

ORDINANCE NO. 4090

An Ordinance rezoning certain property from existing C-4 (Commercial-Industrial) zone to a C-3 PD (General Commercial) planned development on a parcel of land approximately 0.71 acres in size located on U. S. Highway 99W, west of McDonald Lane.

WHEREAS, the Planning Commission received an application for a zone change (ZC 8-80) dated April 9, 1980, on the property described as a portion of Tax Lot 400, Section 16AC, T. 4 S., R. 4 W., Willamette Meridian; and

WHEREAS, a public hearing was held on May 8, 1980, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on April 28, 1980, 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 and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact has approved said zone change and has recommended said 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 Del Casteel, Hubert Martin, and Chester J. McDonough.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing C-4 (Commercial-Industrial) zone to a C-3 PD (General Commercial) planned development, subject to the following condition:

- (a) That the corrected tentative plan shall be placed on file with the Planning Department and 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 of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the City 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 Planning Commission may be initiated at the request of any one of the commissioners.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by the Council this 3 day of June, 1980, by the following votes:

Ayes: Smith, Willoughby, Allen, Springer, Wilson and Hamby

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

Approved this 3 day of June, 1980.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
RECORDER

EXHIBIT "A"

A tract of land in the northeast quarter (NE 1/4) of Section 16, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon that is more particularly described as follows:

Beginning at a 1/2 inch pipe at the northeast corner of that tract of land conveyed to Walter Haney et. al., by deed recorded October 22, 1958 in Film Volume I, page 860, Deed and Mortgage Records of Yamhill County, Oregon; thence  $S0^{\circ}17'00''W$ , along the east line of said Haney tract, 260.97 feet; thence  $S89^{\circ}43'00''E$  27.00 feet; thence  $N0^{\circ}17'00''E$  19.00 feet; thence  $S89^{\circ}43'00''E$  89.09 feet to the west line of that tract of land conveyed to John Buller, Jr. et. ux., by deed recorded February 17, 1953 in Book 168, page 675, Deed and Mortgage Records of Yamhill County, Oregon; thence  $N0^{\circ}17'00''E$  along the west line of said Buller tract, 282.31 feet to the southerly right-of-way line of Pacific Highway 99W; thence  $S71^{\circ}07'19''W$ , along said southerly right-of-way line, 122.90 feet to the point of beginning. Containing 0.7104 acres of land, more or less.