

ORDINANCE NO. 4829

An Ordinance rezoning certain property from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone on a parcel of land approximately 42 acres in size.

RECITALS

The Planning Commission received an application (ZC 1-05) from the McMinnville School District #40, dated February 24, 2005, for a zone change from a County EF-80 (Exclusive Farm Use - 80-acre minimum) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone on a parcel of land approximately 42 acres in size. The property is more specifically described as a portion of Tax Lots 700 and 701, Section 18, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 19, 2005 at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 14, 2005, 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 McMinnville School District #40.

Section 2. That the property described in Exhibit "A", is hereby rezoned from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone subject to the following conditions:

1. That a detailed master plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval as part of the required conditional use permit, and prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations, proposed circulation pattern, access to adjacent parcels, proposed open and recreational spaces, grading and drainage information, landscaping, location and size of public utilities and services, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.
2. Approval or denial of the master plan shall be based on findings that, to the extent possible, the building(s) and site design employ principles which will ensure compatibility with adjacent development (existing and future), including the provision of a

comprehensive transportation system which provides coordinated access opportunities and necessary easements or street connections to adjacent parcels of land, and is sensitive to existing environmental conditions.

3. That the residentially zoned land shall be limited to a public high school and ancillary uses, subject to an approved conditional use permit.
4. That the illustrative plan submitted by the applicant as part of this land use request shall in no way be binding on the City.
5. That the master plan, as may be approved by the Planning Commission as part of the conditional use permit, 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 approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted 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.

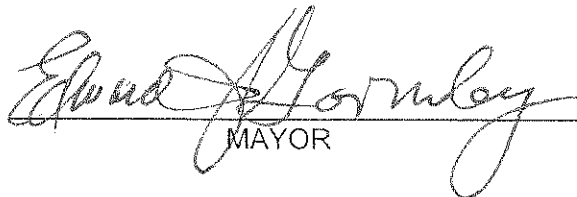
6. That approval of direct vehicular access from Hill Road may be considered if it can be demonstrated through the findings of a traffic impact study, prepared by a professional transportation engineer, that allowing such access can be done in a manner that will maintain or enhance safe traveling conditions to vehicles and pedestrians within the Hill Road corridor and subject site. Such determinations shall be made by the Planning Commission as part of the Conditional Use Permit review. The City Engineer shall review the TIS and provide a recommendation to the Planning Commission for their consideration.

Passed by the Council this 28th day of June 2005, by the following votes:

Ayes: Hansen, Hill, Menke, Olson, Springer, Yoder

Nays: _____

Approved this 28th day of June 2005.


MAYOR

Attest:


CITY RECORDER

Approved as to form:


CITY ATTORNEY

EXHIBIT "A"

A tract of land in Section 18, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and being more particularly described as follows:

Beginning at the most westerly southwest corner of that tract of land described in deed from SMITH to FOX RIDGE LLC and recorded as Instrument No. 200000732, Deed Records, said corner being the southeast corner of that tract of land described in deed from MUHS to McDANIEL and recorded in Film Volume 47, Page 797, Deed Records, and said corner further being a point on the north line of that tract of land described in deed from MUHS to McDANIEL and recorded in Film Volume 42, Page 317, Deed Records; thence North 05°57'25" East 452.70 feet to an iron rod on the east line of the first said McDANIEL tract and the TRUE POINT OF BEGINNING; thence North 05°57'25" East 866.22 feet to the northeast corner of the first said McDANIEL tract being a point in the center of the Star Mill Race Ditch, being the northwest corner of the FOX RIDGE LLC tract; thence South 63°12'07" East 2506.95 feet along the center of said Ditch and the north line of said FOX RIDGE LLC tract to the west margin of North Hill Road (30.00 feet from centerline); thence South 00°22'35" West 671.78 feet along said margin to an iron rod; thence North 89°37'25" West 70.00 feet to an iron rod; thence North 67°21'16" West 2441.42 feet to the point of beginning.