

ORDINANCE NO. 4172

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing residential designation to a commercial designation and a zone change from a County AF 20 (agriculture-forestry, 20 acre minimum) zone to a City C-3 PD (general commercial planned development) zone on a parcel of land approximately 26 acres in size located at the southwest corner of Westside Road and County Road 217.

RECITALS:

The Planning Commission received an application for a comprehensive plan amendment (CPA 4-81) and a zone change (ZC 11-81) dated August 18, 1981 on the property described as Tax Lot 500, Section 16, and Tax Lot 300, Section 16BB, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on September 17, 1981 at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on September 7, 1981, 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 was received; testimony from surrounding property owners in opposition to the requested change was received; a staff report was presented; and

The Planning Commission, being fully informed about said comprehensive plan map amendment and zone change, found that a need existed for said change based upon the materials 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 plan amendment would be consistent with the Comprehensive Plan and the land uses existing in the area; and

The Planning Commission approved said plan amendment and zone change and has recommended said changes to the Council; at the Council meeting on October 6, 1981, the Council called for additional hearings on ZC 11-81 as pertains to the internal road circulation. This additional hearing was held on November 3, 1981 at 8:15 p.m. and the testimony of the applicants and concerned property owners and staff was received; 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 Oregon Mutual Insurance Company. In addition, the Council received testimony at the public hearing conducted on November 3, 1981 pertaining to the internal road system of this development and made such changes as are incorporated in Section 3 below.

Section 2. That the Comprehensive Plan Map shall be amended from a residential designation to a commercial designation for the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein.

Section 3. That the property described in Exhibit "A," which is attached hereto and incorporated herein by this reference, shall be rezoned from existing County AF 20 (agriculture-forestry, 20 acre minimum) zone to a City C-3PD (general commercial planned development) zone, subject to the following conditions:

- (a) That the property owners sign and record a waiver of remonstrance against assessment for future improvement of Westside Road (Market Road No. 21), 30th Street (County Road No. 217), Hembree Street, and 27th Street where they abut the subject site.
- (b) That the applicants improve the northern terminus of Evans Street by constructing a turnaround to standards established by the City Engineer.
- (c) That drainage plans must be submitted to and approved by the City Engineer.
- (d) That the plans for "future development" on the eastern side of the subject site must be processed as an amendment to the planned development.
- (e) That the zone is approved for Oregon Mutual Insurance Company and their accessory uses only. Any change of use or additional use not relating to OMI must be processed as an amendment to the planned development.
- (f) That the development plan shall be placed on file with the Planning Director and shall become a part of the zone and binding on the owner and developer.

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 Commission. Review of the Planning Director's decision by the Commission may be initiated by any one of the Commissioners.

- (g) That the applicant shall landscape the property adjacent to the residences on the south side and that berms shall not be used in such landscaping unless desired by the adjacent property owner.
- (h) That 27th Street shall be a through street as shown on the applicant's planned development plan but that the access onto said street from the subject site shall be as shown in McMinnville staff report, Alternate No. 1.

Section 4. That this ordinance is subject to and becomes operative upon Ordinance No. 4171 going into effect and its provisions being binding upon the parties involved.

Passed by the Council this 3 day of November, 1981 by the following votes:

Ayes: Gale, Macy, Allen and Wilson

Abstain: Gormley

Approved this 3 day of November, 1981

  
MAYOR

Attest:

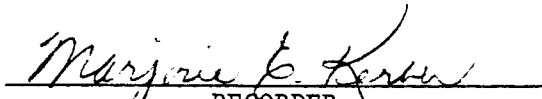
  
RECORDER

EXHIBIT "A"

Being a part of the John G. Baker and wife Donation Land Claim No. 48, Section 9 and 16, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and beginning 30 feet South  $0^{\circ}20'$  West of the Northeast corner of said Claim No. 48, which is on the Present City Limits; thence South  $0^{\circ}20'$  West, along the East line of said Claim and City Limits line, a distance of 906 feet, more or less, to a point 99.92 feet North  $0^{\circ}20'$  East of the Southeast corner of Lot 6, Jopling's Subdivision; thence North  $89^{\circ}50'$  West, a distance of 958.9 feet to the Centerline of North Evans Street (a 60 foot right-of-way); thence North, along the Centerline of North Evans Street, a distance of 251.48 feet, to the North line of Jopling's Subdivision; thence North  $89^{\circ}50'$  West, along the North line of said Subdivision, a distance of 623.5 feet to the West line of West Side Road, (a 60 foot right-of-way) and the present City Limits; thence North  $0^{\circ}25'$  East, along the West line of said Road and present City Limits, a distance of 659 feet to a point 30.0 feet south of the North line of Claim No. 48; thence South  $89^{\circ}50'$  East, parallel with and 30 feet from the North line of Claim No. 48, a distance of 1,548 feet, more or less, to the place of beginning.