

ORDINANCE NO. 4517

An ordinance rezoning certain property from a County EFU-40 (Exclusive Farm Use - 40-acre minimum) zone to a City R-1 (Single-family Residential) zone and a City F-P (Flood Area) zone on approximately 15 acres of land located at the northerly terminus of Pinehurst Street.

RECITALS:

The Planning Commission received an application from Lester M. Cushman for a zone change (ZC 2-92) dated February 13, 1992, for property located at the northerly terminus of Pinehurst Street, and further described as a portion of Tax Lot 1001, Section 17, T. 4 S., R. 4 W., W.M., and Tax Lot No. 1100, Section 17, T. 4 S., R. 4 W., W.M.

A public hearing was held on March 12, 1992, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on March 4, 1992, 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 Lester M. Cushman.

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 EFU-40 (Exclusive Farm Use - 40-acre minimum) zone to a City R-1 (Single-family Residential) zone (above the 100-year flood plain elevation), and a City F-P (Flood Area) zone (below the 100-year flood plain elevation).

Passed by the Council this 14th day of April, 1992, by the following votes:

Ayes: Aleman, Windle, Massey, Dell, Hansen

Nays: _____

Approved this 14th day of April, 1992.

Edward J. Mueby
MAYOR

Attest:

Carle W. Berdit
RECORDER

EXHIBIT "A"

Being a part of the John G. Baker Donation Land Claim No. 48 in the Northwest 1/4 of Section 17, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being a part of those certain tracts of land conveyed in Film Volume 195, Page 1476, and Film Volume 184, Page 1163, Deed Records of Yamhill County, Oregon, and further being a part of Lot No. 1 and 2 of County Survey C.S. 1655, Volume F, Page 128, and PCL 1 of C.S.P-8611, Volume V, Page 941, Yamhill County Surveyor Records (when compared to said described tract) and Beginning at a point on the West line of said D.L.C. and being 779.63 feet north of the centerline of Baker Creek Road, centerline as established by C.S. 1655, said Beginning point being the Northwest corner of CRESTBROOK, a duly recorded subdivision plat in Volume 3, Page 33-34, Record of Town Plats in the Yamhill County Clerk's office; thence North along said West line, a distance of 756 feet, more or less to the center of Baker Creek; thence down the meandering of said Baker Creek to a point shown on the Tentative Plan of CRESTBROOK FIRST ADDITION; thence South 00°02' West (bearings from said Tentative plan), leaving Baker Creek, a distance of 350 feet, more or less; thence South 54°01' East, a distance of 85.24 feet; thence South 00°02' West, a distance of 318.75 feet to the South line of tract as established by C.S.P-8611; thence North 89°56' West (survey bearing) along said line, a distance of 225.00 feet to the East line of CRESTBROOK; thence northerly along the East line of said Plat, a distance of 5.7 feet to the Northeast corner of said CRESTBROOK; thence North 88°07'00" West, along the North line of said Plat, a distance of 467.07 feet to the Beginning Point of this description.

(NOTE: Floodway, Flood Boundary and Floodway Map, Yamhill County, Oregon (Unincorporated Areas); Panel 302 of 525; Community-Panel Number 410249 0302; Effective Date September 30, 1983; by Federal Emergency Management Agency. Source for establishing flood plain elevation.)