

ORDINANCE NO. 4577

An Ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use--40 acre minimum) zone to a City M-2 PD (General Industrial Planned Development) zone on 36.51 acres of land located east of Lafayette Avenue and south of Orchard Avenue.

RECITALS:

The Planning Commission received an application from Sabre Construction Company and Sani-Lease Partnership for a zone change (ZC 10-94), dated November 7, 1994, for the property described as Tax Lot 2500, Section 15, T. 4 S., R. 4 W., W.M.

A public hearing was held on December 8, 1994, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on December 3, 1994, 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 Sabre Construction Company and Sani-Lease Partnership.

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-2 PD (General Industrial Planned Development) zone, subject to the following conditions:

- (a) That this approval does not take effect until and unless the companion annexation request is approved by the City Council.

(b) That development of the property is subject to the provisions of McMinnville Ordinance 4135 (Northeast Industrial Area Planned Development Overlay).

(c) That the site plan submitted as part of this application is hereby approved, subject to amendments which may be required by the Planning Director in order to provide for the relocation of the planned street extension south from Orchard Avenue, as required by subsection 2(d), below.

(d) That the Planning Director be granted authority to amend the conceptual master plan for the subject site (as approved and referenced in McMinnville Ordinance No. 4550 and MP 11-93) and submitted site plan as may be necessary to accommodate the relocation of the planned street extension south from Orchard Avenue, proposed recycling center, and utilities. Approval for the relocation of this street shall be contingent upon the applicant demonstrating that it is outside of the existing BPA easement and any wetland area, and will provide safe and convenient access to Orchard Avenue and adjacent properties. All amendments to the master plan or site plan shall be consistent with the City's development codes.

(e) That the applicant sign a waiver of rights to remonstrate against the future improvement of Orchard Avenue. Said waiver shall be prepared by the City.

(f) That streets and other utilities must be extended to the boundaries of the developed site at the time of development or partitioning. Prior to any development taking place, master engineering of utilities may be required.

(g) That the applicant submit a landscape plan to the Planning Department for review and approval by the McMinnville Landscape Review Committee prior to release of any permits for the proposed recycling center. The submitted landscape plan shall provide for the screening of the proposed wood waste and yard debris area from Orchard Avenue.

(h) That all development shall be located outside of any identified wetland unless permitted by the Oregon Division of State Lands.

Passed by the Council this 10th day of January, 1995, by the following votes:

Ayes: Kirchner, Massey, Olson, Payne, Tomcho, Windle

Nays: _____

Approved this 10th day of January, 1995.



MAYOR

Attest:



RECORDER

EXHIBIT "A"

Being a tract of land in Sections 15 and 16, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being a part of the Madison Malone Donation Land Claim, Notification No. 1226, Claim No. 49, and being a portion of that certain tract described as PARCEL 2-A in Film Volume 74, Page 1412, Deed Records of Yamhill County, Oregon and being a part of County Survey C.S.P-4568, Volume P, Page 157, Yamhill County Surveyor Records and being more particularly described as follows:

Beginning at the Northwest corner of that certain tract as described in Film Volume 103, Page 394, Deed Records of Yamhill County, Oregon, said corner being 978.12 feet North $00^{\circ}44'$ East and 1515 feet North $89^{\circ}08'$ West of the Southeast corner of said Madison Malone D.L.C.; thence North $89^{\circ}08'$ West, a distance of 980.80 feet to an iron pipe on the easterly margin of the Southern Pacific Railroad right of way; thence South $57^{\circ}18'$ West along said right of way, a distance of 1348.0 feet to an iron pipe on the easterly margin of Lafayette Avenue; thence South $38^{\circ}03'$ West, a distance of 250.0 feet to an iron pipe; thence South $89^{\circ}08'$ East, a distance of 2,257.30 feet to the Southwest corner of tract described in Film Volume 103, Page 394, Deed Records of Yamhill County, Oregon; thence North $00^{\circ}44'$ East along West line of said tract, a distance of 944.63 feet to the Beginning Point of this description.