

ORDINANCE NO. 3873

An Ordinance rezoning certain property from the existing EF-40 (Exclusive Farm Use - County Zone) to M-2 (General Industrial - City Zone).

WHEREAS, the Planning Commission received an application for a zone change (ZC 5-77) on the property located east of the terminus of Orchard Avenue and south of the Southern Pacific Railroad right-of-way, further described as Tax Lot 3100, Section 15, T.4.S., R.4.W., on May 26, 1977.

WHEREAS, a public hearing was held on the 9th day of June, 1977 at 7:25 p.m. before the Planning Commission after due notice had been given in the local newspaper on May 30, 1977 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 was received and a staff report was presented; and

WHEREAS, the applicant has agreed to post a performance bond to complete the landscaping as represented on the plot plan presented to the Planning Commission; and

WHEREAS, the Planning Commission being fully informed about said zone change, found that a need existed for industrial property based upon the material submitted by the applicant, the findings and conclusions contained in the staff report, all of which are on file in the Planning Department, and that said zone change would be consistent with the comprehensive plan; and

WHEREAS, the Planning Commission approved said zone change and has recommended said zone 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 Thomas H. Bates for Bendix Home Systems, Inc.

Section 2. That the following described property shall be rezoned from County Zone of EF-40 (Exclusive Farm Use) to City Zone of M-2 (General Industrial):

Beginning at an iron bar on the East line of the Madison Malone Donation Land Claim in Section 15, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon; being North 00° 44' East 978.12 feet from the Southeast corner of said Claim; thence South 88° 45 1/2' East 655.0 feet to an iron pipe; thence North 1839.75 feet to an iron pipe on the Southerly line of the Southern-Pacific Railroad right of way; thence along a curve on 1880 foot radius (the long chord of which bears S 72° 44' West 663.74 feet) a distance of 678.34 feet to an iron pipe set where said right of way line intersects said East line of the Malone Claim; thence South 00° 44' West 1641.40 feet to the point of beginning, containing 26.05 acres.

Section 3. That the applicant, having committed himself to the filing of a performance bond for the completion of the landscaping as represented on the

plot plan submitted to the Planning Commission, is required to file a performance bond in the amount of \$5,000 at the time of application for a building permit; said landscaping shall be completed within one year of occupancy of the building.

Passed by the Council this 26 day of July, 1977 by the following vote:

Ayes: Willoughby, Hamby, Fay + Daley

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

Approved by the Mayor this 26 day of July, 1977.

1st Norman R. Scott  
MAYOR

Attest:

1st Marjorie E. Keebec  
RECORDER