

ORDINANCE NO. 4459

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing commercial designation to a residential designation, rezoning certain property from a C-3 PD (General Commercial Planned Development) zone to an R-2/R-4 PD (Single-family Residential/Multiple-family Residential Planned Development) zone, and repealing Ordinance No. 4172.

RECITALS:

The Planning Commission received an application (CPA 1-89/ZC 4-89) from Oregon Mutual Insurance Company, dated June 20, 1989, for a plan map amendment and a zone change, and a new planned development overlay on approximately 26 acres of land located between 27th Street and Burnett Road, and Hembree Street and Westside Road, and described as Tax Lot 500, Section 16, T. 4 S., R. 4 W., W.M.

A public hearing was held on August 10, 1989, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on July 31, 1989, 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 requirements of the McMinnville Comprehensive Plan, the Zoning Ordinance review criteria listed in Chapter 17.72 of Ordinance 3380, and the planned development review criteria listed in Chapter 17.51 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 planned development amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said plan map amendment and 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 Oregon Mutual Insurance Company.

Section 2. That the Comprehensive Plan Map shall be amended from a commercial designation to a residential designation for the property described in Exhibit "A" which is attached hereto and by this reference incorporated herein.

Section 3. That the property described in Exhibit "B" which is attached hereto and incorporated herein by this reference shall be rezoned from an existing C-3 PD (General Commercial Planned Development) zone to an R-2 PD (Single-family Residential Planned Development) zone, and the property described in Exhibit "C" which is attached hereto and incorporated herein by this reference shall be rezoned from an existing C-3 PD (General Commercial Planned

Development) zone to an R-4 PD (Multiple-family Residential Planned Development) zone, both rezonings being subject to the following conditions:

(a) That the tentative plan for OMI Acres be placed on file with the Planning Department and that it 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.

(b) That the density of the multiple-family lots (Lot 15, Block 1 and Lot 22, Block 2) be limited to 20 units per acre.

(c) That site plans and elevations of the multiple-family units must be submitted to and approved by the Planning Commission. The multiple-family projects must be nonlinear in design and parking lots must be broken up by landscaping. The surrounding property owners shall be notified of the date the Planning Commission will be reviewing the site plans and elevations.

(d) That the owners of the property initiate with the City Council a local improvement district for the improvement of Hembree Street where it borders the site. The owners have agreed to and shall pay 75 percent of the improvement costs.

(e) That none of the lots shall take driveway access onto Westside Road.

(f) That the improvement of 27th Street where it abuts the site is the sole responsibility of the developer. Such improvement must be made with the construction of phase one of the development.

Section 4. That Ordinance No. 4172 is hereby repealed in its entirety.

Passed by the Council this 12th day of September, 1989, by the following votes:

Ayes: Hansen, Johnstone, Brecht, Wilson, Whitehead

Nays: _____

Approved this 12th day of September, 1989.

Attest:

Carole M. Stevens
RECORDER

Edward Hornley
MAYOR

EXHIBIT "A"

Being a tract of land located on the Northwest 1/4 Section 16 and Southwest 1/4 Section 9, Township 4 South, Range 4 West, Willamette Meridian, and being in the Northeast portion of the John G. Baker Donation Land Claim No. 48, and also being a part of Lot 6 JOPLING'S SUBDIVISION, a duly recorded Plat of April 21, 1920 in Record of Town Plats, and all being in Yamhill County, Oregon and being more particularly described as follows:

Beginning at the Northeast corner of the John G. Baker Donation Land Claim; thence North $89^{\circ}50'$ West (Deed Bearings) along the North line of said Donation Land Claim, 23.00 chains to the center of forks in the road (Burnett Road and Westside Road); thence South $0^{\circ}25'$ West along the center of road (Westside Road); thence South $0^{\circ}25'$ West along the center of Road, 10.44 chains to the North line of JOPLING'S SUBDIVISION and the westerly extension of the North line of NORTH ORCHARD, a duly recorded Plat of September 14, 1977 in Record of Town Plats of Yamhill County, Oregon; thence South $89^{\circ}50'$ East along the North line of JOPLING'S SUBDIVISION to the Northwest corner of Lot 6 of JOPLING'S, said Northwest corner being on the East line of North Evans Street (a platted 60 foot right-of-way); thence South (South $0^{\circ}32'$ East by C.S.P-7962) along the East line of North Evans Street, a distance of 251.26 feet to the North line of East 27th Street as located by County Survey C.S.P-7962, Volume V, Page 292, Yamhill County Surveyor Records; thence North $89^{\circ}32'30''$ East (C.S.P-7962) along the North line of East 27th Street, a distance of 948.80 feet to the East line of said Donation Land Claim; thence North $0^{\circ}20'$ East along said East line, a distance of 935.65 feet to the Place of Beginning.

