

ORDINANCE NO. 4430

An Ordinance rezoning certain property from a County VLDR 2 1/2 (Very Low Density Residential--2 1/2 acre minimum) zone to a City R-2 PD (Single-family Residential Planned Development) zone on a parcel of land approximately 20.8 acres in size located north of Old Sheridan Road.

RECITALS:

The Planning Commission received an application from JBT Properties for a zone change (ZC 4-88) dated May 12, 1988, for the property described as Tax Lot 800, Section 29, and Tax Lot 2000, Section 29 BD, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on June 9, 1988, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on June 3, 1988, 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 review criteria listed in Section 17.72.035 of Ordinance No. 3380, 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, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to 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 JBT Properties.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference, is hereby rezoned from a County VLDR 2 1/2 (Very Low Density Residential--2 1/2 acre minimum) zone to an R-2 PD (Single-family Residential Planned Development) zone, subject to the following conditions:

1. That JBT Properties shall dedicate to the City of McMinnville the parkland as designated on the tentative plan for Heather Glen. The improvement and maintenance of said parkland shall be the responsibility of JBT Properties and their successors in interest in the Heather Glen Subdivision. JBT Properties shall enter into an agreement with the City of McMinnville setting out the terms and provisions of the improvement and maintenance responsibilities. Said agreement shall be prepared by the City Attorney. The City shall also be authorized to improve and maintain the parkland if

JBT or its successors in interest fail to do so and to levy a lien against each and every lot within the subdivision for said costs and to record these liens in the City's Docket of Liens.

2. That none of the lots shall take driveway access from Old Sheridan Road except that Block 3 may take such direct access if it is determined by the Planning Director that adequate vision clearance exists to insure safe access.
3. That the tentative plan for Heather Glen be placed on file with the Planning Department and shall 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 to 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.

First Reading - read and passed by the Council this 12th day of July, 1988, by the following votes:

Ayes: Johnstone, Wertz, Wilson, C. Hanson

Nays B. Hansen

Second Reading - read and passed by the Council this 26th day of July, 1988 by the following votes:

Aye: B. Hansen, Johnstone, Blanchard, Wilson

Nay: _____

Approved this 26th day of July, 1988.

Edward J. Garmley
MAYOR

Attest:

Carole M. Stevens
RECORDER

EXHIBIT "A"

ZC 4-88

A tract of land in the S.F. Stagg Donation Land Claim No. 55 in the Northwest Quarter of Section 29, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, said tract being a part that described and recorded in Film Volume 76, Page 952, Yamhill County Deed Records and being more particularly described as follows:

Beginning at a point 30.0 feet North $00^{\circ}18'54''$ East and 1,799.47 feet North $89^{\circ}41'06''$ West of the Brass cap at the Southeast corner of the S.F. Stagg Donation Land Claim No. 55; thence North $00^{\circ}18'54''$ East along the East line of that tract described in Film Volume 177, Page 1410, Deed Records of Yamhill County, Oregon, a distance of 218.67 feet; thence along the North line of said tract North $89^{\circ}41'06''$ West, a distance of 200.00 feet; thence leaving said North line and along the West line of tract described in Film Volume 76, Page 952, Deed Records of Yamhill County, Oregon, North $00^{\circ}18'54''$ East, a distance of 631.33 feet to the Northwest corner of Film Volume 76, Page 952; thence along the North line of said tract, South $89^{\circ}41'06''$ East, a distance of 495.66 feet to the Northwest corner of South Park Subdivision, a duly recorded subdivision in Cabinet A, Slide 48, Record of Town Plats; thence continuing along the North line of tract in Film Volume 76, Page 952 and the North line of South Park Subdivision, South $89^{\circ}41'06''$ East, a distance of 620.98 feet to the Northeast of Block 3 of South Park Subdivision; thence South along the East line of said Block 3, South $00^{\circ}23'34''$ West, a distance of 850 feet, more or less, to a line 30 feet from and parallel with the South line of the S.F. Stagg Donation Land Claim; thence North $89^{\circ}41'06''$ West parallel with and 30 feet from the Stagg South line, a distance of 915.48 feet, more or less, to the Beginning Point of this description.