

ORDINANCE NO. 4339

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing residential designation to a commercial designation and rezoning certain property from an R-4 (Multiple-family Residential) zone to a C-3 PD (General Commercial Planned Development) zone on a parcel of land totalling approximately 2.01 acres in size which is located north of U.S. Highway 99W and is a portion of the Flamingo Mobile Home Park.

RECITALS:

The Planning Commission received an application for a comprehensive plan map amendment and zone change (CPA 2-85/ZC 5-85) dated January 22, 1985, for the property described as Tax Lot 400, Section 16BD, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 11, 1985, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on July 1, 1985, 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 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 amendment to the comprehensive plan map and the zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said amendment to the comprehensive plan map and the zone change and has recommended said changes 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 Steve Scott.

Section 2. That the comprehensive plan map shall be amended from a residential designation to a commercial 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, is hereby rezoned from an existing R-4 (Multiple-family Residential) zone to a City C-3 PD (General Commercial Planned Development) zone, subject to the following conditions:

- (a) That a proposed relocation agreement, similar to that approved for the Southwest Mobile Terrace mobile home park, be submitted to and approved by the Planning Commission. Such agreement must provide the tenants the opportunity to be relocated within the McMinnville urban area at the expense of the park owner. Such agreement must be enacted at such time as a development plan is submitted for the property or before.

- (b) That a development plan for the newly created commercial acreage and showing how the mobile home park will be accessed and screened from said commercial acreage must be submitted to and approved by the Commission. The development plan shall then become a part of the zone and binding owner or 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.

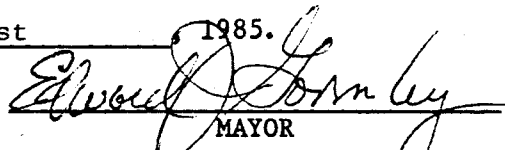
- (c) That a parcel of land approximately 25 foot square in the extreme northwest corner of the newly zoned parcel shall be deeded to the City for right-of-way purposes. Such deed and the final description of the parcel to be deeded shall be prepared by the City.
- (d) That the City be granted an easement over the existing private storm sewer which traverses the subject site. Such easement shall also set forth the responsibility for the maintenance of said easement. The easement document and description shall be prepared by the City.

Passed by the Council this 6 day of August, 1985, by the following votes:

Ayes: Bernt Hansen, Johnstone, Wertz, Blanchard, Wilson & Carole Hanson

Nays: _____

Approved this 6 day of August 1985.


MAYOR

Attest:


RECORDER

- EXHIBIT "A"

A tract of land in the James T. Hembree Donation Land Claim No. 46 and in the Madison Malone Donation Land Claim No. 49 and also in the Southeast 1/4 of the Northwest 1/4 of Section 16, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being more particularly described as follows:

Beginning at a point 2,756.69 feet North of the Southwest corner of said Madison Malone Donation Land Claim No. 49, said point being established by County Survey C.S. 3998, Volume N, Page 113, Yamhill County Surveyor Records and the Basis of Bearings for this description; thence East, a distance of 399.03 feet to an iron pipe; thence South, a distance of 260.08 feet; thence West, a distance of 244.63 feet to an iron pipe; thence North, a distance of 85.10 feet to an iron pipe; thence North 75°29' West, a distance of 159.49 feet to an iron pipe; thence North, a distance of 135.00 feet to the Point of Beginning of this description, and containing 2.01 acres, more or less.

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