

ORDINANCE NO. 4351

An Ordinance amending planned development overlay Ordinance No. 4103 so that a 24-unit senior citizens housing complex with a reduced off-street parking requirement may be developed on approximately 1.58 acres of land.

RECITALS:

The Planning Commission received an application for a zone change (ZC 15-85) dated October 17, 1985, for the property described as Tax Lot 2001, and a portion of Tax Lot 2000, Section 16BD, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 14, 1985, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on November 4, 1985, 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 amendment to the existing planned development overlay, and based upon 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, has recommended said change to the City 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 Marilyn Dell.

Section 2. That Ordinance No. 4103, Section 1, is amended to read as follows:

"Section 1. That development of the subject property is subject to conformance with the following conditions:

(a) That the parking requirement reduction for the eastern 1.58 acres of the subject site to one parking space per unit is hereby approved for the project subject to the stipulation that if at any time in the future the project is not limited solely to elderly residents (except the manager) the parking requirements as specified in the zoning ordinance must be met. This is a nonvariable requirement and must be complied with even if it requires the removal of structures.

(b) The site plan submitted with the application for the eastern 1.58 acres of the site is hereby approved. Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved site 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 is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted 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.

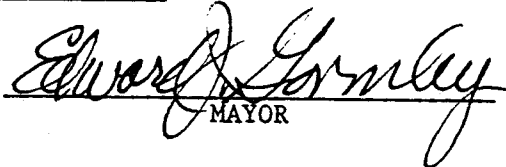
(c) There are a number of large trees on the site including giant sequoia, fir, and pine. Under no circumstances (short of documented diseases or death) may the giant sequoias be removed from the site. No other tree may be removed from the site without first gaining the permission of the Landscape Review Committee and the Planning Director. Just cause must be shown to the satisfaction of the Landscape Review Committee and Planning Director before they will allow the removal of any trees. In addition, measures shall be taken to protect the trees to the satisfaction of the Planning Director during construction."

Passed by the Council this 3 day of December, 1985, by the following votes:

Ayes: Bernt Hansen, Johnstone, Wertz, Blanchard, Wilson and Carole Hanson.

Nays: _____

Approved this 3 day of December, 1985.


MAYOR

Attest:

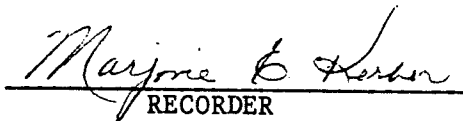

RECORDER

EXHIBIT "A"

Being part of the Madison Malone Donation Land Claim No. 49 in the Southwest 1/4 Section 16, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at the intersection of the North line of East 19th Street, as located and shown by C.S.P.-6791, Volume U, Page 121, Yamhill County Surveyor Records, and a point 24 feet from the centerline of McDonald Lane (formerly a 40 foot County road); thence North parallel with and 24 feet from the centerline of McDonald Lane, a distance of 80 feet; thence North $90^{\circ}05'25''$ West, a distance of 50.64 feet to a point 32 feet from the centerline of McDonald Lane (said point also being described as 130 feet North and 8 feet West of the point of beginning); thence North $21^{\circ}48'05''$ East, a distance of 21.54 feet to a point 24 feet from the centerline of McDonald Lane; thence North, parallel with and 24 feet from the centerline of McDonald Lane, a distance of 50.00 feet; thence North $18^{\circ}26'05''$ West, a distance of 12.65 feet to a point 28 feet from the centerline of McDonald Lane; thence North parallel with and 28 feet from the centerline of McDonald Lane, a distance of 17 feet, more or less, to the North line of that certain tract of land described in Volume 176, Page 299, Deed Records of Yamhill County, Oregon; thence South $89^{\circ}59'$ West along said North line a distance of 305.00 feet; thence South, parallel with McDonald Lane, a distance of 225.09 feet to the North boundary of East 19th Street as established by aforementioned Survey and that certain deed recorded on July 28, 1978 in Film Volume 131, Page 748, Deed Records of Yamhill County, Oregon; thence easterly along the said North boundary of East 19th Street to the place of beginning. This tract contains 1.59 acres, more or less.