

ORDINANCE NO. 4569

An Ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use--40 acre minimum) zone to a City M-2 (General Industrial) and an F-P (Flood Area) zone on approximately 71.4 acres located south of Three Mile Lane and west of the McMinnville Municipal Airport.

RECITALS:

The Planning Commission received an application (ZC 2-94) from the city of McMinnville, dated February 28, 1994, for property located south of Three Mile Lane and west of the McMinnville Municipal Airport, further described as Tax Lot 701, Section 26, T. 4 S., R. 4 W., W.M.

A public hearing was held on April 14, 1994, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on April 2, 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 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 the City of McMinnville.

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 (General Industrial) zone (above the 100-year flood plain elevation), and a City F-P (Flood Area) zone (below the 100-year flood plain elevation).

Passed by the Council this 24th day of May 1994, by the following votes:

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

Nays: _____

Approved this 24th day of May, 1994.


MAYOR

Attest:

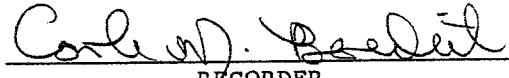

RECORDER

EXHIBIT "A"

Being a part of the Isaiah M. Johns and wife Donation Land Claim, Notification No. 1238, Claim No. 81 and part of the Richard Boothes Donation Land Claim, Notification No. 1440, Claim No. 57, East 1/2 Section 27 and West 1/2 Section 26, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being that certain tract conveyed to the City of McMinnville, in that certain deed recorded in Film Volume 167, Page 0320, Deed Records of Yamhill County, Oregon and as located by County Survey C.S.P-7952, Volume V, Page 282, Yamhill County Surveyor Records and being more particularly described as follows:

Beginning at a 5/8-inch rebar on the East line of the Johns Claim, 2,153.72 feet South of the Northeast corner of said Claim; thence South, along the East line of said Johns Claim No. 81 (at about 180 feet contact Present City Limits West line and at about 1,880 feet leave said line), a distance of 2,160.7 feet to the Southeast corner of D.L.C. No. 81; thence South 72°30' East, along the North line of the Richard Boothes D.L.C. No. 57, a distance of 334.74 feet to the center of the South Yamhill River; thence following down the center of said River South 55°38' West, a distance of 123.86 feet; South 24°39'30" West, a distance of 133.12 feet; South 42°35' West, a distance of 114.06 feet; South 34°58' West, a distance of 202.37 feet; South 56°11'50" West, a distance of 110.0 feet; South 69°01' West, a distance of 72.50 feet; North 88°26'40" West, a distance of 321.04 feet; North 59°59'40" West, a distance of 203.15 feet; North 03°56'10" West, a distance of 164.01 feet; North 36°54'30" East, a distance of 85.51 feet; North 03°12'15" West, a distance of 223.08 feet; North 26°27'10" East, a distance of 109.37 feet; North 43°41'10" West, a distance of 101.20 feet; North 64°44'10" West, a distance of 151.52 feet; North 74°24'05" West, a distance of 262.67 feet; South 77°55'35" West, a distance of 126.31 feet; South 77°38' West, a distance of 82.65 feet; North 69°46'40" West, a distance of 54.77 feet; North 64°46'35" West, a distance of 99.68 feet; North 25°47'15" West, a distance of 166.66 feet; North 12°06'30" East, a distance of 243.94 feet; North 27°01'55" East, a distance of 54.92 feet; North 02°03'40" West, a distance of 88.17 feet; North 30°39' West, a distance of 335.76 feet; North 52°03'40" West, a distance of 176.94 feet; North 87°36'20" West, a distance of 17.33 feet; thence North, leaving the South Yamhill River, a distance of 286.23 feet to a 5/8-inch rebar set 2.0 feet South of an existing fence; thence following along said present fence and 2.0 feet South of said fence, as surveyed and staked, North 79°47'50" East, a distance of 137.50 feet; thence North 79°40'40" East, a distance of 384.74 feet; thence North 56°40'10" East, a distance of 267.02 feet; thence North 36°07'50" East, a distance of 139.99 feet; thence North 55°24'30" East, a distance of 182.34 feet; thence North 53°56'20" East, a distance of 61.30 feet; thence North 69°46'50" East, a distance of 92.78 feet; thence leaving said fence North 74°53'45" East, a distance of 635.43 feet to the place of beginning of this description and containing 71.4 acres, more or less.

That portion of the above described tract lying within the established Flood Plain is located below the elevation of 123 feet, said elevation being based on the NGVD '29 datum.