

ORDINANCE NO. 4722

An Ordinance approving a comprehensive plan map amendment from Commercial to Residential, and zone changes from a County EF-80 (Exclusive Farm Use - 80-acre minimum) zone, a City R-1 (Single-Family Residential) zone, and a City C-3 PD (General Commercial Planned Development) zone to a City R-2 PD (Single-Family Residential - Planned Development) zone on approximately 30.2 acres of land located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek.

RECITALS

The Planning Commission received an application (CPA 10-99 / ZC 19-99 / S 6-99) from Premier Home Builders, Inc. dated October 13, 1999, requesting a comprehensive plan map amendment from Commercial to Residential and zone changes from a County EF-80 (Exclusive Farm Use - 80-acre minimum) zone, a City R-1 (Single-Family Residential) zone, and a City C-3 PD (General Commercial Planned Development) zone to a City R-2 PD (Single-Family Residential - Planned Development) zone on approximately 30.2 acres of land located north of Baker Creek Road, east of the Church of Jesus Christ of Latter Day Saints, and south of Baker Creek Road and more specifically identified as Tax Lot 1300, Section 17, T. 4 S., R. 4 W., W.M.

A public hearing was held November 18, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 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 changes 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 plan amendments and zone changes are consistent with the Comprehensive Plan; and

The Planning Commission approved said comprehensive plan map amendments and zone changes and has recommended said changes to the Council; and

Subsequently, the City Council called for a public hearing. In accordance with City ordinances, the public hearing was scheduled for January 25, 2000, at 7:30 p.m. in the McMinnville School District Board Room, and was continued for further discussion and decision on February 8, 2000. Notice of said hearing was given by written notice to 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 date 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; and 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 Premier Home Builders, Inc.

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 incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a C-3 PD zone to an R-2 PD zone and from a County EF-80 zone and a City R-1 zone to a City R-2 PD zone subject to the following conditions:

1. That the comprehensive plan map amendment and zone change approvals (for those portions located outside of the current city limits) not take affect until and unless the City Council and the electorate approve the annexation request.
2. That the Oak Ridge 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.

3. That the average lot size within the Oak Ridge subdivision shall be a minimum of 7,000 square feet.
4. That building setbacks for Lots 3, 4, 5, 13, 14, 87, 88, and 89 shall be as follows:
Front – 20 feet; however, the front yard setback measured to the open side of a garage or carport shall not be less than eighteen (18) feet.
Rear – 15 feet
Side – 7.5 feet
Exterior Side – 20 feet

The Planning Director is authorized to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than nine inches in diameter measured at breast height. In no case, however, may the rear yard setback be reduced less than 5 feet, or the side yard setback to 5 feet, or the exterior side yard setback to 15 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject lot.


5. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade, other than those identified for removal in the submitted arborist's report, shall not be removed without written permission of the McMinnville Planning Director. Trees to be retained shall be protected during all phases of home construction. A plan for the protection of trees to remain on site, and in particular, for the five "exceptional" Oregon white oak trees identified by the applicant's arborist, must be submitted to the City prior to construction of the proposed subdivision. In addition, such a plan shall also accompany any building permit for a lot on which trees are located. The plan must meet with the approval of the City prior to release of construction permits or building permits within the subject site.

Passed by the Council this 8th day of February 2000, by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

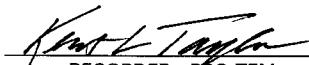
Nays: _____

Approved this 8th day of February 2000.



MAYOR

Attest:



RECORDER PRO TEM