

ORDINANCE NO. 4465

An Ordinance amending planned development Ordinance No. 4035 by adopting a new site plan and supplanting the terms and provisions of Section 3.

RECITALS:

The Planning Commission received an application (ZC 7-89) from Robert Johnstone dated October 11, 1989, for an amendment to an existing planned development overlay which would allow the creation of an 18-lot residential subdivision on 5.5 acres located northeast of the intersection of Newby and 27th streets, further described as Tax Lot 800, Section 9 DC, T. 4 S., R. 4 W., W.M.

A public hearing was held on December 14, 1989, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on December 4, 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 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 planned development amendment 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 Robert Johnstone.

Section 2. That Ordinance No. 4035, be amended by supplanting the terms and provisions of Section 3 with the following terms and provisions:

"Section 3. That the property described in Exhibit 'B' which is attached hereto and by this reference herein incorporated shall be rezoned from an existing R-3 PD (Single-family Residential Planned Development) zone to an amended R-3 PD (Single-family Residential Planned Development) zone subject to the following condition:

1. That the tentative plan for the Julianne Addition 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."

Passed by the Council this 9th day of January, 1990, by the following votes:

Ayes: Hansen, Brecht, Wilson, and Whitehead

Nays: _____

Approved this 9th day of January, 1990.



COUNCIL PRESIDENT

Attest:


CLERK PRO TEM

EXHIBIT "A"

Being a part of the Donation Land Claim of James T. Hembree, Claim No. 46 in Sections 9 and 16, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and said part being a part of Volume 160, Page 642, Deed Records of Yamhill County, Oregon and being more particularly described as follows:

Beginning at a point which is 316.4 feet South $88^{\circ}55'$ East and 20 feet North $00^{\circ}01'$ East from an iron pipe at the Southwest corner of the Grandhaven Orchard Tracts, said pipe being in the center of the East and West County Road (now East 27th Street) and on the West margin of the North and South 40 foot platted road (now North Newby Street) and being the Southeast corner of the Columbia Growers Filbert Tracts and being 965.6 feet North and 1,933.7 feet North $88^{\circ}55'$ West from the Southeast corner of said Hembree Claim, said Beginning Point being on the southerly extension of the West boundary of Hoffman Addition, a duly recorded plat in Record of Town Plats, Cabinet A, Slide 245, Yamhill County Clerk's office; thence North $00^{\circ}01'$ East, parallel with the West line of said 40-foot platted road, along the West boundary of said Hoffman Addition and its southerly extension, a distance of 867.6 feet to the South line of Film Volume 36, Page 442, Deed Records of Yamhill County, Oregon; thence West, a distance of 276.2 feet to the East margin of said 40 foot platted road (now North Newby Street); thence South $00^{\circ}01'$ West along the East margin of said road, a distance of 761.6 feet to the Southwest corner of Film Volume 145, Page 823, Deed Records of Yamhill County, Oregon; thence South $88^{\circ}55'$ East, a distance of 100 feet to the Northwest corner of Film Volume 145, Page 822, Deed Records of Yamhill County; thence South $00^{\circ}01'$ West, a distance of 100 feet to the North line of East 27th Street (formerly County Road No. 217); thence South $88^{\circ}55'$ East along the North line of said Street, a distance of 176.4 feet to the Place of Beginning of this description.