

Title 17

ZONING*

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Prior ordinance history: Ord. 3380 as amended by Ords. 3392, 3441, 3497, 3557, 3565, 3603, 3614, 3633, 3677, 3694, 3707, 3742, 3764, 3803, 3817, 3888, 3898, 3925, 3933, 3966, 3967, 3968, 3983, 3995, 4001, 4011, 4017, 4025, 4043, 4046, and 4066.

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Chapter 17.03

GENERAL PROVISIONS

(as amended by Ordinance 5094 July 28, 2020)

Sections:

17.03.010	Title.
17.03.020	Purpose.
17.03.025	Consistency with Plan and Laws.
17.03.030	Severability.
17.03.040	Provisions of this Code Declared to Be Minimum Requirements.
17.03.050	Compliance with provisions required.
17.03.055	Conditions of Approval.
17.03.060	Revocation – Conditions Violated.
17.03.070	Inspection and Right-of-Entry.
17.03.080	Enforcement.
17.03.090	Violations.
17.03.100	Legal Proceedings as Alternative Remedy

17.03.010 Title. The ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title shall be known as “The McMinnville Zoning Ordinance.” (Ord. 5094, §2, 2020; Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare. (Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.025 Consistency with Plan and Laws. Each development and use application and other procedure initiated under this title shall be consistent with the adopted Comprehensive Plan of the City of McMinnville, the provisions of this title, and all other applicable local ordinance, State laws and regulations.

17.03.030 Severability. Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, that judgment shall affect only that part held invalid and shall not impair the validity of the remainder of these regulations. (Ord. 4920, §2, 2010).

17.03.040 Provisions of this Code Declared to Be Minimum Requirements.

- A. Minimum Requirements Intended. The provisions of this title are minimum requirements adopted for the protection of the public health, safety and general welfare.

- B. Most Restrictive Requirements Apply. Where the conditions and requirements imposed by any provision of this Title are less restrictive, vary from or conflict with other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are most restrictive or the highest standard shall govern. When requirements of this title vary from or conflict with other provisions of the McMinnville Municipal Code, the more specific provision shall prevail over a more general provision.

17.03.050 Compliance with provisions required. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits. Construction, alteration, maintenance or use of any building or structure or land division or transfer in violation of this codes is prohibited. Except to the extent that this code provides decision-making authority to others, City planning staff shall administer this code and shall apply the standards and criteria in this to all applications for approval required or authorized by this code. Any use of land in violation of this code is declared to be a nuisance. (Ord. 5094, §2, 2020; Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.055 Conditions of Approval. The Planning Director, Planning Commission, the City Council or the Hearings Officer when acting as the hearing authority, may impose conditions of approval on any planning action to modify that planning action to comply with the criteria of approval or to comply with other applicable City ordinances. Such conditions shall be binding on the approved planning action, and a violation of a condition imposed by the hearing authority shall be a violation of this ordinance, and subject to all the penalties thereof.

17.03.060 Revocation – Conditions Violated. Any zoning permit or planning action granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit or action are violated or if any law or ordinance is violated in connection therewith.

17.03.070 Inspection and Right-of-Entry. Whenever the Planning Director or their designee shall have cause to suspect a violation of any provision of this ordinance, or when necessary to investigate an application for or revocation of any zoning approval under any of the procedures prescribed in this ordinance, officials responsible for enforcement or administration of this ordinance, or their duly authorized representatives, may enter onto any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless a warrant authorizing entry and inspection for a zoning violation is first obtained from the court. A warrant shall not be issued unless good and sufficient grounds based upon reliable evidence is shown by the officials responsible for enforcement and administration of this ordinance. (A secured building means a building having doors and windows capable of locking, fully enclosed, and occupied.) No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. (Ord. 5094, §2, 2020; Ord. 4920, §2, 2010)

17.03.080 Enforcement. The Planning Director or their designee, shall have the power and duty to enforce the provisions of this ordinance. A person aggrieved by an enforcement action of the Planning Director or their designee may appeal that action per the process outlined in Chapter 2.50.510 of the McMinnville Municipal Code.

17.03.090 Violations.

- A. Any use of land in violation of this title shall be and hereby is declared to be unlawful and a public nuisance, including but not limited to the following:
 - 1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title.
 - 2. Any use of land, building or premise established, conducted, operated or maintained contrary to the provisions of this title.
 - 3. Offering for public view any use of land, building, or premise established, conducted, operated without a valid land use approval or otherwise maintained contrary to the provisions of this title.
- B. All violations that are public nuisances will be noticed and abated per the process and procedures outlined in Chapter 2.50 of the McMinnville Municipal Code.
- C. If the violation is deemed to be a public nuisance, in addition to any corrective action ordered by the City, a person found to have violated the provisions of this Chapter may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 2 Code Violation.
- D. If the violation is deemed to be an immediate public safety hazard, in addition to any corrective action ordered by the City, the amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 1 violation.
- E. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under City ordinance or state statutes.
- F. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

17.03.100 Legal Proceedings as Alternative Remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or land is, or is proposed to be, used in violation of this title, the building or land thus in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration, or use. (Ord. 5094, §2, 2020; Ord. 4920, §2, 2010)

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Chapter 17.06

DEFINITIONS

(as adopted by Ord. 4952, March 13, 2012)

Sections:

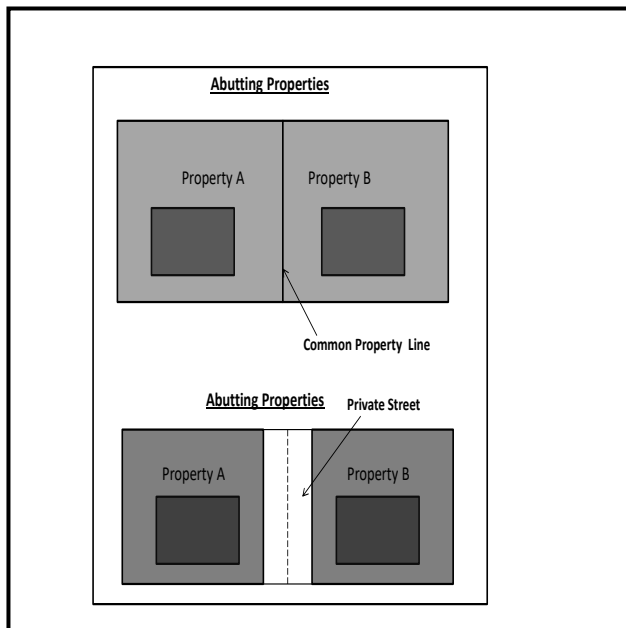
17.06.010	Generally.
17.06.015	General Definitions.
17.06.020	Special Definitions.
17.06.025	Airport Overlay Zone Regulated Definitions.
17.06.030	Flood Area Zone Related Definitions.
17.06.035	Landscaping Related Definitions.
17.06.036	Marijuana Activity Related Definitions.
17.06.040	Sign Related Definitions.
17.06.045	Tree Related Definitions.
17.06.050	Wireless Communication Facilities Related Definitions.
17.06.060	Historic Preservation Related Definitions

17.06.010 Generally. For the purposes of this title, the following terms shall be defined as set forth in this chapter, which is divided into two sections. The first section contains “general definitions” (17.06.015), which are those universal to all areas of zoning and development. The second section contains “special definitions” (17.06.020) and includes definitions that are specific to unique areas of development or land use activities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.015 General Definitions

Abutting – Two or more lots joined by a common boundary line or point. Abutting does not apply to buildings, uses or properties separated by public right-of-way. Abutting properties may be separated by a private street, alley, or easement (**Figure 1**).

Figure 1



Access – The way or means by which pedestrians, bicycles, and vehicles enter and leave property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Accessory Dwelling Unit – A secondary, self-contained single-family dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling. (Ord. 4796 §1(e), 2003).

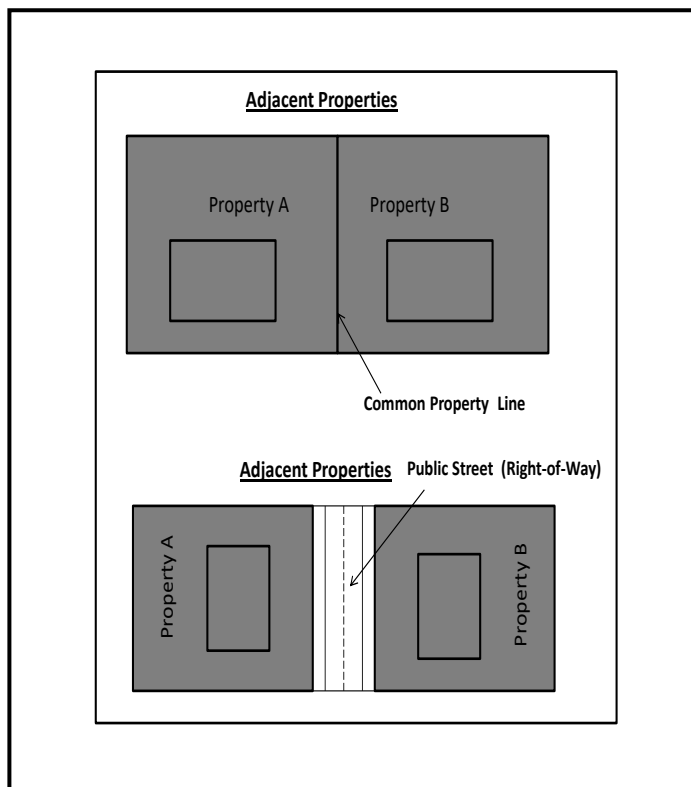
Accessory Structure – A freestanding structure that is incidental or subordinate in size to the main building and use on the property and located on the same lot as the main building.

Accessory Use – A use that is incidental and subordinate to the main use on the property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Acre – A unit of land equal to 43,560 square feet.

Adjacent – Contiguous to a property boundary at a property line or property corner. Two properties separated by street or right-of-way are considered adjacent (**Figure 2**).

Figure 2



Adjoining – See “Abutting.”

Alley – A public or private street which affords only a secondary means of access to the property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Alter – Any change, addition, or modification in construction of a structure or building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Apartment House – See “Dwelling, Multifamily.”

Appeal – A formal challenge to a land use decision.

Applicant – A person who applies for a land use review. An applicant can be the owner of the property or someone who is legally authorized to represent the owner, such as a builder, developer, contract purchaser, consultant, architect, or similar individual.

Architectural Projection – Portions of a building wall that are extended forward so as to create articulation of the exterior building wall.

Architectural Recess – Portions of a building wall that are set back so as to create articulation of the exterior building wall.

Assisted Living – A living arrangement where the elderly or other persons are provided assistance with daily activities such as dressing, grooming and bathing.

Automobile Service Station – A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Automobile Wrecking Yard – See “Junkyard.” (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Awning – A secondary covering attached to the exterior wall of a building. The location of an awning on a building may be above a window, a door, or over a sidewalk. An awning is often painted with information as to the name of the business, thereby acting as a sign, in addition to providing protection from weather.

Balcony – A platform, enclosed by a parapet or a railing, projecting from an exterior wall of a building.

Basement – Any floor level below the first story in a building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Bed and Breakfast Establishments – A structure designed and occupied as a residence in which sleeping rooms and a meal are provided on a daily or weekly basis for use by travelers for a charge or fee paid for the rental or use of the facilities. (Ord. 4292 §2(a), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Berm – A small, man-made mound of earth or hill in a landscape which is intended to provide topographical relief, or buffer or visually screen certain developments.

Boardinghouse, Lodginghouse or Roominghouse – (Repealed by Ord. 5047, April 10, 2018).

Boundary Line Adjustment – See “Property Line Adjustment.”

Breezeway – An unenclosed sheltered or covered walkway or path intended to provide shade and/or protection from inclement weather when walking from one structure to another. A patio or similar structure is not considered a breezeway.

Buffer – An area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier or generally reduce the impact of adjacent development.

Building – A structure having a base on, or connection to the ground or other structure, built for the support, shelter or enclosure of persons, animals, or property of any kind. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Building Alteration – A change, addition, or modification to a building or structure.

Building Code – The building code presently adopted by the State of Oregon and the City of McMinnville.

Building Façade – Any exterior wall of a building.

Building Height – The vertical distance from the grade to the highest point of a roof (**Figure 3**). In the case of a naturally sloping property (**Figure 4**), the height of the building shall be measured from the highest grade to the highest point of a roof. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Figure 3

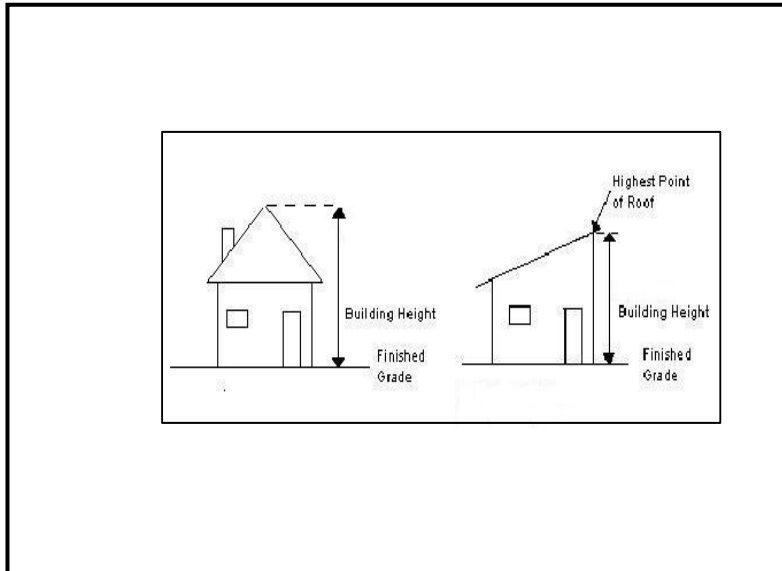
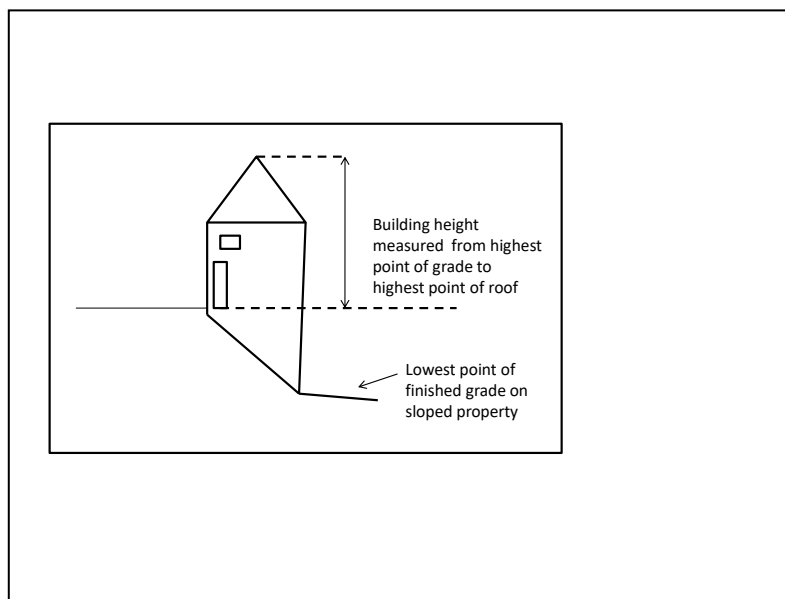
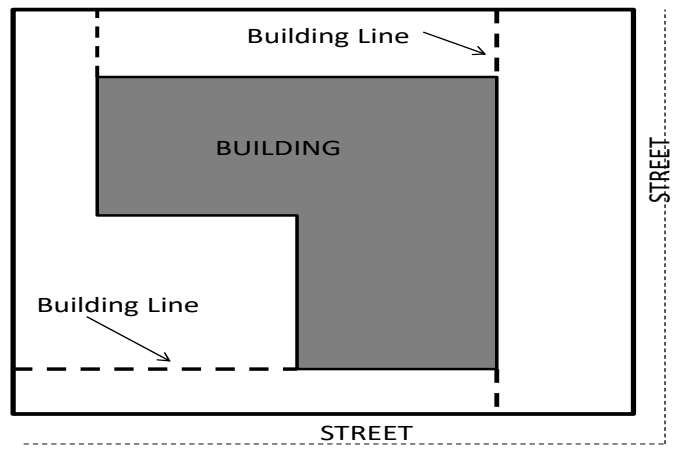


Figure 4



Building Line – A line that runs parallel with the most forward portion of a building (Figure 5). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Figure 5



Building, Main (Principal) – A structure within which the primary use permitted on the lot is conducted.

Building Official – The superintendent of the building department or his designee. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Business – A commercial, industrial, or non-profit organization or establishment that provides goods and/or services.

Campus Living Organization (fraternity, sorority, or dormitory) – A living organization having a common kitchen located in the structure or located in a separate structure, but providing facilities for student housekeeping which has received official sanction from an institution of higher learning or hospital. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Canopy – An awning supported by at least two columns. A canopy is able to extend further from a building than an awning, as in the case of an entrance to a restaurant or retail store. Canopies can be attached to a building and can also stand alone, such as a fabric-covered gazebo.

Carport – A structure used primarily to offer limited protection to vehicles from the elements. The structure can either be free standing or attached to a wall. A carport shall be subject to all of the regulations prescribed in this ordinance for a private garage.

Cemetery – Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Certified Local Government (CLG) – A city or county that has been certified by the National Parks Service, U.S. Department of the Interior, to carry out the purposes of the National Historic Preservation Act of 1966 (as amended). The CLG program is administered by the State Historic Preservation Office (SHPO) and provides technical and financial assistance to its members.

Change of Use – Change of the primary type of activity on a site.

Child Care Center – Any facility that is certified to provide care to children and is located in a building constructed as other than a residential dwelling. This could include a day nursery, nursery school, preschool or similar unit operating under any name. (Ord. 5104 §2, 2021).

Child Care Home, (Registered or Certified Family Child Care Home) – A facility constructed as a residential dwelling where child care is offered in the home of the provider, on a regular basis, to more than three children from more than one family at any one time other than the provider's children, and not more than 16 children including children of the provider, regardless of full-time or part-time status. Must be licensed through the Oregon Office of Child Care. (Ord. 5104 §2, 2021).

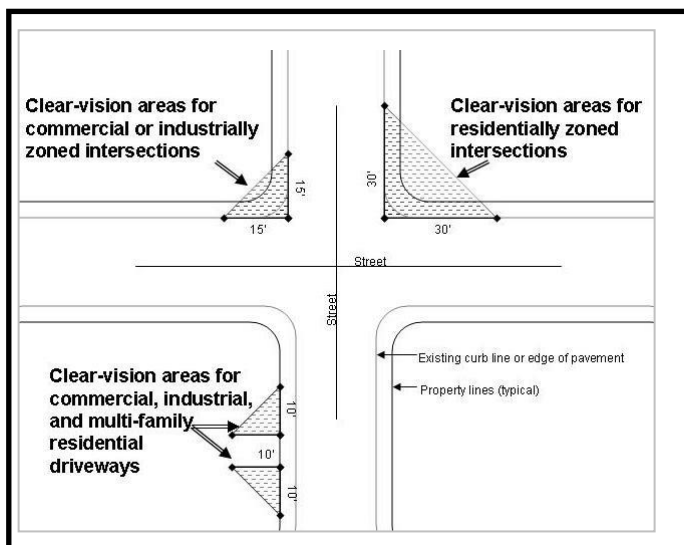
Church – A building together with its accessory buildings and uses, where persons regularly assemble for worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

City – The City of McMinnville, Oregon. The governing structure for the municipality of McMinnville.

City Limits – A boundary line that identifies land within the City of McMinnville.

Clear Vision Area – A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the curb lines for a distance specified in these regulations and illustrated in the diagram below. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to a point of intersection. Where no curb exists, the edge of the improvement shall be substituted for curb line (**Figure 6**). (Ord. 4477 §6, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Figure 6



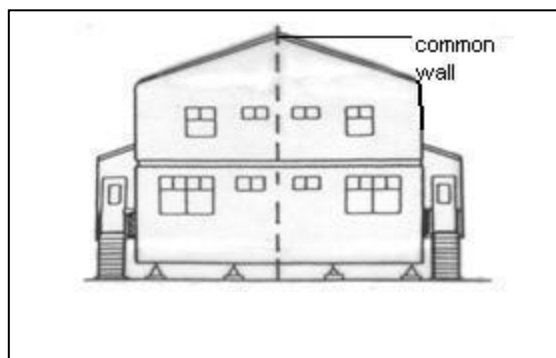
Clinic – A medical facility for the treatment and examination of outpatients, conducted by a group of physicians, dentists and other licensed practitioners. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Club – A building and facility, owned and operated for a social, educational or recreational purpose, to which membership is required for participation, and not operated primarily for profit or to render a service which is customarily carried on as a business. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Commission – City Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Common Wall Construction – A building having one or more walls attached to and in common with one or more other buildings; can sometimes be referred to as “zero lot line construction” (**Figure 7**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Figure 7



Community Building – A publicly owned and operated facility used for meetings, recreation or education. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Comprehensive Plan – A plan developed by the City to implement the statewide planning goals of the Land Conservation and Development Commission.

