

ORDINANCE NO. 4082

An Ordinance rezoning certain property from existing County zone of EFU-40 (Exclusive Farm Use - 40-acre minimum) and a City zone of R-1 (Single-family Residential) to a City zone of R-4 PD (Multiple-family Residential) planned development on 27 acres of the parcel and an AH PD (Agricultural Holding) planned development zone on 16 acres of the approximately 43-acre parcel located at the northeast corner of West Second Street and Hill Road.

WHEREAS, the Planning Commission received an application for a zone change (ZC 6-80) dated March 10, 1980, on the property described as Tax Lot 1300, Section 19, T. 4 S., R. 4 W., Willamette Meridian; and

WHEREAS, a public hearing was held on April 10, 1980, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on March 31, 1980, and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing the testimony of the applicants and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact has approved said zone change and has recommended said change to the Council; 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 Jerry Allen, Edith Allen, Raymond C. Kauer, Barbara M. Kauer, Barry House, and Roberta House.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing County zone of EFU-40 (Exclusive Farm Use - 40-acre minimum) and a City zone of R-1 (Single-family Residential) to a City zone of R-4 PD (Multiple-family Residential) planned development, subject to the conditions in Section 3:

Section 3. That the property described in Exhibit "B," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing County zone of EFU-40 (Exclusive Farm Use - 40 acre minimum) and a City zone of R-1 (Single-family Residential) to a City zone of AH PD (Agricultural Holding) planned development, subject to the following conditions:

- (a) That an additional 10 feet of land the entire length of the parcel where it abuts Hill Road be dedicated to the public for future right-of-way.
- (b) That a waiver of remonstrance against improvement of West Second Street and Hill Road be signed by the owners of the subject site and submitted to the City.
- (c) That no building permits be issued for the subject site until the City has the Cozine trunk sewer extension to West Second under contract nor until the applicants have the extension to the building site under contract, except a foundation permit only

may be issued for the church structure after approval has been received from the Building Official, City Engineer, and Planning Director.

- (d) That the portion of the site designated for agricultural holding is to serve as a sewer trade-off area. It will not be allowed to develop until one of the following happens:
- (1) The retirement facility is connected to the Wallace Road sanitary sewer system and disconnected from the Cozine system, or
 - (2) A like parcel on the Cozine system, which is acceptable to the City Engineering Department, is substituted for the subject parcel as the trade-off area.
- (e) That all applicable zoning requirements must be met.
- (f) That all three proposed urban uses are subject to landscape review.
- (g) That before any building permits are issued for the retirement facility, a plan for the realignment of the Hill Road curve at the northwest corner of the subject site must be approved by the City Engineering Department and the land needed (80-foot right-of-way) be dedicated to the public for realignment.
- (h) That the development plan 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 permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site 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.

Section 4. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

First Reading - Read and passed by the Council this 6th day of May, 1980, by the following votes:

Ayes: Smith, Springer, Wilson and Hamby

Abstain: Allen

Second Reading - Read and passed by the Council this 27 day of May, 1980, by the following votes:

Ayes: Springer, Wilson and Hamby

Abstain: Allen

Approved this 27 day of May, 1980.


MAYOR

Attest:

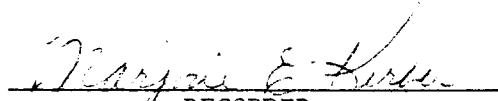

RECORDER

EXHIBIT A

R-4 PD Zone

Parcel I

Being a part of the Solomon Beary D.L.C. No. 54, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, and said part being more particularly described as follows:

Beginning at a point on East line of Hill Road, which is 425.00 feet South $4^{\circ}38'$ West and 40.00 feet South $85^{\circ}22'$ East from a Stone set in County Survey C.S. 2219, Volume G, Page 85, Yamhill County Surveyor Records, said stone being in center of roads as shown at Northwest corner of Lot 1 of said Survey; thence along a 400 foot radius curve to the right (the long chord of which bears North $30^{\circ}43'20''$ East 351.81 feet) 364.27 feet; thence North $56^{\circ}48'40''$ East 164.73 feet to the South line of County Road, as established by County Road Survey No. 172; thence South $89^{\circ}15'$ East 66.58 feet; thence North $22^{\circ}00'$ East 32.19 feet; thence South $89^{\circ}15'$ East 136.43 feet to an iron pipe (formerly Stone by C.S. 466); thence South 36.65 feet to iron pipe as set by County Survey C.S. 4100, Volume N, Page 215, Yamhill County Surveyor Records; thence South $89^{\circ}28'$ East 198.66 feet; thence South along East line of Lot 1 as established by C.S. 2219, 1,248 feet; thence parallel with South line of said Lot 1, South $89^{\circ}39'$ West 801.94 feet to the East line of Hill Road, being 40 feet from established centerline; thence North $4^{\circ}38'$ East along East line of Hill Road 874.47 feet to the place of beginning and containing 21 acres, more or less.

R-4 PD Zone

Parcel II

Being a part of the Solomon Beary D.L.C. No. 54, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, and said part being more particularly described as follows:

Beginning at a point on the East line of Hill Road, which is 1,299.47 feet South $4^{\circ}38'$ West and 40.00 feet South $85^{\circ}22'$ East from a stone set in County Survey C.S. 2219, Volume G, Page 85, Yamhill County Surveyor Records, said stone being in center of roads as shown at the Northwest corner of Lot 1 of said survey; thence South $4^{\circ}38'$ West 8.29 feet; thence South $4^{\circ}17'$ East 291.71 feet; thence parallel with South line of said Lot 1 North $89^{\circ}39'$ East, 780.82 feet to the East line of Lot 1, as established by C.S. 2219; thence North along the East line of said Lot 299.29; thence South $89^{\circ}39'$ West 801.94 feet to the place of beginning.

EXHIBIT B

AH PD Zone

Being a part of the Solomon Beary D.L.C. No. 54 and Part of the W.G. Davis D.L.C. No. 69, North 1/2 Section 19, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being a part of Lot 1, County Survey C.S. 2219, Volume G, Page 85, Yamhill County Surveyor Records and being more particularly described as follows:

Beginning at a point on the East line of Hill Road, which is 1,310.88 feet South 4°38' West, 1,168.82 South 4°17' East and 40.00 feet South 85°43' East from a stone set in County Survey C.S. 2219, Volume G, Page 85, Yamhill County Surveyor Records, said stone being in center of roads as shown at the Northwest corner of Lot 1 of said survey; thence North 4°17' West 874.00 feet; thence parallel with South line of said Lot 1 North 89°39' East 780.82 feet to the East line of Lot 1, as established by C.S. 2219; thence 753.56 South along the East line of said Lot to the North line of West Second Street; thence South 89°39' West 715.53 feet to the place of beginning.