

ORDINANCE NO. 4629

An Ordinance rezoning approximately 7.37 acres of land from a County EF-40 (Exclusive Farm Use - 40-acre Minimum) zone to a City R-3 PD (Two-Family Residential Planned Development) zone. The site is located west of McDonald Lane and north of 30th Street and is described as Tax Lots 200, 500, 600, and 1300, Section 09CD, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 5-96) from Leonard Johnson, dated May 9, 1996, for a zone change from a County EF-40 (Exclusive Farm Use - 40-acre Minimum) zone to a City R-3 PD (Two-Family Residential Planned Development) zone on approximately 7.37 acres of land located west of McDonald Lane and north of 30th Street and is described as Tax Lots 200, 500, 600, and 1300, Section 09CD, T. 4 S., R. 4 W., W.M.

A public hearing was held on June 20, 1996, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on June 15, 1996, 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 zone change 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 Leonard Johnson.

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 EF-40 (Exclusive Farm Use - 40-acre Minimum) zone to a City R-3 PD (Two-Family Residential Planned Development) zone, subject to the following conditions:

1. That the revised Maloney Addition subdivision tentative plan, as approved by the Planning Director, be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer.

The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the 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.

2. That the front yard setback and rear yard setback for the subject development shall be twenty (20) feet and fifteen (15) feet, respectively. All other setbacks shall be as required by the R-3 (Two-Family Residential) zone.

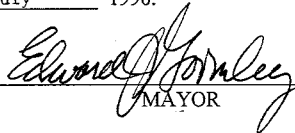
Passed by the Council this 9th day of July 1996, by the following votes:

Ayes: Hughes, Kirchner, Massey, Payne, Tomcho, Windle

Nays: _____

Abstentions: _____

Approved this 9th day of July 1996.


MAYOR

Attest:

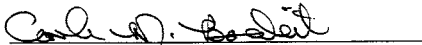

RECORDER

EXHIBIT "A"

Being a tract of land in the James T. Hembree Donation Land Claim No. 46 in the Southwest 1/4 of Section 9, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being Lots 1, 2, 3, 4, and 5, Tract 12, WESTERN INCREASING INCOME ESTATES, an unrecorded plat in Yamhill County, Oregon and being more particularly described as follows:

Beginning at the Southwest corner of Lot 5, Tract 12, which is 64.72 feet South 00°44' West, 473.89 feet East and 103.64 feet North from an iron pipe at the Northeast corner of the John G. Baker Donation Land Claim No. 48 in said Township and Range; thence North 585.63 feet to the Northwest corner of Lot 1, Tract 12; thence East along the north line of said Lot, a distance of 369.35 feet to the Northeast corner of Lot 1; thence South 896.59 feet to the Southeast corner of Lot 3, Tract 13; thence West 424.28 feet to the Southwest corner of said Lot; thence North 310.96 feet to the Northwest corner of Lot 1, Tract 13; thence East 54.94 feet to the place of Beginning of this description.