

ORDINANCE NO. 380

An Ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use – 40 acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on 11.3 acres of land located north of Grandhaven Street and east of Grandhaven Drive.

RECITALS

The Planning Commission received an application (ZC 1-04) from Wildcat Investment Properties LLC, dated January 15, 2004, for a zone change from a County EF-40 (Exclusive Farm Use – 40 acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on 11.3 acres of land located north of Grandhaven Street and east of Grandhaven Drive. The property is more specifically described as Tax Lot 4600, Section 9, T. 4 S., R. 4 W., W.M.

A public hearing was held on February 19, 2004, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on February 10, 2004, 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 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 the City of McMinnville.

Section 2. That the property described in Exhibit "A" is hereby rezoned from a County EF-40 (Exclusive Farm Use – 40 acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone subject to the following conditions:

1. That the approval of the zone change is contingent upon approval of annexation of the subject property by the voters in the May 18, 2004 electoral vote.

2. That the Gerhard Addition subdivision tentative 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 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.

3. That the average lot size within the Gerhard Addition subdivision shall be a minimum of 7,000 square feet.
4. That the conceptual street plan for the land to the north of the subject site, as shown on the submitted "Sanitary Sewer Plan," shall not be binding on the applicant or the City of McMinnville.

Passed by the Council this 23rd day of March 2004, by the following votes:

Ayes: Aleman, Springer, Stocks, Windle

Nays: _____

Approved this 23rd day of March 2004.



MAYOR

Attest:



CITY RECORDER

Approved as to form:



CITY ATTORNEY

EXHIBIT "A"

BEING a port of the Donation Land Claim of James T. Hembree and wife in Section 9, Township 4 South, Range 4 West of the Willamette Meridian, County of Yamhill, State of Oregon, and said part begin described as follows, to-wit:

BEGINNING at a point on the East boundary line of said James T. Hembree and wife Donation Land Claim above named, at a point 2,041.6 feet South of the Northwest corner of the Donation Land Claim of Madison Malone and wife, Notification No. 1225, Claim No. 49 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said to point also being the Northeast corner of O.D. Armstrong Tract of land; thence running West, 1,220 feet to the center of roadway, thence North along center of roadway 535.57 feet; thence East 1,220.00 feet to East boundary of said Donation Land Claim of James T. Hembree and wife; thence South 535.57 feet to the PLACE OF BEGINNING.

SUBJECT TO a roadway 20 feet wide over and along the West end of the above described property.

EXCEPTING THEREFROM the following described property, to-wit:

BEGINNIG at a point on the East boundary line of James T. Hembree and wife Donation Land Claim at a point 2,041.6 feet South of the Northwest corner of the Donation Land Claim of Madison Malone and wife, Notification No. 1225, Claim No. 49 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said point being also the Northeast corner of O.D. Armstrong tract of land; thence running West, 1,220 feet to the center of roadway; thence North along center of roadway, 125 feet, thence East, 1,220 feet to East boundary line of said Donation of Land Claim of James T. Hembree and wife; thence South, 125 feet to the POINT OF BEGINNING.