Comprehensive Plan Map – A map that describes the long-term direction and vision for the growth and development of McMinnville through specific land use designations including “residential”, “industrial,” or “commercial.”

Comprehensive Plan Text Amendment or Comprehensive Plan Map Amendment – A land use process through which either comprehensive plan text or a specific land use designation as noted on the comprehensive plan map may be changed.

Conditional Use – A use which may be permitted by the authorized review body following a public hearing, upon findings by the authorized review body that the criteria for approval have been met or will be met upon satisfaction of conditions of approval.

Condominium – Ownership of a single unit in a multi-unit structure that includes common areas and facilities; includes residential, commercial, and industrial condominiums and regulated, in part, by Oregon State Law (ORS Chapter 100). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Conservation Easement – The voluntary granting of a right or interest in real property by a property’s owner that stipulates the condition in which the described land will remain and that limits any future or additional development on a parcel or portion of a parcel while such easement is legally valid.

Contiguous – See “Abutting.”

Cornice – A horizontal decorative molding which crowns a building element. Examples are the cornice over a door or window, along the top of exterior walls, or around the edge of a pedestal.

Council – The council of the City of McMinnville. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

County – Yamhill County

Criteria – General rules or tests on which a judgment or decision are based.

Cul-de-sac – A dead-end street intended for local traffic that terminates with a bulb or other turnaround suitable for use by appropriate vehicles, including service and emergency vehicles.

Day Care Facility, (Adult) – Any facility that provides community based group programs designed to meet the needs of adults with functional and cognitive impairments through individual plans of care that are structured, comprehensive and provide a variety

of health, social and related support services in protective settings during part of the day but provide less than 24-hour care. (Ord. 5104 §2, 2021).

Deck – A covered or uncovered flat-floored, area adjoining a dwelling or other building and adapted especially to outdoor dining and living. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

De Novo – A public hearing in which new testimony and evidence not considered during a prior hearing can be submitted.

Density, Gross – The total number of dwelling units theoretically allowed on a parcel of land, based on its size and zoning designation, not taking into account the area of unbuildable land.

Density, Net – The total number of dwelling units allowed on a parcel of land after subtracting the unbuildable portions of land such as wetlands and land that will be used for public right-of-way or other infrastructure needs.

Develop – To construct or alter a structure, to make a physical change in the use or appearance of land, or to divide land. “Develop” includes, but is not limited to, new construction, building alterations or additions, or site improvements.

Development – The act, process or result of developing. Any man-made change to improved or unimproved property, including but not limited to buildings or other structures, filling, grading, paving, and excavation.

Drive-Through Facility – A facility that provides services directly to patrons in motor vehicles. These types of facilities typically rely on a long driveway or lane that provides adequate room for vehicle stacking at a drive-up service window.

Driveway – The area located outside of the public right-of-way that allows for vehicles to move to or from a development site.

Dwelling, Common-Wall – See “Common Wall Construction.”

Dwelling, Multi-Family – A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling, Single-Family – A detached building containing one dwelling unit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling, Two-Family – A detached building containing two dwelling units and commonly known as a duplex. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling Unit – A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Easement – An interest in land created by grant or agreement which confers a right upon owners to some benefit, dominion, or lawful use of or over the estate of another; such as for access or for utilities.

Excavation – Process of mechanically altering the natural grade by stripping or cutting and/or filling the earth (see Grading).

Façade, Building – Any exterior wall of a building.

Façade, Main – The building façade which includes the main store entrance.

Family – For the purpose of this Zoning Ordinance, “family” refers to: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. c; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Farming – The use of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof and as further stated in ORS 215.203 (as amended).

Fence – Any obstruction constructed of any materials, including but not limited to wire, wood, cement, brick, plastic, and evergreen or shrubbery planting arranged in such a way as to partially or wholly obstruct vision. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Fence, Sight-Obscuring – A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Final Plat – Final recorded version of a subdivision plat, replat, or partition plat.

Findings – Written statements of fact, conclusions, and determinations based on the evidence presented in relation to the criteria for approving a decision and accepted by the review body in support of a decision.

Fire Service Substation – A building and appurtenances necessary for housing and maintaining vehicles, personnel, and equipment used for fire fighting and emergency medical services and ancillary functions. Such facility shall be secondary to the primary municipal fire station. (Ord. 4944 §1(a), 2011).

Floor Area – The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

A. Attic space providing headroom of less than seven feet;

- B. Basement, if the floor above is less than six feet above grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports or porches;
- E. Accessory water towers or cooling towers;
- F. Accessory off-street parking or loading spaces. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Frontage – The length of the property line of a lot or parcel along a public right-of-way on which it borders.

Frontage Road – A road parallel and adjacent to abutting properties, but protected from through traffic.

Grade – The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. For the purpose of determining building height, grade is the lowest point of elevation at the building line (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Grading – Stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Ground Floor Dwelling (Accessory Use to Business) – A ground floor dwelling unit in the same building as a business that is incidental and subordinate to the business use of the building. (Ord. 5060 §2, 2018).

Group Care Facility – (Repealed by Ord. 4479A, January 8, 1991).

Guesthouse, Servants' Quarters – (Repealed by Ord. 4952, March 13, 2012).

Home Occupation – A lawful occupation carried on by a resident of a dwelling as a secondary use on the same property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Hospital – An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care with nursing service on a continuous basis. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Hotel – See Lodging (Ord.5047 §2, 2018).

Junkyard – The use of more than two hundred square feet of the area of any property for the storage of junk, including scrap metals or other scrap materials and/or for the dismantling or “wrecking” of automobiles or other vehicles or machinery. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Kenel – A lot or building in which four or more dogs, cats or animals at least four months of age are kept for board, propagation, training, or sale. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Large Commercial Structure – A commercial structure whose footprint exceeds 25,000 square feet of gross floor area; further regulated in Chapter 17.56 (Large Format Commercial Development) of this Ordinance.

LEED – Leadership in Energy and Environmental Design standard for Green Building Rating System developed by the U.S. Green Building Council.

Limited Land Use Decision – A final decision or determination pertaining to:

- A. The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).
- B. The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

Loading Space – An off-street space within a structure or on the same lot with a structure for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which space abuts on a street or other appropriate means of access. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Lodging – A building, or group of buildings, which is designed, intended, or used for the accommodation of guests on a temporary basis for compensation. Lodging includes hotels and motels. (Ord 5047 §2, 2018).

Lot – A unit of land created by a subdivision. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

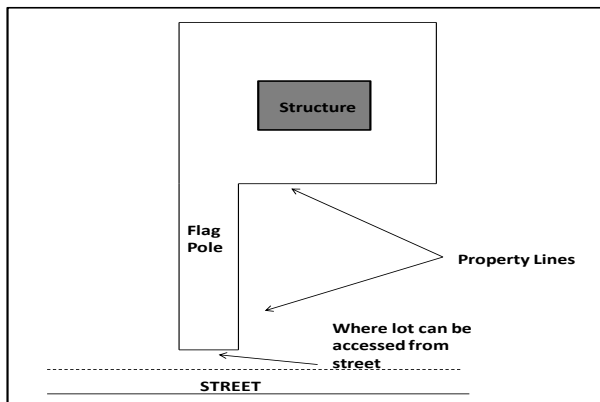
Lot Area – The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements for access to other property except as otherwise provided in this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). For purposes of zoning and density calculations on lots that have more than one zone or plan designation, the lot area is calculated separately for each zoned or planned areas.

Lot, Corner – A corner lot is a lot abutting on two or more streets other than an alley, at their intersection. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Lot, Curvilinear – A lot having a curved frontage. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Lot, Flag – A lot by which access to the nearest public or private street is gained by means of a narrow strip of land not less than 25-feet in width (**Figure 8**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Figure 8



Lot, Front – On an interior lot, the side facing a lot abutting the street. On a corner lot, either side facing the street may be the front. (Ord. 4174 §1(part), 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).)

Lot, Interior – A lot other than a corner lot that is flanked by a lot on each side. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Lot Line – The property line bounding a lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). See “Property Line.”

Lot of Record – A lot shown as a part of a recorded subdivision or created through a legal partitioning, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded in the office of the county recorder; except that no parcel of land created after 1968 without complying with the provisions of the land division requirements of the state and the city or county (whichever had jurisdiction control at the time of the division) shall be considered a lot of record. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Lot, Rear – The side of the lot opposite to and most distant from the front, except that a duplex need not be opposite the front of the lot. (Ord. 4174 §1(part), 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Lot, Through – An interior lot having frontage on two streets. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Manufactured Dwelling Park – Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192

Manufactured Home – A structure constructed to U.S. Department of Housing and Urban Development (HUD) standards on or after June 15, 1976, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For purposes of zoning, this definition applies to Class A and Class B homes. (Ord. 4564 §1, 1994; Ord. 4481 §3, 1991)

Master Plan – The maps, illustrations and supported text associated with a planned development which conveys the approved uses for the site along with any associated conditions, phasing schedules and other agreements.

Mixed Housing – A residential development that may include single-family detached, single-family attached and multi-family dwellings.

Mobile Home – A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 14, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. [Per ORS 446] For purposes of zoning, this definition applies to Class C and Class D homes. (Ord. 4481 §3, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Mobile Home Park – See “Manufactured Dwelling Park.”

Model Home – The building(s) and/or property incorporating unique or innovative architectural design or construction techniques and intended for use as an example to promote similar development, and also means the building(s) and/or property intended for use as an example in attracting potential buyers to a specific subdivision. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Motel – See Lodging. (Ord 5047 §2, 2018).

MUAMC – McMinnville Urban Area Management Commission.

Neighborhood Activity Center - “Neighborhood Activity Center” means a physically and aesthetically unified area, that serves as the center of a larger surrounding neighborhood, where all elements and land uses are designed to function as an integrated whole (rather than as a series of unconnected, unrelated developments). Neighborhood Activity Centers consist of a Focus Area with commercial, institutional, office uses and other mixed-use activities needed to support a specified geographic area. These centers also may include a Support Area with high- and medium-density residential uses that supports the non-residential uses in the center. (Ord 5098 §1, 2020)

Nonconforming Lot, Structure or Use – A lawful existing lot, structure, or use at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Nursing Home/Convalescent Home – Any facility for the care, boarding, and housing of elderly persons or medical outpatients, including rest homes, homes for the aged, and similar uses operating under any name or as may be licensed by the State of Oregon. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Owner – For the purposes of this title, an owner of property may also mean an authorized agent of the owner. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Parapet – A short wall along the edge of a roof to provide a protected edge, and to increase fire safety in some cases.

Parcel – A single unit of land that is created by a partitioning of land.

Parking Space – An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one vehicle, and connected with a street or alley by a surfaced driveway which affords ingress and egress for vehicles. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Partition – To divide land to create not more than three (3) parcels of land within a calendar year, the process for which is outlined in Chapter 17.53 (Land Division Standards). A partition does not include:

- A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots; or
- B. An adjustment of a property line by the relocation of a common boundary where no additional unit of land is created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or
- C. The division of land resulting from the recording of a subdivision or condominium plat; or
- D. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
- E. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located; or
- F. Divisions of land as decreed by federal or state courts.

Partition Plat – Includes a final map and other writing containing all the descriptions, location, specifications, provisions, and information concerning a partition.

Patio – An unenclosed area adjoining a dwelling or other building and adapted especially to outdoor dining and living that may be covered or uncovered. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Pedestrian Way – A right-of-way for pedestrian and/or bicyclist traffic.

Person – Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any group or combination acting as a unit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Place of Public Assembly – A permanent structure or place which is designed to accommodate 50 or more persons at one time for such purposes as deliberation, instruction, education, worship, awaiting transportation, shopping, drinking or dining, entertainment, or amusement.

Planned Development – A tract of land that is planned and developed in accordance with a master plan, detailed engineering, design plans and flexible development standards that illustrate and address land uses, circulation, utilities, density, setbacks, landscaping, open space and similar features of the project.

Planning Director – The Director of the Planning Department or the Director's designee.

Plat, Final – Includes a final map, diagram, drawing, replat, or other writing prepared in accordance with an approved tentative plat, containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision plat, replat, or partition plat.

Plat, Tentative – A preliminary map, including supporting information for a subdivision or partition plat prepared in accordance with the regulations outlined in Chapter 17.53 (Land Division Standards).

Portico – A porch leading to the entrance of a building with a roof structure over a walkway, supported by columns or enclosed by walls.

Prefabricated Structure – A building or structural unit which has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on site and complies with the requirements for a prefabricated structure in the Uniform Building Code, but does not include a manufactured or mobile home or recreational vehicle. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Professional Office – An office occupied by such professions as an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Property Line – The line(s) delineating a property or the division line between two (2) units of land (**Figure 9**).

Property Line Adjustment – The relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

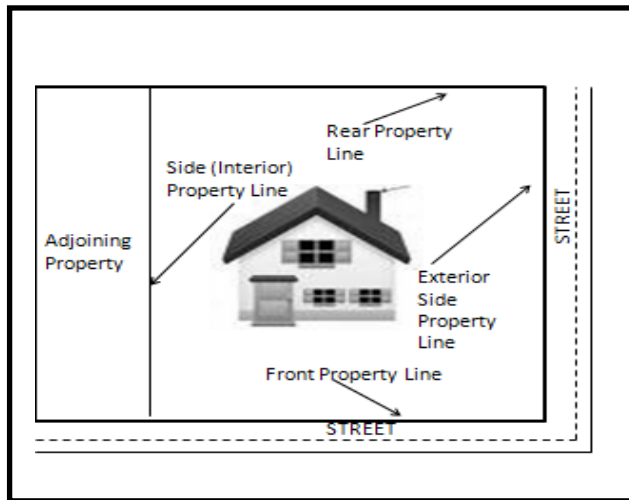
Property Line, Exterior Side – For corner properties fronting two streets, the exterior side property line refers to the property line abutting a public or private street that is not considered the front property line (**Figure 9**).

Property Line, Front – A property line or segment of a property line that abuts a public or private street and is opposite the rear property line (**Figure 9**).

Property Line, Interior – A property line that is not a front, exterior side or rear property line (**Figure 9**).

Property Line, Rear – The line that is opposite to and most distant from the front lot line (**Figure 9**).

Figure 9



Recreation Vehicle – A vacation trailer or other vehicle or portable unit which is either self-propelled or towed or is carried by a motor vehicle; which is intended for human occupancy and is designed for vacation or recreation purposes and certain residential use, and is equipped with plumbing, sink, or toilet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Recreation Vehicle Park – A lot which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Replat – A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications, and provisions, and information concerning a recorded subdivision. Replat also refers to the act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing

subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

Residential Facility – A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals (excluding staff) who need not be related.

Residential Home – A residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals (excluding staff) who need not be related.

Right-of-Way – The area between boundary lines of a street or other easement.

Setback – The minimum required distance measured perpendicularly from a property line to the nearest vertical portion (including wall, support pillar, porch) of a building or structure.

Short Term Rental – The use of an entire dwelling unit by any person or group of person entitled to occupy for rent for a period of no more than 30 (thirty) consecutive days. Short term rentals include vacation home rentals approved under the regulations in effect through May 10, 2018. (Ord. 5047 §2, 2018).

Short Term Rental, Resident Occupied – The use of no more than two guest sleeping rooms by any person or group of persons entitled to occupy for rent for a period of no more than 30 (thirty) consecutive days. The dwelling unit is occupied by a full-time resident at the time that the guest sleeping rooms within the dwelling unit are available for overnight rental. Resident occupied short term rentals include bed and breakfast establishments approved under the regulations in effect through May 10, 2018. (Ord. 5047 §2, 2018).

Sidewalk – A pedestrian walkway with permanent surfacing.

Sign – An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Sign, Advertising – A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such sign is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Sign, Business – (Repealed by Ord. 4900 November 5, 2008).

Sign, Portable – (Repealed by Ord. 4900 November 5, 2008).

Site – A lot, parcel, or tract of land under common ownership and/or developed together as a single development site, regardless of how many uses occupy the site

Site Plan – A plan submitted for purposes of review that depicts the proposed development of a property in terms of the location, scale, and configuration of buildings, uses, and other features, containing all the information required by this ordinance.

Social Relief Facility – A home or private institution operated for the care, treatment, and/or boarding and housing of socially impaired persons, not to include detention facilities or facilities for those handicapped persons protected by the Fair Housing Amendments Act of 1988. (Ord. 4479A §3, 1991).

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered a story. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Story, First – The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than fifty percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Street – The entire width between boundary lines of every way which provides for public use for the purpose of vehicular, bicycle, and pedestrian traffic and the placement of utilities and including the terms “road,” “highway,” “drive,” “lane,” “place,” “avenue,” “alley,” or other similar designation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). Streets are further defined in the Transportation System Plan, adopted by the McMinnville City Council in 2010.

Street, Half – A half street refers to the portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

Structural Alteration – Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Structure – See “Building.”

Subdivide Land – To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision – Either an act of subdividing land, or an area or tract of land subdivided as defined above.

Subdivision Guarantee – A title report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of the land being subdivided.

Subdivision Plat – A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Superficially Applied – Design elements applied, attached, or otherwise affixed to the exterior of a structure intended to give the appearance of specific architectural features without actually being integral to the building fabric.

Tasting Room – A room or rooms, open to the general public, primarily used for the retail marketing of winery, brewery, distillery, and/or food products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logos of food and beverage companies whose product(s) are available for tasting, as well as related items and other products that reflect or enhance the character or theme of the tasting room. A room or rooms where product tasting occurs as part of the normal business practice in the wholesale marketing of food or beverage products and not open to the public is not considered a tasting room. (Ord. 4977 §3, 2014).

Tourist Home – (Repealed by Ord. 4292 July 24, 1984) (Repealed by Ord. 4952 March 13, 2012).

Transitional Parking Area – A lot or portion of a lot in a residential zone being used for additional parking spaces by a commercial or manufacturing enterprise. Said parking spaces shall be in addition to the parking requirements of the business or manufacturing zone in which said enterprise is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Transparent Window – Clear or lightly tinted windows that allow views into the structure or into display windows from the outside.

Urban Growth Boundary – A boundary (line) that identifies and separates urbanizable land from rural land.

Upper-Story Residential Use – One or more dwelling units located in one or more stories above, and in the same building as, a permitted use on the ground floor, whether the residential unit/s are attached or detached from one another or from buildings on abutting lots or parcels. (Ord. 5060 §2, 2018).

Use – The purpose for which land or structure is designed, arranged or intended, or for which it is occupied or maintained. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Vacate – Release of interest in a piece of publicly owned property.

Vacation Home Rental – (Repealed by Ord. 5047, April 10, 2018).

Variance – Permission to depart from certain provisions of the Zoning Ordinance without changing the zoning of the property. A variance is requested when adherence to specific standards in the Zoning Ordinance would cause a particular hardship.

Wetlands – Areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and other similar areas.

Yard – An open space on a lot which is unobstructed from the ground upward except as otherwise provided in Sections 17.54.020 and 17.54.050(C). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Yard, Duplex Front – A duplex structure must be provided with one front yard. It is not necessary to provide each unit with a separate front yard. (Ord. 4174 §2, 1982).

