

ORDINANCE NO. 5021

AN ORDINANCE AMENDING THE ZONING MAP DESIGNATION FROM EF- 80 (EXCLUSIVE FARM USE – 80-ACRE MINIMUM) TO R-1 PD (SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT) ON APPROXIMATELY 13.6 ACRES OF LAND, AND FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-1 PD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT) ON APPROXIMATELY 17.23 ACRES OF LAND, AND AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4626 TO ENCOMPASS AN ADDITIONAL 30.83 ACRES OF LAND TO ALLOW VARIATION IN LOT SIZES AND SETBACK REQUIREMENTS TO INCLUDE: A REDUCTION IN THE FRONT YARD SETBACK FOR CERTAIN LOTS FROM 20 TO 15 FEET; A REDUCTION IN THE SIDE YARD SETBACK FOR CERTAIN LOTS FROM 10 FEET TO EITHER 7.5 FEET, 5 FEET OR 3 FEET; AND A REDUCTION IN THE EXTERIOR SIDE YARD SETBACK FOR CERTAIN LOTS FROM 20 FEET TO 15 FEET.

RECITALS:

The subject site is located south of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203 and 205, Section 18, T. 4 S., R. 4 W., W.M.; and

The Planning Department received applications (ZC 1-16/ZC 2-16/S 3-16) on August 29, 2016, and deemed them complete on September 29, 2016. The first public hearing before the McMinnville Planning Commission was held on November 17, 2016. As new substantive information had been submitted to the Planning Department by the applicant prior to the November 17th public meeting, the hearing was opened and immediately continued to the December 15, 2016 Planning Commission meeting to afford sufficient time for staff and the public to review the material prior to the issuance of a staff report and findings document and prior to the receipt of oral testimony. Due to inclement weather, the Commission's December 15th public meeting was cancelled and rescheduled for January 19, 2017. At the January 19th meeting, the Commission conducted a public hearing on this proposal and elected to closed the public hearing but keep the written record open until 5:00 p.m. February 2, 2017 for receipt of additional written testimony. The applicant provided their written rebuttal on Monday, February 6, 2017, and elected to dismiss the rest of their rebuttal period. At the February 16, 2017, Planning Commission public meeting to which this hearing had been continued, the Commission voted unanimously to deny the applicant's proposal. Specifically, the Planning Commission voted to deny ZC 1-16 and ZC 2-16 including the proposed amendment of Planned Development Ordinance No. 4626. This action by the Planning Commission was also a de-facto denial of the tentative phased subdivision plan S 3-16. Following this denial decision, an appeal period was provided until 5:00 p.m., March 13, 2017. The applicant filed an appeal of the Planning Commission's denial on March 13, 2017; and

A de-novo public hearing on the appeal was held on April 25, 2017 at 7:00 p.m. before the McMinnville City Council Planning Commission after due notice had been provided in the local newspaper on April 18, 2017, and written notice had been mailed to property owners within 500 feet of the affected property; and

At said public hearing, application materials and a staff report were presented and testimony was received; and

The City Council, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the

zone change review criteria listed in Section 17.74.020 and Planned Development Amendment review criteria listed in Section 17.74.070 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council, has, on appeal, received the staff report and public testimony, and having deliberated; and

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval documented in Exhibit A for AP 1-17, (an appeal of a Planning Commission denial for ZC 1-16, ZC 2-16, S 3-16); and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 26th day of April 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

Nays: _____



MAYOR

Attest:

Approved as to form:



CITY RECORDER



CITY ATTORNEY