

ORDINANCE NO. 491.5

An Ordinance rezoning certain property from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on a 30-acre parcel of land to accommodate the future construction of a water park and overnight lodge.

RECITALS

The Planning Department received an application (ZC 1-09) from Group Mackenzie dated January 15, 2009, for a zone change from a County EF-80 (Exclusive Farm Use – 80-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on a 30-acre parcel of land to accommodate the future construction of a water park and overnight lodge. The subject site is located north of Cumulus Avenue and west of the existing Evergreen Aviation Museum, and is more specifically described as portions of Tax Lots 800, 1300, and 1400, Section 23, T. 4 S., R. 4 W., W.M.

A public hearing was held on March 19, 2009, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on Feb 12, 2009, 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 Group Mackenzie.

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

1. That the zone change (ZC 1-09) shall not take effect until and unless ANX 5-08 is approved by the voters.
2. That all development shall be located outside of any identified wetland unless permitted by the Oregon Department of State Lands (DSL). If development within

wetlands is proposed, 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.

3. That building elevations shall be submitted to the Planning Department for review and approval by the Three Mile Lane Design Review Committee. At a minimum, the applicant shall submit to-scale elevations accompanied by color renderings, specifying details such as siding and roofing materials, and windows. These plans shall specify height of each building; building height shall be limited to 125 feet.
4. 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 the issuance of building permits for the site. A minimum of 15 percent of the site must be landscaped, with emphasis placed at the site perimeter and off-street parking areas.
5. The required landscaping plan must include street trees adjacent to the on-site access drive connecting to Captain Michael King Smith Way, and adjacent to and within the parking lot. All deciduous 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. Prior to the issuance of building permits, the applicant shall submit for review and approval by the McMinnville Planning Director, detailed plans for the proposed development to include building elevations, a narrative describing the architectural elements of the proposal, and other information sufficient to meet the requirements of Chapter 17.56 of the McMinnville zoning ordinance (Large Format Commercial Development).
7. That the applicant shall work with Western Oregon Waste (WOW) ((503-434-5549) to assess appropriate size and location of trash enclosures, the location and screening of which shall be approved by both WOW and the Planning Director.
8. 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 in excess of six inches in caliper are proposed for removal, plans shall be accompanied by written justification from the applicant, supporting the need for the tree removal. The applicant shall obtain approval from the Planning Director for removal of any existing trees of said measurement.
9. That all outside lighting shall be directed downward and away from public streets and residential areas and shall have hoods or "shoebox" type fixtures. Any proposed "up-lighting" to illuminate outdoor displays, including but not limited to the proposed 747, may be reviewed and approved by the Planning Director.

10. That the finished height of the lodge and water park shall not exceed a maximum height of 125 feet.
11. 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.
12. That the applicant shall be responsible for evaluating the impact of the proposed development on the capacity of the existing public sanitary sewer conveyance system and pump station(s) in the area. Any pump station and/or conveyance system improvements necessary to accommodate the proposed flows from the lodge shall be completed by the applicant prior to the issuance of a certificate of occupancy for the lodge. Subsequently, all mitigation measures necessary to address the proposed flows from the proposed water park shall be completed by the applicant prior to the issuance of a certificate of occupancy for the water park.
13. 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.
14. 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.
15. That the applicant shall extend water and power service to the subject site in accordance with McMinnville Water and Light requirements. This shall include any necessary contracts and/or easements and/or system upgrades as required by McMinnville Water and Light.
16. 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.
17. 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. That signage for the subject site shall be as permitted for properties in "Zone 3" as described by McMinnville Planned Development Ordinance 4572.
18. That the applicant shall work with ODOT to obtain approach road permit(s) as required by ODOT in their February 12, 2009, letter attached as Exhibit 8 of this report; as modified by Exhibit 9. All proposed mitigation will be re-evaluated through

the approach road permitting process (OAR 734-051) and may be modified to meet applicable ODOT requirements.