Yard, Duplex Rear – The rear yard of a duplex need not be opposite the front yard. Each unit of a duplex must be provided with a rear yard with access provided thereto. (Ord. 4174 §1(part), 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Yard, Exterior Side – A yard extending from the front yard to the rear lot line on the street side of a corner lot (**Figure 10**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

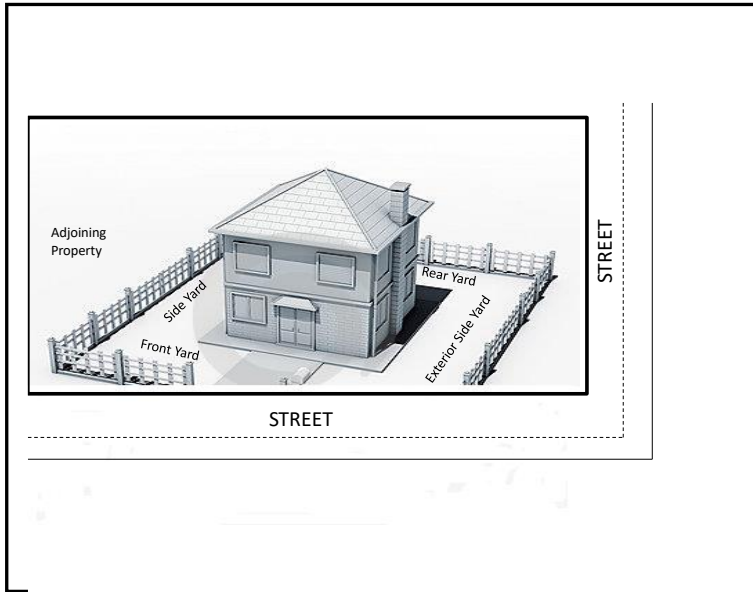
Yard, Flag Lot – Yard requirements for flag lots shall be figured only within the main body and not within that portion (flag pole) for access. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Yard, Front – A yard extending the full width of the lot, the depth of which is the minimum distance from the front property line to the nearest point of the building (**Figure 10**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Yard, Rear – A yard extending the full width of the lot, or in the case of a corner lot, to the exterior side yard, the depth of which is the minimum distance from the rear property line to the building (**Figure 10**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Yard, Side – A yard extending from the front yard to the rear yard along the side of the main building, the width of such yard being the minimum distance from the side property line to the building (**Figure 10**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Figure 10



Front Yard – The required front yard on each street. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Zero Lot Line Construction – A dwelling which is constructed abutting a property line, having no setback therefrom, used in conjunction with common wall construction and single-family detached construction. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)

Zone – As designated on the McMinnville official zoning map, an area within the City limits in which the allowable uses for the properties in these areas are specified in the zoning ordinance.

Zone Change – An amendment to the boundaries of zones shown on the Official Zoning Map.

17.06.020 Special Definitions:

17.06.025 Airport Overlay Zone Related Definitions. For the purpose of the Airport Overlay Zone (Chapter 17.52), the following definitions shall apply.

Airport – McMinnville Municipal Airport.

Airport Approach Surfaces:

- A. Runway 22: A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the primary surface at a 40:1 slope for a horizontal distance of 10,000 feet along the extended runway centerline. The beginning width of the approach surface coincides with the 1,000 foot width of the primary surface and expands to a width of 4,000 feet at a distance of 10,000 feet.

- B. Runway 4: A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the primary surface at a 34:1 slope for a horizontal distance of 10,000 feet along the extended runway centerline. The beginning width of the approach surface coincides with the 1,000 foot width of the primary surface and expands to a width of 3,500 feet at a distance of 10,000 feet.
- C. Runway 17/35: A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the primary surface at a 20:1 slope for a horizontal distance of 10,000 feet along the extended runway centerline. The beginning width of the approach surface coincides with the 500 foot width of the primary surface and expands to a width of 3,500 feet at a distance of 10,000 feet.

Airport Approach Zone – The area underneath the airport approach surfaces.

Airport Elevation – For the purpose of determining the height limits in all zones set forth in this ordinance, elevations supplied on the Airport Imaginary Surfaces Map (Century West ALP, 2004) shall be used to calculate height limitations.

Airport Conical Surface – Extends horizontally and vertically from the airport horizontal surface and extends outward and upward at a slope of 20:1 for a horizontal distance of 4,000 feet, terminating at an elevation of 508 feet above sea level.

Airport Conical Zone – The area underneath the airport conical surface.

Airport Hazard – Any structure, tree, or use of land which exceeds height limits established by the airport imaginary surfaces or the presence of glare, smoke, fumes, or vapors which impairs visibility in the vicinity of the airport.

Airport Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

Airport Horizontal Zone – The area underneath the airport horizontal surface, not including the airport approach zones and the airport primary surfaces.

Airport Imaginary Surfaces – Those imaginary areas in space which constitute the Airport Overlay Zone and are defined by the approach surface, the horizontal surface, and the conical surface as identified on the Airport Imaginary Surfaces Map (Century West ALP, 2004). Any structure extending above these imaginary surfaces is a hazard.

Airport Overlay Zone – See “Airport Imaginary Surfaces.”

Airport Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 1,000 feet for runway 4/22 and 500 feet for runway 17/35.

Airport Runway Protection Zone (i.e., Clear Zone) – Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.

Aviation Easement – An easement which provides right of flight at any altitude above the approach surface, and includes the right to cause noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused by the operation of any aircraft landing at, or taking off from, or operating at or on McMinnville Municipal Airport. The aviation easement may also restrict or prohibit the following from interfering with the operation of the Airport:

- Radio or electromagnetic interference;
- Construction of certain types of buildings or structures;
- Natural vegetation;
- Lights, lighted signs, or other lighted objects; and/or
- Hazardous or unreasonably objectionable smoke, fumes, or vapors.

Structure – An object, including a mobile object, constructed or installed by persons, including, but not limited to, buildings, towers, cranes, smokestacks, poles, earth formations, and overhead transmission lines.

17.06.030 Flood Area Zone Related Definitions. For the purpose of the Flood Area Zone (Chapter 17.48), the following definitions shall apply.

Fill – The placement or removal of any kind of material (natural or man-made) in the floodplain which has the effect of altering the contour elevations or configurations therein. Included in this definition is the relocation of material which is already in the floodplain.

Flood Insurance Rate Map (FIRM) – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to McMinnville.

Floodway – The channel of the river or watercourse plus any adjacent floodplain areas that must be kept free from the encroachment in order that the 100-year flood may be carried without increasing the water surface elevation more than one foot.

Floodway Fringe – The area between the floodway and the boundary of the 100-year flood. (Ord. 4921 §4B, 2010; Ord. 4821 (part), 1981; Ord. 3380 (part), 1968.)

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Ord. 4977 §2, 2014).

17.06.035 Landscaping Related Definitions. For the purpose of Landscaping (Chapter 17.57), the following definitions shall apply.

Landscaping – The preservation, planting, and maintenance of trees, shrubs, groundcover, and lawn that are compatible with Chapter 17.57 (Landscaping) and Section 17.03.020 of this ordinance. Landscaping shall be encouraged that considers energy conservation through effective planting and ground contouring. Courts, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the landscaping percentage required in Section 17.57.070 if they are designed in conjunction with substantial plantings of trees, shrubs, groundcovers, or lawns, and the review committee finds they are consistent with the purpose and intent set forth in Section 17.57.010 and factors set forth in Section 17.57.070(B) of this ordinance.

New Construction – All completely new structures, mobile additions, parking lots, and parking structures, and includes any additions to or expansion of existing structures or parking lots which result in additional lot coverage or parking lot coverage. This does not include remodeling or new construction which does not result in additional lot or parcel or parking lot coverage for said structure or parking lot. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981, Ord. 3380 (part), 1968).

17.06.036 Marijuana Activities Related Definitions. For the purpose of Marijuana Related Activities (Chapter 17.64), the following definitions shall apply.

Cannabinoid – Any of the chemical compounds that are the active constituents of marijuana.

Cannabinoid Product – A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers.

Canopy – The surface area utilized to produce mature marijuana plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants including all of the space within the boundaries.

Cultivation – All phases of growth of marijuana from seed to harvest, or preparing, packaging or repackaging, labeling, or relabeling of marijuana prior to consumption, or incorporation into a recreational marijuana-infused product.

Immature Marijuana Plant - A marijuana plant that is not flowering.

Marijuana – The plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300.

Marijuana Business – Any person or entity appropriately licensed by the Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC) that sells, produces, cultivates, grows, wholesales, processes or tests medical marijuana or recreational adult use marijuana within the City of McMinnville.

Marijuana Paraphernalia – Any instrument that is used in the manufacture, production, distribution, sale, or consumption of marijuana. Examples include but are not limited to certain types of smoking pipes, bongs, roach clips, rolling papers, grinders, or scales.

Marijuana Processing – Preparing, compounding or conversion of marijuana into edibles, skin and hair products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes. “Processing” does not include packaging or labeling.

Marijuana Production – The planting, cultivation, growing, trimming, drying or harvesting of retail recreational marijuana.

Medical Marijuana Dispensary – A medical marijuana dispensary registered under ORS 475.314 or a site for which an applicant has submitted an application for registration under ORS 475.314.

Medical Marijuana Grow Site – A specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient. Medical grow sites are regulated by state law as follows: 12 mature plants are allowed per grow site in residential zones; 48 mature plants per grow site in all other zones. If all grows at the site had registered with the State of Oregon by January 2, 2015, the grow site is limited to the number of plants at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones.

Production, Indoor – Producing marijuana within an enclosed building in any manner utilizing artificial lighting on mature marijuana plants, and that does not meet the definition as an outdoor production facility.

Production, Outdoor – Producing marijuana in an expanse of open or cleared ground, or in a greenhouse, hoop house or similar non-rigid structure that does not utilize artificial lighting on mature plants, including but not limited to electrical lighting sources. (Ord. 5000 §1, 2015).

17.06.040 Sign Related Definitions. For the purpose of Signs (Chapter 17.62), the following definitions shall apply.

Abandoned Sign – A sign that advertises a business or event that has been closed for more than thirty (30) days a sign that has been damaged, and repairs and restoration are not started within sixty days (60) of the date the sign was damaged, or are not completed within 180 days once started. (Ord. 5052 §2, 2018).

Accessory Sign – Signage which is an integral part of outdoor display structures associated with a commercial or industrial use such as soft drink machines, gas pump, newspaper dispensers, and other similar structures.

Alteration (of sign) – Any change in the size, shape, method of illumination, construction, or supporting structure of a sign.

Area (of a sign) –

- A. Projecting, Portable, and Freestanding: The area of the sign shall be measured as follows: The area within and enclosing the perimeter of each cabinet or module on which copy is placed shall be totaled to determine the aggregate sign area. The sign area shall not include essential sign structure, foundations or supports. In addition, the sign area calculation shall not include embellishments such as pole covers, framing, decorative roofing, etc., if there is no written copy on such embellishments. The portion of any such embellishments that exceed 50 (fifty) percent of the permitted sign area shall be included in the sign area calculation. All face areas of any multi-faced sign shall be counted in calculating its area. For a double-faced sign in a single cabinet, only the area of one face is counted.
- B. Walls Signs: The area around or enclosing each sign cabinet, or, where sign cabinets are not used, the area shall be that within a single, continuous perimeter composed of any straight line geometric figure which enclosed the extreme limits of the message.

Balloon Sign – A sign made from a nonporous bag of touch light material normally filled with heated air or a gas lighter than air so as to rise and float and displaying graphics, symbols and/or written copy.

Banner Sign – A sign made of fabric or any nonrigid material with no enclosing framework.

Changeable Copy Sign (Electronic) – A sign on which the copy changes electronically.

Changeable Copy Sign (Manual) – A sign on which copy is changed manually in the field, e.g., the panel permanently affixed as part of a larger sign, commonly used to advertise specials for commercial businesses.

Clearance (of a sign) – The vertical distance measured from the lowest point of the sign to the natural surface grade beneath the sign.

Copy – The message on a sign surface in either permanent or removable letter form or graphics, or symbols designed specifically for the purpose of visual communication.

Double-Face Sign – A sign with advertising on two (2) faces wherein the faces are parallel or within ten degrees of parallel.

Face (of a sign) – The area of a sign on which the advertising is placed.

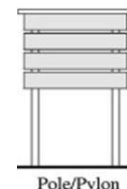
Festoons – A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Sign – A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include electronic changeable copy signs or signs which, through reflection or other means, create an illusion of flashing of intermittent light.

Freestanding Sign – A sign supported upon the ground by a frame, pole(s), or other support structure which is not attached to any building. A freestanding sign shall count as one sign, even if it has two or more faces. In this context, freestanding signs include monument (ground-mount), pole, and pylon-type signs.

A. Monument - A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground. Does not include pole or pylon signs.

B. Pylon Sign - A freestanding sign, usually double-faced, mounted on one or two supports above ground level. Also referred to as a pole sign.



Hazardous Sign – A sign which is detrimental to the public safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign which is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign which has lighting which temporarily blinds or impairs one's vision; or any sign which is in a leaning, sagging, fallen, decayed, deteriorated, or other unsafe condition.

Height (of a sign) – The vertical distance measured from the highest point of the sign to the natural surface grade beneath the sign.

Illuminated Sign – A sign with an artificial light source incorporated internally (i.e., direct illumination), or with an external light source directed to illuminate the exterior surface of the sign (i.e., indirect illumination). This definition includes signs with light sources which are disconnected from power.

Incidental Sign – A small sign, emblem, or decal typically used to inform the public of goods, facilities, or services available on the premises (e.g., a credit card sign or a sign indicating hours of business).

Landmark Sign – A sign found to be of historical or local significance by the Planning Commission.

Maintenance – For the purposes of Chapter 17.62 (Signs), the cleaning, painting, repair, or replacement of defective parts of a sign, or to achieve a change in sign face, in a manner that does not alter the basic design or structure of the sign.

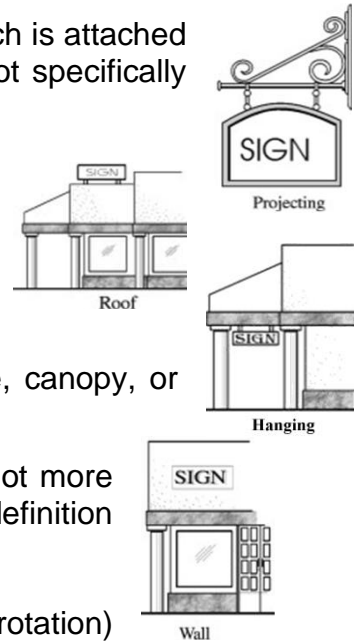
Marquee – A permanent roof-like projection from a building above the building entrance.

Mounted Sign – A sign permanently attached to a building.

A. **Canopy Sign** – A sign painted on, printed on, or attached flat against the surface of a canopy or awning.



- B. **Projecting Sign** – A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
- C. **Roof Sign** – Any mounted sign that projects above the top of a wall, eave, or parapet. Signs on a mansard roof or on a wall on the end façade of a gable roof are considered wall signs for the purposes of this ordinance, provided they do not extend above the roofline.
- D. **Hanging Sign** – A sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face.
- E. **Wall Sign** – A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letters, and cabinet signs.



Moving Sign – A sign which uses mechanized movement (e.g. rotation) to attract attention, depict action, or to create a special effect or scene (and includes dancing inflatable displays).

Multi-tenant Complex – A development consisting of one or more lots and two or more businesses sharing appurtenant facilities, such as driveways, parking and pedestrian walkways, and is designed to provide varied products and services at a single location.

Nonconforming Sign – An existing sign, lawful before enactment of Chapter 17.62 (Signs), which does not conform to the requirements of Chapter 17.62 (Signs).

Permanent Sign – A sign constructed of durable materials, structurally affixed to the ground, sign support structure (e.g., pole), or to a building, and intended to exist for the duration of time that the use or occupant is located on the site.

Portable Sign – A sign not permanently affixed to a sign structure, a building, or the ground.

Sign – Any device, structure, fixture, placard, and any related support structure erected for the purpose of displaying graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, person, institution, commodity, service, entertainment, or activity.

Temporary Sign – A sign or advertising display constructed of fabric, vinyl, paper, cardboard, plywood, or other light materials, with or without a frame, that is set upon the ground, or that is attached to the ground by metal, plastic, or wood post(s) driven or dug into the ground with no footing or foundation, and that is intended to be removed upon termination of the activity of event. Such signs also include those of similar material that are attached by means of metal, plastic, or fabric ties to fences or other structures not designed or intended for the placement of signs. Temporary signs typically include, but are not limited to: portable signs, A-frame signs, banners, flags, or pennants.

Video Sign – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

Window Sign – An unlighted sign installed inside a window or painted on a window and intended to be viewed from the outside. (Ord. 4935 §1, 2011).

17.06.045 Tree Related Definitions. For the purpose of Trees (Chapter 17.58), the following definitions shall apply.

Critical Root Zone – Generally a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree’s survival. Critical root zone is one foot of radial distance for every inch of tree diameter measured at 4.5 feet above ground level, with a minimum of eight feet. For significant trees, the formula changes to 1.5 feet for every inch of tree diameter measured at 4.5 feet above ground level, with a minimum of twelve feet.

Crown – the leaves and branches of a tree or shrub; the upper portion of the tree from the lowest branches on the trunk to the top. May also be referred to as “canopy.”

DBH – Diameter-at-breast-height is tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Downtown Tree Zone – Street trees located within an area bounded on the north by Fifth Street, on the south by First Street, on the east by Johnson Street and on the west by Adams Street.

Downtown Tree – A public street tree planted within public rights-of-way within the Downtown Tree Zone.

Drip Line – A vertical line extending from the outermost edge of the tree’s original canopy to the ground.

Hazardous Tree – A tree or part thereof growing on private or public property which endangers, obstructs or impairs the free and full use of a public area, including utilities within these areas or is afflicted with or weakened by a disease or injury.

Historic Tree – Selected trees placed on an inventory based on the age, species, location, and historic significance.

Major Pruning – Removal of over 20 percent of the tree’s canopy, any tree topping, or disturbances of over 10 percent of the root system.

Public Tree – A tree located within a public right-of-way or on public land, such as a city park.

Repeated or Excessive – Two incidents within any three year period requiring removal or repair of a public sidewalk.

Significant Trees – Selected trees placed on an inventory based on the age, species, and location.

Street Tree – A living, standing woody plant typically having a single trunk at least 1-1/2 inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located within the street right-of-way.

Topping – The severe cutting back of limbs to stubs three inches in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

Tree – Any woody plant having a trunk five inches or more in diameter 4.5 feet above ground level at the base of the trunk. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Tree Board – An appointed citizen committee formed for the purpose of hearing concerns and making decisions regarding trees. The McMinnville Landscape Review Committee currently serves in this capacity.

Tree Establishment – Includes watering, initial pruning, and replacement of trees, if necessary, for a period of three years from the date of planting. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.06.050 Wireless Communication Facilities Related Definitions. For the purpose of Wireless Communication Facilities (Chapter 17.55), the following definitions shall apply.

Alternative Antenna Support Structures – Roofs of buildings, provided they are 30 feet or more in height above the street grade upon which such buildings front, church steeples, existing and replacement utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other similar man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception. Antennas cannot serve as an alternative antenna support structure. (Ord. 5043 §1, 2018).

Antenna – A specific device used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. Antennas regulated by Chapter 17.55 (Wireless Communications Facilities) include omni-directional (or "whip") antennas, directional (or "panel") antennas, parabolic (or "dish") antennas, small cell and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies. (Ord. 5043 §1, 2018).

Antenna Support Structure – A structure or device driven into the ground or mounted upon or attached to a foundation specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation which is above the base of such structure. Antenna support structures include, but are not limited to, the following:

- A. Lattice tower: A vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided.
- B. Monopole tower; a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube or cylindrical structure, typically round or square. (Ord. 5043 §1, 2018).

Co-location – Utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider.

Distributed Antenna Systems (DAS) – A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. For purposes of this code, Distributed Antenna Systems (DAS) are regulated as Small Cells. (Ord. 5043 §1, 2018).

Equipment Enclosure – A small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

Facilities – All equipment and property associated with the construction of antenna support structures, antenna arrays, and antennas, including but not limited to cables, wires, conduits, ducts, pedestals, antennas of all descriptions, electronic and mechanical equipment and devices, and buildings and similar structures.

Radio Frequency (RF) Engineer – A professional engineer licensed in Oregon, with a degree in electrical engineering, and demonstrated accreditation and experience to perform and certify radio frequency radiation measurements.

Small Cells – A small cell facility is a WCF that includes an antenna that is no more than three (3) cubic feet in volume and its associated equipment. Also referred to as Distributed Antenna Systems (or “DAS”). (Ord. 5043 §1, 2018).

Wireless Communications Facility (WCF) – An unstaffed facility for the transmission and/or reception of RF, microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas.

Wireless Communications Service – The providing or offering for rent, sale, lease, or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and other information by the use of current or future wireless communications.

17.06.060 Historic Preservation Related Definitions. For the purpose of Historic Preservation (Chapter 17.65), the following definitions shall apply.

Alteration - The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historic resource that results in a change in design, materials or appearance. Painting, reroofing, and general repairs are not alterations when the new materials and/or colors match those already in use.

Certificate of Approval - A decision issued by the Planning Director or Historic Landmarks Committee, as applicable, to approve the alteration, demolition, or moving of a historic resource or landmark.

Demolition - To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.

Exterior - Any portion of the outside of an historic resource.

Historic District - A geographical definable area of local, state, or national historical significance, the boundaries of which have specifically been adopted by the City Council.

Historic Landmark - Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory. Historic landmarks are also locally significant historic resources as defined by OAR 660-023-0200(1)(j).

Historic Resources - Any site, structure, building, district, or object that is included on the Historic Resources Inventory.

