

ORDINANCE NO. n/487

An Ordinance rezoning certain property from a county AF-20 (Agriculture Forestry - 20 acre minimum lot size) zone to an R-1 PD (Single-family Residential Planned Development) zone on property located north of Three Mile Lane and east of Norton Lane.

RECITALS:

The Planning Commission received an application from Arlen Berkey for a zone change (ZC 6-90) dated December 27, 1990, for property located north of Three Mile Lane and east of Norton Lane, further described as Tax Lot 3402, Section 22, T. 4 S., R. 4 W., W.M.

A public hearing was held on February 14, 1991, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on February 5, 1991, 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, found that said change conformed to the review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based upon the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to 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 Arlen Berkey.

Section 2. That the property described in Exhibit "A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from a county AF-20 (Agriculture Forestry - 20 acre minimum lot size) zone to an R-1 PD (Single-family Residential Planned Development) zone, subject to the following conditions:

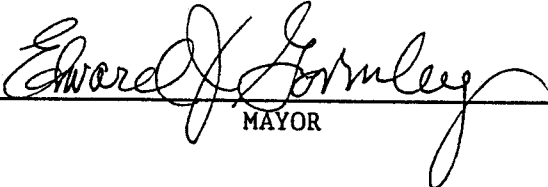
- (a) That a waiver of remonstrance against assessment for future improvement of Norton Lane be signed by the property owner. Said waiver shall be prepared by the City.
- (b) That a waiver of remonstrance against assessment for future construction to provide sanitary sewer service be signed by the property owner. Said waiver shall be prepared by the City.

Passed by the Council this 12th day of March 1991, by the following votes:

Ayes: Aleman, Windle, Hansen, Massey, Blanchard, Johnstone

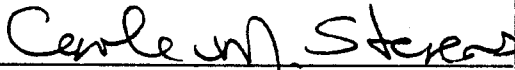
Nays: _____

Approved this 12th day of March 1991.



MAYOR

Attest:



RECORDER

EXHIBIT "A"

A tract of land in U.S. Government Resettlement Plat, Unit No. 26, Section 22, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at a point 408.8 feet North $01^{\circ}31'14''$ East (deed bearings) and 15 feet East from the Southwest corner of Unit No. 26 of the U.S. Government Resettlement Plat in Township 4 South, Range 4 West, Willamette Meridian, said point also being on the east line of county road (Norton Lane) as established in County Survey C.S. 4732, Volume Q, Page 21, Yamhill County Surveyor Records and as conveyed in Film Volume 77, Page 987, Deed Records of Yamhill County, Oregon; thence South $88^{\circ}28'46''$ East, a distance of 542.6 feet (being 557.6 feet South $88^{\circ}28'46''$ East of the west line of said Unit No. 26); thence South $01^{\circ}31'14''$ West, a distance of 408.8 feet; thence North $88^{\circ}28'46''$ West, a distance of 542.6 feet to the east line of said county road; thence northerly along the east line of said county road 408.8 feet, more or less, to the place of beginning and containing 5.09 acres, more or less.

See Revised Description *On Back*
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EXHIBIT "A"

A tract of land in U.S. Government Resettlement Plat, Unit No. 26, and being a part of the Isaiah M. Johns Donation Land Claim No. 81, Section 22, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at a point 408.8 feet North $01^{\circ}31'14''$ East (deed bearings) and 15 feet East from the Southwest corner of Unit No. 26 of the U.S. Government Resettlement Plat in Township 4 South, Range 4 West, Willamette Meridian, said corner being 1,224.76 feet South $00^{\circ}40'50''$ West, 1,200.18 feet South $89^{\circ}35'$ East and 2,071.57 feet South $00^{\circ}21'$ West from the Northwest corner of said Johns Donation Land Claim, said Beginning point also being on the east line of county road (Norton Lane) as established in County Survey C.S. 4732, Volume Q, Page 21, Yamhill County Surveyor Records and as conveyed in Film Volume 77, Page 987, Deed Records of Yamhill County, Oregon; thence South $88^{\circ}28'46''$ East, a distance of 542.6 feet (being 557.6 feet South $88^{\circ}28'46''$ East of the west line of said Unit No. 26); thence South $01^{\circ}31'14''$ West, a distance of 408.8 feet; thence North $88^{\circ}28'46''$ West, a distance of 542.6 feet to the east line of said county road; thence northerly along the east line of said county road 408.8 feet, more or less, to the place of beginning and containing 5.09 acres, more or less.

8/8/91 - Revised
description
(Ord. no. 4487)