

ORDINANCE NO. 4732

An Ordinance rezoning certain property from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone on a parcel of land totaling 34.65 acres in size.

RECITALS

The Planning Commission received an application (ZC 5-05) from Evergreen Aviation, dated May 12, 2005, for a zone change from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone on a parcel of land totaling 34.65 acres in size. The property is more specifically described as a portion of Tax Lot 600, Section 23, T. 4 S., R. 4 W., W.M.

A public hearing was held on June 16, 2005 at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on June 9, 2005, 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 zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on 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 has recommended said change to the Council; and 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 Aviation.

Section 2. That the property described in Exhibit "A," is hereby rezoned from a County EF-8- (Exclusive Farm Use – 80-acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone, subject to the following conditions:

1. That the requested zone change shall not take effect until and unless ANX 3-05 is approved by the voters.
2. That a site master plan shall be submitted to the Planning Department for review and approval. Said plan shall be drawn to a measurable scale, and shall illustrate all proposed buildings, parking, and on-site circulation, in accordance with the requirements of the Three Mile Lane Planned Development Ordinance 4131, as amended, and with the applicable requirements of the City of McMinnville Zoning Ordinance.

3. That all development shall be located outside of any identified wetland unless permitted by the Oregon Department 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 commencement of any on-site disturbance in wetland areas and prior to issuance of building permits.
4. That building elevations shall be submitted to the Planning Department for review and approval by the Three Mile Lane Design Review Committee. Submit to-scale elevations accompanied by color renderings, specifying details such as siding and roofing materials, and windows. Specify height of each building; building height limits shall mimic the existing developed portion of the museum site.
5. That detailed landscaping and irrigation plans shall be submitted to the Planning Department for review and approval by the McMinnville Landscape Review Committee prior to removal of any existing trees. A minimum of 15 percent of the site must be landscaped with emphasis placed at the site perimeter and off-street parking areas.

The required landscaping plan must include street trees adjacent to the access drive, and adjacent to and within the parking lot. All trees to be planted shall have a two-inch minimum caliper at 4.5 feet above ground surface, shall be spaced as appropriate for the selected species and as may be required for the location of underground utilities, above-ground utility vaults, transformers, light poles, and hydrants. All landscape areas shall be protected from vehicular overhang by placement of concrete wheel stops. All required landscaping pertaining to a particular building shall be installed prior to occupancy of that building.

6. That plan(s) shall be submitted which illustrate all existing trees or clusters of trees measuring six inches in caliper or greater at 4.5 feet above ground surface, and which shall specify those to be removed or preserved. Plans shall be subject to review and approval by the Planning Director. If any existing trees are proposed for removal, plans shall be accompanied by written justification from the applicant, supporting the need for the tree removal. Applicant shall obtain approval from the Planning Director for removal of any existing trees of said measurement.
7. That all outside lighting shall be directed downward and away from public streets and residential areas and shall have hoods or "shoebox" type fixtures.
8. That a detailed drainage and grading plan shall be submitted to the City Engineer for review and approval prior to the issuance of any development permits. Plans shall include details regarding the site parking lot. Said plan shall include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. Said plan must be approved prior to construction of the proposed driveways, parking lot, and any other drainage system components. Any utility easements needed to comply with the approved plan must be reflected on submitted drawings.
9. That a detailed sanitary sewage collection plan shall be submitted to the City Engineering Department for their review. Said plan shall incorporate the requirements of the City's Collection System Facilities Plan. Any utility easements needed to comply with the approved plan must be reflected on submitted drawings.

10. That the applicant shall obtain utility and access easements as may be necessary to serve the proposed museum expansion, consistent with the requirements of the City of McMinnville, McMinnville Water and Light, and other utility providers.
11. That the applicant shall extend water and power service to the subject site in accordance with McMinnville Water and Light requirements, including any necessary contracts and/or easements. (Note: The proposed water main looping through the expansion area will need to be private.)
12. That working fire hydrants, as determined necessary by and as approved by the McMinnville Fire Department, must be installed prior to the issuance of building permits for the subject site.
13. That, prior to placement of any signage other than incidental directional signage; submit plans which illustrate compliance with the standards adopted via the Three Mile Lane Planned Development Ordinance, as amended:
 - A. All signage shall 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 geometric figure which encloses the extreme limits of the advertising message.
 - B. Signage plans shall indicate size, colors, materials, and lighting.
 - C. All plans for signage shall be subject to review and approval by the Three Mile Lane Design Review Committee.
14. That the existing illegal readerboard sign shall be removed prior to issuance of further building permit for the site.
15. That the applicant is advised to coordinate with Verizon in a timely manner regarding provision of conduit and cable needs. Design review may require up to 30 days. Applicant is advised to forward McMinnville Water and Light designs as soon as possible (if needed).
16. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance No. 4131, as amended, and to the provisions of Ordinance No. 4817.
17. That applicant shall obtain all required access permits from ODOT, for any improvements to or additional access points onto state facilities which occur as part of the completion of the Evergreen Aviation Museum master plan.

18. 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.

Passed by the Council this 26th day of July, 2005, by the following votes:

Ayes: Hansen, Hill, Menke, Olson, Springer, Yoder

Nays: _____

Approved this 26th day of July, 2005.



