

ORDINANCE NO. 4561

An Ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use--40 acre minimum) zone to a City R-2 PD (Single-Family Residential Planned Development) zone on approximately 25 acres of land located north of West Second Street and east of Hill Road.

RECITALS:

The Planning Commission received an application from Anthony Bell and Wilburn Johnson for a zone change (ZC 14-93), dated October 11, 1993, for the property described as Tax Lot 500, Section 19, T. 4 S., R. 4 W., W.M.

A public hearing was held on January 13, 1994, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on October 30, 1993, 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 McMINNIVILLE 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 Anthony Bell and Wilburn 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-2 PD (Single-family Residential Planned Development) zone, subject to the following conditions:

(a) That the portion of the subject property located within the BPA easement and required by the bikeway, be dedicated or deeded to the City of McMinnville or be encumbered by a public use easement to allow construction, maintenance, and use of the bike/pedestrian path when that portion of the development is platted.

(b) That the conceptual plan for that portion of the subject site not included in the tentative subdivision plan shall not be binding on the City. Future plans for this area shall include, however, provisions for

a north-south street (Suzanna Avenue) a minimum of thirty-six feet in width connecting West Second Street to development north of the subject site. Tentative plans which incorporate the design themes presented in the subject subdivision application may be approved without amending the planned development.

Passed by the Council this 8th day of February, 1994, by the following votes:

Ayes: Aleman, Massey, Kirchner, Windle

Nays: \_\_\_\_\_

Approved this 8th day of February, 1994.

  
MAYOR

Attest:

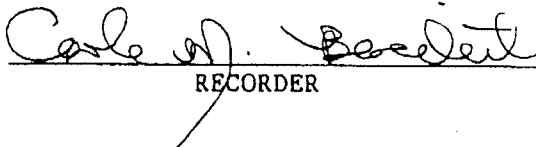
  
RECORDER

EXHIBIT 'A'

Part of the Solomon Beary Donation Land Claim No. 54 in the Northeast 1/4 of Section 19, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, being a part of that certain deed recorded in Film Volume 218, Page 1435, Deed Records of Yamhill County, Oregon and being more particularly described as follows:

Beginning at a point on the North line of West 2nd Street (a 60 foot right of way), which is 785.0 feet South 89°39' West and 30.0 feet (former deed bearing of North) North 00°00'16" East from the Northwest corner of the S.F. Stagg Donation Land Claim No. 55; thence North 00°00'16" West (bearing from C.S.P-10166, Volume X, Page 496, Yamhill County Surveyor Records), a distance of 1,170 feet; thence North 89°12' East, a distance of 620.0 feet; thence North 00°00'16" West, a distance of 587.68 feet to the North line of said Film Volume 218, Page 1435; thence (former deed bearing of South 89°39' West) South 89°38'47" West, a distance of 1,083.17 feet to the West line of said Deed; thence (former deed bearing of South) South 00°00'48" East along the West line of said Deed, a distance of 1,517.55 feet to the Northwest corner of that tract conveyed in Film Volume 121, Page 1356, Deed Records of Yamhill County, Oregon; thence North 89°39'00" East along the North line of said tract and its extension, a distance of 171.79 feet; thence (former deed bearing of South 05°48'10" East) South 07°45'25 East, a distance of 20.17 feet; thence (former deed bearing of South 88°17'10" East) North 89°39' East, a distance of 138.0 feet; thence (former deed bearing of South 01°42'50" West) South 00°21'00" East, a distance of 220.0 feet to the North line of West 2nd Street; thence along said West 2nd Street North 89°39' East, a distance of 149.09 feet to the place of beginning of this description.