, at 7:30 p.m. before the McMinnville Planning Commission, after due notice had been given in the local newspaper on April 9, 2002, and written notice had been mailed to property owners within 300 feet of the affected property. The public hearing was continued to April 30, 2002, at 12:00 p.m.; and

At said public hearings, 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 the Council. Subsequent to that action, an appeal (AP 2-02) of the Planning Commission's recommendation was filed with the McMinnville Planning Department on May 15, 2002, by Carole Bauckham;

A public hearing was held on June 11, 2002, at 7:30 p.m., before the McMinnville City Council, after due notice had been given in the local newspaper on June 1, 2002, and written notice had been mailed to property owners within 300 feet of the affected property, and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council denies the appeal, and adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Premier Homes.

Section 2. That the property described in Exhibit "A", is hereby rezoned from a County EF-40 (Exclusive Farm Use 40-acre minimum) zone, and a City R-1

(Single-Family Residential) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone, subject to the following conditions:

1. That the North Hembree Estates subdivision plan be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer.

That the developer is responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the 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.

2. That the interior sideyard setback for all lots less than 5,000 square feet in size shall be a minimum of three (3) feet. For all lots 5,000 square feet and less than 7,000 square feet in size, the minimum interior side yard setback shall be five (5)-feet. All other setbacks shall be as required by the R-4 zone.

Passed by the Council this 11th day of June, 2002, by the following votes:

Ayes: Aleman, Olson, Hansen, Payne, Rabe, Windle

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

Approved this 11th day of June 2002.

  
MAYOR

Approved as to form:

  
CITY ATTORNEY