

ORDINANCE NO. 4656

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Commercial designation to an Industrial designation and rezoning certain property from a C-3 (General Commercial) zone to an M-1 PD (Light Industrial Planned Development) zone on a parcel of land located north of Oregon State Highway 18, and southwest of the Yamhill Education Service District campus.

RECITALS

The Planning Commission received an application (CPA 2-97/ZC 10-97) from Post Investment Company, dated October 20, 1997, for a comprehensive plan map amendment from a commercial designation to an industrial designation and a zone change from a C-3 (General Commercial) zone to an M-1 PD (Light Industrial Planned Development) zone on a parcel of land approximately six (6) acres in size and described as Tax Lots 1602 and 1700, Section 29, T. 4 S., R. 4 W., W.M.

A public hearing was held November 20, 1997 at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 13, 1997, 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 zone 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 applicable Comprehensive Plan Goals and Policies; and

The Planning Commission approved said plan map amendment and zone change and has recommended approval of 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 Post Investment Company.

Section 2. That the Comprehensive Plan Map shall be amended from a commercial designation to an industrial 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 C-3 (General Commercial) zone to an M-1 PD (Light Industrial Planned Development) zone, subject to the following conditions:

1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the building perimeter, highway frontage, and off-street parking areas. Areas proposed for future expansion shall be landscaped.
2. Detailed plans showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the McMinnville Planning Director before actual development may take place. To the extent possible, the site design should be compatible with surrounding development. The proposed building design shall incorporate design principles and details as described in the applicant's submitted material, to include pitched roofs, clerestory, and building fenestration.
3. No measurable noise or dust generated by the manufacturing operation shall extend beyond the boundaries of the subject site.
4. No building or other structure shall exceed the height of 35 feet.
5. That if outside lighting is to be provided, it must be directed down and away from residential areas, public parkland, and public streets.
6. That signs located on the site shall be subject to the following limitations:
 - a. All signs must be flush against the building and not protrude more than 12 inches from the building face, or be monument-type signs no more than six feet in height and eight feet in width, located as approved by the Planning Director;
 - b. All signs, if illuminated, must be indirectly illuminated and nonflashing;
 - c. No individual sign exceeding forty-eight square feet in size shall be allowed.
7. All business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading.
8. That use of the subject site is limited to the manufacture of small wood products, and professional office use.
9. That all development shall be located outside of any identified wetland unless permitted by the Oregon Division of State Lands. The

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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 access drive and extension of required utilities, prior to issuance of permits for the proposed manufacturing facility or office.

10. That this approval does not take effect until and unless the companion comprehensive plan amendment is approved by the City Council.
11. That the Planning Director be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Division of State Lands regarding construction within identified wetland area(s). All amendments shall be consistent with the City's development codes.
12. That the applicant shall comply with applicable setback and off-street parking requirements.
13. 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 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.
14. 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.
15. That the applicant obtain an access permit from the Oregon Department of Transportation for shared use of the Yamhill ESD access drive prior to issuance of any development permits for the site. No other direct vehicular access from Highway 18 shall be permitted.
16. That all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.
17. That the applicant provide to the City Engineer construction plans for the proposed sanitary sewer line for review and approval. Any alternative temporary sanitary sewer service proposed by the applicant shall be approved by the appropriate regulatory authority (Yamhill County, DEQ, etc.) prior to issuance of building permits. In addition, the applicant shall provide financial guarantees that construction of the required sanitary sewer line will be completed prior to building occupancy. Such guarantee shall be submitted prior to issuance of any building permits for the subject site. Sanitary

sewer construction shall meet the approved plans and shall be extended to serve adjacent properties.

18. That the construction of facilities identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
19. That the applicant's submitted site plan 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 master 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.

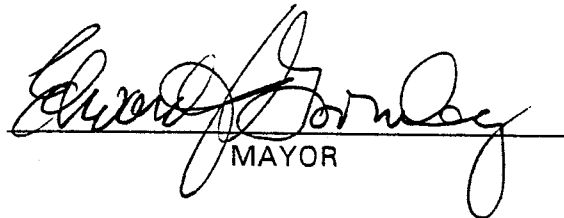
20. That the removal of any trees, other than those already noted on the site plan, greater than nine (9) inches in diameter measured 4.5 feet above ground be subject to review and approval of the Planning Director. The applicant shall provide appropriate protection for trees during the construction of all future site improvements, to the extent possible.

Passed by the Council this 9th day of December 1997 by the following votes:

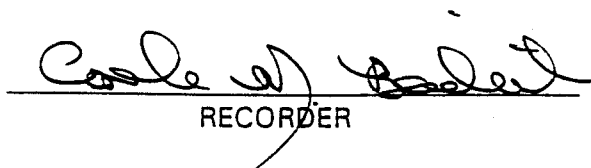
Ayes: Aleman, Hughes, Kirchner, Massey, Payne, Windle

Nays: _____

Approved this 9th day of December 1997.


MAYOR

Attest:


RECORDER

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