

ORDINANCE NO. 4822

An Ordinance rezoning certain property from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 22.3 acres of land located northwest of the Oak Ridge residential development.

RECITALS

The Planning Commission received an application (ZC 12-04 / S 14-04) from Premier Development LLC, dated November 15, 2004, requesting a zone change from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 22.3 acres of land located northwest of the Oak Ridge residential development. The property is further described as a portion of Tax Lot 600, Section 7, and Tax Lot 200, Section 8, T. 4 S., R. 4 W., W.M.

A public hearing was held on December 16, 2004 and continued on January 20, 2005, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on December 9, 2004, 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, and after considerable deliberation as to whether the request conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380, could not reach consensus as to approval or denial of the submitted request, and, therefore, forwarded without recommendation the subject matter to the City Council; and

The City Council held a public hearing on February 22, 2005, at 6:30 p.m. after due notice had been given in the local newspaper on February 15, 2005, 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 proceedings and record of the prior Planning Commission hearings were entered into the Council hearing record; and

At the conclusion of the public hearing, the Council left open the record until 5:00 pm, March 1, 2005, for the purpose of receiving additional written testimony from opponents to the applicant's request. An additional seven days, to 5:00 p.m., March 8, 2005, was provided to the applicant for written rebuttal to the testimony received; and

On March 8, 2005, the City Council, 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 findings of fact and the conclusionary findings for approval (Exhibit "A"), all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan. The Council directed Planning Department staff to prepare the appropriate ordinance

memorializing their decision and to present it to them at their April 12, 2005 meeting for review and adoption; and now, therefore,

THE CITY OF McMinnville Ordains as follows:

Section 1. That the Council adopts the findings and conclusions as contained in the Findings of Fact and Conclusionary Findings for Approval (Exhibit "A," attached), the staff report on file in the Planning Department, and the application filed by Premier Development LLC.

Section 2. That the property described in Exhibit "B", is hereby rezoned from an EF-80 (Exclusive Farm Use – 80-acre minimum) zone to an R-2 PD (Single-Family Residential Planned Development) zone subject to the following conditions:

1. That the Oak Ridge Meadow subdivision tentative plan (or such plan as it 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 Oak Ridge Meadow subdivision shall be 7,500 square feet.

3. That setbacks for the Oak Ridge Meadows subdivision are as follows:

- Front Yard: 20 feet
- Side Yard: (Lots less than 6,000 square feet in area): 6 feet
- Side Yard (all other lots): 7.5 feet
- Exterior Side Yard (Lots 40, 45, 46, 52, 54, and 55): 15 feet
- Exterior Side Yard (all other lots): 20 feet
- Rear Yard: 20 feet
- Open side of garage: 20 feet

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the rear yard setback or the side yard setback be reduced to less than five feet, or the exterior side yard setback to 15 feet, or the distance from the property line to the front opening of a garage to less than 18 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 site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

4. That existing trees greater than nine inches DBH (diameter at breast height) shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site.

5. That the number of lots allowed within the Oak Ridge Meadow subdivision shall be limited to a maximum of 76 lots. Additional lots may be permitted consistent with the submitted tentative plan upon the completion and acceptance of public street improvements to City standards that extend south from Pinehurst Drive (as labeled on the applicant's submitted tentative subdivision plan) and connect to Baker Creek Road.

Passed by the Council this 12th day of April 2005 by the following votes:

Ayes: Hansen, Hill, Olson, Menke, Springer, Yoder

Nays: _____

Approved this 12th day of April 2005.


MAYOR

Attest:

CITY RECORDER

Approved as to form:



CITY ATTORNEY