

ORDINANCE NO. 3924

An Ordinance rezoning certain property from existing R-1 zone (Single-family Residential) to R-2 (Single-family Residential) on that portion of the Tall Oaks Subdivision which is presently not in the R-2 single-family zone.

WHEREAS, the City of McMinnville, acting by and through its Planning Commission, approved a subdivision entitled "Tall Oaks," which is located west of Cozine Creek in the vicinity of Fellows Street, also lying immediately south of the southerly terminus of Fleishauer Lane. This subdivision is platted over property which carries two zones. At the time of the platting neither the Planning Commission, the applicant, nor staff realized that two zones were present and the application was processed as if only one underlying zone existed; and

WHEREAS, the Planning Commission desires to correct this error, and it has initiated a zone change for that area of Tall Oaks which is presently zoned R-1 and should be zoned R-2 (Docket No. ZC 9-78); and

WHEREAS, a public hearing was held on the 18th day of May, 1978, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on May 8, 1978 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 applicant 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 and the staff report on file in the Planning Department.

Section 2. That the following described property shall be rezoned from existing City of McMinnville R-1 zone (Single-family Residential) to R-2 (Single-family Residential) on that portion of the Tall Oaks Subdivision which is presently not in the R-2 single-family zone:

Being a part of the Samuel F. Stagg D.L.C. No. 55, Sections 20 and 29, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at a point on the East line of the Samuel F. Stagg D.L.C. No. 55, said point being 3275.03 feet South of the Northeast corner of said Stagg D.L.C., said beginning point also being the Southeast corner of that tract of land known as Area and Territory No. 5, annexed by City of McMinnville, Oregon Ordinance No. 3231; thence South along the East line of said Stagg D.L.C. 345.69 feet; thence West 528.48 feet; thence North 70°49'54" West 220.00 feet; thence South 19°10'06" West 5.00 feet; thence North 70°49'54" West 165.00 feet; thence North 19°10'06" East 136.00 feet; thence North 7°03'30" East 56.82 feet; thence North 282.00 feet; thence

East 25.00 feet; thence North 105.00 feet; thence West 25.00 feet; thence North 237.43 feet; thence North 79°56'02" West 24.89 feet; thence North 2°06'11" West 156.52 feet; thence following a curve to the right with a radius of 530.00 feet (the long chord of which bears North 89°28'45" East 29.27 feet) 29.27 feet; thence following a curve to the left with a radius of 20.00 feet (the long chord of which bears North 48°40'06" East 26.97 feet) 29.60 feet; thence following a curve to the left with a radius of 470.00 feet (the long chord of which bears North 3°08'20" East 51.47 feet) 51.49 feet; thence North 49.86 feet; thence North 89°44'21" East 5.00 feet; thence North 100.00 feet; thence South 89°44'21" West 5.00 feet; thence North 30.00 feet to the South line of Fairlawn Subdivision, Yamhill County, Oregon; thence North 89°44'21" East 5.00 feet more or less along the South line of said Fairlawn Subdivision to the Northwest corner of Area and Territory No. 5 of said Ordinance No. 3231; thence South along the West line of said Ordinance 1075.03 feet to its Southwest corner; thence East along the South line of said Ordinance 810.4 feet to the point of beginning.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled Initiative and Referendum, for a period of thirty days.

Passed by the Council this 6th day of June, 1978, by the following votes:

Ayes: Porter, Willoughby, Hamby, Fax, Daley and Lewis

Nays: _____

Approved by the Mayor this 6th day of June, 1978.

Norman R. South
MAYOR

Attest:

Marjorie E. Kusan
RECORDER