

ORDINANCE NO. 4030

An Ordinance rezoning certain property from County LDR-12000 (Low-density Residential-12,000 square foot minimum) zone to a City of McMinnville R-3 PD (Two-family Residential) planned development zone on a parcel of land approximately 25 acres in size located north of West Second Street.

WHEREAS, the Planning Commission received an application for a zone change (ZC 7-79) dated April 16, 1979 on the property described as Tax Lots 13300 and 100, Sections 17, 18, 19, 20, T. 4 S., R. 4 W., Willamette Meridian; and

WHEREAS, a public hearing was held on May 10, 1979, after due notice had been given in the local newspaper on April 30, 1979, and written notice had been mailed to property owners within 300 feet of the affected property, and the matter was continued to June 14, 1979; and

WHEREAS, at said public hearing on June 14, 1979, at 7:00 p.m., the request was considered and the testimony of the applicants and surrounding property owners was received and a staff report was presented; and

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-3 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 Leonard J. Johnson, Richard Donahoo, Linda McGhehey, and Beryle Shumway.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing Yamhill County LDR-12000 (Low-density Residential-12,000 square foot minimum) zone to a City of McMinnville R-3 PD (Two-family Residential) planned development, subject to the following conditions:

- (a) That a 15-foot rear yard setback be allowed on all mobile home lots.
- (b) That at no time may the overall density on the subject parcel exceed six units per acre.
- (c) That the tentative plan on file with the Planning Department become a part of the zone and binding on the owner and developer.
- (d) That the developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted tentative plan. Minor changes to the details of the adopted tentative plan may be approved by the City 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.

- (e) That the duplex lots indicated in this planned development may be partitioned for separate ownership upon approval of the planning director and application to the planning commission for a minor partition.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by the Council this 3 day of July, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Springer, Wilson and Porter

Nays: _____

Approved by the Mayor this 3 day of July, 1979.

Harold R. Scott
MAYOR

Attest:

Margie E. Kerber
RECORDER

EXHIBIT "A"

Being a part of the Solomon Beary and wife D.L.C. No. 54, Sections 17, 19 and 20, and part of Section 18, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being described as follows:

Beginning at a point 6.36 chains (419.76 feet) North $89^{\circ}39'$ East and 30.0 feet North $0^{\circ}05'$ West from the Northwest corner of the S.F. Staggs D.L.C. No. 55, said beginning point having been established by County Survey C.S. 3208, Volume J, Page 164-2, County Surveyor Records; thence North $0^{\circ}05'$ West along the East line of said survey 681.48 feet; thence South $89^{\circ}39'$ West 221.10 feet; thence North (as established by County Survey C.S. 2219, Volume G, Page 85, County Survey Records) 30.15 chains to center of MILL DITCH; thence South $63^{\circ}54'$ East along center of MILL DITCH 2.154 chains to Section Line common to 18 & 17; North $0^{\circ}08'$ East along Section Line 00.05 chains; thence South $64^{\circ}27'$ East parallel with and three (3') feet North of center line of said DITCH 16.48 chains to East line of "Derby" lands; thence South $0^{\circ}06'$ East 1.35 chains to stake (C.S. 2219); thence South $89^{\circ}55'$ West 10.53 chains to anchor post (C.S. 2219); thence South $0^{\circ}04'$ East 20.80 chains to anchor post at Northeast corner of "Tile Factory" property; thence continuing along East line of said "Tile Factory" property to its intersection with the North line of West Second Street 679 feet, more or less; thence Westerly along North line of West Second Street to a point 75.0 feet from the Southwest corner of that certain tract of land conveyed by deed recorded in Film Volume 73, Page 1391, Deed Records of Yamhill County, Oregon; thence North 110.0 feet; thence West parallel with North line of West Second Street 75.0 feet to West line of said tract; thence South along West line of said tract 110.0 feet to North line of West Second Street; thence West along North line of West Second Street to the place of beginning.