

ORDINANCE NO. 3980

An Ordinance rezoning certain property from County zone LDR-12000 (Low-density Residential 12,000 square-foot minimum) and City zone R-1 (Single-family Residential) to a City zone of R-2 (Single-family Residential) planned development on a parcel of land approximately 3.78 acres in size.

WHEREAS, the Planning Commission received an application for a zone change (ZC 19-78) on the property located off West Second Street, described as Tax Lot 700, Section 19, T. 4 S., R. 4 W., on November 27, 1978; and

WHEREAS, a public hearing was held on January 11, 1979 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 1, 1979 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, the Planning Commission, after receiving the report of the Planning Director and soliciting comments from the applicants' representative, thoroughly discussed the issue. The Planning Director brought to the attention of the Planning Commission that the approval of an R-3 zone would allow a much greater density than was contemplated by the developer and could be potentially abused if the property were transferred to another party. The director recommended that the property be rezoned to R-2 planned development, and that the planned development be consistent with the plan on file with the Planning Department. In this manner the density would be consistent with the sewer capacity for their property and also would prevent any abuse by a future buyer.

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact, approved said zone change to an R-2 planned development and has recommended said change to 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 John A. Dante and David P. Womersley (as modified by the Planning Commission).

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing County zone LDR-12000 (Low-density Residential 12,000 square-foot minimum) and City zone R-1 (Single-family Residential) to a City zone of R-2 (Single-family Residential) planned development.

Section 3. That this R-2 planned development is subject to the condition that no more than twenty-two (22) units may be created.

Section 4. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty (30) days.

Passed by the Council this 6th day of February, 1979, by the following votes:

Ayes: Porter, Willoughby, Hamby, Springer, Wilson & Lewis

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

Approved by the Mayor this 6th day of February, 1979.

  
MAYOR

Attest:

  
RECORDER

EXHIBIT "A" (ZC 19-78)

Part of the Solomon Beary D.L.C. No. 54, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being described as follows:

Beginning at a point 420 feet South  $89^{\circ} 39'$  West and 30.0 feet North from the NW corner of the S. F. Stagg D.L.C. No. 55 in said Township and Range; thence South  $89^{\circ} 39'$  West, along the North line of West Second Street (formerly Western Avenue), 190 feet; thence North, along the West line of that certain tract of land conveyed by Film Volume 56, Page 459, Deed Records of Yamhill County, Oregon, 500 feet to the Northwest corner of said tract; thence North  $89^{\circ} 39'$  East 445 feet to the Northeast corner of said tract; thence South along the most easterly line of said tract 258 feet; thence South  $89^{\circ} 39'$  West 255 feet; thence South, along East line of said tract, 242 feet to the place of beginning.

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