

Ordinance No. 4696

An Ordinance rezoning certain property from a County AF-40 (Agriculture/Forestry-40 acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone to allow for future residential development on two parcels of land totaling 4.5 acres located west of Grandhaven Drive and east of Grandhaven Elementary School.

RECITALS

The Planning Commission received an application (ZC 4-99) from Virginia Lucas dated January 15, 1999, requesting approval to rezone said land from a County AF-40 (Agriculture/Forestry-40 acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone to permit the development of a residential subdivision. The subject site consists of two parcels of land totaling approximately 4.5 acres in size located west of Grandhaven Drive and east of Grandhaven Elementary School, and is more specifically described as Tax Lots 4300 and 4400, Section 9, T. 4 S., R. 4 W., W.M.

A public hearing was held on February 18, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on February 13, 1999, 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 zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the 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 the Council; and

Subsequently, the City Council called for a public hearing. In accordance with City ordinances, the public hearing was scheduled for April 13, 1999 at 7:30 p.m. in the McMinnville School District Board Room. Notice of said hearing was given by written notice to the affected property owners and to the general public by legal notice in the local newspaper; and

The McMinnville City Council conducted the scheduled hearing at the time and dates specified above in accordance with the standards adopted in City of McMinnville Ordinance No. 3682. The testimony of the proponents and opponents was received and, in addition, the record generated by the McMinnville Planning Commission, supplemental staff reports, supplemental reports from other agencies

and additional exhibits were duly incorporated into the record and were considered by the 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 Virginia Lucas.

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 AF-40 (Agriculture/Forestry-40 acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone subject to the following conditions:

1. That the Grandhaven Heights subdivision tentative plan (or such plan as may be revised by conditions for approval of this development), 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.

That the developer is responsible for requesting approval 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 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.

2. That the average lot size within the Grandhaven Heights subdivision shall be a minimum of 7,000 square feet.
3. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all such trees shall be protected during all phases of home construction. A plan for such protection and illustration of property ownership of the mature trees along the subject site's western property line must be submitted with the building permit application and must meet with the approval of the Planning Director. The Director may permit a reduction or require an increase in required setbacks to avoid damage or removal of existing trees.
4. That the subject shed may be located within the southeast corner of the subject site provided the following conditions are satisfied:
 - a. The shed shall be situated as close as practicable and as may be permitted by the Uniform Building Code to the south side of the existing residence. An increase or decrease in the required zoning setbacks may be approved by the Planning Director if it would serve to permit the shed to be positioned closer to the existing residence. In no case may the

shed be permitted to locate within fifty (50) feet of the subject site's southern property line (parallel to Grandhaven Street).

- b. The property owner shall provide a landscaped border along the shed's entire southern facade to visually obscure the shed from property owners to the south of the subject site. The border may consist of an earthen berm, wall, fence, trees, hedge, or combination thereof. Plant material, if used, shall be of a size, type, and spacing to provide visual screening of the shed within two years of planting. Prior to issuance of a permit for the relocation of the shed, the applicant shall submit a design for the landscaped border to the McMinnville Landscape Review Committee for their review and approval. All required landscaping shall be installed prior to the issuance of a final occupancy permit for the shed and shall be maintained for the duration of time the shed exists on the subject property.
- c. The property owner shall remove the shed from the subject property within five years of the date of the City Council's approval of ZC 4-99.
- d. Prior to relocation of the shed, the applicant shall post security with the City in the amount of \$10,000 to guarantee performance of the above listed conditions (a - c). "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the above conditions are not satisfied within the time authorized, the security may be used by the City to complete the project. Upon completion of the work by the City, any portion of the remaining security deposited with the City shall be returned.

Passed by the Council this 27th day of April 1999, by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Windle

Nays: _____

Approved this 27th day of April 1999.



COUNCIL PRESIDENT

Attest:



RECORDER PRO TEM