

ORDINANCE NO. 4249

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing mixed use urban designation to an industrial designation and rezoning certain property from AH (Agricultural Holding) zone to a M-L PD (Limited Light Industrial Planned Development) zone on a parcel of land approximately 10.89 acres in size.

RECITALS:

The Planning Commission received an application for a comprehensive plan amendment (CPA 2-83) and a zone change (ZC 3-83) dated March 15, 1983 on the property described as Lot 2, Airport Rendezvous Subdivision, further described as Tax Lot 2900, Section 23, T. 4 S., R. 4 W., W. M.; and

A public hearing was held on April 14, 1983 at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on April 4, 1983, 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 comprehensive plan map amendment and zone change, found that a need existed for said change 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 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; 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 John T. Gibbon, The Robert Randall Co.

Section 2. That the comprehensive plan map shall be amended from a mixed use urban designation to an industrial 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 AH (Agricultural Holding) zone to a M-L PD (Limited Light Industrial Planned Development) zone, subject to the following conditions:

- (a) That at such time as development is planned for the subject site, 15 copies of the proposed development plan be submitted to the Planning Department pursuant to Chapter 17.36 of the McMinnville Zoning Ordinance.

- (b) That copies of the easement and agreements for the use by the subject property of the Olde Stone Village private sewer system, water system, and access way be submitted to the City prior to approval of any development plan.
- (c) That the private sewer system be upgraded to the satisfaction of the McMinnville Director of Public Works prior to any industrial use connecting to the system.
- (d) That the owners of the subject site provide to the owners of adjacent agricultural lands an unconditional easement for noise, odoriferous emissions originating and emanating from the operation of said adjacent farms. Such easements must run with the land and be binding on all prospective purchasers, heirs, and assigns. Copies of these easements must be submitted to the City prior to approval of any development plans.
- (e) That an easement be granted to the City giving it (the City) the rights to:
  - (1) Restrict or prohibit radio or electro-magnetic interference.
  - (2) Restrict or prohibit construction of certain types of buildings or structures.
  - (3) Restrict or prohibit lights, lighted signs, and other lighted objects.
  - (4) Right to restrict or prohibit hazardous or unreasonably objectionable smoke, fumes, or vapor.

The easement document containing the above shall be prepared by the City Attorney.

- (f) That the owner must grant to the City the right to cause in all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may have now or in the future against the City due to such circumstances noted above.
- (g) The owner must fully waive any right or cause of action to remonstrate against future expansion of the McMinnville Municipal Airport.

Passed by the Council this 3 day of May, 1983, by the following votes:

Ayes: Macy, Elliott, Gale, Gormley, Wilson and Allen

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

Approved this 3 day of May, 1983.

Attest:

Marjorie E. Kersey  
 RECORDED

Jerry Allen  
 COUNCIL PRESIDENT