Historic Resources inventory - The initial inventory includes the resources which were evaluated and ranked by the McMinnville Historic Landmarks Committee. The inventory incorporates the surveys and inventories conducted in 1976, 1980, and 1983/84 and resources which may be included by action of the Historic Landmarks Committee under the provision of Section 17.65.030 of this chapter. The resources included in the inventory are classified as follows:

- A. Distinctive: Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
- B. Significant: Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
- C. Contributory: Resources not in themselves of major significance, but which enhance the overall historic character of the neighborhood or City. Removal or alteration would have a deleterious effect on the quality of historic continuity experienced in the community; or
- D. Environmental: This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise an historic context within the community.

Owner - As defined by OAR 660-023-0200(1)(h). (Ord. 5034 §2, 2017).

Chapter 17.09

ZONE CLASSIFICATION, BOUNDARIES AND MAPS

Sections:

- 17.09.010 Zones established.
- 17.09.020 Zone boundaries—Map adopted by reference.
- 17.09.030 Zone boundaries—Designated.
- 17.09.040 Zone boundaries—Official map.
- 17.09.050 Annexed areas.

17.09.010 Zones established. For the purpose of this title, the following zones are established in the city:

<u>Abbreviated Zone</u>	<u>Designation</u>
Single-Family Residential zone	R-1
Single-Family Residential zone	R-2
Two-Family Residential zone	R-3
Multiple-Family Residential zone	R-4
Multiple-Family Residential zone	R-5
Office/Residential zone	O-R
Neighborhood Business zone	C-1
Travel Commercial zone	C-2
General Commercial zone	C-3
Limited Light Industrial zone	M-L
Light Industrial zone	M-1
General Industrial zone	M-2
Agricultural Holding zone	AH
Flood Area zone	F-P

(Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.020 Zone boundaries—Map adopted by reference. The boundaries for the zones listed in this title are indicated on the McMinnville Zoning Map of 1980, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.030 Zone boundaries—Designated. Unless otherwise indicated by the zoning map, zone boundaries are lot lines, the centerlines of streets, and the centerlines of railroad rights-of-ways. If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone, in which the greater area of the lot lies; provided, that this adjustment involves a distance not to exceed twenty feet from the mapped zone boundary. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.040 Zone boundaries—Official map. The boundaries for the zones enumerated in this title and ORS 227.310 and for those areas zoned and rezoned in accordance with ordinances enacted by the Council and approved by the Mayor subsequent to the date of December 2, 1980, shall be as set forth by the Engineering Department on the map which is kept on file in City Hall; and that said map, subject to future amendment by the Council, as recorded by the Engineering Department, is approved as the official zoning map of the City, December 2, 1980. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.050 Annexed areas. If a property is annexed into the City and does not concurrently apply for and obtain urban comprehensive plan designations and urban zone designations, it shall be placed in the urban holding zone and will not be allowed any building permits until the zone is changed to a developable city zone through the procedures set forth in Chapter 17.72 (Applications and Review Process) of this title. (Ord. 5106 §2, 2021; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.10

AREA AND MASTER PLANNING PROCESS (as adopted per Ordinance 5098, December 8, 2020)

Sections

17.10.010	Purpose
17.10.020	Applicability
17.10.030	Procedures
17.10.040	Area Plan Process
17.10.050	Area Plan Scope and Components
17.10.060	Master Plans
17.10.065	Master Plan Process
17.10.070	Master Plan Submittal Requirements
17.10.080	Master Plan Review Criteria
17.10.091	Development of Areas Less than 10 Acres

17.10.010 Purpose. To provide a process that will allow for and ensure the transition from rural to urban land uses in a manner that is consistent with the McMinnville Comprehensive Plan, UGB expansion plans, and the City's overall land supply needs identified in applicable UGB expansion plans and documents.

17.10.020 Applicability. The Area Plan and Master Plan processes apply to all lands that are designated as Urban Holding (UH) on the McMinnville Comprehensive Plan Map.

17.10.030 Procedures.

- A. **Area Plan Requirement.** Prior to annexation or comprehensive plan map amendment, zone change, or development of any land in Urban Holding (UH) Comprehensive Plan Map designations, the City must review and adopt an Area Plan, if applicable.
- B. **Master Plan Requirement.**
 1. Concept Master Plan. A Concept Master Plan is required as a component of an annexation application to annex property into the city limits-of any land in a Urban Holding (UH) Comprehensive Plan Map designation. A Concept Master Plan is not binding and is an advisory document to help inform the annexation agreement. (See Title 16 of the McMinnville Municipal Code for the city's annexation process.)
 2. Master Plan. The development and approval of a Master Plan is required prior to a zone change, or development of any land in Urban Holding (UH) Comprehensive Plan Map designations and the UH Zone.
- C. Properties Exempt from Area Planning Requirements. The following properties are exempt from the Area Planning Requirements:
 1. Properties Not Designated UH on the Comprehensive Plan Map.
 2. Properties that are partially in the city limits and partially in the urban growth boundary, whereby the amount of property in the urban growth

boundary is less than 2 acres. If the remnant property in the urban growth boundary that is less than 2 acres designated as UH on the Comprehensive Plan Map, the properties are subject to the McMinnville Municipal Code provisions for a Comprehensive Plan Map Amendment and Zoning Map Amendment in order to be annexed into the city limits. (Ord. 5106 §2, 2021)

17.10.040 Area Plan Process.

- A. The City Council shall initiate an Area Planning process for lands that are designated as Urban Holding (UH) on the McMinnville Comprehensive Plan Map.
- B. Property owners may initiate the Area Planning process, if the City Council has not yet initiated or completed an Area Plan for land designated on the Comprehensive Plan Map as Urban Holding (UH) in a UGB expansion area.
 - 1. Area Planning may be initiated by property owners for lands 100 acres or greater in size.
- C. The City Council shall adopt an Area Plan as a guiding land use document. An Area Plan shall be adopted as a supplement to the McMinnville Comprehensive Plan through a legislative land use proceeding if it was initiated by the City Council or either a quasi-judicial or legislative land use proceeding, depending on its size and the number of properties it covers, if it was initiated by an application. (Ord. 5106 §2, 2021)

17.10.050 Area Plan Scope and Components.

- A. Area Plans shall more specifically identify land uses, their locations, and their relationship to public facilities, natural resources, and existing urban uses. The land uses identified in an Area Plan must be consistent with the applicable Framework Plan and the identified land use needs for the Urban Holding (UH) area.
- B. Principles and Standards for Area Plans.
 - 1. Area Plans must embody the development principles of the applicable Framework Plan, UGB expansion plan, McMinnville Comprehensive Plan, and any other City land use policies and standards.
 - a. 2003-2023 McMinnville Growth Management and Urbanization Plan (MGMUP). The MGMUP provides guidance for the planning and development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. Therefore, Area Plans for UH areas within the MGMUP areas will be developed to be consistent with:
 - 1) The guidelines and characteristics of the Traditional Neighborhood model, as described in the McMinnville Growth Management and Urbanization Plan.
 - 2) The potential identification of locations that would be suitable for Neighborhood Activity Centers (NACs) to meet neighborhood commercial land needs as identified in the MGMUP Framework Plan, and also support surrounding residential development, as described in the McMinnville Growth Management and Urbanization Plan.

- 3) The City's adopted Great Neighborhood Principles, as described in Comprehensive Plan Policies 187.10 through 187.50.

17.10.060 Master Plans. Master Plans are required for annexation into the City of McMinnville, urbanization into City of McMinnville zones and development, for all properties 10 acres or more.

- A. **Applicability.** This section applies to all properties 10 acres or more proposed for annexation and/or rezoning from the UH zone to a city development zone.
1. Master Plans shall be required for all lands 10 acres or greater in size.
 2. Lands less than 10 acres in size may be annexed into the city, and subsequently developed.
- B. **Purpose.** The purpose of a Master Plan is to provide:
1. Orderly and efficient development of the City consistent with the City's Framework Plans and adopted Area Plans.
 2. Compatibility and/or transition with adjacent developments and the character of the area.
 3. A complementary mix of uses and activities to achieve the Principles of the McMinnville Growth Management and Urbanization Plan.
 4. An interconnected transportation network – streets, bicycle routes, and pedestrian trails – with the master plan area and to existing and planned City streets, routes and trails.
 5. A range of housing choices for areas planned to have residential components.
 6. A range of open spaces and recreation facilities, as needed to facilitate the Framework Plan, adopted Area Plan and Parks and Recreation Facility Plan.
 7. Public and semi-public facilities and services.
 8. Preservation of historic buildings, scenic views, and natural resources to the greatest extent possible.
 9. Transitions or buffers between urban development and rural areas.
 10. Implementation of McMinnville's Comprehensive Plan, including adopted Area Plans and the Great Neighborhood Planning Principles.

17.10.065 Master Plan Process.

- A. Concept Master Plan. For the conceptual plan review process, there is no need for the post acknowledgement plan amendments (PAPAs) to the Oregon Department of Land Conservation and Development, or local Measure 56 notice, as it is an advisory document to help inform the annexation agreement and is a required element of an annexation application. (See Title 16 of the McMinnville Municipal Code). However, the Concept Master Plan should consider all of the same elements and factors as the Master Plan described below.
- B. Master Plan. For the final master plan approval, legislative review and approval is required as part of a quasi-judicial land-use decision as it will be an amendment to the McMinnville Comprehensive Land Use Plan and Zoning Map. Following the City Council's adoption of an Area Plan, but prior to the annexation, comprehensive plan map amendment, zone change, or

development of any land within the subject Area Plan, property owners shall submit a Master Plan for review and approval by the City Council.

1. Applications and requests for the approval of a Master Plan shall be reviewed under the review process described in MMC Section 17.72.120 (Applications – Public Hearing). (Ord. 5106 §2, 2021)

17.10.070 Master Plan Submittal Requirements. Applications for the review and approval of a Concept Master Plan and Master Plan shall include the following elements:

- A. Plan Objectives. A narrative shall set forth the goals and objectives of the Master Plan and how it achieves McMinnville's MGMUP and adopted Great Neighborhood Principles.
- B. Plan Area and Context. A map of the plan area and surrounding vicinity shall set the context for the Master Plan.
- C. Land Use Diagram. The land use diagram shall indicate the distribution and location of planned land uses for the Master Plan, including plans for park and open space and community facilities. The plan shall identify proposed comprehensive plan and zoning designations.
- D. Significant Resources Inventory. An inventory of significant natural resources, scenic and historic resources, and open space areas. When significant resources are present, the Master Plan shall include a management plan to protect resource sites.
- E. Natural Hazard Areas. Inventory and identify areas subject to natural hazards.
- F. Mixed Use Areas. Identify areas planned for mixed uses, which may also include Neighborhood Activity Centers if identified in the applicable Area Plan.
- G. Commercial Areas. Identify areas planned for commercial use, which may also include Neighborhood Activity Centers if identified in the applicable Area Plan.
- H. Residential Areas. Identify areas planned for housing development. The housing plan must identify a mix of housing types and densities so that the overall density in the area meets the housing density objectives for the area that are identified in the applicable Framework Plan and Area Plan. The applicable Framework Plan and Area Plan are based on a UGB expansion plan that includes findings that specify the housing types and densities that need to be achieved in order to meet future housing needs. Great Neighborhood Principle #11 also requires that "A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations."
- I. Parks and Open Space. Identify land suitable for park and recreation use in accordance with the needs in the applicable Framework Plan and Area Plan, and the standards in the McMinnville Parks, Recreation, and Open Space Master Plan.

- J. Transportation Analysis and Plan. Prepare a traffic impact analysis and local street plan that is consistent with street spacing and connectivity guidelines in the McMinnville Transportation System Plan (TSP). The street plan shall show the proposed classification for all streets, proposed bicycle routes, and proposed pedestrian facilities. The street plan shall show how streets, bike routes, and pedestrian facilities will connect with adjacent urban areas that are already existing and also how those facilities will be extended to adjacent UGB expansion areas that have not yet gone through the Master Planning process.
- K. Public Facilities Analysis and Plan. The plan must include a conceptual layout of public facilities (including at a minimum sanitary sewer, power, water, and storm drainage) needed to support the land use diagram. The Public Facilities Analysis should address overall capacities and must be consistent with the City's adopted facility master plans. Where necessary, the analysis shall identify improvements that may require amending the adopted facility master plans.
- L. Site Design and Development Standards. If unique or innovative development standards are proposed for any area within the Master Plan area that differ from the City's normal development standards, these may be identified in the Master Plan and requested through a Planned Development process.

17.10.080 Master Plan Review Criteria.

- A. In the review of an application for a Master Plan, the Planning Commission and City Council shall consider the following:
 - 1. Whether the proposed Master Plan is consistent with the Framework Plan, Area Plan, and Comprehensive Plan in terms of land use, density, transportation systems and networks, and open space.
 - 2. Whether the proposed Master Plan is generally suitable for the area in which it is proposed, considering existing and planned neighborhoods, shopping and employment areas, and natural resources and hazards.
 - 3. Whether the proposed Master Plan is integrated with existing developed or planned areas.
 - 4. Whether the Master Plan is consistent with the City's adopted Great Neighborhood Principles, which include:
 - a. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
 - 1) Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.
 - b. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
 - 1) Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

- c. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
 - 1) Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
 - 2) Central parks and plazas shall be used to create public gathering spaces where appropriate.
 - 3) Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.
- d. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.
 - 1) Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.
 - 2) Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).
- e. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.
 - 1) Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
 - 2) Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.
- f. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.
 - 1) Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.
 - 2) Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.
- g. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.
 - 1) To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.

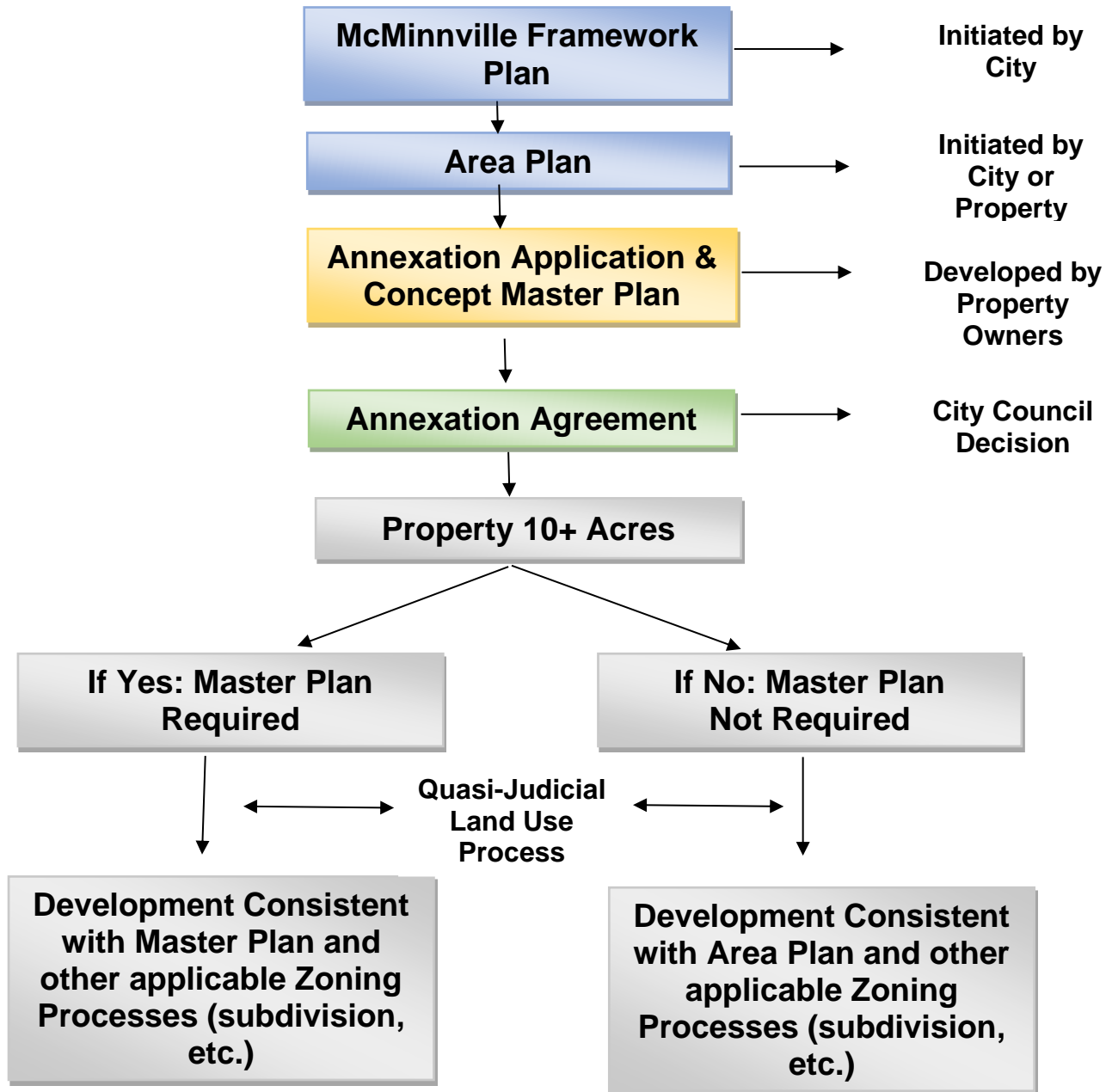
- 2) Design practices should strive for best practices and not minimum practices.
- h. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.
 - 1) The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.
 - 2) Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.
 - 3) Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).
- i. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.
 - 1) Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.
 - 2) Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.
 - 3) Neighborhoods are designed such that owning a vehicle can be optional.
- j. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.
 - 1) Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.
- k. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.
 - 1) A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.
- l. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.
 - 1) Neighborhoods shall have several different housing types.
 - 2) Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.
- m. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

- 1) Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.
- 2) Opportunities for public art provided in private and public spaces.
- 3) Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

17.10.090 Development of Areas Less than 10 Acres. Lands less than 10 acres in size may be annexed into the city and rezoned into urban zones without the approval and adoption of a Master Plan. This may occur when the lands are designated for only residential use in the applicable Area Plan or are exempt from Area Planning per Section 17.10.030(C).

- A. Following the annexation of lands that are less than 10 acres in size, the lands shall be subject to the Comprehensive Plan Map Amendment and Zone Change review processes described in MMC Section 17.72.120 and MMC Section 17.74.020. Urban comprehensive plan map designations and urban zoning districts shall be requested for the lands, and the designations and zoning districts must be consistent with the land uses identified in the adopted Area Plan that is applicable to the land in question.
- B. The development of lands less than 10 acres in size must:
 1. Be consistent with the uses identified in the Area Plan applicable to the land in question;
 2. Meet the City's adopted Great Neighborhood Principles;
 3. Include a local street plan that complies with the applicable Area Plan, the McMinnville TSP, and other local street spacing and connectivity requirements; and
 4. Be consistent with all other required policies and standards of the McMinnville Comprehensive Plan and Zoning Ordinance. (Ord. 5106 §2, 2021)

Summary Graphic of UGB Expansion Planning Process:



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Chapter 17.12

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

- 17.12.010 Permitted uses.
- 17.12.020 Conditional uses.
- 17.12.030 Lot size.
- 17.12.040 Yard requirements.
- 17.12.050 Building height.
- 17.12.060 Density requirements.

17.12.010 Permitted uses. In an R-1 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling and Class A mobile home subject to the following standards.
 - 1. If the dwelling is removed, the exposed foundation and any outbuildings must be removed within 90 days or, if notice is given to the city, 180 days will be allowed for installation of another home on the existing foundation; and
 - 2. A Class A mobile home shall have a pitched roof with a minimum slope of a nominal three feet in height for each 12 feet of run; and
 - 3. A Class A mobile home shall not be located adjacent to an historic landmark or within an historic district, as identified in the current McMinnville Historic Resources Inventory; and
 - 4. A Class A mobile home shall be multisectional, at least 24 feet in width, and enclose a space of not less than 1,000 square feet; and
 - 5. A Class A mobile home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade; and
 - 6. A Class A mobile home shall have exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material which is comparable to the predominant materials used on surrounding dwellings, as determined by the Planning Director. This requirement shall not be interpreted to mean that the City is responsible for enforcing codes, covenants, and restrictions of any homeowner's or other association; and
 - 7. A Class A mobile home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010; and
 - 8. A Class A mobile home shall have a garage or carport constructed of like materials. An attached or detached garage may be required in lieu of a carport where a garage is consistent with the predominant construction of immediately surrounding dwellings.

