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August 24, 2020

SENT VIA EMAIL

McMinnville Water & Light
c/o Samuel R. Justice
PO Box 638
McMinnville, OR 97128
SRJ@mc-power.com

Re: CU 2-20, Conditional Use Permit Approval for Fueling Station
855 NE Marsh Lane, Tax Lot R4421 00100

Dear Mr. Justice:

This is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, August 20, 2020, your application for a Conditional Use Permit (CU 2-20) for a fueling station was presented and considered. The subject property is located at 855 NE Marsh Lane, and is more specifically described as Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.

Based on the material submitted, the review criteria in Sections 17.74.030 and 17.74.040 of the McMinnville Municipal Code, and the applicable goals and policies of the Comprehensive Plan, the Planning Commission voted to **APPROVE** the application, **subject to conditions.**

Enclosed for your records is a copy of the signed land use Decision Document which includes the Planning Commission's decision with Findings of Fact, Conclusionary Findings, and Conditions of Approval.

The Conditional Use Permit (CU 2-20) approval included conditions of approval, which are included in your land use Decision Document. We have also outlined those conditions of approval below. Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Document with the Findings of Fact, Conclusionary Findings and Conditions of Approval is a separate document and is enclosed with this letter for the applicant and is also on file with the Planning Department.

Conditional Use (CU 2-20) Conditions of Approval

1. Prior to issuance of a building permit or construction, the applicant shall:
 - a. Submit the final site plan with Option 1 or Option 2 consistent with the preliminary site plan, and submit the final elevations for the canopy consistent with the provided photo.

- b. Submit a landscape plan application for review and approval by the Landscape Review Committee, consistent with the proposed fencing, screening and landscaping described in the application. The landscape plan shall be consistent with the provisions of Chapter 17.57 and the applicable perimeter treatment and buffer yard standards of Section 17.39.040. Obtain approval of the landscape plan prior to issuance of building permits.
 - c. Submit a final lighting plan that demonstrates canopy lighting will be downcast and lighting will not create glare on adjoining properties or the public right-of-way.
 - d. Submit plans for sidewalks and driveway approaches along the project's frontage. PROWAG compliant sidewalks and driveways, 5' in width, will need to be constructed adjacent to the Project's frontage as part of the Project. Meandering of the sidewalk would be allowed if necessary to preserve existing trees.
 - e. **NOTE:** The existing sanitary sewer main is not shown on the conceptual drawings. No structures shall be located within the existing sanitary sewer easement.
 - f. Apply for a sign permit for any proposed signage.
 - g. Obtain all necessary local, state, and federal permits.
2. All site work and construction shall be completed prior to use or occupancy, or financial surety provided as may be authorized for any site work that has not been completed.
 3. This approval is for the improvements, use, and operating characteristics described in the application. No major deviation from the approved characteristics shall occur without prior approval in accordance with the procedures for amendment in Chapter 17.74. The Planning Director shall determine what constitutes a minor or major deviation. The approval is for use of the card-lock fueling station by specified fleet vehicles. It is not approved for general public use.
 4. This conditional use permit approval shall be terminated if construction has not been started by September 1, 2022 as specified in the applicant's development schedule, if the use once commenced lapses for any single period of time that exceeds one year in duration, if there is a failure to comply with conditions of approval, or for any other reason specified in Section 17.74.060 of the Zoning Ordinance. The determination for termination shall be made in accordance with the procedures in Section 17.74.060 of the Zoning Ordinance.

Pursuant to Section 17.72.180 of the McMinnville Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 days of the date this written notice of the Planning Commission's decision is mailed to parties who participated in the local proceedings and are entitled to notice. If no appeal is filed on or before September 8, 2020, the decision of the Planning Commission will be final.

McMinnville Water & Light, c/o Samuel R. Justice
August 24, 2020
Re: CU 2-20 Conditional Use Permit Approval, 855 NE Marsh Ln, TL R4421 00100

Page 3

If you have any questions regarding this matter, please feel free to contact me at (503) 474-5108.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Schauer".

Tom Schauer, AICP
Senior Planner

TS:sjs

Enclosure:

Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Conditional Use Permit for a Fueling Station at 855 NE Marsh Lane (Docket CU 2-20)