The following Covenants and Restrictions are created by McMinnville Business Park for the orderly design, development and use of KPP Industrial Park lots of the McMinnville Business Park in order to create a well-maintained business park with harmonious landscaping, building appearance, storage and parking areas.

I. DEVELOPMENT CONTROL

McMinnville Business Park (MBP) shall control the area covered by these Covenants and Restrictions by design-review process. A Design Review Committee as selected by MBP, its successors, or its successors pursuant to paragraph XII hereof, shall approve all plans for sites, buildings, and landscaping. Any company or developer effecting a change in their property which would have an impact upon physical or visual environment of the McMinnville Business Park shall submit development plans for design review. The Design Review Committee will participate in a two-phase design review process. All Submittals shall be in duplicate.

PHASE I: PRELIMINARY PLAN. This phase shall begin with a predesign conference between the President or General Manager of MBP, or his nominee, and the developer and/or his representative. There shall be sufficient schematic sketches to indicate how the proposal would conform with McMinnville Business Park plans, with all major landscape features shown. Material submitted should include, but not be limited to a site plan at not less than 1/20 inch equals one foot and building plans as necessary at no less than 1/8 inch equals one foot. A time and work phase program with estimated completion dates shall be included.

PHASE II: PLAN REVIEW. Presentations shall address themselves to conditions of approval that may have been made earlier or to new elements which were not present previously.

Materials submitted should be sufficiently informative to understand the project and should include but not be limited to:

(1) A site plan at a scale of not less than 1/20 inch equals one foot showing the location of all buildings, driveways, walkways, landscaping features, parking areas, traffic flow directions, open space area treatment and graphic design.

(2) Any terrain change.

(3) Signs and outdoor lighting.

(4) Elevations at 1/8 inch equals one foot for each exposure.

(5) Perspective sketches or other graphic presentation as necessary.

(6) A proposed construction time schedule.

(7) Proposed future building expansions plans.
In the event that substantial reductions or additions to the project at this phase are necessary, subsequent revised preliminary plans shall be resubmitted for design review.

McMinnville Business Park approval at this phase shall be required prior to issuance of a building permit.

II. DESIGN REVIEW CRITERIA

The following criteria shall be utilized for judgment in reviewing all plans:

(A) Proposed structures shall be related harmoniously to terrain, to properties developed in the project, and to the park area, provided there is a visual relationship between the park area and the proposed structure. The achievement of such relationships shall include but not be limited to:

1. The integration of spaces and building forms with relation to adjacent structures to provide harmonious composition of materials, colors and textures.

2. The building scale relationship of the development to the street and to the overall urban design of the project.

3. The integration of off-street parking with the total development, its functional relationship to the overall vehicular circulation system and the screening of parking from public view.

4. The provision of an efficient, direct and convenient system for pedestrian circulation, together with landscaping and other appropriate treatment of public areas.

(B) The above criteria shall not be regarded as inflexible requirements, nor are they intended to discourage creativity, invention and innovation or to specify one or more particular architectural style.

(C) In evaluating the design of the building and its relationship to the site, adjoining areas, and adjacent buildings, the Design Review Committee will avoid imposing arbitrary conditions and requirements. The Design Review Committee will reject designs which fail to conform with the McMinnville Business Park Plan, design objectives, or that are not in keeping with the architecture and landscaping character of the project.

III. SETBACKS AND HEIGHT REQUIREMENTS

(A) No buildings shall be constructed less than twenty (20) feet from a property line.

(B) No structures shall exceed a height of forty-five (45) feet excluding appurtenant mechanical equipment which is located on the roof of the structure.
IV. SIGNS.

Signs shall be minimal in area and for identification purposes only; shall contain no advertising or gaudy colors; and shall be floodlit rather than self-illuminated.

V. LIGHTING.

All outside lighting shall be directed away from adjacent properties.

VI. OUTSIDE STORAGE AND FENCING.

Outside storage abutting or facing an adjacent property owner within the properties covered by these Covenants and Restrictions or adjacent to other properties within the McMinnville Business Park shall be enclosed by a site-obscuring fence. The fence shall be of an attractive material and design as will not detract from adjacent properties, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent to the Design Review Committee. The outside storage yard shall not exceed ten (10) feet in height.

VII. PARKING.

(A) No parking area shall be prepared or used which is not covered with a paved surface of asphalt or concrete materials.

(B) Each property owner shall provide off-street parking in such amount as shall be adequate for all the owner’s employees, guests and vendors, and as may be required by the City of McMinnville.

VIII. LANDSCAPING.

The following landscaping requirements shall apply to all properties situated within the McMinnville Business Park:

(A) “Landscaping”, “Landscaped”, or “Landscape” shall mean the arrangement and planting of trees, grass, other living groundcovers, bushes, shrubs, and flowers and the coordinated design, arrangement, and placement of paving materials, benches, walks, lights, stonework, and other outdoor furniture, garden structural materials, berms, fences, and screening of storage and service areas.

(B) All properties situated within the McMinnville Business Park shall contain landscaping. Proposed landscaping plans shall be submitted to and reviewed by the Design Review Committee as part of Phase II.