- B. Two-family dwelling on a corner lot with nine thousand square feet minimum area provided the subdivision plat designates the lot as duplex;
- C. A single-family dwelling having a common wall with one other single-family dwelling, provided:
 - 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 - 2. The two dwellings shall have a common wall at the "zero" lot line.
 - 3. One of the lots shall be a corner lot approved for this use on a subdivision plat hereafter approved by the Planning Commission and filed in accordance with law, and:
 - a. Both lots combined shall comprise not less than nine thousand square feet in area. There is no minimum lot area for the individual lots created.
 - b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
OR both lots shall be interior lots approved for this use on subdivision plat here after approved by the Planning Commission and filed in accordance with the law, and approved by the Planning Commission and filed in accordance with the law, and
 - c. Each lot shall comprise not less than nine thousand square feet in area.
 - d. The setback requirements will apply to each dwelling unit independently, except that the setbacks for the "zero" lot line shall be waived.
 - 4. Each dwelling unit must have independent services which include but are not limited to sewer, water, and electricity.
 - 5. The common wall shall be a fire wall and shall be of a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
 - 6. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 - 7. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974;
- D. Accessory dwelling unit (ADU) subject to the following standards:
 - 1. The accessory dwelling unit may be established by:
 - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - b. Adding floor area to the primary dwelling, including a second story;
 - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; or
 - d. Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.

2. The square footage of the accessory dwelling shall not exceed 50 percent of the primary dwelling exclusive of the garage, or 1,000 square feet, whichever is less. The minimum area shall be as determined by the State of Oregon Building Codes Division.
 3. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
 4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.
 5. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.
 6. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
 7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
 8. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that completely independent from the primary dwelling.
 9. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, not to include modular structures, shall not be used as an accessory dwelling unit.
 10. ADUs are exempt from the residential density standards of this code.
 11. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
 12. That a legally non-conforming accessory structure located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).
- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
1. The structure is a residential dwelling unit.
 2. The provider resides at the dwelling.
 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 5. Operator must have the appropriate licenses required by state regulations.
- F. Day Care Facility (Adult), under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer people are present at any one time at the center.
 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 4. Operator must have the appropriate licenses required by state regulations.

- G. Child Care Center, under the following provisions:
 - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. Residential Home as defined in Chapter 17.06 (Definitions)
- I. Social relief facility, under the following provisions:
 - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - 2. Five or less people unrelated to the operator reside at the home at any one time.
 - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC) as amended, are met.
- J. Home occupation, subject to the provisions of Chapter 17.67 (Home Occupations);
- K. Model home, subject to the provisions of Section 17.54.060 of this ordinance;
- L. Public park and recreation area;
- M. Sewage pump station;
- N. Satellite dish provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.
- O. Resident occupied short term rental, subject to the provisions of Section 17.72.110 and the following standards:
 - 1. Resident occupied short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a single-family residence.
 - 2. That the establishment be occupied full-time by a resident.
 - 3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
 - 4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the short term rental.
 - 5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
 - 6. That the duration of each guest's stay at the short term rental be limited to no more than 30 (thirty) consecutive days.
 - 7. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997 of this code;
 - 8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The

following situations are not deemed to be a change in ownership for the purposes of this section:

- a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
 - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
 10. Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.
- P. Short term rental, subject to the provisions of Section 17.72.110 and the following standards:
1. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.
 2. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.
 3. That a minimum of one off-street parking space be provided for each guest room.
 4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
 5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days.
 6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.
 7. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.
 8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
 - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
 - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.

9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
10. Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use. (Ord. 5104 §2, 2021; Ord. 5047 §2, 2018; Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499 §1, 1991; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.020 Conditional uses. In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Two-family dwelling on corner lots with a minimum of nine thousand square feet;
- B. Cemetery;
- C. Child Care Center, under the following provisions:
 1. The facility is not a facility defined in Section 17.12.010(G)(1).
 2. Operator must have the appropriate licenses required by state regulations.
- D. Church;
- E. Community building, including library;
- F. Day Care Facility (Adult), under the following provisions
 1. The structure is not a residence.
 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 3. Operator must have the appropriate licenses required by state regulations.
- G. Social relief facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Six or more people unrelated to the operator reside at the home at any one time;
- H. Farming and keeping of domestic animals;
- I. Golf course, except driving range and miniature golf course when operated as a business;
- J. Guesthouse or servants' quarters provided the lot is not less than twelve thousand square feet in area;
- K. Home office of a physician or minister;
- L. Public or private school;
- M. Electrical power substation;
- N. Water reservoir;
- O. A single-family dwelling having a common wall with one other single-family dwelling, providing:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.

2. The two dwellings shall have a common wall at the “zero” lot line.
3. One of the two lots shall be a corner lot, and:
 - a. Both lots combined shall comprise not less than nine thousand square feet in area. There is no minimum lot area for the individual lots created.
 - b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
 OR both lots shall be interior lots, and:
 - c. Each lot shall comprise not less than nine thousand square feet in area.
 - d. The setback requirements will apply to each dwelling unit independently, except that the setback for the “zero” lot line shall be waived.
5. Each dwelling unit must have independent services which include, but are not limited to sewer, water, and electricity.
6. The common wall shall be a fire wall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974;
- P. Windmill, for generation of electricity or pumping water;
- Q. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities).
- R. Fire Station Substation.
- S. Residential Facility as defined in Chapter 17.06 (Definitions). (Ord. 5104 §2, 2021; Ord. 4988 §1, 2015; Ord. 4959 §1, 2012; Ord. 4952 §1, 2012; Ord. 4944 §1(b), 2011; Ord. 4902 §1(b), 2008; Ord. 4732, 2000; Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(b), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.030 Lot size. In an R-1 zone the lot area shall not be less than nine thousand square feet, except as provided in Sections 17.12.010© and 17.12.020(O) of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.040 Yard requirements. In an R-1 zone each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;

- C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.050 Building height. In an R-1 zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.060 Density requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet, except that the lot area for approved two-family corner lots and common wall, single-family corner lots shall not be less than nine thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.12.070 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

Chapter 17.15

R-2 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

- 17.15.010 Permitted uses.
- 17.15.020 Conditional uses.
- 17.15.030 Lot size.
- 17.15.040 Yard requirements.
- 17.15.050 Building height.
- 17.15.060 Density requirements.

17.15.010 Permitted uses. In an R-2 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling and Class A mobile home subject to the following standards:
 - 1. If the dwelling is removed, the exposed foundation and any outbuildings must be removed within 90 days or, if notice is given to the city, 180 days will be allowed for installation of another home on the existing foundation; and
 - 2. A Class A mobile home shall have a pitched roof with a minimum slope of a nominal three feet in height for each twelve feet of run; and
 - 3. A Class A mobile home shall not be located adjacent to a historic landmark or within a historic district, as identified in the current McMinnville Historic Resources Inventory; and
 - 4. A Class A mobile home shall be multisectional, at least 24 feet in width, and enclose a space of not less than 1,000 square feet; and
 - 5. A Class A mobile home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade; and
 - 6. A Class A mobile home shall have exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material which is comparable to the predominant materials used on surrounding dwellings, as determined by the Planning Director. This requirement shall not be interpreted to mean that the City is responsible for enforcing codes, covenants and restrictions of any homeowner's or other association; and
 - 7. A Class A mobile home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010; and
 - 8. A Class A mobile home shall have a garage or carport constructed of like materials. An attached or detached garage may be required in lieu of a carport where a garage is consistent with the predominant construction of immediately surrounding dwellings.

- B. Two-family dwelling on a corner lot with eight thousand square feet minimum area;
- C. A single-family dwelling having a common wall with one other single-family dwelling, provided:
 - 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 - 2. The two dwellings shall have a common wall at the “zero” lot line.
 - 3. If one of the lots is a corner lot, then:
 - a. Both lots combined shall comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
 - b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot,OR if both lots are interior lots, then:
 - c. Each lot shall comprise not less than seven thousand square feet in area,
 - d. The setback requirements will apply to each dwelling unit independently, except that the setback for the “zero” lot line shall be waived.
 - 4. Each dwelling unit must have independent services which include, but are not limited to, sewer, water and electricity.
 - 5. The common wall shall be a fire wall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
 - 6. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 - 7. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- D. Accessory dwelling unit (ADU) subject to the following standards:
 - 1. The accessory dwelling unit may be established by:
 - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - b. Adding floor area to the primary dwelling, including a second story;
 - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; or
 - d. Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.
 - 2. The square footage of the accessory dwelling shall not exceed 50 percent of the primary dwelling exclusive of the garage, or 1,000 square feet, whichever is less. The minimum area shall be as determined by the State of Oregon Building Codes Division.

3. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
 4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.
 5. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.
 6. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
 7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
 8. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that completely independent from the primary dwelling.
 9. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, not to include modular structures, shall not be used as an accessory dwelling unit.
 10. ADUs are exempt from the residential density standards of this code.
 11. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
 12. That a legally non-conforming accessory structure located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).
- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
1. The structure is a residential dwelling unit.
 2. The provider resides at the dwelling.
 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 5. Operator must have the appropriate licenses required by state regulations.
- F. Day Care Facility (Adult), under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer people are present at any one time at the center.
 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 4. Operator must have the appropriate licenses required by state regulations.
- G. Child Care Center, under the following provisions:
1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.

2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. Residential Home as defined in Chapter 17.06 (Definitions)
- I. Social relief facility, under the following provisions:
 1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- J. Home occupation subject to the provisions of Chapter 17.67 (Home Occupations);
- K. Model home, subject to the provisions of Section 17.54.060 of this ordinance;
- L. Public park and recreation area;
- M. Sewage pump station;
- N. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.
- O. Resident occupied short term rentals, subject to the provisions of Section 17.12.010(N);
- P. Short term rentals, subject to the provisions of Section 17.12.010(O). (Ord. 5104 §2, 2021; Ord. 5047 §2, 2018, Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2006; Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.020 Conditional uses. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Cemetery;
- B. Child Care Center, under the following provisions:
 1. The facility is not a facility defined in Section 17.15.010(G)(1).
 2. Operator must have the appropriate licenses required by state regulations.
- C. Church;
- D. Community building, including library;
- E. Day Care Facility (Adult), under the following provisions
 1. The structure is not a residence.
 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 3. Operator must have the appropriate licenses required by state regulations.
- F. Social relief facility, when the following situations exist:
 1. The structure is not used as a residence by the operators and/or
 2. Six or more people unrelated to the operator reside at the home at any one time.
- G. Farming and keeping of domestic animals;
- H. Golf course, except driving range and miniature golf course when operated as a business;

- I. Guesthouse or servants' quarters provided the lot is not less than twelve thousand square feet in area;
- J. Home office of a physician or minister;
- K. Public or private school;
- L. Electrical power substation;
- M. Water reservoir;
- N. Windmill, for the generation of electricity or pumping water;
- O. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to provisions of Chapter 17.55 (Wireless Communications Facilities).
- P. Fire Service Substation.
- Q. Residential Facility as defined in Chapter 17.06 (Definitions). (Ord. 5104 §2, 2021; Ord. 4988 §1, 2015; Ord. 4952 §1, 2012; Ord. 4944 §1, 2011; Ord. 4902 §1, 2008; Ord. 4732, 2000; Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(b), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.030 Lot size. In an R-2 zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.15.010© of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.040 Yard requirements. In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.050 Building height. In an R-2 zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.060 Density requirements. In an R-2 zone, the lot area per family shall not be less than seven thousand square feet, except that the lot area for two-family corner lots and common wall, single-family corner lots shall not be less than eight thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.15.070 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

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Chapter 17.18

R-3 TWO-FAMILY RESIDENTIAL ZONE

Sections:

- 17.18.010 Permitted uses.
- 17.18.020 Conditional uses.
- 17.18.030 Lot size.
- 17.18.040 Yard requirements.
- 17.18.050 Building height.
- 17.18.060 Density requirements.

17.18.010 Permitted uses. In an R-3 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling;
- C. A single-family dwelling having a common wall with one other single-family dwelling, provided:
 - 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 - 2. The two dwellings shall have a common wall at the “zero” lot line.
 - 3. Both lots combined comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
 - 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
 - 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
 - 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State,
 - 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 - 8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- D. Accessory dwelling unit (ADU) subject to the following standards:
 - 1. The accessory dwelling unit may be established by:
 - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - b. Adding floor area to the primary dwelling, including a second story;

- c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; or
 - d. Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.
 - 2. The square footage of the accessory dwelling shall not exceed 50 percent of the primary dwelling exclusive of the garage, or 1,000 square feet, whichever is less. The minimum area shall be as determined by the State of Oregon Building Codes Division.
 - 3. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
 - 4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.
 - 5. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.
 - 6. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
 - 7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
 - 8. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that completely independent from the primary dwelling.
 - 9. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, not to include modular structures, shall not be used as an accessory dwelling unit.
 - 10. ADUs are exempt from the residential density standards of this code.
 - 11. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
 - 12. That a legally non-conforming accessory structure located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).
- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
- 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 5. Operator must have the appropriate licenses required by state regulations.
- F. Day Care Facility (Adult), under the following provisions:
- 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated

- at a usage level equal to or subservient to the residential use of the structure.
- 2. Twelve or fewer people are present at any one time at the center.
- 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
- 4. Operator must have the appropriate licenses required by state regulations.
- G. Child Care Center, under the following provisions:
 - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. Residential Home as defined in Chapter 17.06 (Definitions)
- I. Social relief facility, under the following provisions:
 - 1. The structure is maintained in its residential character, operators own, lease or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - 2. Five or less people unrelated to the operator, reside at the home at any one time.
 - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- J. Home occupation, subject to the provisions of Chapter 17.67 (Home Occupations);
- K. Mobile home subdivision, provided that the provisions of both the McMinnville Land Division Ordinance and the Mobile Home Development Ordinance are met and that a minimum of ten contiguous lots are developed solely for mobile home occupation;
- L. Model home, subject to the provisions of Section 17.54.060 of this ordinance;
- M. Public park and recreation area;
- N. Sewage pump station;
- O. Mobile home park, subject to the provisions of the Mobile Home Development Ordinance;
- P. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.
- Q. Resident occupied short term rentals, subject to the provisions of Section 17.12.010(N).
- R. Short term rentals, subject to the provisions of Section 17.12.010(O). (Ord. 5104 §2, 2021; Ord. 5047 §2, 2018, Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §4(part), §5, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4481 §1, 1991; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4221 §1, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.020 Conditional uses. In an R-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Cemetery;
- B. Child Care Center, under the following provisions:

1. The facility is not a facility defined in Section 17.18.010(G)(1).
 2. Operator must have the appropriate licenses required by state regulations.
- C. Church;
- D. Community building, including library;
- E. Day Care Facility (Adult), under the following provisions
1. The structure is not a residence.
 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 3. Operator must have the appropriate licenses required by state regulations.
- F. Social relief facility, when the following situations exist:
1. The structure is not used as a residence by the operators, and/or
 2. Six or more people unrelated to the operator reside at the home at any one time.
- G. Farming and keeping of domestic animals;
- H. Golf course, except driving range and miniature golf course when operated as a business;
- I. Guesthouse or servant quarters provided the lot is not less than twelve thousand square feet in area;
- J. Home office of a physician or minister;
- K. Public or private school;
- L. Electrical power substation;
- M. Water reservoir;
- N. Windmill, for the generation of electricity or pumping water;
- O. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities).
- P. Fire Service Substation.
- Q. Residential Facility as defined in Chapter 17.06 (Definitions). (Ord. 5104 §2, 2021; Ord. 4988 §1, 2015; Ord. 4952 §1, 2012; Ord. 4944 §1(d), 2011; Ord. 4902 §1(d), 2008; Ord. 4732, 2000; Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(d), 1984; (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.030 Lot size. In an R-3 zone the lot size shall not be less than six thousand square feet except as provided in Section 17.18.010(C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.040 Yard requirements. In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than fifteen feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.050 Building height. In an R-3 zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.060 Density requirements. In an R-3 zone, the lot area per family shall not be less than four thousand square feet, except that the lot area for common wall, single-family corner lots shall not be less than eight thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.18.070 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

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Chapter 17.21

R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:

- 17.21.010 Permitted uses.
- 17.21.020 Conditional uses.
- 17.21.030 Lot size.
- 17.21.040 Yard requirements.
- 17.21.050 Building height.
- 17.21.060 Density requirements.

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling;
- C. Multiple-family dwelling subject to the following:
 - 1. The property on which the use will be located has direct access from a major collector or minor arterial street, or a local collector street within 600' of a collector or arterial street; or
 - 2. The property is located within one-half mile of a planned or existing transit route; or
 - 3. The property is within one-quarter mile from a planned or existing neighborhood or commercial shopping area.
- D. Accessory dwelling unit (ADU) subject to the following standards:
 - 1. The accessory dwelling unit may be established by:
 - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - b. Adding floor area to the primary dwelling, including a second story;
 - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; or
 - d. Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.
 - 2. The square footage of the accessory dwelling shall not exceed 50 percent of the primary dwelling exclusive of the garage, or 1,000 square feet, whichever is less. The minimum area shall be as determined by the State of Oregon Building Codes Division.
 - 3. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
 - 4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.

5. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.
 6. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
 7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
 8. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that completely independent from the primary dwelling.
 9. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, not to include modular structures, shall not be used as an accessory dwelling unit.
 10. ADUs are exempt from the residential density standards of this code.
 11. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
 12. That a legally non-conforming accessory structure located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).
- E. Condominium;
- F. Residential Home as defined in Chapter 17.06 (Definitions)
- G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:
1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 2. The dwelling shall have a common wall at the "zero" lot line.
 3. Each lot shall comprise not less than twenty-five hundred square feet in area.
 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- H. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
1. The structure is a residential dwelling unit.

2. The provider resides at the dwelling.
 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 5. Operator must have the appropriate licenses required by state regulations.
- I. Day Care Facility (Adult), under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer people are present at any one time at the center.
 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 4. Operator must have the appropriate licenses required by state regulations.
- J. Child Care Center, under the following provisions:
1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- K. Residential Home as defined in Chapter 17.06 (Definitions).
- L. Residential Facility as defined in Chapter 17.06 (Definitions).
- M. Social relief facility, under the following provisions:
1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- N. Home occupation, subject to the provisions of Chapter 17.67 (Home Occupations);
- O. Mobile home subdivision, provided that the provisions of both the McMinnville Subdivision Ordinance and the Mobile Home Development Ordinance are met and that a minimum of ten contiguous lots are developed solely for mobile home occupation;
- P. Model home, subject to the provisions of Section 17.54.060 of this ordinance;
- Q. Public park and recreation area;
- R. Sewage pump station;
- S. Mobile home park, subject to the provisions of the Mobile Home Development Ordinance;
- T. Resident occupied short term rentals, subject to the provisions of Section 17.12.010(N);
- U. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.

- V. Short term rentals, subject to the provisions of Section 17.12.010(O). (Ord. 5104 §2, 2021; Ord 5098 §1, 2020, Ord. 5047 §2, 2018, Ord. 5040 §2, 2017; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §4(part), 1995; Ord. 4534 §5(part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §2(e), 1984; Ord. 4221 §2, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.020 Conditional uses. In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030:

- A. Campus living organization (fraternity, sorority or dormitory);
- B. Cemetery;
- C. Child Care Center, under the following provisions:
 - 1. The facility is not a facility defined in Section 17.21.010(J)(1).
 - 2. Operator must have the appropriate licenses required by state regulations.
- D. Church;
- E. Community building, including library;
- F. Day Care Facility (Adult), under the following provisions
 - 1. The structure is not a residence.
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 3. Operator must have the appropriate licenses required by state regulations.
- G. Social relief facility, when the following situations exist:
 - 1. The structure is not used as a residence by the operators, and/or
 - 2. Six or more people unrelated to the operator reside at the home at any one time.
- H. Farming and keeping of domestic animals;
- I. Golf course, except driving range and miniature golf course when operated as a business;
- J. Home office of a physician or minister;
- K. Hospital and clinic;
- L. Nursing/convalescent home;
- M. A multiple-family dwelling constructed to a higher density than normally allowed in the R-4 Multiple-Family zone provided that the following conditions are met. It is the applicant's burden to show that the conditions have been met:
 - 1. That public and private utilities and services would not be overtaxed by the proposed development. Utilities and services include, but are not necessarily limited to, water, sanitary sewer, public schools, fire protection, police protection, electricity, natural gas, and telephone service.
 - 2. That the transportation network in the immediate area as well as in the adjoining areas is capable of handling the prospective increase in traffic flow.
 - 3. That off-street parking be provided at the rate of one and one-half parking stalls per unit. A variance to this requirement may be considered by the

Planning Commission when the proposed housing structure is limited solely to elderly residents.

