

ORDINANCE NO. 4035

An Ordinance rezoning certain property from existing County LDR 12000 (Low-density Residential - 12,000 square foot minimum) zone to a City zone of R-3 PD (Two-family Residential) planned development on a parcel of land approximately 13.1 acres in size located on the northeast corner of Newby and 27 Streets.

WHEREAS, the Planning Commission received an application for a zone change (ZC 12-79) dated June 22, 1979, on the property described as Tax Lots 600, 800, 900 and 1000, Section 9DC, Township 4 South, Range 4 West, Willamette Meridian; and

WHEREAS, a public hearing was held on July 12, 1979 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on July 2, 1979, and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing 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 has approved said zone change 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 Leo Leathers, Dorothy Leathers, Joan Price, Fred Price, Don McKimens, and Paul K. McKimens.

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 LDR 12000 (Low-density Residential - 12,000 square foot minimum) zone to a City zone of 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 the side yard on one side of any structure shall not be less than 5 feet, that the total of both side yards of a lot shall equal no less than 15 feet, and that there shall be a minimum of 15 feet between homes. All exterior side yards shall be a minimum of 20 feet. Lots 1 through 12 of Block 2 are exempt from this condition.
- (c) That the corrected tentative plan on file with the Planning Department become a part of the zone and binding on the owner and developer.

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.

- (d) That Lot 3 of Block 1 may be used for storage of recreation vehicles owned by persons living in the subject subdivision so long as they are properly screened from all adjoining properties by a site obscuring fence. A plot plan showing the fence must be submitted to and approved by the Planning Director prior to any storage taking place.
- (e) That reciprocal easements will be granted to and from each of the owners of Lots 1 through 12 of Block 2 which will allow their common utilization and enjoyment of the northerly 100 feet of said lots and that no fences shall be placed or erected in that northerly 100 feet except on the boundaries of the subdivision.

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 7th day of August, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Springer and Wilson

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

Approved by the Mayor this 7th day of August, 1979.

  
MAYOR

Attest:

  
RECORDER

EXHIBIT A

Being all that conveyed by Film Volume 97, Page 1733, Volume 186, Page 51, Film Volume 121, Page 608, Film Volume 63, Page 594, Deed Records of Yamhill County, Oregon and being more particularly described as follows:

Being a part of the James T. Hembree Donation Land Claim No. 46, Sections 9 and 16, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and beginning at the Southwest corner of the Grandhaven Orchard Tracts, said corner being in the center of the East and West Road and on the West margin of the North and South 40-foot platted road and being the Southeast corner of the Columbia Growers Filbert Tracts and being 965.6 feet North and 1933.7 feet North  $88^{\circ}55'$  West from the Southeast corner of said Hembree Donation Land Claim; thence South  $88^{\circ}55'$  East 643.5 feet to extension of West line of City of McMinnville tract as conveyed in Film Volume 61, Page 150, Deed Records of Yamhill County, Oregon; thence North  $00^{\circ}01''$  East 290 feet to the Northwest corner of said City tract; thence South  $88^{\circ}55'$  East 5.0 feet to the West line of the Espejo tract; thence North  $00^{\circ}01'$  East 761 feet to the South line of that certain tract of land conveyed to Lester L. Smalley, et ux, by deed recorded in Book 180, Page 620, Deed Records of Yamhill County, Oregon and being the present City limits; thence following along present City limits West 332 feet; thence South  $00^{\circ}01'$  West 158 feet to the Southeast corner of that certain tract of land conveyed to Adrian D. Stiff by deed recorded in Film Volume 36, Page 442, Deed Records of Yamhill County, Oregon; thence West 316.4 feet to the West line of a 40-foot platted road; thence South  $00^{\circ}01'$  West, along West line of said road 881.6 feet to place of beginning.

Subject to the rights of the public to roads and streets now existing over and across said premises.

SAVE AND EXCEPT That portion lying within the present City limits.