

ORDINANCE NO. 4222

An Ordinance enacting certain developments conditions on property which is presently located outside the McMinnville Urban Growth Boundary and which is hereinafter described, and repealing Ordinance No. 4134 and No. 4145; now, therefore,

THE CITY OF McMinnville ORDAINS AS FOLLOWS:

Section 1. Statement of Purpose. In the process of preparing the McMinnville Comprehensive Plan, it has been determined by the City that certain properties, herein described and commonly known as the Martin/Kauer Properties, should be reserved for future industrial development. These lands, at the insistence of the State Land Conservation and Development Commission, have not been included within McMinnville's Urban Growth Boundary. The properties shall be maintained as agricultural lands until such time as they are needed for industry.

The City of McMinnville recognizes that management of these lands shall be the responsibility of Yamhill County until such time as they are included in the McMinnville Urban Growth Boundary and annexed to the City. Therefore, it is paramount that the City work closely with the County with respect to any actions on these properties. It is also important that the land is properly protected and that the City and County are working toward the same end in respect to the properties.

Finally, the City finds that if these lands are deemed necessary for industrial development, specific conditions must be applied to that development to insure that the goals and policies of the McMinnville Comprehensive Plan concerning industrial land uses are applied. For this reason, a planned development overlay shall be placed on this area.

Section 2. Planned Development Overlay. The planned development overlay which is created and implemented by this ordinance shall be placed over areas south of Oregon Highway 18 and east U.S. Highway 99W. The affected area is further described by map in Exhibit "A". Areas within and without the city limits shall carry this designation. The policies and procedures set by this ordinance shall be applied to all land use decisions under the jurisdiction of the City of McMinnville. The overlay shall not impinge the legal jurisdiction of Yamhill County for areas outside the city limits.

Section 3. Notation on Zoning and Comprehensive Plan Maps. The perimeters of the areas affected by this ordinance shall be noted on the official McMinnville Comprehensive Plan Map of 1980 and the official McMinnville Zoning Map of 1980.

Section 4. Policies. The following policies shall apply to the property described by map in Exhibit "A":

- (a) This area shall be recognized as an Industrial Reserve Area, to be used for industrial development only if deemed necessary, and to otherwise be preserved as agricultural land.

- (b) This area shall be designated agricultural on the Yamhill County Comprehensive Plan Map and carry exclusive farm use zoning until such time as it is needed for industrial development.
- (c) The goals and policies of the Yamhill County Comprehensive Plan and applicable County regulations and standards shall be adhered to.
- (d) This area may be considered for inclusion in the McMinnville Urban Growth Boundary and for redesignation to industrial if the following items are documented and submitted:
 - (1) Lands within the McMinnville Urban Growth Boundary already designated for industrial use on the McMinnville Comprehensive Plan Map, 1980, as revised, must be developed to at least 50 percent capacity, and the remaining industrial lands must be shown to be unsuitable for the proposed industrial use, either because of unsuitable size or because of the incompatible nature of the proposed use or because of special land requirements found nowhere else. Property land-banked for future development by an industrial concern may be excluded from the analysis.
 - (2) Required utilities and other public and private facilities and services, including but not limited to municipal sewer, municipal water, fire protection facilities, and the internal road circulation network, commensurate with the level of development projected for the entire area, shall be identified, and shall be shown to be able to be in place within three (3) years. If costs exceed the ability of either the public or private sectors, the redesignation request shall not be approved. Sewer and water lines shall not be sized in excess of that needed to serve the Industrial Reserve Area.
 - (3) The City will be capable of maintaining a full level of urban services to the property without negatively impacting existing systems and the City's ability to adequately serve all areas within the city limits.
 - (4) Traffic control mechanisms will be provided to alleviate traffic congestion at and around the junction of Highways 18 and 99W projected to be generated by the proposed development. "Mechanisms" may include left-turn refuges, acceleration/deceleration lanes and traffic signals. Phasing for necessary traffic improvements in relation to phasing of development may be established. Estimated costs for all such traffic improvements shall be documented, including the estimated costs to be borne by the developer.
 - (5) If only a portion of the Industrial Reserve Area is being proposed for redesignation, a framework plan itemizing internal circulation routes, utility easements, drainageways, and proposed buffering shall be submitted for the entire ownership. The framework plan shall be used

only to ensure that development of one portion of the Industrial Reserve Area will not hamper further development of the entire area, and the plan shall carry no legal commitment in the sense of a preliminary subdivision plat.