4. That adjacent properties in other ownerships would not be caused to be limited to a lesser density than allowed in the zone as a direct result of the proposal using a “share” of that adjacent property’s public or private utilities or services.
 5. That the provisions of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street, and Johnson Street.
- N. Public or private school or college;
- O. Electrical power substation;
- P. Water reservoir;
- Q. Windmill, for generation of electricity or pumping water;
- R. Bed and Breakfast establishment, provided:
1. That three or more guest sleeping rooms are provided on a daily or weekly basis for the use of six or more travelers or transients at any one time.
 2. That a minimum of one off-street parking space be provided for the first two guest sleeping rooms with an additional parking space for each additional guest sleeping room. The required off-street guest parking area may be provided within 200 feet from the bed and breakfast establishment.
 3. That signing be limited to only one non-illuminated or indirectly illuminated wooden sign not exceeding six square feet of face area.
 4. That smoke detectors be provided as per the requirements for “lodginghouses” in Ordinance 3997.
- S. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities).
- T. Fire Service Substation. (Ord. 5104 §2, 2021; Ord. 4952 §1, 2012; Ord. 4944 §1(e), 2011; Ord. 4902 §1(e), 2008; Ord. 4732, 2000; Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §1(f), 1984; Ord. 4221 §3, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;

- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.21.070 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

Chapter 17.22

R-5 MULTIPLE-FAMILY RESIDENTIAL ZONE (as adopted per Ordinance 5098, December 8, 2020)

Sections:

- 17.22.005 Purpose.
- 17.22.010 Permitted uses.
- 17.22.020 Conditional uses.
- 17.22.030 Lot size.
- 17.22.040 Yard requirements.
- 17.22.045 Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives
- 17.22.050 Building height.
- 17.22.055 Exterior Elevations
- 17.22.060 Density requirements.
- 17.22.070 Signs.

17.22.005 Purpose. This zone is intended to provide areas for high-density residential dwelling units and other closely related uses in designated Neighborhood Activity Centers, the downtown, and other appropriate locations within the city, consistent with comprehensive plan policies. Residential densities within this zone are typically 14 to 26 dwelling units per acre.

17.22.010 Permitted uses. In an R-5 zone, the following uses and their accessory uses are permitted:

- A. Multiple-family dwelling;
- B. Condominium;
- C. Boardinghouse, lodging house, or rooming house;
- D. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
 - 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 5. Operator must have the appropriate licenses required by state regulations.
- E. Child Care Center, under the following provisions:
 - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- F. Social relief facility, under the following provisions:

1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or fewer people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC) as amended, are met.
- G. Home occupation, subject to the provisions of Chapter 17.67;
- H. Public park and recreation area;
- I. Sewage pump station;
- J. Satellite dish provided such dish is screened from abutting or facing residential properties by a sight-obscuring fence, wall, or planting. (Ord. 5104 §2, 2021)

17.22.020 Conditional uses. In an R-5 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapters 17.72 and 17.74:

- A. Campus living organization (fraternity, sorority, or dormitory);
- B. Cemetery;
- C. Church;
- D. Community building, including library;
- E. Child Care Center, under the following provisions:
 1. The facility is not a facility defined in Section 17.22.010(E)(1).
 2. Operator must have the appropriate licenses required by state regulations.
- F. Day care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators; and/or
 2. Thirteen or more children are present at any one time;
 3. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810.
- G. Nursing/convalescent home;
- H. A multiple-family development constructed to a higher density than normally allowed in the R-5 multiple-family zone provided that the following conditions are met. It is the applicant's burden to show that the conditions have been met.
 1. These provisions only apply in the downtown core area, bounded by First Street, Fifth Street, Adams Street, and Johnson Street;
 2. That public and private utilities and service would not be overtaxed by the proposed development. Utilities and service include, but are not necessarily limited to, water, sanitary sewer, public schools, fire protection, police protection, electricity, natural gas, and telephone service.
 3. That the transportation impact analysis study demonstrates the road network is capable of handling the prospective increase in traffic flow, or mitigating traffic impacts to a level that does not degrade network performance below minimum acceptable levels.

4. That off-street parking be provided at the rate of one parking stalls per unit. The Planning Commission may consider a variance to this requirement when the proposed housing structure is limited solely to elderly residents.
 5. That adjacent properties in other ownerships would not be caused to be limited to a lesser density than allowed in their base zone as a direct result of the proposal.
- I. Public or private school or college;
 - J. Electrical power substation;
 - K. Water reservoir;
 - L. Windmill, for generation of electricity or pumping water;
 - M. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. [As amended by Ordinance 4732]. (Ord. 5104 §2, 2021)

17.22.030 Lot size. In an R-5 zone, the lot size shall not be less than five thousand square feet.

17.22.040 Yard requirements. In an R-5 zone, each lot shall have yards of the following sizes unless otherwise provided in Section 17.54.090:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

17.22.045 Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

- A. Buildings with windowed walls facing buildings with windowed walls shall maintain a 25-foot minimum separation.
- B. Buildings with windowed walls facing buildings with blank wall shall be placed a minimum of 15 feet apart.
- C. Buildings with opposing blank walls shall have a minimum 10-foot separation.
- D. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- E. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be one foot for each 15 feet of building length over 60 feet and 2 feet for each 10 feet of building over 30 feet.
- F. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways shall be separated by at least 5 feet.
2. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways shall be separated by at least 7 feet.
3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

17.22.050 Building height. In an R-5 zone, a building shall not exceed sixty feet in height.

17.22.055 Exterior Elevations. The exterior elevations of buildings shall incorporate design features such as offsets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Planning Commission.

17.22.060 Density requirements. In an R-5 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.22.020(l) are utilized.

17.22.070 Signs. In an R-5 zone, the following types of signs are permitted:

- A. A sign not to exceed six square feet in area identifying the owner or occupant of the property on which it is located. Such sign may be indirectly illuminated;
- B. A nonilluminated, temporary sign not to exceed six square feet in area concerning the lease, rental, or sale of a property;
- C. A nonilluminated sign not to exceed forty-eight square feet in area identifying a subdivision at the location of the sign;
- D. Signs may be located in a required front yard or a required side yard adjacent to a street but shall not be located in or extend over a street or public right-of-way;
- E. Political campaign signs are permitted as follows;
 1. Campaign signs shall not be erected earlier than six weeks prior to an election for which they were made.
 2. Permitted signs shall not exceed six square feet in area.
 3. Such signs shall be confined within private property and removed within fourteen days after the election for which they were made.
 4. Prior to the erection of any political campaign sign, the political treasurer on behalf of the candidate or issue shall post a bond in the form approved by the City Attorney and filed with the Planning Director in the amount of fifty dollars (\$50.00) guaranteeing removal of such signs within fourteen days after the election for which they are used.
 5. The City shall remove signs posted in the public right-of-way and those signs not removed from private property fourteen days following the

election. The costs of removal shall be deducted from the bond posted; the bond or remaining portion thereof shall be refunded upon compliance with this section.

- F. A nonilluminated or indirectly illuminated sign not to exceed twenty-four square feet identifying a "model home," subject to the procedures outlined in Section 17.54.100.
- G. A non-illuminated free-standing sign not to exceed 15 feet in height, and 36 square feet in area may be permitted to identify a public school at the location of the sign. In lieu of such signage, a non-illuminated wall mounted sign not to exceed 48 square feet in area, or a non-illuminated or indirectly illuminated monument sign not to exceed six feet in height, and 48 square feet in area, is permitted. A reader board may be integral to the sign. Such signs shall be located in compliance with the setbacks applicable to the residential zone in which they are located.

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Chapter 17.24

O-R OFFICE/RESIDENTIAL ZONE

Sections:

- 17.24.010 Purpose.
- 17.24.020 Permitted buildings and uses.
- 17.24.030 Conditional uses permitted.
- 17.24.040 Limitations on uses.
- 17.24.060 Yard requirements.
- 17.24.070 Height of buildings.
- 17.24.080 Parking requirements.
- 17.24.090 Parking variances.

17.24.010 Purpose. The purpose and intent of this zone is at least two-fold. One, it may be used to provide a transition and buffer area between commercially zoned and residentially zoned areas; and two, it is intended to provide an incentive for the preservation of old and historical structures. It may also serve as a buffer zone along major arterials between the roadway and the interior residential areas. Therefore, the requirements set forth herein should be interpreted in relationship to the protection of abutting residential areas. Implementation and interpretation should take into consideration those factors conducive to a healthy place to live, and improvements should be in scale and relationship to surrounding property uses. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.020 Permitted buildings and uses. In an office/residential district, the following types of buildings and uses and their accessory uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

- A. Subject to the requirements of the R-4 zone, the following residential uses and their accessory uses are permitted:
 - 1. Single-family dwelling.
 - 2. Common wall, single-family dwelling.
 - 3. Two-family dwelling (duplex).
 - 4. Multiple-family dwelling.
 - 5. Condominium.
 - 6. ~~Boarding, lodging or rooming house;~~
- B. Antique/art galleries and associated sales;
- C. Barbershop;
- D. Beauty shop;
- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
 - 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.

4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 5. Operator must have the appropriate licenses required by state regulations.
- F. Clinic;
- G. Day Care Facility (Adult), under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer people are present at any one time at the center.
 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 4. Operator must have the appropriate licenses required by state regulations.
- H. Child Care Center, under the following provisions:
1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- I. Social relief facility, under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural and Fire Life Safety Code (UBC) as amended.
- I. Home occupations;
- J. Library or museum;
- K. Offices: all professional, administrative and business offices, provided that retail sales are not allowed except for those sales incidental to the principal occupation conducted therein;
- L. Public and semi-public buildings essential to the physical and economic welfare of the area, such as fire stations, substations, and pump stations, provided that no stockpiling or storage of materials shall be allowed;
- M. Public and private parking lots;
- N. Dressmaking or Tailor shop;
- O. Studios for the following:
1. Artists.
 2. Interior decorator.
 3. Photographer;
- P. Secretarial service;
- Q. Telephone answering service;
- R. Resident occupied short term rentals, subject to the provisions of Section 17.12.010(N), except that subsection 17.12.010(N)(2) shall not apply.
- S. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.

- T. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55.
- U. Short term rentals, subject to the provisions of Section 17.12.010(O). (Ord. 5104 §2, 2021; Ord. 5047 §2, 2018, Ord. 4984 §1, 2014; Ord. 4732, 2000; Ord. 4534 §5(part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §1(g), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.030 Conditional uses permitted. In an office/residential zone, the following uses and their accessory uses are permitted subject to the provisions of Chapter 17.72:

- A. Child Care Center, under the following provisions:
 - 1. The facility is not a facility defined in Section 17.24.010(H)(1).
 - 2. Operator must have the appropriate licenses required by state regulations.
- B. Church;
- C. Day Care Facility (Adult), under the following provisions
 - 1. The structure is not a residence.
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 3. Operator must have the appropriate licenses required by state regulations.
- D. Social relief facility, when the following situations exist:
 - 1. The structure is not used as a residence by the operators, and/or
 - 2. Six or more people unrelated to the operator reside at the home at any one time.
- E. Nursing/convalescent home;
- F. Windmill, for generation of electricity or pumping water;
- G. Bed and breakfast establishments, subject to the provisions of Section 17.21.020(Q). (Ord. 5104 §2, 2021; Ord. 4902 §1(f), 2008; Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(h), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.040 Limitations on uses. The following conditions and limitations shall apply to all uses locating in the office/residential zone:

- A. Where a property in the office/residential zone abuts a property in a residential zone, a six-foot fence of a sight-obscuring material shall be placed along the affected property line. The fence shall be of such material and design so as not to detract from adjacent residences and shall be free of advertising. Responsibility for placement of the fence falls with the office/residential property when being changed from a residential use;
- B. Where a property in an office/residential zone abuts another property in an office/residential zone which is in residential use, a sight-obscuring fence or wall, whether permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall falls with the property requesting development approval;
- C. All parking areas and approach aisles shall be surfaced with asphaltic cement concrete or Portland cement concrete. Driving aisles, maneuvering aisles, and required parking spaces shall be clearly marked;

- D. No use of any structure in the office/residential zone shall normally occur between the hours of 8 p.m. to 7 a.m., save and except the residential uses permitted;
- E. No use creating a noise, vibration, odor, or other similar nuisances prohibited by City ordinances shall be permitted;
- F. A minimum of seven percent of the site shall be placed in landscaping. Landscape plans must be approved by the Landscape Review Committee prior to any building permits or occupancy permits being issued. This condition applies to all uses regardless of whether or not the outside dimensions of the structure are being changed, save and except this condition does not apply to single-family, common wall single-family, or duplex residential uses;
- G. All outside lighting shall be directed away from residential zones and from residential uses in the office/residential zone;
- H. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - 1. Off-street parking or loading.
 - 2. Temporary display and sales of merchandise, provided it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.
- I. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises, except that home occupations are exempt from this limitation;
- J. Access points to and from the property must be approved by the City Engineer and the Planning Director;
- K. A plan showing the locations of all existing and proposed buildings and structures, parking areas and access points, lighting, signs, landscaping, and other such data as may have a bearing on the adjacent properties must be submitted to and approved by the Planning Director prior to issuance of any building permits and prior to any new use occupying an existing structure. The Planning Director shall approve said plan upon finding that all conditions and limitations of this title are met. Construction shall be in conformance with the approved plan. The Planning Director's decision may be appealed to the Planning Commission. Residential uses are exempt from this requirement. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.24.050 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

17.24.060 Yard requirements. For new structures and additions in an office/residential zone, yards shall be maintained as follows (these setbacks shall apply only to new construction):

- A. There shall be a front yard of not less than fifteen feet;
- B. Side yards shall be not less than seven and one-half feet when adjacent to a residential zone; when adjacent to an office/residential zone, no side yard shall be required, except that residential uses are subject to the side yard requirements of the R-4 zone;
- C. Exterior side yards shall be a minimum of fifteen feet;

- D. There shall be a rear yard of not less than twenty feet when adjacent to a residential zone; when adjacent to a commercial zone or other property in this zone, then no rear yard setback shall be required, except that residential uses are subject to the rear yard setback requirements of the R-4 zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.070 Height of buildings. In an office/residential zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.080 Parking requirements. Parking shall be provided in accordance with Chapter 17.60 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.090 Parking variances.

- A. Variance to the parking requirements of Chapter 17.60 (Off-Street Parking and Loading) of this ordinance may be granted in the circumstance where an existing structure is being converted to a different use or occupancy subject to the following limitations:
1. At no time may a variance be granted for more than fifty percent of the required parking spaces.
 2. New structures may not be granted variances under this section.
 3. Variances approved under this section are not transferable and are valid only for the specific occupancy or use for which they are granted. Any new use desiring to locate in a structure or on property for which a variance has been granted regardless if such new use is in the same land use category as was the old use must either provide the required parking or receive variance approval.
- B. In entertaining a variance request, the Planning Commission may consider the following factors:
1. Is the variance necessary to preserve an existing structure and/or existing landscaping?
 2. Would the granting of a variance have an adverse impact on neighboring properties?
 3. Would the granting of the variance result in extensive street parking?
 4. Is there available public parking nearby?
 5. What is the expected traffic generation of the proposed use? Is it less than the required parking would indicate? (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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Chapter 17.27

C-1 NEIGHBORHOOD BUSINESS ZONE

Sections:

- 17.27.010 Permitted uses.
- 17.27.020 Conditional uses.
- 17.27.030 Yard requirements.
- 17.27.040 Building height.
- 17.27.050 Lot coverage.
- 17.27.060 Use limitations.

17.27.010 Permitted uses. In a C-1 zone, the following uses and their accessory uses may be permitted:

- A. Bakery, provided all products produced are sold only at retail on the premises;
- B. Barbershop or beauty shop;
- C. Confectionery or candy store, provided all products produced are sold only at retail on the premises;
- D. Drugstore or pharmacy;
- E. Florist, garden shop or nursery, retail;
- F. Food store, retail;
- G. Laundry or dry cleaning distributing station;
- H. Laundry or dry cleaning, self-service;
- I. Medical or dental office;
- J. Shoe repair shop;
- K. Sewage pump station;
- L. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities).
- M. Child Care Center, under the following provisions:
 - 1. The operator must have the appropriate licenses required by state regulations, if applicable.
- N. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
 - 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 5. Operator must have the appropriate licenses required by state regulations. (Ord. 5104 §2, 2021; Ord. 4732, 2000; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.020 Conditional uses. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Public or private school;
- B. Electrical power substation;
- C. Water reservoir;
- D. Windmill, for generation of electricity or pumping water;
- E. Cable television ground receiving station. (Ord. 4732, 2000; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.030 Yard requirements. In a C-1 zone, yards shall be maintained as follows:

- A. There shall be a front yard of not less than thirty feet;
- B. No side yard is required except there shall be a side yard of not less than twenty feet when adjacent to a residential zone or thirty feet when on the street side of a corner lot;
- C. There shall be a rear yard of not less than twenty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.040 Building height. In a C-1 zone, buildings shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.050 Lot coverage. In a C-1 zone, buildings shall not occupy more than twenty-five percent of the lot area. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.060 Use limitations. In a C-1 zone, the following limitations shall apply:

- A. For expansion of existing buildings and for new construction, a development plan shall be submitted to the Commission for their approval. Such plan shall show the locations of all existing and proposed buildings and structures, parking areas and access points, lighting, signs, landscaping and such other data as may have a bearing on the adjacent properties. Construction shall be in conformance to the plan approved by the Commission to assure compatibility with adjacent zones;
- B. The floor area for any business established in this zone shall not exceed six thousand square feet of sales area, exclusive of storage and business office space;
- C. The Commission may impose the following conditions before a building permit will be issued for the proposed development:
 - 1. Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential.
 - 2. Require the dedication of additional street right-of-way where an officially adopted plan indicates need for increased width or where the nature of the proposed development warrants increased street width.
 - 3. Limit the hours a business may be open to the public.
- D. All business, services, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - 1. Off-street parking or loading.
 - 2. Drive-in windows.
 - 3. Temporary display and sales of merchandise, provided it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.

- E. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;
- F. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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Chapter 17.30

C-2 TRAVEL COMMERCIAL ZONE

Sections:

- 17.30.010 Permitted uses.
- 17.30.020 Conditional uses.
- 17.30.030 Yard requirements.
- 17.30.040 Building height.
- 17.30.050 Use limitations.

17.30.010 Permitted uses. In a C-2 zone, the following uses and their accessory uses are permitted:

- A. Automobile service station;
- B. Child Care Center, under the following provisions:
 - 1. The operator must have the appropriate licenses required by state regulations, if applicable.
- C. Gift shop;
- D. Lodging (hotels and motels);
- E. Recreational vehicle park;
- F. Restaurant;
- G. Sewage pump station;
- H. Social relief facility, under the following provisions:
 - 1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - 2. Five or fewer people unrelated to the operator, reside at the home at any one time.
 - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- I. Bed and breakfast establishments;
- J. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities).
- K. Short term rentals.
- L. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
 - 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 5. Operator must have the appropriate licenses required by state regulations. (Ord. 5104 §2, 2021; Ord. 5047 §2, 2018, Ord. 4902 §1(g), 2008; (Ord. 4732, 2000; Ord. 4534 §1, 1993; Ord. 4479A §4(part), 1991;

Ord. 4292 §2(i), 1984; Ord. 4279 §1(A), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.020 Conditional uses. In a C-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Commercial recreation facility;
- B. Repair garage, provide there is no outside repair or storage;
- C. Social relief facility, when the following situations exist:
 - 1. The structure is not used as a residence by the operators, and/or
 - 2. Six or more people unrelated to the operator reside at the home at any one time.
- D. Public or private school;
- E. Electrical power substation;
- F. Water reservoir;
- G. Windmill, for generation of electricity or pumping water;
- H. Cable television ground receiving station. (Ord. 4732, 2000; Ord. 4479A §4(part), 1991; Ord. 4279 §1(B), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.030 Yard requirements. In a C-2 zone, yards shall be maintained as follows:

- A. There shall be a front yard of at least thirty feet;
- B. No side yard is required except there shall be a side yard of at least fifteen feet when adjacent to a residential zone or on the street side of a corner lot;
- C. There shall be a rear yard of at least twenty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.040 Building height. In a C-2 zone, a building shall not exceed a height of forty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.050 Use limitations. In a C-2 zone, outside storage abutting or facing a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed ten feet in height. (Ord. 4477 §2, 1990).

Chapter 17.33

C-3 GENERAL COMMERCIAL ZONE

Sections:

- 17.33.010 Permitted uses.
- 17.33.020 Conditional uses.
- 17.33.030 Yard requirements.
- 17.33.040 Building height.
- 17.33.050 Use limitations.

17.33.010 Permitted uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020;
2. Existing lawfully established single-family dwellings built and occupied prior to [insert adoption date], 2021.
 - a. Lots for these uses will be limited to their current sizes and cannot be expanded.
 - b. If the single-family dwelling is not occupied for more than a year as a residential use, it is no longer considered a permitted use.
 - c. Short-term rentals and resident-occupied short-term rentals will be considered a continued residential use for this code provision.
3. Existing lawfully established two-family dwellings built and occupied prior to [insert adoption date], 2021;
 - a. Lots for these uses will be limited to their current sizes and cannot be expanded.
 - b. If the two-family dwelling is not occupied for more than a year as a two-family dwelling, it is no longer considered a permitted use.
4. A new or existing lawfully established accessory dwelling unit which is accessory to, and on the same lot as, an existing lawfully established single-family dwelling built and occupied prior to [insert adoption date], 2021, subject to the following standards:
 - a. The accessory dwelling unit may be established by:
 1. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 2. Adding floor area to the primary dwelling, including a second story; or
 3. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling.

