

ORDINANCE NO. 4662

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Mixed Use Urban designation to a Commercial designation and rezoning certain property from a city AH (Agricultural Holding) zone and a county EF-40 (Exclusive Farm Use - 40 acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone on a parcel of land totaling approximately 30 acres in size located northeast of the intersection of State Highway 18 and Armory Way, and further described as portions of Tax Lots 600 and 700, Section 23, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (CPA 1-98 / ZC 1-98) from Evergreen Agricultural Enterprises, Inc. (EAE) on behalf of Evergreen Aviation Educational Center, dated December 15, 1997, for a comprehensive plan map amendment from a Mixed Use Urban designation to a Commercial designation and a zone change from a city AH (Agricultural Holding) zone and a county EF-40 (Exclusive Farm use - 40 acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone on a parcel of land approximately 30 acres in size and described as portions of Tax Lots 600 and 700, Section 23, T. 4 S., R. 4 W., W.M.

A public hearing was held January 15, 1998 at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on January 10, 1998, 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 plan amendment and zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said plan map amendment and zone change and has 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 Evergreen Agricultural Enterprises, Inc.

Section 2. That the Comprehensive Plan Map shall be amended from a Mixed use Urban designation to a Commercial designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a city AH (Agricultural Holding) zone and a county EF-40 (Exclusive Farm use - 40 acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone, subject to the following conditions:

1. That the requested plan amendment and zone change not take effect until and unless ANX 2-97 is approved by the voters.
2. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee and Three Mile Lane Design Review Committee. A minimum of 15 percent of the site must be landscaped with emphasis placed at the building perimeter, highway frontage, and off-street parking areas. Said plan must include street trees adjacent to and within the access drive, parking lot, and a detailed plan of the measures to be implemented to protect and preserve existing trees located in the northwest portion of the site.
3. That detailed plans showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the McMinnville Three Mile Lane Design Review Committee before any development of the subject site may take place.
4. That the aviation educational center building shall be a maximum of 125 feet in height.
5. That outside lighting must be directed away from public streets and residential areas.
6. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
7. That signs located on the site shall be permitted as follows, as provided in McMinnville Ordinance No. 4572:
 - a. Free-standing signs are prohibited.
 - b. One monument sign shall be allowed per parcel except that a second monument sign shall be allowed if the parcel has more than 600 feet of frontage on Highway 18 or on the Highway 18 frontage road subject to the following:
 1. Maximum square footage per sign face shall be 80 square feet and there shall be a maximum of two sign faces per monument sign.
 2. Maximum sign height shall be eight feet, and the top of the sign shall not be more than ten feet above the center line

grade of Highway 18 or the Highway 18 frontage road, whichever is applicable.

3. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
- c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
1. Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 2. The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line of geometric figure which encloses the extreme limits of the advertising message.
- d. Portable signs and signs with flashing or moving parts are prohibited.
8. That use of the subject site is limited to those integral to the proposed Captain Michael King Smith Evergreen Aviation Educational Center and uses as described in the applicant's submitted land use application dated December 15, 1997.
 9. That all development shall be located outside of any identified wetland unless permitted by the Oregon Division of State Lands (DSL). The applicant shall submit a wetlands delineation report to the City and apply to DSL for all required wetland permits, including that which may be required for the construction of the private proposed off-street parking lot and extension of required utilities, prior to issuance of permits for the proposed facility.
 10. That the Planning Director be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Department of Transportation and the Oregon Division of State Lands. All amendments shall be consistent with the City's development codes.
 11. That the applicant shall comply with applicable setback requirements of the C-3 zone, and off-street parking requirements as determined by the Three Mile Lane Design Review Committee.

12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should include the finished grades of proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.
13. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.
15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
16. That final development plans as approved by the Three Mile Lane Design Review Committee 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 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.

17. That the applicant secure from the Federal Aviation Administration (FAA) permits and/or approvals as necessary to demonstrate compliance with applicable FAA requirements prior to release of any other permits for this project.
18. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
19. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy. This shall include, at a minimum, dedication to the City of those frontage roads south of, and parallel

to, Highway 18, and utility easements as necessary to complete the required frontage road improvement plans, landscaping, and public sidewalk.

20. That the applicant dedicate right-of-way for the future construction and extension of the proposed frontage road, as shown on the "McMinnville Corridor Refinement Plan". The width and alignment of such dedication shall be as required by the City Engineer and Oregon Department of Transportation. The applicant shall not be required to construct utilities and street improvements within that portion of the right-of-way which lies east of the proposed access drive (that portion extending north from the "roundabout" to the museum building) at this time, but shall sign a waiver of remonstrance against its future improvement. Said waiver shall be prepared by the City and shall be signed by the applicant prior to the release of any permits. The improvement of the easterly portion of this right-of-way shall be required at such time as an improved section is constructed across the property to the east.

First Reading - Read and passed by the Council this 24th day of March 1998 by the following votes:

Ayes: Aleman, Hughes, Massey, Payne, Windle

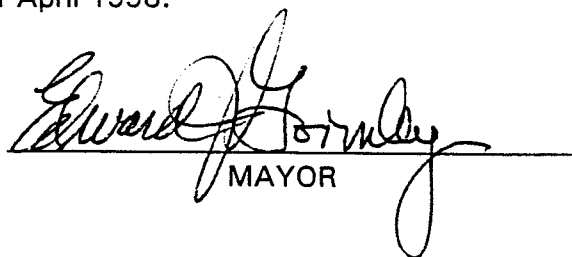
Nays: Kirchner

Passed by the Council this 14th day of April 1998 by the following votes:

Ayes: Aleman, Hughes, Massey, Payne, Windle

Nays: Kirchner

Approved this 14th day of April 1998.


MAYOR

Attest:


RECORDER