(C) Minimum landscaping requirements:

(i) Not less than fifteen (15) percent of the total lot area shall be permanently landscaped. Landscaping shall not be clustered in a single area, but rather shall be located as follows:
(a) On property abutting a street, landscaping, fences, decorative walls, and/or planted berm shall be placed in a landscaped strip measuring a minimum of twelve (12) feet wide within the property and adjacent to the street property line.

(b) Open parking spaces shall have a minimum of one (1) tree for each six (6) parking spaces. Extensive parking areas shall preferably be located on that side of the building remote from the street. Open parking facilities for more than ten (10) cars shall have their paved surfaces interspersed with planters and planting areas in a ratio of not less than ten (10) percent of the total parking area. Open parking facilities for ten (10) cars or less shall provide at least a six (6) foot width of landscaped border around their immediate perimeter.

(2) Property not yet developed is also included within the requirement of proper maintenance of property. The property shall, prior to development, either be farmed in a good and husbandlike manner or kept continuously mowed and free from noxious weeds and tall grasses.

(D) Maintenance. Landscaping, landscaped and paved areas shall be continuously maintained, including necessary watering, weeding, pruning and replacing in order to maintain the premises in a manner substantially similar to that originally approved.

IX. CONSTRUCTION MATERIALS AND MAINTENANCE.

(A) Colors. Colors for exteriors of buildings, fences, and other materials shall be of generally subdued earth-tones and shall not be in conflict with the surrounding area and buildings within the area, and any repainting and redecorating thereof shall continue to be subject to these Covenants and Restrictions and the approval of the Design Review Committee.

(B) Materials. Materials used in walls in the exterior portions of the structure shall have at least two types of wall materials arranged in a way that creates an attractive appearance consistent with the character of the area covered by these Covenants and Restrictions.

X. REQUIREMENTS OF GOVERNMENTAL AGENCIES.

Should these Covenants and Restrictions be more restrictive than or in conflict with other applicable ordinances enforced by the City of McMinnville, then the more restrictive shall apply.

XI. AMENDMENT.

These Covenants and Restrictions may be amended by an amendatory agreement which has been entered into and duly recorded wherein at least eighty (80) percent of the total property area within the area covered by these Covenants and Restrictions and eighty (80) percent of the owners by number have indicated approval of said amendment.
XII. SUBSTITUTED DESIGN REVIEW COMMITTEE:

In the event that McMinnville Business Park, should cease to exist and/or cease to own any properties within the areas covered by these Covenants and Restrictions, then and in that event the property owners within the area covered by these Covenants and Restrictions shall by majority vote create a Design Review Committee made up of representatives of three (3) owners of said properties and they shall from that point forward have the authority and obligations of the Design Review Committee.

XIII. DURATION:

These covenants and restrictions shall run with the land and shall be binding upon all property owners within the area covered hereby and shall benefit each of said property owners. Each property owner within the area covered by these covenants and restrictions shall have the right to enforce said restrictions through appropriate legal proceedings including equitable and injunctive relief.

IN WITNESS WHEREOF, McMinnville Business Park, Inc. has duly approved these Covenants and Restrictions and has hereunto set its hand and seal this 25th day of August 1998.

[Signature]
By [Signature]
By [Signature]

STATE OF OREGON,
County of Yamhill

BE IT REMEMBERED, That on this 25th day of August 1998, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named Linda O. Blows

[Signature]

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]
Notary Public for Oregon

My commission expires July 23, 2003

Page 5 - COVENANTS AND RESTRICTIONS
KPP INDUSTRIAL PARK

Location: SW 1/4 Section 15, T. 4 S., R. 4 W., WM., Madison-West DLC #49
Date: 4 Aug 1998

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that RAYMOND C. KAUP, BARBARA M. KAUP, PETSHOW FAMILY PARTNERSHIP, LINDA D. FLENG are the owners of the lands represented on the attached map and more particularly described in the Surveyor's Certificate and have caused said lands to be platted into lots and easements as shown herein and do hereby dedicate Rivergate Street to the City of McMinnville forever.

Raymond C. Kaup
Barbara M. Kaup

Acknowledgment

STATE OF OREGON
COUNTY OF YAMHILL

On this day the 12th day of August, 1998, did personally appear RAYMOND C. KAUP and BARBARA M. KAUP, in the capacity shown in the above Declaration, who being duly sworn, did say that they are the identical persons named in the foregoing instrument and that they executed said instrument freely and voluntarily.

J. B. Wiltse, Surveyor

PETSHOW FAMILY PARTNERSHIP

Acknowledgment

STATE OF OREGON
COUNTY OF YAMHILL

On this day the 9th day of August, 1998, did personally appear LINDA D. FLENG, who being duly sworn, did say that he/she is the identical person named in the foregoing instrument and that he/she executed said instrument on behalf of the PETSHOW FAMILY PARTNERSHIP and that he/she executed said instrument freely and voluntarily.

Linda D. Fleng

APPROVALS:

City of McMinnville
Planning Commission Chairman

Yamhill County
Commissioner of Revenue

Yamhill County Commissioner

Yamhill County Commissioner

Yamhill County Commissioner

Yamhill County Commissioner

Pursuant to O.R.S. 92.095. Taxes have been paid or bond recorded this date.

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