

ORDINANCE NO. 4441

An Ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use--40 acre minimum) zone to a City M-1 PD (Light Industrial Planned Development) zone on a parcel of land located north of Riverside Drive.

RECITALS:

The Planning Commission received an application from Dean Klaus for Donald and Ellen Miller for a zone change (ZC 9-88) dated September 30, 1988, for the property described as a portion of Tax Lot 2400, Section 15, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on November 10, 1988, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on October 31 1988, 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 Section 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 Dean Klaus for Donald and Ellen Miller.

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 M-1 PD (Light Industrial Planned Development) zone, subject to the following conditions:

(a) That the zone change does not take effect until the property is legally annexed to the City of McMinnville.

(b) That development plans for any use or any portion of the site not covered by the plot plan submitted with the ZC 9-88 application must be submitted to and approved by the Planning Commission.

(c) That the main entry to the southern portion of the site must be from Riverside Drive.

(d) That landscape plans must be submitted to and approved by the Landscape Review Committee.

(e) That a strip of land 10 feet in width be deeded to the City for right-of-way purposes where the site borders Riverside Drive.

Passed by the Council this 13th day of December, 1988, by the following votes:

Ayes: B. Hansen, Johnstone, Wertz, Blanchard, Wilson, C. Hanson

Nays: _____

Approved this 13th day of December, 1988.

Attest:

Edward Hornley
MAYOR

Carle M. Stevens
RECORDER

EXHIBIT "A"

Being a part of a tract of land lying in the Southeast 1/4 of Section 16, Township 4 South, Range 4 West, Willamette Meridian and also being within the Madison Malone Donation Land Claim No. 49 and the W.T. Newby Donation Land Claim No. 53 and being "Pcl. 2, 5.00 Ac." of County Survey C.S.P-9154, Volume W, Page 484, Yamhill County Surveyor Records and being more particularly described as follows:

Beginning at a point on the Present City Limits which is on the North boundary of Riverside Drive, a 40.0 foot roadway created by County Road Survey 3070-2 and deed recorded in Volume 149, Page 588, Deed Records of Yamhill County, Oregon, said point being 663 feet easterly of the intersection of the centerlines of Riverside Drive and Lafayette Avenue; thence North $01^{\circ}22'$ East, following said County Survey C.S.P-9154, a distance of 451.97 feet; North $51^{\circ}51'$ West, a distance of 19.02 feet; North $37^{\circ}49'40''$ East, a distance of 200.00 feet; North $51^{\circ}51'$ West, a distance of 200.00 feet; North $38^{\circ}03'11''$ East, a distance of 39.20 feet; South $89^{\circ}08'11''$ East, a distance of 324.35 feet; South $01^{\circ}22'$ West, a distance of 778.25 feet to the North line of Riverside Drive and Present City Limits; thence along the North line of Riverside Drive, a distance of 291.2 feet to the Place of Beginning and containing 5.00 acres, more or less.