The existing lawfully-established single-family dwelling shall remain designated as the primary dwelling.

- b. The square footage of the accessory dwelling shall not exceed 50 percent of the primary dwelling exclusive of the garage, or 1,000 square feet, whichever is less. The minimum area shall be as determined by the State of Oregon Building Codes Division.

- c. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
 - d. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.
 - e. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.
 - f. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
 - g. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that completely independent from the primary dwelling.
 - h. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, not to include modular structures, shall not be used as an accessory dwelling unit.
 - i. ADUs are exempt from the residential density standards of this code.
 - j. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on same site.
 - k. That a legally non-conforming accessory structure which is accessory to an existing lawfully established single-family dwelling may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).
- 5. Condominiums subject to the provisions of the R-4 zone, except that within the City Center Housing Overlay Zone designated in Chapter 17.66, density limitations of the R-4 zone shall not apply, and any special development standards of the Overlay Zone shall supersede those of the R-4 zone.;
 - 6. Multiple-family dwelling subject to the provisions of the R-4 zone, except that within the City Center Housing Overlay Zone designated in Chapter 17.66, density limitations of the R-4 zone shall not apply, and any special development standards of the Overlay Zone shall supersede those of the R-4 zone.;
 - 7. Upper-story residential;
 - 8. One ground floor dwelling (accessory use to business) per business building;
 - 9. Auction house;
 - 10. Auditorium exhibition hall, or other public assembly room;
 - 11. Automobile, boat, trailer, or truck rental, sales, or service;
 - 12. Automobile repair garage;
 - 13. Bank or similar financial institution;
 - 14. Bicycle sales or repair shop;
 - 15. Book or stationary store, retail;
 - 16. Building materials supply store, retail;
 - 17. Business and trade school or college not objectionable due to noise, odor, dust, smoke, vibration, or other reasons;

18. Church;
19. Clothing store, retail;
20. Club, lodge, hall, or fraternal organization;
21. Cocktail lounge;
22. Community building;
23. Custom manufacturing of goods only for retail sale on the premises;
24. Department store, retail;
25. Dressmaking, millinery, or tailor shop;
26. Dry goods or notions store, retail;
27. Electric appliance or equipment, sales and service;
28. Farming or logging, implement or machinery, sales or service;
29. Floor covering sales and service;
30. Frozen food locker, retail;
31. Furniture store, retail;
32. Garden supply store, nursery, or green house, retail;
33. Government building including armory, maintenance, repair, or storage facility;
34. Hardware and paint store, retail;
35. Hospital and clinic;
36. Household, business, or recreational equipment sales or rental;
37. Ice dispenser, retail;
38. Interior decorating shop;
39. Jewelry store, retail;
40. Laundry cleaning establishment;
41. Library or museum;
42. Locksmith;
43. Lumber or building material sales, retail;
44. Medical or dental laboratory;
45. Monument sales, retail;
46. Mortuary or funeral home, including crematorium;
47. Music or musical instrument store, retail;
48. Nursing/convalescent home;
49. Office;
50. Paint or glass store, retail;
51. Parking structure or lot;
52. Pawnshop or second-hand goods store provided all merchandise is stored in a building;
53. Pet store, retail;
54. Photographic shop, blueprinting, photostating, or other reproduction process;
55. Plumbing and heating store;
56. Printing or publishing plant;
57. Public utility building and facility;
58. Recreational vehicle park;
59. Retail or wholesale stores or businesses not involving manufacturing, processing, or compounding of products other than that which is clearly incidental to the business conducted on the premises and provided that not more than fifty percent of the floor area of the building is used in the manufacturing, processing, or compounding of products, and such

operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes;

60. Rubber stamp manufacture, provided all products are sold on the premises;
61. Scientific or professional instrument sales or service;
62. Sewage pump station;
63. Shoe store, retail;
64. Sign painting shop;
65. Storage garage or mini-storage buildings;
66. Studio, including music, dancing, art, photography, or health;
67. Tavern;
68. Taxi stand;
69. Taxidermy shop;
70. Theater;
71. Toy or hobby store, retail;
72. Upholstery or furniture repair shop;
73. Variety store, retail;
74. Veterinary office or animal hospital, provided there are no runs or pens and no noise is audible beyond the property line;
75. Wholesale office or showroom with merchandise on the premises limited to small parts and samples;
76. Social relief facility, under the following provisions:
 - a. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - b. Five or fewer people unrelated to the operator reside at the home at any one time.
 - c. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
74. Day Care Facility (Adult), under the following provisions:
 - a. The structure is not a residence.
 - b. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - c. Operator must have the appropriate licenses required by state regulations. (Ord. 5105 §2, 2021; Ord. 5104 §2, 2021; Ord 5060 §2, 2018, Ord. 4900 §2, 2008; Ord. 4479A §4(part), 1991; Ord. 4279 §1(C), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.020 Conditional uses. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Social relief facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Six or more people unrelated to the operator reside at the home at any one time.
- B. Public or private school;
- C. Public transportation passenger terminal;
- D. *Outside of the City Center Housing Overlay Zone*, a multiple-family dwelling or condominium constructed to a higher density than normally allowed in the

R-4 multiple-family zone provided that the following conditions are met. It is the applicant's burden to show that the conditions have been met:

1. That public and private utilities and services would not be overtaxed by the proposed development. Utilities and service include, but are not necessarily limited to, water, sanitary sewer, storm sewer, public schools, fire protection, police protection, electricity, natural gas, and telephone service.
 2. That the transportation network in the immediate area, as well as in the adjoining areas, is capable of handling the prospective increase in traffic flow.
 3. That off-street parking be provided at the rate of one and one-half parking stalls per unit. A variance to this requirement may be considered by the Planning Commission when the proposed housing structure is limited solely to elderly residents.
 4. That adjacent properties in other ownerships would not be caused to be limited to a lesser density than allowed in the zone as a direct result of the proposal using a "share" of that adjacent property's public or private utilities or services.
 5. That the provisions of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street and Johnson Street;
- E. Cable television ground receiving station;
- F. Utility transmission station;
- G. Water reservoir;
- H. Windmill, for generation of electricity or pumping water. (Ord. 5105 §2, 2021; Ord. 5104 §2, 2021; Ord. 4479A §4(part), 1991; Ord. 4279 §1(D), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.030 Yard requirements. Except as provided in Section 17.54.050, and "A" and "B" below, there shall be no required yards in a C-3 zone:

- A. Side yard shall not be less than twenty feet when adjacent to a residential zone;
- B. Rear yard shall not be less than twenty feet when adjacent to a residential zone. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.040 Building height. In a C-3 zone, buildings shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.050 Use limitations. In a C-3 zone, outside storage abutting or facing a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed ten feet in height. (Ord. 4477 §3, 1990).

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Chapter 17.36

M-L LIMITED LIGHT INDUSTRIAL ZONE

Sections:

- 17.36.010 Purpose.
- 17.36.020 Permitted uses.
- 17.36.030 Conditional uses.
- 17.36.040 Yard requirements.
- 17.36.050 Building height.
- 17.36.060 Use limitations.

17.36.010 Purpose. The M-L Limited Light Industrial zone is intended to create, preserve, and enhance areas containing manufacturing and related establishments with limited external impact and with an open and attractive setting. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.020 Permitted uses. In the M-L zone, the following uses and their accessory uses are permitted subject to the provisions of Section 17.36.010:

- A. Aerospace and aeronautics industries, including light sheet metal composite manufacturing, and their accessory uses;
- B. Bottling plant;
- C. Blueprinting;
- D. Business or trade school or college;
- E. Cabinet or carpenter's shop;
- F. Contractor's equipment storage;
- G. Caretaker's dwelling whenever the use requires the on-site residence of such person;
- H. Freight depot;
- I. Government buildings, including armories, maintenance, repair or storage facilities;
- J. Laboratory for experiment, research or testing, except combustion-type motor testing;
- K. Manufacturing and assembling of precision optics;
- L. Manufacturing and assembling of precision testing equipment;
- M. Manufacturing, assembling, testing and repairing of components, devices, equipment and systems of an electronic or electro-mechanical nature, such as, but not limited to:
 - 1. Audio systems and photographs.
 - 2. Coils, tubes, semiconductors and similar components.
 - 3. Communication, navigation, transmission and reception equipment, control equipment and systems.
 - 4. Data processing equipment and systems.
 - 5. Metering instruments.
 - 6. Radar, infrared, and ultraviolet equipment.

- 7. Radio, television, and telephone equipment.
- 8. Scientific and chemical instruments;
- N. Manufacturing of ceramic products using only previously pulverized clay and fired in kilns using low-pressure gas or electricity (brick and tiles not permitted);
- O. Manufacturing or storage of ice;
- P. Offices for engineers, architects, landscape architects, surveyors, and those engaged in the practice of designing, drafting, or graphics;
- Q. Parking lot, public or private;
- R. Photographic film processing, photoengraving, photocopying and photostating;
- S. Printing, publishing, or engraving plant;
- T. Processing, packaging and storing of food or beverage excluding processing those involving rendering of fats and oils, or slaughtering; (as amended by Ord. 4372, June 3, 1986)
- U. Sewage pump station;
- V. Electrical power substation;
- W. Warehousing of previously prepared materials or products excluding explosive materials;
- X. Water reservoir;
- Y. Wholesale distribution and sales facility;
- Z. Hospital, medical office and ancillary hospital uses;
- AA. Wireless communications facilities subject to the provisions of Chapter 17.55 (Wireless Communications Facilities);
- BB. Child Care Center, under the following provisions:
 - 1. The operator must have the appropriate licenses required by state regulations, if applicable.
- CC. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
 - 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 5. Operator must have the appropriate licenses required by state regulations.
- DD. Day Care Facility (Adult), under the following provisions:
 - 1. The structure is not a residence.
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 3. Operator must have the appropriate licenses required by state regulations.
- EE. Tasting Room. The floor area of the tasting room shall not exceed 400 square feet or 10 percent of the facility's onsite floor area, whichever is greater. In no instance shall a tasting room exceed 1,000 square feet in size. Tasting rooms do not include taverns, restaurants, or breweries, which are defined elsewhere. (Ord. 5104 §2, 2021; Ord. 4977 §4, 2014; Ord. 4732,

2000; Ord. 4570 §1, 1994; Ord. 4463 §1, §3, 1989; Ord. 4372 §1(part), 1986; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.030 Conditional uses. In the M-L zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Cable television ground receiving station;
- B. Cemetery;
- C. Other uses similar to the uses permitted or permitted conditionally;
- D. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application;
- E. Windmill, for generation of electricity or pumping water;
- F. Farm machinery sales and services. (Ord. 5104 §2, 2021; Ord. 4463 §2, 1989; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.040 Yard requirements. Except as required in "A", "B" and "C" below, there shall be no yards required in the M-L zone:

- A. For property zoned M-L fronting on Three Mile Lane, all buildings will be set back one hundred twenty feet from the centerline of said street;
- B. Side yard shall not be less than twenty feet when adjacent to a residential zone;
- C. Rear yard shall not be less than twenty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.050 Building height. In an M-L zone, a building shall not exceed a height of sixty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.060 Use limitations. In an M-L zone, the following limitations shall apply to all uses:

- A. Development plans for any proposed use in the M-L zone must first be approved by the Planning Commission. The following areas must be addressed by the Commission prior to approval of the final development plans:
 - 1. Noise Generation. The City will examine the potential noise generation of proposed developments and the potential impact of the noise on nearby residential areas. Landscaping, earthen berms, desirable building design and siting, limitations on operating hours or work locations, and/or other methods may be required to lessen noise. DEQ standards will be used by the City as a guideline.
 - 2. Traffic Generation. The City will examine the location of access points and the amount of traffic generated by proposed developments for impacts on surrounding areas. The Commission must determine that adequate streets exist or will be developed to handle expected traffic and that the proposed activity will not adversely impact streets in the area.
 - 3. Air and Water Pollution. The City will examine potential air and water pollution impacts of developments and may place restrictions beyond state DEQ standards where deemed necessary.

4. Appearance. The City may require that the site be visually screened from neighboring areas through earthen berms, landscaping and/or other screening methods. This screening may fulfill portions of the required landscaping for the development.
- B. In an M-L zone, outside storage abutting or facing a residential zone shall be enclosed by a sight-obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed seven feet in height;
 - C. All outside lighting shall be directed away from residential zones;
 - D. A minimum of twenty-five percent of the development site shall be in open space or landscaping;
 - E. A completed application and fifteen copies of the proposed development plan shall be submitted to the Planning Director a minimum of thirty days prior to the meeting at which the Commission will discuss the proposed development plans. (Ord. 4463 §4, 1989; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.39

M-1 LIGHT INDUSTRIAL ZONE* (as amended by Ord. 4522 Aug. 11, 1992)

Sections:

- 17.39.010 Purpose.
- 17.39.020 Permitted uses.
- 17.39.030 Conditional uses.
- 17.39.040 Design standards.
- 17.39.050 Environmental standards.

17.39.010 Purpose. The purpose of the M-1 Light Industrial zone is to provide appropriate locations for light industrial activities and to buffer these activities from adjacent commercial and residential development through the application of site development and environmental standards.

The zone is suitable for those businesses that can be operated within a wholly enclosed building (outside storage of materials permitted if properly screened), and which are engaged in the manufacturing, processing, assembly, packaging, or treatment of finished or semi-finished products from previously prepared or processed materials. Warehousing, wholesaling, and limited commercial use shall also be permitted; residential uses shall be prohibited. (Ord. 4522 §1(part), 1992).

17.39.020 Permitted uses. The following uses and their accessory uses are permitted:

- A. A use permitted in the M-L zone;
- B. Cable television ground receiving station;
- C. Compounding, processing, packaging, storing or other treatment of cosmetics, drugs, perfumes, bakery goods, candy, wood, pharmaceuticals, soap or toiletries, excluding all processes involving refining of fats or oils;
- D. Glass installation and sales;
- E. Green house and wholesale nursery;
- F. Laboratories: testing, medical, dental, photo or motion picture, except structural-mechanical testing laboratories;
- G. Laundry, dry cleaning or dyeing establishment (non-retail);
- H. Manufacture, repair or storage of articles from the following listed, previously prepared materials: bone, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, precious or semi-precious stone or metal, shell, textiles, wax, wire, or yarn;
- I. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, medical or dental supplies or equipment, small electric or electronic supplies or equipment, business machines, video and computer equipment, hearing aids, small hand tools, watches or timing devices, luggage, photographic equipment, boats or furniture;

* Prior history: Ords. 3380, 4128, and 4372.

- J. Manufacture or assembly of bicycles, small electric generators and motors, sashes and doors, and vending machines;
- K. Manufacture or assembly of modular, manufactured, mobile or motor homes, or travel trailers and recreational vehicles;
- L. Manufacture, assembly, repair, or storage of sporting or recreation products;
- M. Mortuary and funeral home, including crematorium;
- N. Offices for administrative and professional uses related to the sale or service of industrial products;
- O. Plumbing, heating, electrical, paint or general contractor's storage, repair or sales shop;
- P. Public use structures and activities, excluding those listed in Section 17.39.030;
- Q. Repair, rental, sales, servicing or storage of machinery, boats, implements, equipment, manufactured homes, trailer coaches or motor vehicles;
- R. Sign painting, sale or repair shop;
- S. Storage and sales of building supplies or equipment;
- T. Storage and sales of frozen or refrigerated food;
- U. Tool and equipment rental;
- V. Upholstery shop;
- W. Veterinarian hospital or kennel, provided open runs or pens are not less than two hundred feet from a residential zone;
- X. Welding, sheet metal or machine shop;
- Y. Wood truss manufacturing;
- Z. Similar permitted uses, approved subject to the provisions of Section 17.54.010.
- AA. Child Care Center, under the following provisions:
 - 1. Operator must have the appropriate licenses required by state regulations, if applicable. (Ord. 5104 §2, 2021; Ord. 4522 §1(part), 1992).

17.39.030 Conditional uses. The following uses and their accessory uses may be permitted, subject to the provisions of Chapters 17.72 and 17.74:

- A. Agricultural supply store, wholesale or retail;
- B. Recycling collection center;
- C. Service stations;
- D. Cemetery;
- E. Public uses, limited to sewage treatment plants, schools and churches;
- F. Other similar conditional uses, approved subject to the provisions of Section 17.54.010(C). (Ord. 5104 §2, 2021; Ord. 4522 §1(part), 1992).

17.39.040 Design standards.

- A. Yard Requirements. There shall be no required yards, except as follows:
 - 1. Yards shall not be less than forty feet when adjacent to a residential zone or residential use. This requirement shall not apply to caretaker's dwellings, as permitted by this zone.
 - 2. Yards shall not be less than fifteen feet when adjacent to a commercial zone or commercial use.
 - 3. Yards shall not be less than fifteen feet when adjacent to a public roadway.

- B. Building/storage height. A building shall not exceed a height of eighty (80) feet. Outside storage in a required yard shall not exceed ten (10) feet in height;
- C. Perimeter Treatment. The purpose of perimeter treatment, or buffering, is to provide visual barriers which block the glare of lights, signs, and structures; provide privacy and protection; and reduce or eliminate potential adverse impacts of visual or noise pollution between M-1 zoned properties and adjacent residential development. Perimeter treatment or buffering typically consists of dense landscaping, fencing, or block walls or combination of these elements. Utilities, sidewalks, and bikeways may be located within required perimeter treatment areas.
1. When abutting or facing a residential zone or residential use, refuse containers and outside storage shall be enclosed by a sight-obscuring fence or masonry wall. The fence or wall shall obstruct the containers or storage from view on the sides of the property abutting or facing a residential zone. The fence or wall shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Planning Director.
 2. All parking and loading areas which abut or face a residential zone or residential use, or arterial or major collector street, shall be screened by a sight-obscuring fence or vegetative screen. All other building openings which face or abut a residential use or zone shall be kept to a minimum and shall be kept closed to the maximum extent possible during business operation.
 3. A buffer yard shall be provided along all perimeters which abut a residential or commercial zone, existing residential or commercial use, or public roadway. The purpose of the buffer yard is to reduce the building scale, provide transition between contrasting uses and architectural design, and to soften, rather than block, the view of incompatible or undesirable views. At a minimum buffer yards adjacent to residential zones or uses shall be fifteen (15) feet in width, have a six (6) foot tall wood or masonry fence located along the inside edge of the yard, and landscaping to include two (2) canopy trees, four (4) evergreen trees, three (3) understory trees, twelve (12) shrubs, and groundcover for each one-hundred (100) lineal feet of perimeter. Buffer yards adjacent to commercial zones or uses shall be a minimum of ten (10) feet in width with landscaping to include one (1) canopy tree, three (3) evergreen trees, two (2) understory trees, eight (8) shrubs, and groundcover for each one-hundred (100) lineal feet of perimeter. Buffer yards adjacent to a public roadway shall be a minimum of eight (8) feet in width with landscaping to include street trees a minimum of eight (8) feet in height and two (2) inches in caliper and spaced appropriate to their species; shrubs; and groundcover. Buffer yards of less than one-hundred (100) lineal feet shall provide landscaping at a density equal to or greater than that required herein, or as may be required by the Landscape Review Committee. Maintenance of the buffer yard shall be the continuing obligation of the property owner.
- D. Off-street parking and loading (see Chapter 17.60);

- E. Clear vision (see Sections 17.54.080 A and B);
- F. Landscaping (see Chapter 17.57). (Ord. 4912 §3, 2009; Ord. 4900 §2, 2008; Ord. 4522 §1(part), 1992).

17.39.050 Environmental standards.

- A. General Requirement: Each use, activity or operation within the M-1 Light Industrial zone shall comply with applicable federal, state and local regulations pertaining to noise, odor, air, and water pollution.
- B. Documentation: Prior to issuance of a building permit, occupancy permit, or change of occupancy, whichever is appropriate, the Planning Director may require submission of evidence demonstrating compliance with applicable environmental regulations and necessary permits. (Ord. 4522 §1(part), 1992).

Chapter 17.42

M-2 GENERAL INDUSTRIAL ZONE

Sections:

- 17.42.010 Permitted uses.
- 17.42.020 Conditional uses.
- 17.42.030 Yard requirements.
- 17.42.040 Building height.

