

ORDINANCE NO. 4582

An Ordinance amending Planned Development Ordinance 4561 by adopting a new master plan which would replace the conceptual master plan adopted in 1994 and supplanting the terms and provisions of Section 2.

RECITALS

The Planning Commission received an application from Tony Bell for an amendment to the Barclay Heights Planned Development Ordinance which would replace the conceptual master plan adopted in 1994 with a new plan which would allow greater density for that portion of Barclay Heights which is presently unplatted. The subject site is located east of Hill road and north of West Second Street.

A public hearing was held on February 9, 1995, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on February 4, 1995, 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 Tony Bell.

Section 2. That the terms and provisions of Section 2 of Ordinance 4561 be supplanted with the following:

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 EF-40 (Exclusive Farm Use--40-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone, subject to the following conditions:

(a) That the Barclay Heights master plan be amended to allow commonwall lots west of Suzanna Avenue provided that the number of driveways which serve said lots does not exceed the number which may have been constructed if developed as single-family lots (22 driveways), and that the siting of homes and garages on the lots does not require vehicles to back onto Suzanna Avenue.

(b) That a revised Barclay Heights master plan which incorporates the requirements of condition no. 1, above, shall be submitted to the Planning Director for approval, and shall be placed on file with the Planning Department and that it become a part of the zone and binding on the property 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 Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal of 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) That the portion of the subject property located within the BPA easement and required by the bikeway, be dedicated or deeded to the City of McMinnville or be encumbered by a public use easement to allow construction, maintenance, and use of the bike/pedestrian path.

(d) That a maintenance agreement, either in the form of deed restriction or restrictive covenant, be formulated and applied to the commonwall lots west of the BPA easement to guarantee maintenance of their shared private access easement. Said agreement must meet with the approval of the Planning Director.

Passed by the Council this 14th day of March 1995, by the following votes:

Abstain: Payne.

Ayes: Kirchner, Massey, Olson, Tomcho, Windle

Nays: \_\_\_\_\_

  
MAYOR

Attest:

  
RECORDER PRO-TEM

EXHIBIT "A"

Part of the Solomon Beary Donation Land Claim No. 54 in the Northeast 1/4 of Section 19, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, being a part of that certain deed recorded in Film Volume 218, Page 1435, Deed Records of Yamhill County, Oregon and being more particularly described as follows:

Beginning at a point on the North line of West 2nd Street ( a 60 foot right of way), which is 785.0 feet South 89° 39' West and 30.0 feet (former deed bearing of North) North 00° 00' 16" West from the Northwest corner of the S.F. Stagg Donation Land Claim No. 55; thence North 00° 00' 16" West (bearing from C.S.P.- 10166, Volume X, Page 496, Yamhill County Surveyor Records), a distance of 1,170 feet; thence North 89° 39' East, a distance of 45.0 feet; thence North 00° 21' 00" West, a distance of 152.0 feet; thence North 89° 39' East, a distance of 28.17 feet; thence North 00° 21' 13" West, a distance of 100.0 feet; thence North 89° 55' 15" West ,a distance of 159.24 feet; thence North 00° 04' 45" East, a distance of 25.21 feet; thence North 89° 55' 15" West, a distance of 80.77 feet; thence South 00° 04' 45" West, a distance of 61.42 feet; thence North 89° 55' 15" West; a distance of 100.00 feet; thence South 00° 04' 45" West, a distance of 72.00 feet; thence North 89° 54' 21" West, a distance of 60.00 feet; thence North 89° 55' 15" West, a distance of 134.56 feet to the West line of said deed Film Volume 218, Page 1435; thence South 00° 00' 48" East, along the West line of said deed a distance of 1077.81 feet to the Northwest corner of that tract conveyed in Film Volume 121, Page 1356, Deed Records of Yamhill County, Oregon; thence North 89° 39' 00' East along the North line of said tract and its extension, a distance of 171.79 feet; thence South 07° 45' 25" East, a distance of 20.17 feet; thence North 89° 39' 00" East, a distance of 138.0 feet; thence South 00° 21' 00" East, a distance of 220.0 feet to the North line of West 2nd Street; thence along said West 2nd Street North 89° 39' 00" East a distance of 149.09 feet to the place of beginning of this description.