

ORDINANCE NO. 4603

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing industrial designation to a residential designation and rezoning certain property from an M-L PD (Limited Light Industrial Planned Development) to an R-4 PD (Multi-Family Residential Planned Development) zone on a parcel of land located north of Three Mile Lane and west of Loop Road.

RECITALS:

The Planning Commission received an application from Paul Brewer for a comprehensive plan map amendment and zone change (CPA 2-95/ZC 16-95), dated September 12, 1995, for the property described as Tax Lot 300, Section 24C, T. 4 S., R. 4 W., W.M.

A public hearing was held on October 12, 1995, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on October 7, 1995, 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 requests, found that said changes 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 plan map amendment and the zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said plan map amendment and 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 Paul Brewer.

Section 2. That the Comprehensive Plan Map shall be amended from an industrial designation to a residential 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" is hereby rezoned from an M-L PD (Limited Light Industrial Planned Development) zone to an R-4 PD (Multi-Family Residential Planned Development) zone, subject to the following conditions:

1. That the zone change approval does not take effect until and unless the companion comprehensive plan amendment is approved by the City Council.
2. That an easement be granted to the City giving it (the City) the rights to:
 - a. Restrict or prohibit radio or electromagnetic interference.
 - b. Restrict or prohibit construction of certain types of buildings or structures.
 - c. Restrict or prohibit lights, lighted signs, and other lighted objects.
 - d. Restrict or prohibit hazardous or unreasonably objectionable smoke, fumes, or vapor.

The easement document containing the above shall be prepared by the City Attorney and shall apply to the subject site and the existing Olde Stone Village mobile home park. Said document shall be recorded prior to the issuance of any permits for the subject site.

3. 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 as 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 or his heirs and assigns may now or in the future raise against the City due to such circumstances noted above.
4. The owner must fully waive any right or cause of action to remonstrate against future expansion of the McMinnville Municipal Airport. Such waiver shall be prepared by the City Attorney and signed by the applicant prior to development of the proposed mobile home park and RV park.
5. That the site plan, as may be amended and approved by the Planning Director as a result of the mobile home park review process, be placed on file with the Planning Department and that it 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 in 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 one of the Commissioners.

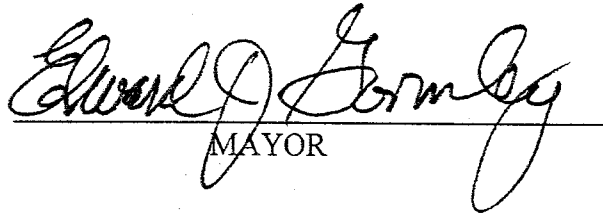
Passed by the Council this 14 th day of November 1995 by the following votes:

Ayes: Hughes, Kirchner, Massey, Payne, Windle

Nays: _____

Abstain: Tomcho

Approved this 14th day of November 1995.


MAYOR

Attest:


RECORDER *pro tem*

EXHIBIT "A"

A tract of land in the Southeast 1/4 of Section 23 and the Southwest 1/4 of Section 24, Township 4 South, Range 4 West, Willamette Meridian, City of McMinnville, Yamhill County, Oregon and being part of the Reuben Harris Donation Land Claim No. 80 and being more particularly described as follows;

Lot 2 of Airport Rendezvous Subdivision in the City of McMinnville, Yamhill County, Oregon.