

ORDINANCE NO. 4000

An Ordinance rezoning certain property from an R-2 (Single-family Residential) zone to an R-4 (Multi-family Residential) planned development zone on a parcel of land approximately 3.44 acres in size.

WHEREAS, the Planning Commission received an application for a zone change (ZC 16-78) dated December 7, 1978 on the property located off West Second Street, described as part of Tax Lot 2100, Section 20, T. 4 S., R. 4 W.; and

WHEREAS, a public hearing was held on January 11, 1979 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 1, 1979 and written notice had been mailed to property owners within 300 feet of the affected property, and the Planning Director requested that the item be continued because of there being no set policy in regard to utilization and allocation of sewer capacities on the Cozine sewer trunk line; and

WHEREAS, the City Council having met on February 6, 1979, adopted a final Cozine sewer policy statement for the West Second Street area, and the Planning Commission having been involved with said statement, a continued hearing was held on February 8, 1979 before the Planning Commission; and

WHEREAS, the Planning Commission now being fully advised in the premises, recommended that the proposed zone change be approved subject to the conditions contained in the Planning Department staff report; 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 David Hughes, agent for John A. Buechle and Hilda Buechle.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing City of McMinnville R-2 (Single-family Residential) zone to a City zone of R-4 (Multi-family Residential) planned development, subject to the following conditions:

- (a) No building permit shall be issued for the subject property until the planned development siting, design, and development plans have been approved by the Planning Commission.
- (b) Agee and "A" Streets shall be improved to a standard satisfactory to the City or an agreement shall be made with the City for the improvement thereof prior to the issuance of building permits.
- (c) The property shall not be developed until municipal sanitary sewer system is developed to the site.
- (d) The density of the project shall not exceed 15 units per acre.
- (e) A drainage plan shall be submitted to and approved by the City Engineering Department prior to the issuance of any building permits.

(f) A five-foot utility easement shall be provided the entire length of "A" Street where it abuts the subject site.

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 6th day of March, 1979, by the following votes:

Ayes: Porter, Willoughby, Hamby, Wilson and Springer

Nays: _____

Approved by the Council President in the absence of the Mayor this 6th day of March, 1979.

Harold V. Lewis
Council President

Attest:

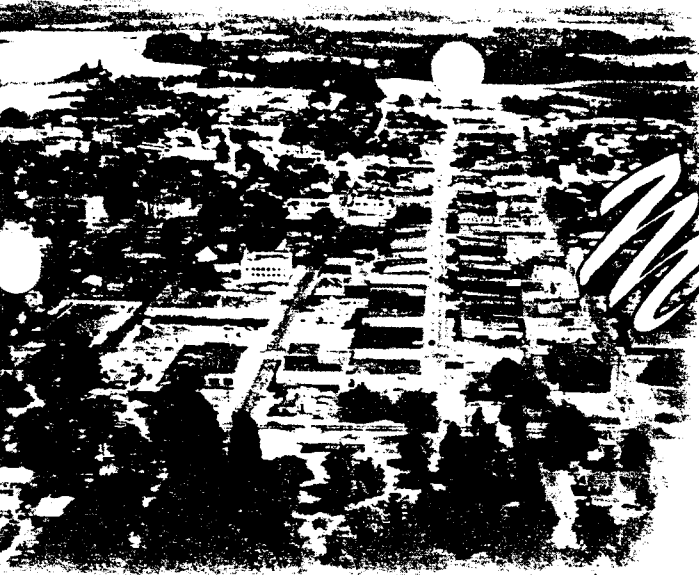
Marjorie E. Kirlow
Recorder

EXHIBIT A

(ZC 16-78)

Being a part of Lot 3, Fair-Lawn Subdivision,
Sections 19 and 20, Township 4 South, Range 4 West, Willamette
Meridian, Yamhill County, Oregon and being more particularly
described as follows:

Beginning at a point on the South line of Lot 3
(also being the North line of 'A' Street) which is 80 feet
easterly of the Southwest corner of said Lot 3; thence
easterly along the South line of Lot 3 to the Southeast corner
thereof; thence northerly along the East line of Lot 3
(also being the West line of Agee Street) 315 feet; thence
westerly parallel with the North Line of Lot 3 to a point
266.48 feet from the West line of Lot 3; thence northerly
parallel with and 266.48 feet from the West line of Lot 3 to
a point 250.12 feet South of the North line of Lot 3; thence
westerly parallel with and 250.12 feet from the North line of
Lot 3 186.48 feet; thence southerly parallel with and 80 feet
from the West line of Lot 3 to the place of beginning.



CITY OF
McMinnville

CITY HALL • Telephone 472-9371

230 East Second Street
McMinnville, Oregon 97128

June 11, 1981

Juhr and Sons
P. O. Box 42229
Portland, Oregon 97242

Re: ZC 16-78

Gentlemen:

This letter concerns the development of property on Agee Street located within the City of McMinnville. You have requested authority to begin construction prior to the improvement of the street and the installation of the sanitary sewer. The City of McMinnville will issue a building permit for your project subject to the following conditions:

1. No building permit will be issued until after the granting of the sanitary sewer construction contract. (It is estimated that this will be let some time during the month of July.)
2. Even though a building permit may be issued, no occupancy permit will be granted until such time as the building structure is actually served by the sanitary sewer and Agee Street is improved to City specifications the full distance between W. Second Street and "A" Street.
3. In the event that the sanitary sewer does not reach the structure prior to completion or thereafter, or the street improvement project is not completed as anticipated, Juhr and Sons agrees to hold the City of McMinnville harmless and waives all legal right to seek damages or other compensation from the City and will not occupy the building until these conditions are met.

If you are in agreement with these terms and conditions, please indicate so by signing in the place below.

E. Clifton Ross, City Attorney

We have reviewed the above conditions and in consideration of the City of McMinnville's issuing a building permit, agree to abide by the above terms and do release the City of McMinnville from liability should sanitary sewer or Agee Street not be completed according to schedule, and agree not to occupy the building until sewer and street are available as set forth above.

Marilyn Dell, Broker
McMinnville Realty

Hans Juhr, ~~President~~ Partner
Juhr and Sons

RD 4000