19. That "Phase I" and "Phase II" of the subject site is limited to lodge, water park, and ancillary uses (such as an integrated snack bar, restaurant, wine bar, meeting rooms, student housing, parking lot, etc.). Prior to development occurring within a future phase of the subject site, the applicant shall prepare and submit detailed plans to the City for review and approval. Such review shall occur consistent with the City's planned development amendment process. As part of that review and approval process, the City may amend the conditions of this planned development to address identified infrastructure, environment, or land use compatibility issues.
20. That, if so required by the Oregon Department of Transportation (ODOT), the applicant shall submit a detailed Traffic Impact Study to ODOT for review and demonstration of consistency with the requirements of OAR 660-012-0060 (Transportation Planning Rule). The scope of work for this study shall be coordinated with ODOT. All improvements required by ODOT as a result of their review of that study shall be installed at the applicant's expense prior to release of occupancy permits (temporary or final) for the proposed structures.
21. That the Planning Director be granted authority to review and approve the submitted site plan as may be necessary to accommodate the requirements of ODOT and/or the Oregon Division of State Lands. All amendments shall be consistent with City development codes.
22. That the applicant shall provide off-street parking consistent with the requirements of the McMinnville Zoning Ordinance, except as modified by this Zone Change/Planned Development approval. As part of this improvement, the applicant shall provide space to accommodate bicycles at a minimum ratio of one for each 20 required vehicle parking spaces.
23. That final development plans as approved by the Planning Commission as part of this zone change shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.
24. 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 28th day of April 2009 by the following votes:

Ayes: Hansen, Hill, Jeffries, May, Menke, Yoder

Nays: _____

Approved this 28th day of April 2009.



MAYOR

Attest:



CITY RECORDER

Approved as to form:



CITY ATTORNEY

EXHIBIT "A"

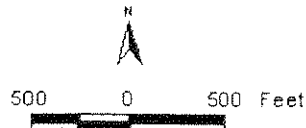
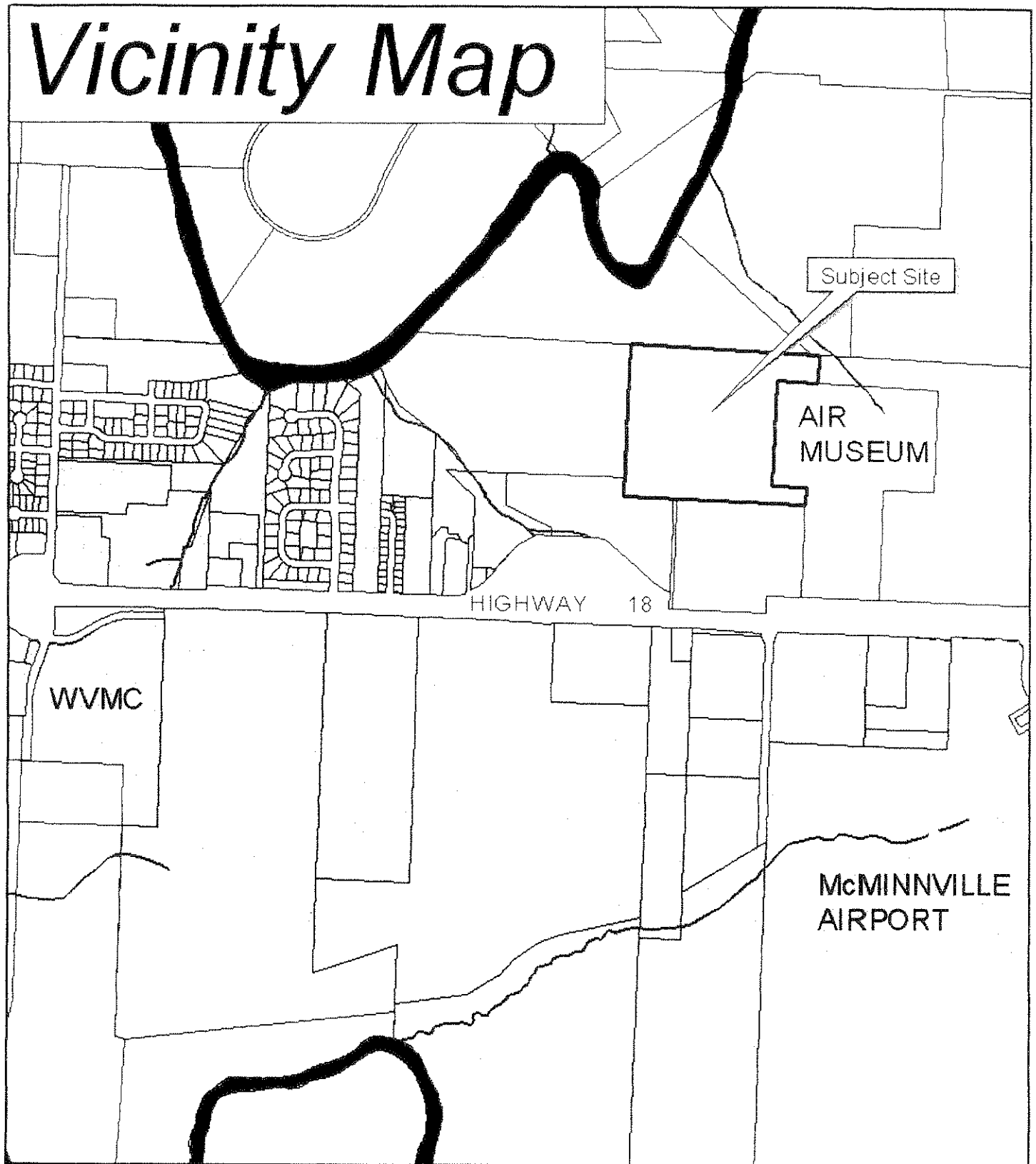
EXHIBIT "A"