SAVE AND EXCEPT THOSE portions conveyed to or lying within Public Roadways.

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EXHIBIT "B"

Being a tract of land located on the Northwest 1/4 Section 16 and Southwest 1/4 Section 9, Township 4 South, Range 4 West, Willamette Meridian, and being in the Northeast portion of the John G. Baker Donation Land Claim No. 48, and also being a part of Lot 6 JOPLING'S SUBDIVISION, a duly recorded Plat of April 21, 1920 in Record of Town Plats, and all being in Yamhill County, Oregon and being more particularly described as follows:

Beginning at the Initial Point of NORTH ORCHARD subdivision, a duly recorded Plat of September 14, 1977 in Record of Town Plats, Yamhill County, Oregon; thence westerly along the North line of said Plat and its extension, a distance of 472 feet to the East line of County Road known as Westside Road; thence North 0°25' East along the East line of said County Road, a distance of 300 feet; thence easterly parallel with and 300.0 feet from the North line of said NORTH ORCHARD (Also the North line of JOPLING'S SUBDIVISION), a distance of 165 feet; thence southeasterly a distance of 110 feet to a point 260.0 feet, measured perpendicular from the North line of said NORTH ORCHARD; thence easterly parallel with and 260.0 feet from said North line, a distance of 280 feet, more or less; thence southeasterly a distance of 285 feet to a point that is 405 feet northerly of the North line of East 27th Street (C.S.P-7962, Volume V, Page 292, Yamhill County Surveyor Records); thence easterly parallel with the North line of East 27th Street, a distance of 160 feet; thence southerly parallel with the East line of said D.L.C., a distance of 405 feet to the North line of East 27th Street, as established; thence westerly along the North line of East 27th Street to the East line of North Evans Street; thence North along the East line of North Evans Street, a distance of 251.26 feet to the Northwest corner of Lot 6 JOPLING'S SUBDIVISION; thence westerly 60.0 feet to the Place of Beginning.

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EXHIBIT "C"

Being a tract of land located on the Northwest 1/4 Section 16 and Southwest 1/4 Section 9, Township 4 South, Range 4 West, Willamette Meridian, and being in the Northeast portion of the John G. Baker Donation Land Claim No. 48, and also being a part of Lot 6 JOPLING'S SUBDIVISION, a duly recorded Plat of April 21, 1920 in Record of Town Plats, and all being in Yamhill County, Oregon and being more particularly described as follows:

Beginning at the Northeast corner of the John G. Baker Donation Land Claim; thence North $89^{\circ}50'$ West (Deed Bearings) along the North line of said Donation Land Claim 23.00 chains to the center of forks in the road (Burnett Road and Westside Road); thence South $0^{\circ}25'$ West along the center of Road (Westside Road) to a point 300 feet from the North line of JOPLING'S SUBDIVISION and NORTH ORCHARD, a duly recorded Plat of September 14, 1977 in Record of Town Plats of Yamhill County, Oregon; thence easterly parallel with and 300.0 feet from the North line of said NORTH ORCHARD (also the North line of JOPLING'S SUBDIVISION), a distance of 165 feet; thence southeasterly a distance of 110 feet to a point 260.0 feet, measured perpendicular from the North line of said NORTH ORCHARD; thence easterly parallel with and 260.0 feet from said North line, a distance of 280 feet, more or less; thence southeasterly a distance of 285 feet to a point that is 405 feet northerly of the North line of East 27th Street (C.S.P-7962, Volume V, Page 292, Yamhill County Surveyor Records); thence easterly parallel with the North line of East 27th Street, a distance of 160 feet; thence southerly parallel with the East line of said D.L.C., a distance of 405 feet to the North line of East 27th Street, as established; thence easterly along the North line of East 27th Street and its extension to the East line of said D.L.C.; thence northerly along said East line to the Place of Beginning.

SAVE AND EXCEPT THOSE portions conveyed to or lying within Public Roadways.

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