

ORDINANCE NO. 5001

An Ordinance approving a major change to the details of a previously approved Planned Development Overlay to permit certain exceptions to the City's street standards, and lot depth to width ratio.

RECITALS

The Planning Department received an application (ZC 3-15/S 3-15) from Yamhill Community Development Corporation, dated October 15, 2015, for both a zone change to approve a major change to the details of a previously approved Planned Development Overlay to permit certain exceptions to the City's street standards and lot depth to width ratio, and approval of a 29-lot single-family residential tentative subdivision on 7.19 acres of land. The subject property is located north of Cumulus Avenue, between the River Park subdivision to the west, and the Parkland Village assisted living development and the Craftsman Landing townhome development to the east, and is more specifically described as Tax Lot 300, Section 22DD, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 19, 2015, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 13, 2015, 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 planned development amendment review criteria listed in Chapter 17.74.070 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 amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said planned development amendment 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 Yamhill Community Development Corporation.

Section 2. That the planned development for the subject property described in Exhibit "A," is hereby amended as follows:

1. That the Whispering Meadows tentative subdivision plan, as approved by the Planning Commission, 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.

2. The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the exterior side yard setback be reduced to less than 10 (ten) feet or the interior side yard setback be reduced to less than five (5) 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.
3. That existing trees greater than nine inches in diameter breast height (DBH) shall not be removed without prior review and written approval of the Planning Director. In addition, all trees greater than nine inches DBH shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site.
4. That Planned Development Ordinance No. 4867 is repealed in its entirety.

Passed by the Council this 12<sup>th</sup> day of January 2016, by the following votes:

Ayes: Drabkin, Hill, Jeffries, Yoder

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


Approved this 12<sup>th</sup> day of January 2016.

  
\_\_\_\_\_  
MAYOR

Attest:

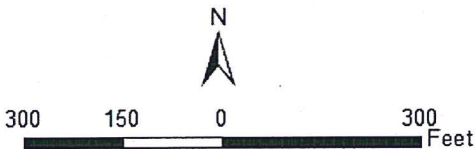
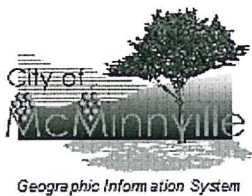
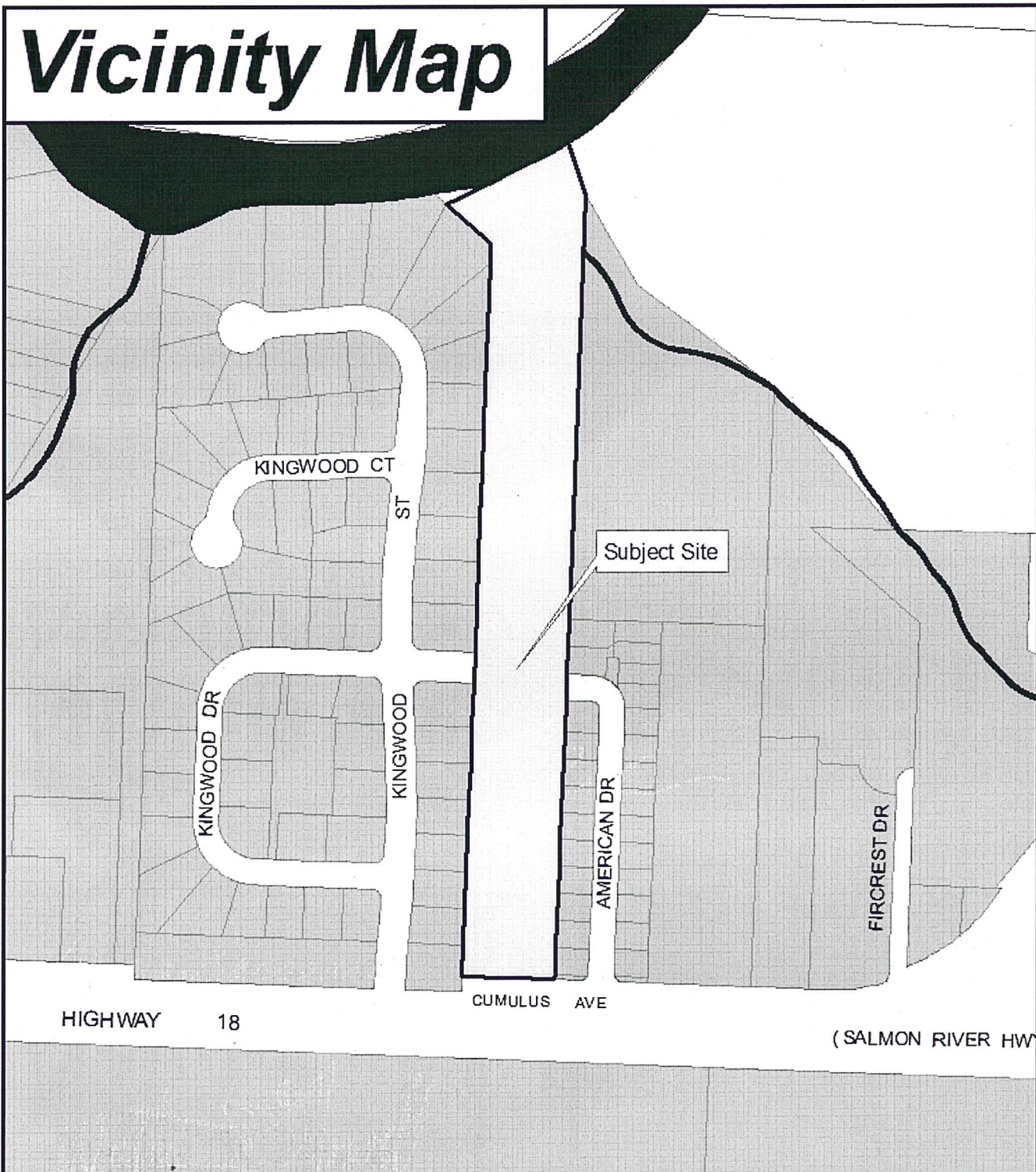
  
\_\_\_\_\_  
CITY RECORDER

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY



# Vicinity Map



City of McMinnville  
Planning Department  
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