- (6) Both the applicant and the City staff will prepare estimates for other land area requirements to determine the effects of the proposed development of the Industrial Reserve Area. The estimates shall be of land needs for the population growth projected to result from the proposed development. "Land area" shall mean land for residential, commercial, and public uses that is developed within the city limits or available for development within the existing Urban Growth Boundary to accommodate such needs.
 - (7) The applicant must show that there are not other comparable available sites for industrial development outside the City's Urban Growth Boundary which would have a lesser impact on the agricultural lands inventory if they were to be developed rather than the Industrial Reserve properties.
- (e) Prior to a request for inclusion in the Urban Growth Boundary and redesignation, the County shall maintain the responsibility for land use decisions and actions in the Industrial Reserve Area; however, prior to acting on any land use request, the County shall refer the application to the City for a recommendation.
- (1) Redesignation of the property to industrial and inclusion of the property in the Urban Growth Boundary shall be required prior to annexation of the land to the City and shall require concurrence by the Yamhill County Board of Commissioners. If the governing bodies do not concur in their decisions, the procedures to resolve differences as set forth in the Urban Growth Boundary Management Agreement shall be followed. Subsequent to redesignation, the City shall annex the redesignated land. If annexation is not completed within six (6) months, the plan designation for the affected property shall revert to agricultural. If through litigation the annexation is overturned, the plan designation shall revert to agricultural.
 - (2) Both governing bodies shall consider the submittal information required by Section 4(d) and shall make a decision based on the following factors:
 - aa. Sufficient public facilities and services, including but not limited to sewer, water, police, and fire services are available within three (3) years. An assessment of the need for community facilities and school as a result of the proposed development shall be made. All of the above shall be included in a formation of conclusionary judgments either for or against the proposed land use action.

- bb. Documentation shall be made on the availability and suitability of other sites in the city limits and of other lands within or adjacent to the Urban Growth Boundary, but outside the city limits, for the proposed use. Documentation shall also be made on the cost effectiveness of extending services to the proposed site in comparison to alternative sites and shall include analysis of the developer's share of the cost. These findings shall be made to allow for the formation of conclusionary judgments either for or against the proposed land use action.
- cc. Assurances that the resulting development shall be compatible with future industrial use of the remainder of the Industrial Reserve Area, including necessary future utility easement agreements and waivers of remonstrance against annexation and assessment for public roadway and utility improvements as conditions of approval.

The following policies shall apply to the property described by map in Exhibit "A" upon inclusion of the site in the McMinnville Urban Growth Boundary and redesignation of the site to industrial on the McMinnville Comprehensive Plan Map, 1980:

- (f) The area shall be subject to all the procedures, regulations, and standards established by the City for annexation, zoning, land division and development.
- (g) Zone changes to M-L PD, M-I PD, and AH only shall be allowed.
- (h) Zone changes for this property shall be processed under the procedures established in Chapter 17.51 (Planned Development Overlay) of Ordinance 3380. Specific conditions for development, enacting the directives of the McMinnville Comprehensive Plan, shall be developed prior to or concurrent with any requests for rezoning of this area to a city industrial zone.

Section 5. Coordination. Land use requests including, but not limited to Comprehensive Plan Map amendments, annexations, and zone changes shall be coordinated with affected public and private agencies, including but not limited to Yamhill County, McMinnville Water and Light Department, McMinnville School District 40, Northwest Natural Gas, Yamhill Soil and Water Conservation District, and other appropriate groups or agencies. Coordination shall be made by referral of land use requests to these bodies sufficiently in advance of final City action to allow for reviews and recommendations to be incorporated into the City records.

Section 6. Amendments. Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 of Ordinance No. 3380 (Zoning Ordinance).