MAYOR

Council PRESIDENT

Approved as to form:



CITY ATTORNEY

Attest:



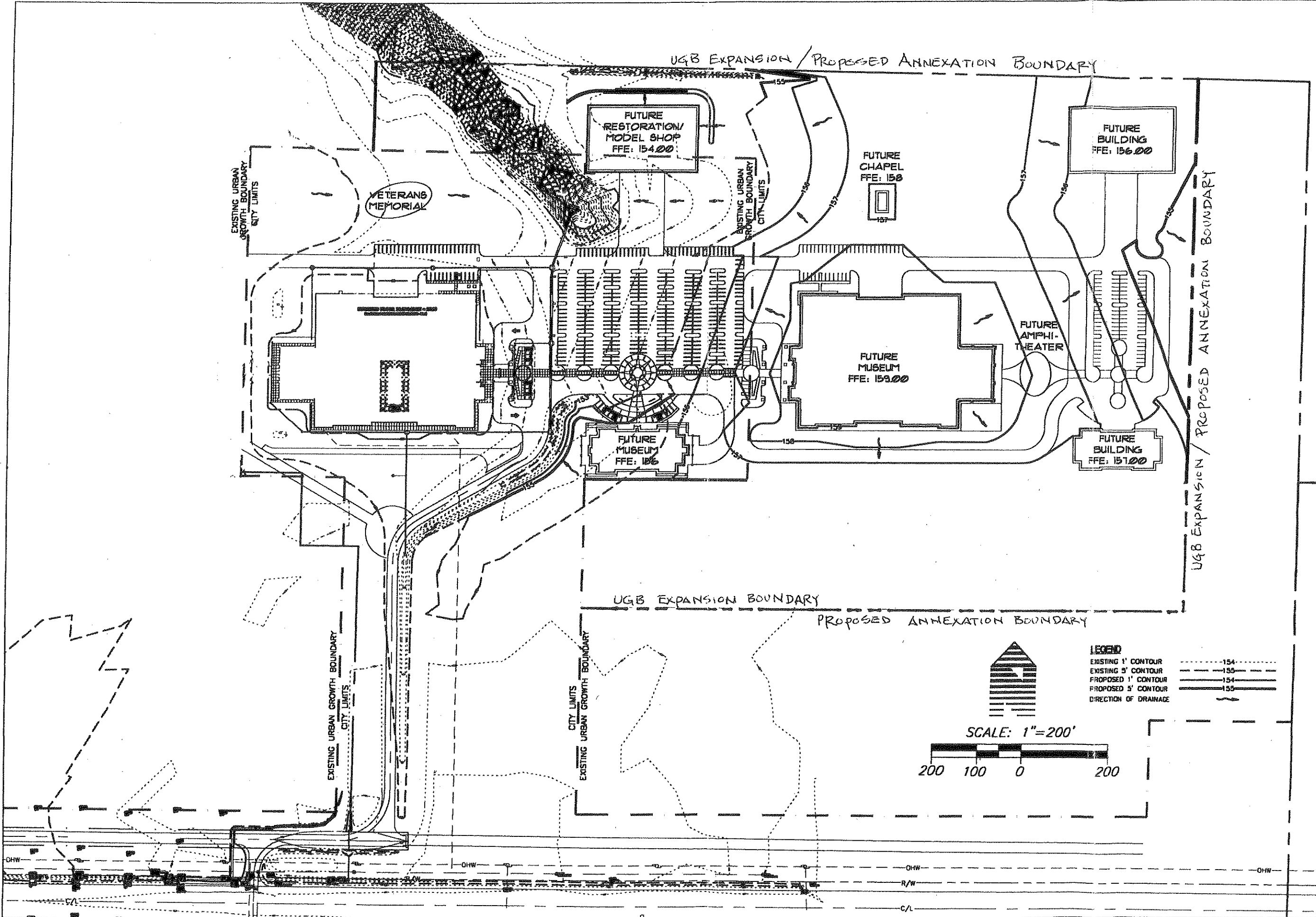
CITY RECORDER

EXHIBIT "A"

A tract of land in Section 23, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, and being more particularly described as follows:

Beginning at a 5/8" iron rod with yellow plastic cap stamped "Dunckel & Associates" that is North 90°00'00" West (West) 3740.00 feet and North 00°23'30" East 30.00 feet from the Southeast corner of the Rueben Harris Donation Land Claim No. 80, said point being on the North right-of-way of State Highway 18, also known as Three Mile Lane; thence, North 90°00'00" West (West) a distance of 538.76 feet along said right-of-way line to a 5/8" iron rod with yellow plastic cap stamped "Dunckel & Associates"; thence, North 00°22'32" East a distance of 909.84 feet to a 5/8" iron rod with yellow plastic cap stamped "Dunckel & Associates"; thence, North 89°58'40" West a distance of 611.22 feet; thence, North 00°24'52" East a distance of 952.53 feet to a point on the South line of that tract of land described in Film Volume 273, Page 1601, Yamhill County Deed Records; thence South 89°58'40" West a distance of 1369.86 feet to a 5/8" iron rod with yellow plastic cap stamped "Dunckel & Associates" thence, South 00°23'30" West a distance of 909.63 feet to a point on the North right-of-way line State Highway 18, said point being the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the City of McMinnville, a Municipal Corporation by Dedication of Easement and Right of Way recorded in Instrument No. 2003-04463, Yamhill County Deed Records.



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 LICENSE NO. 100000000 • LICENSED PROFESSIONAL ENGINEER

**PROPOSED MASS GRADING FOR ANNEXATION AREA
 EVERGREEN AVIATION MUSEUM**

PROJECT NO. ZIM3639.00
 DATE: 05/07/04
 BY: ELH
 SHEET NO. 1 OF 1

ZIMMLER DEVELOPMENT
 McMinnville, Oregon