

ORDINANCE NO. 4803

An Ordinance approving an amendment to McMinnville Planned Development Ordinance No. 4641 to allow an additional 36 multi-family units to be constructed within the southwest portion of the Creekside Meadows at Cozine Woods subdivision.

RECITALS:

The Planning Commission received an application (ZC 8-03) from Welkin Engineering, dated October 20, 2003, seeking approval to amend McMinnville Planned Development Ordinance No. 4641 to allow an additional 36 multi-family units to be constructed within the southwest portion of the Creekside Meadows at Cozine Woods subdivision. The subject property is located east of Old Sheridan Road, west of the Highway 18 Connector and south of the McMinnville Grange. The property is more specifically described as Tax Lot 3600, Section 30DC, T. 4 S., R. 4 W., W.M.

Public hearings were held on November 20, and December 18, 2003 and January 15, 2004, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 8, 2003, and written notice had been mailed to property owners within 300 feet of the affected property; 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; and 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 Welkin Engineering.

Section 2. That the property described in Exhibit "A," is hereby rezoned from an R-4 PD (Multi-Family Residential Planned Development) zone to an R-4 PD (Multi-Family Residential Planned Development) zone subject to the following conditions:

1. That condition No. 6 of McMinnville Planned Development Ordinance No. 4641, regarding density limits within the subject site, be deleted in its entirety. All other applicable conditions of this planned development shall continue to remain in full force and effect. As regard the proposed development of a 36-unit apartment complex within the southwest portion of the subject site, these include, but are not limited to condition Nos. 1 (setbacks), 2 (site design), 3 (tree removal), and 7 (final plan submittal).
2. That the applicant secure from the Division of State Lands (DSL) all necessary permits for construction of utilities, streets, or other improvements within any identified wetland area(s) on the subject site. A copy of the wetlands delineation report and permit(s) shall be submitted to the Planning Department prior to release

of the final plat. The Planning Director is authorized to make minor amendments to the site plan as may be necessary due to the requirements of the wetlands mitigation plan, as approved by the DSL.

3. That the applicant improve Old Sheridan Road to the standard required by the City Engineer and/or Yamhill County Public Works Director. Improvements to this road, if required, shall be constructed prior to issuance of final occupancy permits for the multi-family project.
4. That the applicant extend water service to the subject site in accordance with McMinnville Water and Light requirements, and as necessary to meet required fire flows.
5. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
6. That a 10-foot utility easement be provided along the east side of Old Sheridan Road, adjacent to the proposed multi-family site and as may be necessary to serve the property. Additional utility easements as required by McMinnville Water and Light for transformer and vault locations and for the servicing with utilities shall be provided. A strip of land five (5) feet in width and abutting the east edge of the Old Sheridan Road right-of-way the entire length of the site shall be deeded by the applicant to the City for right-of-way purposes.
7. That in an effort to lessen local flooding and improve channel flow, the applicant shall brush and clean out that section of Cozine Creek paralleling Old Sheridan Road. If after an evaluation period of one year this does not significantly improve flow, the applicant shall install three 12" corrugated metal pipes (cmp) under and across Old Sheridan Road at the Cozine Creek crossing.

If the cross culverts are required by Yamhill County, an additional drainage channel must be constructed by the applicant along the east side of the new improvements. If new right-of-way is required, the applicant must dedicate the appropriate amount of right-of-way to accommodate the drainage channel. The applicant must post a surety bond with the County to cover the cost of installing the proposed cross culverts and channel on the east side of Old Sheridan Road. The bond shall match the Preliminary Engineers Estimate as approved by the County Engineer and shall be separate from other surety and performance bonds required for other construction activities. The bond shall terminate one year after all city and county project approvals are satisfied.

Engineered plans for this improvement shall be submitted to the Yamhill County Public Works Department for their review and approval prior to construction.

8. That the applicant install public sidewalk and street lights along the east side of Old Sheridan Road, extending from the southwest corner of the subject site to Mitchell Drive. All work shall be done consistent with City Engineering Department, and McMinnville Water and Light standards. Such improvements shall be completed prior to occupancy of any or all of the proposed apartment buildings.
9. That prior to occupancy of any or all of the proposed apartment buildings the applicant shall install a public pedestrian pathway that parallels the east side of Old Sheridan Road between the subject site driveway and Mitchell Drive, as follows:

- a. Construct a horizontally separated five-foot pedestrian pathway consisting of two-inch asphalt concrete, on four-inch aggregate base. The elevation of the pathway will be no higher than the adjoining existing edge of pavement so as to not obstruct the flow of water. The pathway shall connect to the existing bike/pedestrian lane previously constructed from the bridge to Mitchell Drive, which will serve as a continuation of the pathway. The existing fog line for the bike/pedestrian lane to Mitchell Drive shall be delineated with white raised reflectorized pavement markers at a minimum spacing of 40 feet.
- b. Construct a four-foot-wide pedestrian wooden bridge across Cozine Creek, with a minimum design life of 20 years, adjoining the Old Sheridan Road – Cozine Creek bridge. The bridge will be designed and constructed above the 100-year flood elevation.
- c. All improvements shall be located within the existing right-of-way. For those portions of the improvement that may be situated outside of the existing right-of-way, the developer must dedicate and/or purchase the necessary right-of-way.
- d. All improvements must conform to the standards outlined in the American Disabilities Act (A.D.A.).

Passed by the Council this 24th day of February 2004, by the following votes:

Ayes: Aleman, Olson, Springer, Stocks, Windle

Nays: _____

Approved this 24th day of February 2004.


MAYOR

Attest:

CITY RECORDER

Approved as to form:



CITY ATTORNEY