A tract of land located in the southwest ¼ of Section 23, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, being more particularly described as follows:

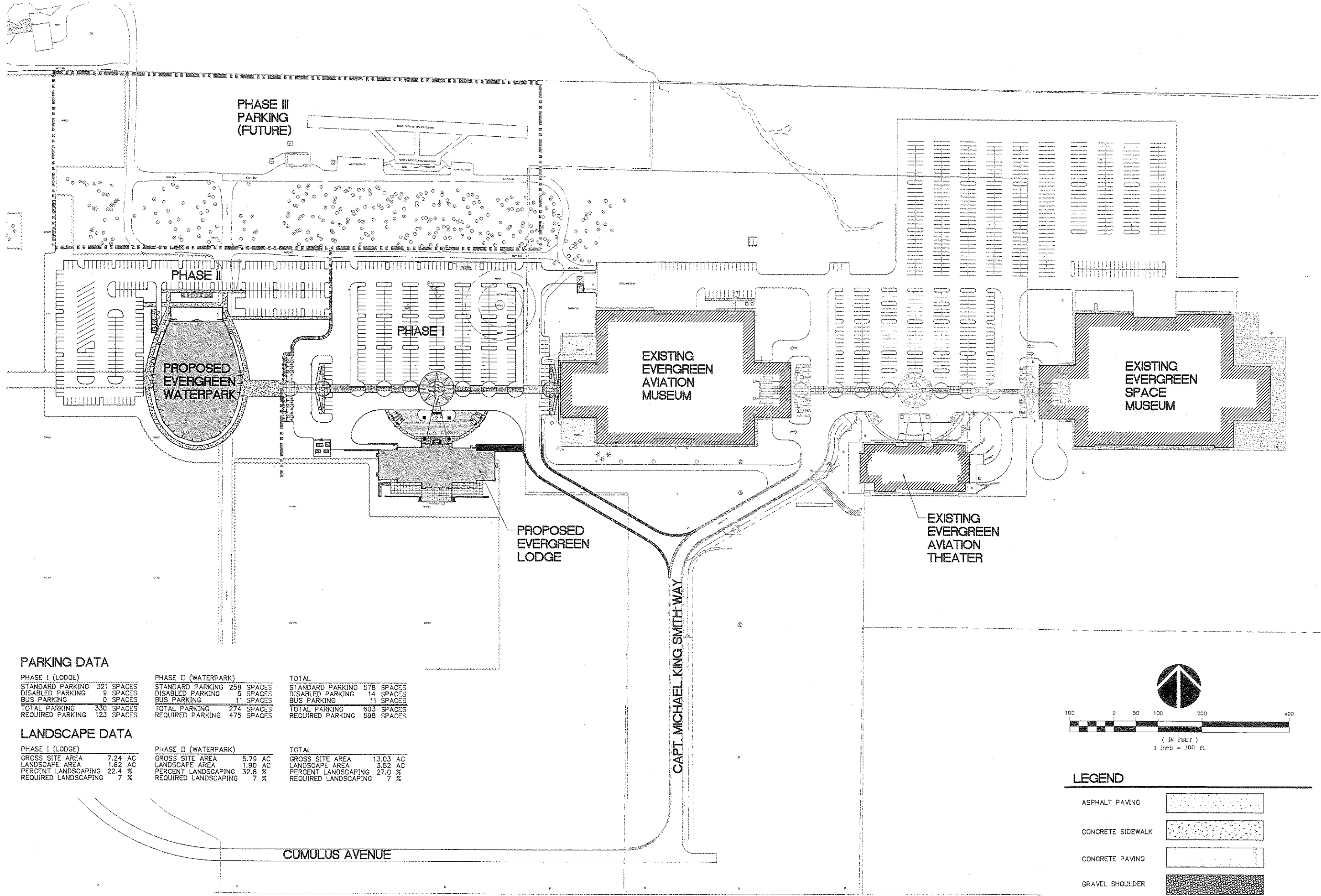
Commencing at the southeast corner of the Rueben Harris Donation Land Claim No. 80; thence along the southerly line of said Donation Land Claim, North 90°00'00" West a distance of 4278.75 feet to a point; thence North 00°22'32" East a distance of 30.00 feet to the southwest corner of that property described as Schedule 2 – Museum Tract of deed to Evergreen Vintage Aircraft, Inc. recorded November 27, 2002 as Document No. 2002-23658, Deed Records of Yamhill County, Oregon; thence along the westerly boundary of said Museum Tract, North 00°22'32" East a distance of 754.96 feet to the Point of Beginning; thence South 89°51'15" West a distance of 1350.90 feet to a point; thence North 00°24'52" East a distance of 1123.36 feet, more or less, to a point on the southerly line of that property initially described within the description of Parcel 2 of deed to Evergreen Agricultural Enterprises, Inc. recorded May 15, 2003 as Document No. 2003-11230, Deed Records of Yamhill County, Oregon; thence along the southerly line of said Evergreen Agricultural Enterprises, Inc. property, South 89°03'00" East a distance of 1264.57 feet, more or less, to its intersection with the Urban Growth Boundary line for the City of McMinnville, Oregon; thence along said Urban Growth Boundary line South 00°24'52" West a distance of 200.01 feet, more or less, to a point on the westerly boundary of said Museum Tract; thence along said westerly boundary, North 89°03'00" West a distance of 150.00 feet, more or less, to an angle point thereon; thence continuing along said westerly boundary, South 00°24'52" West a distance of 746.45 feet to an angle point thereon; thence continuing along said westerly boundary, South 89°58'40" East a distance of 236.21 feet to an angle point thereon; thence continuing along said westerly boundary line, South 00°22'32" West a distance of 154.88 feet to the Point of Beginning.

