

ORDINANCE NO. 4109

An Ordinance rezoning certain property from an existing planned development in an M-1 (Light Industrial) zone to a new planned development also in an M-1 (Light Industrial) zone, and amending Section 3 of Ordinance 3891.

RECITALS:

The Planning Commission received an application dated October 15, 1980 for a zone change to change an existing planned unit development (ZC 19-80); and

A public hearing was held on November 13, 1980 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on November 3, 1980, 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 and surrounding property owners was received and a staff report was presented; and

The Planning Commission being fully informed about said change to the existing planned development, and based on the observations and the findings of fact has approved said amendment and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Section 3 of Ordinance 3891 be amended to read as described in Exhibit "A," which is attached hereto and incorporated herein by this reference.

Section 2. That the property described in Exhibit "B," which is attached hereto and incorporated herein by this reference, shall be rezoned to City of McMinnville zone of M-1 (Light Industrial) planned development, subject to the following conditions:

- (a) That all industrial activity take place within an enclosed building except that outside storage of wood products is allowed.
- (b) That the fence to be located along the south and west property lines be a minimum of six feet in height and that it be made site-obscuring, either through slatting or by planting a living fence adjacent to it. A site-obscuring planting or living fence shall be located in the eastern portion of the subject site along the top of the bank. The location and type of the planting or fence shall be shown on the landscaping plan and must receive approval of the Landscape Review Committee.
- (c) That before building permits are issued for the project, the plan must receive landscaping approval by the Landscape Review Committee.
- (d) That once the development plan is approved by the Commission, it 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 will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the

adopted site 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.

- (e) A drainage plan be submitted to and approved by the City Engineering Department prior to issuance of a building permit.

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 25 day of November, 1980, by the following votes:

Ayes: Gale, Allen, Springer, Wilson, Gormley and Hamby

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

Approved this 25 day of November, 1980.

  
MAYOR

Attest:

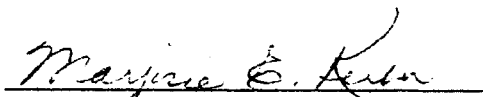
  
RECORDER

EXHIBIT A

Being a part of the Joseph R. Young Donation Land Claim No. 68, Notification No. 1239, Section 10 and 11, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being located by surveys C.S.P.-6287, Volume T, Page 617 and C.S.P.-6597, Volume T, Page 927, Yamhill County Surveyor Records and more particularly described as follows:

Beginning at the Southeast corner of Section 10; thence South  $76^{\circ}30'$  East 119.10 feet to a 3/4-inch iron pipe; thence North  $0^{\circ}14'30''$  East 370.24 feet to a 1/2-inch iron pipe; thence North  $71^{\circ}25'30''$  West 166.50 feet to an iron pipe; thence South  $78^{\circ}01'30''$  West 427.62 feet to an iron pipe; thence South  $0^{\circ}42'20''$  West 304.41 feet to an iron pipe; thence South  $89^{\circ}42'$  East 462.48 feet to the place of beginning.

EXCEPTING THEREFROM that portion along Riverside Drive conveyed to the City of McMinnville, Oregon, a municipal corporation, by instrument recorded on July 7, 1978, Film Volume 130, Page 1663, Deed Records of Yamhill County, Oregon and as located by County Road Survey C.R.S. 6879, Volume U, Page 209, Yamhill County Surveyor Records.

EXHIBIT B

Being a part of the Joseph R. Young Donation Land Claim No. 68, Notification No. 1239, Section 11 and 14, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being located by surveys C.S. 4459, Volume F, Page 49, C.S.P.-6287, Volume T, Page 617 and C.S.P.-6597, Volume T, Page 927, Yamhill County Surveyor Records and more particularly described as follows:

Beginning at a 1/2-inch iron pipe 717.40 feet South 76°30' East from the Southwest corner of said Section 11; thence North 4°35' East 199.00 feet to an iron pipe; thence North 53°52'30" West to an iron pipe; thence North 71°25'30" West 330.92 feet to a 1/2-inch iron pipe; thence South 0°14'30" West 370.24 feet to a 3/4-inch iron pipe; thence South 76°30' East 598.30 feet to the Place of Beginning.

EXCEPTING THEREFROM that portion along Riverside Drive conveyed to the City of McMinnville, Oregon, a municipal corporation, by instrument recorded on July 7, 1978, Film Volume 130, Page 1669, Deed Records of Yamhill County, Oregon and as located by County Road Survey C.R.S. 6879, Volume U, Page 209, Yamhill County Surveyor Records.

SUBJECT to that easement granted to the City of McMinnville, by Riverside Industrial Park, Oregon Ltd., recorded July 7, 1978, Film Volume 130, Page 1655, Deed Records of Yamhill County, Oregon.