

ORDINANCE NO. 4187

An Ordinance rezoning certain property from an R-1 (Single-family Residential) zone to an R-4 PD (Multiple-family Residential Planned Development) zone which would allow the construction of a triplex on a parcel of land approximately 42,000 square feet in size located west of Pacific Street and northeast of the McMinnville spur (State Highway No. 152).

RECITALS:

The Planning Commission received an application for a zone change (ZC 1-82) dated February 1, 1982 on the property described as Tax Lots 1001 and 1301, Section 21DD, T. 4 S., R. 4 W., W.M.

A public hearing was held on March 11, 1982 at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on March 1, 1982 and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing the testimony of the applicant and of surrounding property owners in favor of the requested change was received; a staff report was presented; and

The Planning Commission, being fully informed about said change, and based on the observations, the findings of fact, and the conclusionary findings for approval contained in the staff report, 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 Donald E. Jesse.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from an existing R-1 (Single-family Residential) zone to an R-4 PD (Multiple-family Residential Planned Development) zone, subject to the following conditions:

- (a) That no access be provided to the property from the McMinnville spur.
- (b) That the applicant sign a waiver of remonstrance against the cost of improvements to Pacific Street.
- (c) That the development of the property be limited to the construction of one triplex.
- (d) That the site plan, once it becomes finalized, shall be placed on file with the Planning Department and shall become a part of the zone and binding on the owner(s) and developer(s).

The developer is responsible for requesting permission of the Planning Commission for any major change to 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 Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated by any one of the Planning Commissioners.

Passed by the Council this 6 day of April, 1982, by the following votes:

Ayes: Gormley, Gale, Macv and Wilson

Nays: _____

Approved this 6 day of April, 1982.



COUNCIL PRESIDENT

(In the absence of the Mayor)

Attest:



RECORDER

----A parcel of land lying in the S.E. $\frac{1}{4}$ of Section 21, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, State of Oregon.

Beginning at a car axle set for the North East corner of Block 6, of F. S. Martin's Subdivision, said corner being on the West right of way line of Pacific Street (a 50 foot Street); thence North $1^{\circ}58\frac{1}{2}'$ East along said right of way 210.15 feet to an iron rod; thence South $87^{\circ}13\frac{1}{2}'$ West 98.0 feet; thence South $1^{\circ}58\frac{1}{2}'$ West 2 feet; thence South $88^{\circ}43\frac{1}{2}'$ West 87.9 feet, to an iron rod; thence South $54^{\circ}00'$ West 39.47 feet to an iron rod set at Easterly right of way line of State Highway leading from McMinnville to Dayton, said iron rod being 40 feet from the centerline of said Highway; thence South $29^{\circ}22'$ East along the Easterly right of way 104.35 feet to an iron rod set for the P.S. of a spiral curve left. Said P.S. being at Highway Station $L^m 35+03.11$; thence along the spiral curve 96.0 feet to an iron pipe, the chord of which bears South $29^{\circ}36'$ East; thence South $88^{\circ}15'$ East 111.8 feet to the point of beginning.

AND

All that portion of Block 6 of F. W. Martin's Addition to the Town of McMinnville in Section 21, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, lying Northeasterly of Three Mile Lane Highway, being more particularly described as follows:

Beginning at the Northeast corner of said Block 6, being also on the West line of Pacific Street; thence South $1^{\circ}58'30''$ West along the West line of said street, 163.07 feet to the Northerly right of way line of the state highway; thence Northwesterly along a spiral curve on said highway right of way line, 293.45 feet to an iron pipe; thence South $88^{\circ}15'$ East 111.80 feet to the point of beginning.

SAVE AND EXCEPT access restrictions, including the terms and provisions thereof, as contained in Deed from Lloyd Peters and Marie Peters, husband and wife, to State of Oregon, by and through its State Highway Commission, dated May 1, 1962 and recorded May 4, 1962 in Film Volume 22, Page 413, Deed and Mortgage Records.

SAVE AND EXCEPT transmission line easement (Salem-McMinnville line) and rights pertaining thereto, as disclosed by instrument recorded February 1941 in Book 117, Page 423, Deed Records of Yamhill County, Oregon.----