Said described tract of land contains 30.00 acres, more or less.

Vicinity Map



City of McMinnville
Planning Department
231 NE First Street
McMinnville, O.R. 97128
(503) 434-7311

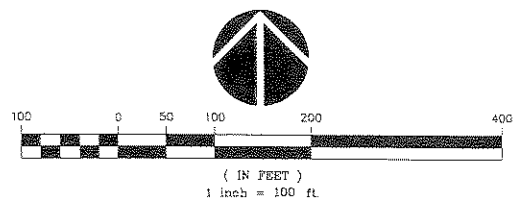


PARKING DATA

PHASE I (LODGE)		PHASE II (WATERPARK)		TOTAL	
STANDARD PARKING	321 SPACES	STANDARD PARKING	258 SPACES	STANDARD PARKING	578 SPACES
DISABLED PARKING	9 SPACES	DISABLED PARKING	5 SPACES	DISABLED PARKING	14 SPACES
BUS PARKING	0 SPACES	BUS PARKING	11 SPACES	BUS PARKING	11 SPACES
TOTAL PARKING	330 SPACES	TOTAL PARKING	274 SPACES	TOTAL PARKING	603 SPACES
REQUIRED PARKING	123 SPACES	REQUIRED PARKING	475 SPACES	REQUIRED PARKING	598 SPACES

LANDSCAPE DATA

PHASE I (LODGE)		PHASE II (WATERPARK)		TOTAL	
GROSS SITE AREA	7.24 AC	GROSS SITE AREA	5.79 AC	GROSS SITE AREA	13.03 AC
LANDSCAPE AREA	1.62 AC	LANDSCAPE AREA	1.90 AC	LANDSCAPE AREA	3.52 AC
PERCENT LANDSCAPING	22.4 %	PERCENT LANDSCAPING	32.8 %	PERCENT LANDSCAPING	27.0 %
REQUIRED LANDSCAPING	7 %	REQUIRED LANDSCAPING	7 %	REQUIRED LANDSCAPING	7 %



LEGEND

- ASPHALT PAVING
- CONCRETE SIDEWALK
- CONCRETE PAVING
- GRAVEL SHOULDER
- RETAINING WALL
- LANDSCAPING SCREEN WALL

THREE MILE LANE (ORE 18)