

ORDINANCE NO. 418.20

An Ordinance rezoning certain property from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to an R-1 PD (Single-Family Residential Planned Development) zone on a parcel of land totaling 36.4 acres in size.

RECITALS

The Planning Commission received an application (ZC 3-05) from Alan Ruden, Inc., dated April 14, 2005, for a zone change from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to an R-1 PD (Single-Family Residential Planned Development) zone, on a parcel of land totaling 36.4 acres. The property is more specifically described as a portion of Tax Lot 302, 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 Alan Ruden, Inc.

Section 2. That the property described in Exhibit "A," is hereby rezoned from a County EF-8- (Exclusive Farm Use – 80-acre minimum) zone to an R-1 PD (Single-Family Residential Planned Development) zone, subject to the following conditions:

1. That the Michelbook Meadows tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval), 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 shall be 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 the Planning Director 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 following reductions are permitted to the minimum dimensional requirements of the McMinnville Zoning Ordinance, via the Planned Development overlay approved herein:
- a. Lot sizes are permitted at less than 9,000 square foot minimum required by the R-1 zone, but the average lot area for this site shall not be less than 9,000 square feet.
  - b. Setbacks for Lots 1-6 and 26-28 as identified in the tentative plan approved herein, are permitted to be reduced to the setbacks required by the R-2 Zone and are as follows: Front, rear and exterior side yard setbacks, and distance to garage front shall be a minimum of 20 feet, while interior side yards shall be a minimum distance of 7.5 feet.
  - c. The Planning Director is authorized to permit reductions or increases to setback standards as may be necessary to provide for the retention of trees which measure six inches in diameter, measured at 4.5 feet above grade. In no case, however, may the rear yard setback or the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 15 feet, or the distance from the property line to the front opening of a garage to less than 18 feet, without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.
  - d. Interior public streets are permitted to be constructed with curb-tight sidewalk and no planter strips or street trees, where streets traverse jurisdictional wetlands. Developers shall work with the City Engineer for review and approval of final street section design.

Passed by the Council this 28<sup>th</sup> day of June 2005, by the following votes:

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

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

Approved this 28<sup>th</sup> day of June 2005.

  
MAYOR

Attest:

  
CITY RECORDER

Approved as to form:

A handwritten signature in black ink, appearing to be "T. D. P.", written above a horizontal line.

CITY ATTORNEY

EXHIBIT "A"

Parcel 2 of Partition Plat 2002-26 in Section 18, Township 4 South, Range 4 West in the City of McMinnville, County of Yamhill and State of Oregon.

SAVE AND EXCEPTING from the above described property the following:

A tract of land in Section 18, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, being a portion of Parcel 2 of Yamhill County Partition Plat 2002-26, the perimeter of which is described as follows:

Beginning at the Southeast corner of said Parcel 1 of Yamhill County Partition Plat 2002-26; thence North  $89^{\circ}17'50''$  West 697.75 feet along the South line of said parcel 1 and the extension thereof to the East margin of Hill Road (30 feet from centerline); thence South  $00^{\circ}18'17''$  West 574.49 feet along said East margin to the centerline of that 24-foot-wide easement along the existing mill race that is recorded in Film Volume 146, Page 900, Yamhill County Deed and Mortgage Records; thence South  $63^{\circ}57'47''$  East 386.73 feet along said centerline of easement; thence South  $89^{\circ}17'50''$  East 595.37 feet to the centerline of that 60-foot-wide B.P.A. Easement shown on Partition Plat 2002-26 and recorded in Volume 40, Page 851; thence North  $00^{\circ}03'06''$  East 740.00 feet along said centerline; thence North  $89^{\circ}17'50''$  West 242.74 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

A tract of land in Section 18, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, being a portion of Parcel 2 of Yamhill County Partition Plat 2002-26, the perimeter of which is described as follows:

Beginning at the Northeast corner of said Parcel 1 of Yamhill County Partition Plat 2002-26, said point of being an angle point in Parcel 2; thence South  $89^{\circ}17'50''$  East 630.58 feet to an angle point in said Parcel 2; thence South  $00^{\circ}08'00''$  East 500.05 feet to an angle point in said Parcel 2; thence South  $00^{\circ}08'00''$  East 265.29 feet; thence South  $89^{\circ}57'11''$  East 165.88 feet; thence South  $00^{\circ}02'49''$  West 358.29 feet; thence North  $89^{\circ}42'00''$  West 345.00 feet; thence South  $62^{\circ}12'54''$  West 68.69 feet; thence North  $89^{\circ}57'11''$  West 158.77 feet to a point of intersection with the Westerly margin of that 60-foot-wide B.P.A. Easement recorded in Volume 40, Page 851 and as shown on Partition Plat 2002-26 and thence North  $00^{\circ}03'06''$  East 543.59 feet along said Westerly margin of B.P.A. Easement; thence North  $89^{\circ}17'50''$  West 212.95 feet; thence North  $00^{\circ}50'08''$  East 15.00 feet to the Southeast corner of said Parcel 1; thence North  $00^{\circ}18'17''$  East 750.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion deeded to the City of McMinnville by Deed recorded January 20, 2004 in Instrument No. 200400914, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM that portion conveyed unto Catholic Relief Services – United States Catholic Conference, Inc., by deed recorded December 21, 2004 in Instrument No. 200425861, Yamhill County Deed Records.