

ORDINANCE NO. 3939

An Ordinance approving a zone change from City of McMinnville R-1 (Single-family Residential) and Yamhill County EFU-40 (Exclusive Farm Use) zones to City of McMinnville zone R-2 PD (Single-family Residential Planned Development) for property generally described as Tax Lot 3400, Section 19, T. 4 S., R. 4 W.

The applicant, J. Gregcin, Inc., on April 10, 1978 applied for a comprehensive plan amendment (CPA 6-78) and zone change (ZC 5-78) for a tract of land approximately 94.5 acres in size as described in Exhibit "A," which is attached hereto and incorporated herein by this reference.

A public hearing was scheduled before the Planning Commission on May 4, 1978 at 7:00 p.m. in the Council Chambers to receive testimony in regard to these applications. Notice was given of the hearing in the News-Register and mailed to surrounding property owners in accordance with the requirements of Ordinance 3380. At this hearing, testimony was received from the applicant, interested citizens, and staff. The Planning Commission decided that additional information was needed and continued the hearing to June 8, 1978 at 7:00 p.m.

At the continued meeting held on June 8, 1978 the City Planner reported to the Planning Commission that a meeting was held by the applicant, City Manager, Parks and Recreation Director, and himself and that questions concerning the development of an on site park would be resolved by the developer improving the park and making cash payments to the City while the subdivision was being developed. J. Gregcin's representative and witnesses for the company provided additional information about park financing, park development phasing, roads, need for housing, and providing access to School District 40's school site on the Tall Oaks subdivision. After receiving this testimony, the Planning Commission continued the hearing to June 13, 1978 at 4:00 p.m. to receive a written summary of the planned unit development conditions from the Planning Director.

At the continued hearing held June 13, 1978 the Planning Director submitted a written report of the conditions to be a part of the planned unit development. These conditions were thoroughly discussed and subsequently modified with staff being instructed to prepare them in final form. The Planning Commission then approved ZC 5-78 and recommended to the Council its enactment as an ordinance. CPA 6-78 was denied, as no amendment to the comprehensive plan was necessary for this planned unit development; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That ZC 5-78 amending the zoning map and approving a planned unit development for the property described in Exhibit "A" which is attached hereto and incorporated herein, is approved subject to the following conditions:

(a) That before stage two of the development is fifty percent completed, the north-south street be completed to the south line of stage two and that road easements be provided over the remainder of the future right-of-way to the school site for ingress and egress of school related traffic. The road easements across stages two and three may initially be in the form of a construction easement; however, upon demand by the City of McMinnville the developer shall convey to the City a dedicated roadway through stages two and three and execute a waiver of remonstrance against the improvement and any assessments to abutting property for the

cost of making road improvements. Proof of legal ability to make such a dedication and to waive the right of remonstrance shall be provided upon the City's request. A failure to provide or to be able to provide said dedicated roadway shall be a basis for recession of the planned unit development.

(b) That plot plans and elevations for the apartment complexes be submitted to and approved by the Planning Commission.

(c) That all setbacks for all structures conform to the R-2 Single-family Residential zone requirements.

(d) That sewer and water services must be available to the subject site before any construction takes place.

(e) The plan must reflect the concerns as mentioned within the engineering report. The applicant must work closely with the engineering department in order to meet these needs.

(f) J. Gregcin shall dedicate to the City of McMinnville the park area as designated on the development plans submitted with the planned unit development. This park area shall be developed and landscaped by J. Gregcin in a style and manner which is designed to be low in maintenance costs. The park style and design characteristics shall be recommended by the Parks and Recreation Director and approved by the Planning Commission. In addition, J. Gregcin shall complete that portion of the park within Phase 1 upon completion of seventy-five percent of the living units to be constructed in said phase. The remainder of the park shall be completed prior to any building permits being issued for Phase 4. It is the responsibility of the developer to plant park grass and trees during the period of November 1 through March 31. This time period is conducive to park construction and will be more likely to ensure the survival of plants and trees. Failure to plant within this time period shall be grounds to revoke the planned unit development.

For a period of not less than seven years or until completion of the project if longer than seven years, the J. Gregcin or its successor in interest, assigns or any other party acting in its place shall pay to the City of McMinnville a sum of money for park maintenance at a rate of \$3,000 per year for each acre of dedicated and developed park according to the schedule established above.

Completion of the park sections referred to herein includes installation of asphaltic walkways, planting of grass and trees, and installation of an underground sprinkler system and appropriate play equipment as may be necessary to complete the park. The developer, or his assigns, or successors in interest or other party shall commence annual payments to the City not later than thirty days after the park area to be completed in Phase 1 has been accepted by the City of McMinnville.

Annually thereafter the developer shall pay to the City the monies due according to this agreement. This payment schedule applies equally to both phases of park development.

(g) The land to be dedicated for park purposes is in excess of that which would be required by the zoning ordinance. At such time as the multiple-family units are developed the Landscaping Committee may take this factor into

consideration when setting the percentage of required landscaping, i.e., lowering the required percentage of twenty-five percent.

Section 2. That the Council enacts said zone change based upon the record established above and the findings of fact entered by the Planning Commission and does hereby incorporate by reference said record and findings as on file in the Planning Department for this application, and rezones the property to City of McMinnville zone R-2 PD (Single-family Residential Planned Development).

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled Initiative and Referendum, for a period of thirty days.

Passed by the Council this 5th day of July, 1978, by the following votes:

Ayes: Porter, Willoughby, Hamby, Fax, and Daley.

Nays: _____

Approved by the Mayor this 5th day of July, 1978.

Thomas R. Lead
MAYOR

Attest:

Marjorie E. Kerber
RECORDER

EXHIBIT "A"

ZC 5-78

A tract of land in Section 19, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a point which is 30 feet South from the Northwest corner of the S. F. Stagg Donation Land Claim No. 55 in said Township and Range; thence south along the West line of said Stagg Claim to the South line of said Section 19; thence west along said Section line 1472.13 feet, more or less, to the Southeast corner of that tract conveyed to Jack P. Leonard, et ux, on June 13, 1967 in Film Volume 60, Page 769, Deed Records of Yamhill County, Oregon; thence north 2796.12 feet along the East line of said Leonard tract to a point which is 30 feet South of the South line of the Solomon Beary Donation Land Claim No. 54; thence East parallel with and 30 feet South of said Beary Claim line to the point of beginning.

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