The ordinance passed by the City Council on November 23, 1982.

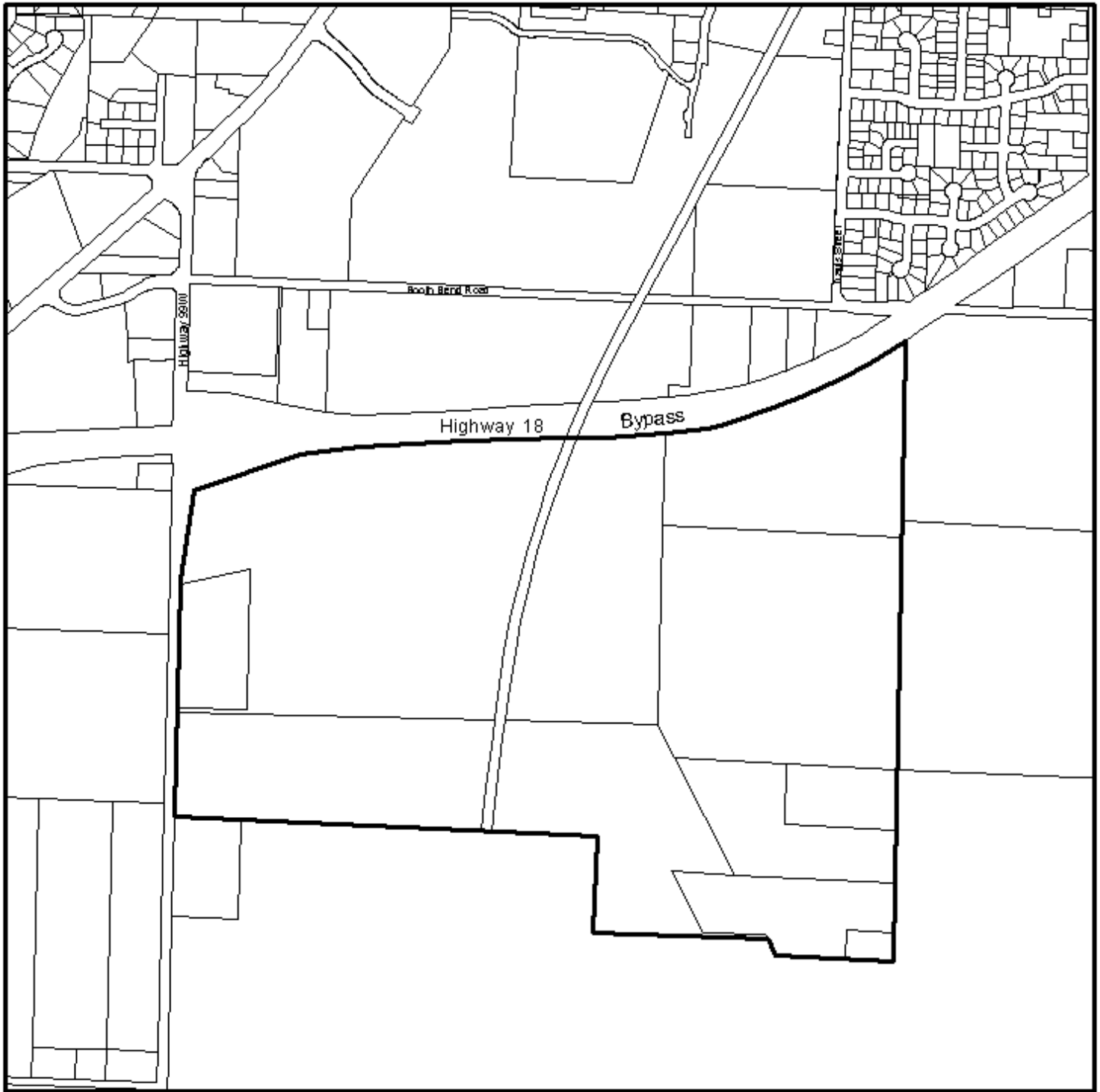


EXHIBIT A

**Industrial Reserve
Planned Development Overlay
Ordinance No. 4222**