17.42.010 Permitted uses. In an M-2 zone, the following uses and their accessory uses are permitted:

- A. A use permitted in the M-1 zone (except for Child Care Center and Day Care Facility (Adult));
- B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance or any court of competent jurisdiction;
- C. Manufacture, processing, and storage of grains or fertilizer;
- D. Airport. (Ord. 5104 §2, 2021; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.42.020 Conditional uses. In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Automobile wrecking yard;
- B. Child Care Center, under the following provisions:
 - 1. Operator must have the appropriate licenses required by state regulations, if applicable.
- C. Day Care Facility (Adult), under the following provisions:
 - 1. The structure is not a residence.
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 3. Operator must have the appropriate licenses required by state regulations.
- D. Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600;
- E. Junkyard;
- F. Manufacture, use or storage of explosives;
- G. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application. (Ord. 5104 §2, 2021; Ord. 4977 §1, 2014; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.42.030 Yard requirements. Except as required in “A” and “B” below, there shall be no required yards in an M-2 zone:

- A. Side yard shall not be less than fifty feet when adjacent to a residential zone;

- B. Rear yard shall not be less than fifty feet when adjacent to a residential zone.
(Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.42.040 Building height. In an M-2 zone, a building shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.45

AH AGRICULTURAL HOLDING ZONE

Sections:

- 17.45.010 Purpose.
- 17.45.020 Interpretation.
- 17.45.030 Permitted uses.
- 17.45.040 Conditional uses.
- 17.45.050 Lot size.
- 17.45.060 Yard requirements.
- 17.45.070 Building height.

17.45.010 Purpose. The purpose and intent of the agricultural holding zone is to provide for the continued practice of agriculture in areas where municipal sewer and water service exists or where an adopted city policy affecting the expansion of such services exists.

Further, uses allowed in this zone are to be consistent with proposals and policies contained in an adopted comprehensive plan for the city. The AH zone does not provide for an automatic farm use valuation for farms under the provisions of Oregon Revised Statutes, Chapter 308. However, the use of this zone shall not be construed as restricting in any manner the granting of deferments under the provisions of Oregon Revised Statutes, Section 308.375. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.020 Interpretation. Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.030 Permitted uses. In the AH zone, the following uses and their accessory uses are permitted:

- A. Farming (definition as per ORS 215.203(a), (b), and (c), exempting a commercial feed lot operation of any kind);
- B. Single-family dwelling when comprehensive plan map designation is "residential";
- C. Sewage pump station. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.040 Conditional uses. In the AH zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapters 17.72 and 17.74:

- A. Public service or public utility buildings and structures, with no interior storage of any kind and no garages for the repair and/or maintenance of equipment;
- B. Park, golf course and other open-land recreational uses, but excluding commercial amusement uses such as golf driving range, race track or amusement park or other similar uses;
- C. Public safety facility;

- D. Home occupation;
- E. Electrical power substation;
- F. Water reservoir;
- G. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities). (Ord. 4732, 2000; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.050 Lot size. In an AH zone, a lot that is less than ten acres may not be created. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.060 Yard requirements. In an AH zone, the minimum yard requirements shall be as follows:

- A. Front yards shall be a minimum of thirty feet, except as otherwise required by planned development provisions;
- B. Side yards:
 - 1. Single-family dwellings, ten feet,
 - 2. Public utility structures, five feet,
 - 3. Barns, fifty feet; all other structures, twenty-five feet;
- C. Rear yards:
 - E. Single-family dwellings, twenty feet,
 - F. Public utility structures, five feet,
 - G. Barns, fifty feet; all other structures, twenty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.070 Building height. Building height in an AH zone shall be as follows:

- A. Twenty-five percent of lot depth or sixty feet maximum;
- B. Single-family dwellings, thirty-five feet maximum. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[17.45.080 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

Chapter 17.48

F-P FLOOD AREA ZONE

Sections:

17.48.005	Purpose
17.48.010	Established—Area included.
17.48.020	Boundaries indicated on map.
17.48.025	Definitions.
17.48.030	Permitted uses.
17.48.040	Conditional uses.
17.48.045	Conditional use factors.
17.48.060	Use limitations.
17.48.070	Use of other base flood data.

17.48.005 Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.010 Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter. (Ord. 4921 §4A, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.020 Boundaries indicated on map. The boundaries for the zone established by Section 17.48.010 shall be indicated on the McMinnville Zoning Map. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.025 Definitions. For the purpose of this section refer to Section 17.06.030 for Flood Area related definitions. (Ord. 4952 §1, 2012).

17.48.030 Permitted uses. In an F-P zone, the following uses and their accessory uses are permitted (subject to the provisions of Section 17.48.060):

- A. Farming;
- B. Public park and recreation facility, not requiring the use of any structure;

- C. Sewage pump station. (Ord. 4684 §1, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.040 Conditional uses. In an F-P zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 17.48.045 and Chapters 17.72 and 17.74:

- A. Boat landing and launching facility;
- B. Open land recreation facility requiring the use of any structure;
- C. Removal of sand, gravel, topsoil, or rock;
- D. Landfill or diked land, including culvert and bridge installations, subject to the following procedures:
 - 1. Preliminary submittal of the proposal shall be made to the Planning Department, which shall check the proposal to insure its compliance to the ordinance. Said proposal shall then be submitted to the Planning Commission.
 - 2. The City shall provide written notice to the City Recorder's office in adjacent communities, Yamhill County, and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse (i.e. stream channel), and shall submit a copy of that notification to the Federal Insurance Administration.
 - 3. The Planning Department shall prescribe the form and information required for applications made for any conditional use listed in this subsection. No application shall be accepted unless it complies with such requirements and is verified as to the correctness thereto. There shall be included, as a part of the application, an accurate map. Such plans shall be in triplicate, drawn at a scale of not larger than one inch equals fifty feet nor smaller than one inch equals five hundred feet, and shall show:
 - a. 100-year flood projection elevation on the subject site. State source of information.
 - b. Property boundaries and dimensions.
 - c. Ground elevations shown by contour lines of not less than two foot vertical intervals. State source of information.
 - d. Existing and proposed structures.
 - e. Dimensions and elevations of existing and/or proposed fill.
 - f. Location of stream channel in relationship to items "a" through "e" above.
 - g. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed fill and high-water information.
 - h. Profile showing the slope of the bottom of the channel or flow line of the stream, and the slope line of the proposed fill.
 - i. Specifications of fill material, grading, channel improvement or maintenance plans, dimensions, and restoration of completed project.
- E. Weapons Training Facility subject to the following conditions:

1. The property on which the facility is located must be owned or leased by a Federal, State, or local government agency for the exclusive use of public safety personnel engaged in firearms or other related training;
 2. The facility must be located no closer than 2,640 feet (one-half mile) to any land planned and zoned for residential use; and
 3. Only those firearms or weapons authorized by a government agency and utilized for law enforcement related purposes shall be allowed within the area approved for a weapon training facility. Possession of other firearms or weapons at a weapon training facility site shall be considered a violation of this ordinance.
- F. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities). (Ord. 4921 §4C, 2010; Ord. 4732, 2000; Ord. 4684 §2, 1998; Ord. 4559 §1, 1994; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.045 Conditional use factors. The Planning Commission shall consider the following factors and special conditions when making a decision regarding a conditional use in the floodplain zone:

- A. Factors to be Considered:
1. The danger to life and property due to increased flood heights or velocities caused by any proposed fill.
 2. The danger that materials may be swept onto other lands or downstream to the injury of others.
 3. The importance to the community of the service provided by the proposed facility.
 4. The availability of alternative locations not subject to flooding.
 5. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 6. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 7. The compatibility of the proposed use with the potential of the site and the surrounding floodplain area for open space, natural habitats, and recreational places.
 8. The impact of the proposed use on fish and wildlife habitat.
 9. Such other factors which are relevant to the purposes of this section.
- B. Special Conditions. Upon consideration of the factors listed above and the purposes of this section, the Planning Commission may attach such conditions to the granting of a conditional use permit as it deems necessary to further the purposes of this portion of the zoning ordinance. The following such conditions, but not exclusively limited thereto, may be included:
1. Limitations on periods of use and operation, and upon the area to be filled and the elevation of the fill as well as to the kinds of material which may be so emplaced.
 2. Imposition of operational controls, sureties, and deed restrictions.

3. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
4. Limitations on the removal or destruction of critical fish and wildlife habitat including any area of riparian vegetation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

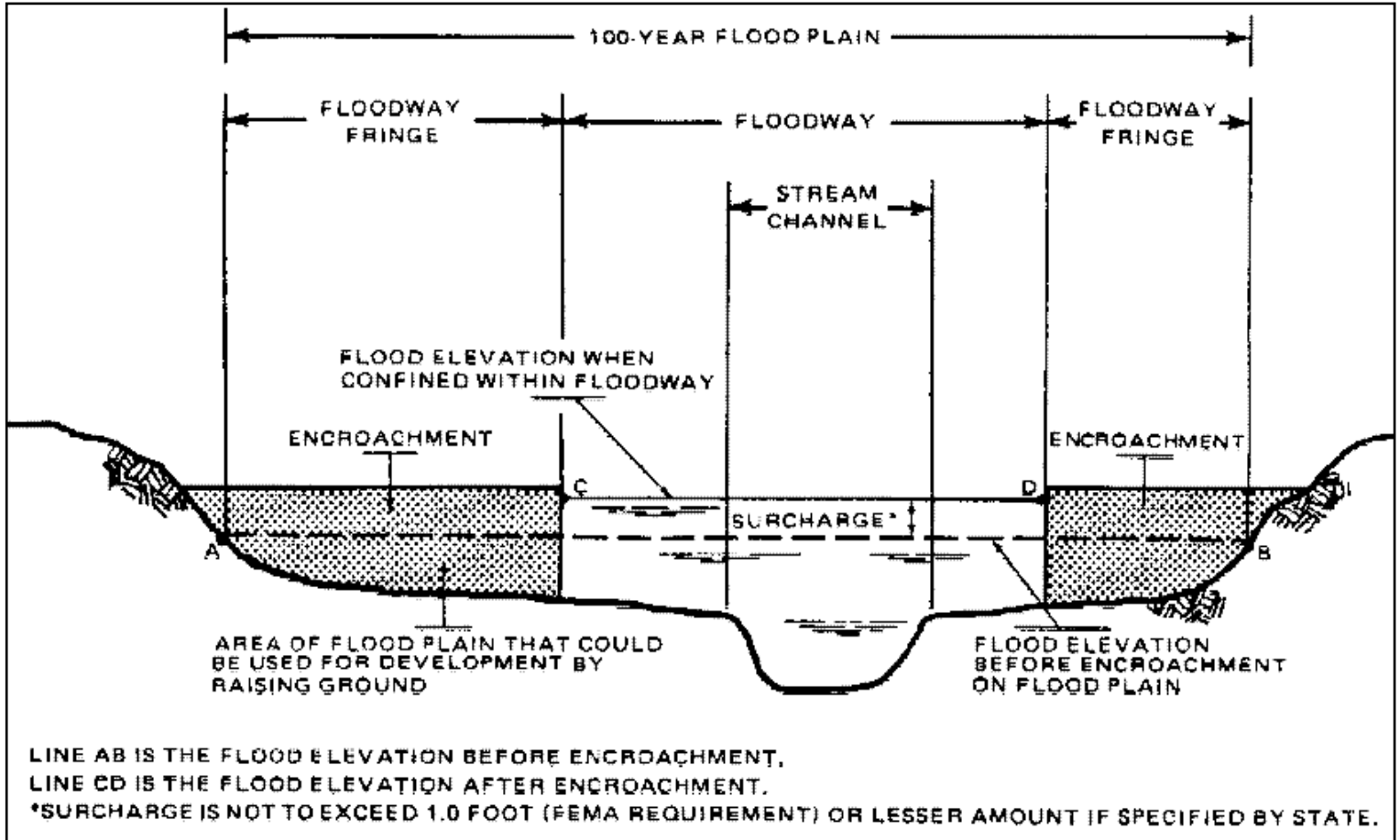
[17.48.050 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

17.48.060 Use limitations. In an F-P zone, the following limitations shall apply:

- A. No residence shall be constructed;
- B. A lot shall not be less than one acre in area;
- C. Within the floodway and flood fringe, no encroachment will be allowed which causes any increase in the flood height or which would result in hazardous velocities (see floodway schematic). To demonstrate compliance with this requirement, the applicant shall submit an engineering certification stating the proposed development will not impact the pre-project base floodway and flood fringe elevations. The certification shall be signed and sealed by a professional engineer and be supported by the appropriate technical data and studies, which are typically based upon the standard step-backwater computer model utilized to develop the 100-year floodway and flood fringe shown on the appropriate Federal Insurance Rate Map (FIRM) and tabulated in the adopted Flood Insurance Study. (Ord. 4921 §4D, 2010; Ord. 4684 §3, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.070 Use of other base flood data. When base flood elevation data has not been provided (FIRM zones A), the applicant shall provide alternative base flood elevation as available from a Federal, State, or other source in order to comply with this chapter. (Ord. 4921 §4E, 2010)

FLOODWAY SCHEMATIC



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Chapter 17.50

NEIGHBORHOOD ACTIVITY CENTER OVERLAY DISTRICT

(as adopted per Ordinance 5098, December 8, 2020)

Sections:

- 17.50.010 Purpose
- 17.50.020 Applicability/Location
- 17.50.030 Notation on Zoning and Comprehensive Plan Maps
- 17.50.040 Policies and Procedures
- 17.50.050 Procedures for Review

17.50.010 Purpose. The purpose of the Neighborhood Activity Center Planned Development Overlay is to enable the development of lands in areas designated as activity centers on the McMinnville Framework Plan into fully integrated, high quality, mixed-use pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. Its provisions are based on the following design principles:

- ☐ All neighborhoods have identifiable centers and edges.
- ☐ All lots within the neighborhood are readily accessible to retail and recreation by non-vehicular means (a distance not greater than 1/4 mile).
- ☐ Uses and housing types are mixed and in close proximity to one another.
- ☐ Street networks are interconnected and blocks are small.
- ☐ Civic buildings are given prominent sites throughout the neighborhood.

17.50.020 Applicability/Location. The Neighborhood Activity Center Planned Development Overlay that is created and implemented by this ordinance shall be subject to the following location guidelines:

<i>Minimum Separation between Neighborhood Activity Centers:</i>	<u>0.50 to 1 miles</u>
<i>Minimum Separation from Downtown McMinnville:</i>	<u>1 - 1.5 miles</u>
<i>Maximum distance that nonresidential uses may radiate outwards from the center of the activity center (along streets):</i>	<u>800-1000</u> (about 1/4 mi.)
<i>Maximum distance away from edge of the Focus Area that high-density housing (a part of the Support Area) should be located:</i>	<u>1/8 mi.</u>
<i>Maximum distance away from edge of the Focus Area that medium-density housing (a part of the Support Area) should be located:</i>	<u>1/4mi.</u>

17.50.030 Notation on Zoning and Comprehensive Plan Maps. An activity center overlay district may be applied to a site designated as an activity center on the McMinnville Framework Plan, Comprehensive Plan Map, and/or the McMinnville Zoning Map.

17.50.040 Policies and Procedures. The following policies and procedures shall apply to lands within designated Neighborhood Activity Centers:

- A. The Neighborhood Activity Center (NAC) is intended to facilitate the development of an activity center at the neighborhood scale. Neighborhoods are contiguous areas, generally containing approximately 600 to 1500 dwellings, or approximately 1500 to 3500 people. The NAC should contain facilities vital to the day-to-day activity of a neighborhood (e.g., neighborhood grocery store, drug store, church, coffee shop) located in close proximity to residential uses. The NAC should contain the neighborhood's highest-density housing and link pedestrian, bike, and transit networks from adjacent residential areas to the NAC.
- B. Approval of a Neighborhood Activity Center Concept Plan that addresses the NAC planning requirements is required in locations that are not covered by an approved Area Plan or Master Plan. Approval of an NAC Concept Plan shall follow the approval steps for an Area Plan and Master Plan set forth in Comprehensive Plan Policy 187.80 and 187.90.
- C. An approved Neighborhood Activity Center Concept Plan and/or development plan is required prior to any development or redevelopment within these overlay areas. At a minimum, a concept plan shall encompass the entire land area within a designated activity center overlay_that is proposed for development. The specific boundaries of the activity center shall be reviewed with City staff to determine an appropriate boundary.

The following chart should be used as a guiding principle for the NAC Plan. Variances up to 20% will be allowed if the variance helps to achieve the purposed of the NAC as stated in Section 1.

	<u>Average Area</u>
<i>Combined focus and support areas</i>	<i>40 to 80 acres</i>
<i>Support Area</i>	<i>30 to 50 acres</i>
<i>Focus Area, Acreage</i>	
<i>focus area total acreage</i>	<i>8 to 30 acres</i>
<i>focus area, commercial portion</i>	<i>2.5 to 10 acres</i>
<i>focus area, office portion</i>	<i>2.5 to 10 acres</i>
<i>focus area, institutional portion</i>	<i>1 to 10 acres</i>
<i>focus area, public space (park, plaza)</i>	<i>0.25 to 2.5 acre</i>
<i>Focus Area, Floor Space</i>	
<i>total retail floor space, acceptable range</i>	<i>50,000 to 100,000 sq. ft.</i>
<i>total office floor space, acceptable range</i>	<i>25,000 to 100,000 sq. ft.</i>
<i>total institutional floor space, acceptable range</i>	<i>2,500 to 25,000 sq. ft.</i>
<i>max. size of largest non-grocery retailer</i>	<i>10,000 to 30,000 sq. ft.</i>
<i>max. size of grocery/supermarket</i>	<i>20,000 to 40,000 sq. ft.</i>

- D. A Neighborhood Activity Center Concept Plan addresses the general density, mix of uses, and development patterns within an activity center. They are less detailed than the development plans required for full site plan or subdivision review. The intent is to provide sufficient information to determine consistency with the land use plan and this ordinance.
1. An Activity Center Concept Plan shall, at a minimum, include the following:
 - a. Size and location of the land proposed for development as all or part of an activity center;
 - b. Proposed gross density of the activity center included the maximum number of units and square footage of uses;
 - c. A general concept plan showing major and minor transportation corridors and pedestrian linkages throughout including appropriate linkages between uses; and
 - d. Uses proposed for the activity center, including approximate total percentages of land area and general locations devoted to residential, office, commercial, and institutional uses. The Plan should show how the mixing of uses is being achieved.
 - e. Information on how the plan meets the requirements of this ordinance, the applicable McMinnville Comprehensive Plan policies, McMinnville's Great Neighborhood principles, and other applicable implementing ordinances.
- E. Approval of an Activity Center concept plan shall be based upon compliance with the following criteria where deemed appropriate (i.e., it may not be practical for some existing or partially built activity centers to achieve certain design standards). The guidelines under each criterion must be used to satisfy the criterion, or the applicant may propose an alternative approach, as approved by the City, that better achieves the intent of the guidelines.
1. Plan Consistency: The concept plan has been prepared consistent with the requirements of this ordinance;

2. Compact Development: The site layout is compact, and enables future intensification of development and changes in land use over time.
 - a. Guidelines:
 - 1) Opportunities for shared parking are utilized in the proposal; and
 - 2) If the site contains more than one use, the site layout clusters buildings on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are close together such that a pedestrian need not walk across more than one double-loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities) between building entrances; or
 - 3) The proposal contains an equally good or superior way to achieve the above criterion.
3. Mixed Land Use: Where appropriate, land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned); the combining of land uses should promote easy access among stores and services by pedestrians.
 - a. Guidelines:
 - 1) The proposal is a “mixed-use” development or contributes to a mixed-use district. For the purposes of this ordinance, “mixed-use” means a combination of residential and commercial/industrial/civic uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another); or
 - 2) The proposal is designed in such a way that it is well integrated with adjacent land uses. “Integrated” means that uses are within a comfortable walking distance (1/8 mile) and are connected to each other with direct, convenient and attractive sidewalks and/or pathways; or
 - 3) The existing and planned land uses on, or in the vicinity of, the site make it impracticable to meet Guideline A or B; or
 - 4) The proposal contains an equally good or superior way to achieve the above criterion.
4. Pedestrian Access, Safety and Comfort: All portions of the development are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development provides appropriate pedestrian amenities. The design of buildings supports a safe and attractive pedestrian environment.
 - a. Guidelines:
 - 1) Commercial building(s) shall have at least one primary entrance facing *abutting* streets, or the primary entrance is directly accessed by a public
 - 2) In any zone, pedestrian facilities, as described below, connect the development to adjacent land uses and provide connections through the development to the public street right-of-way;
 - 3) Sidewalks and/or plazas are provided with weather protection (e.g., awnings/canopies), and a street furnishing zone on both sides of

- every public and private street. Appropriate pedestrian amenities (e.g., street tree well cut-outs, and space for outdoor seating, bus waiting areas, trash cans, newspaper vending machines, mail boxes, sidewalk displays, public art, etc.), are provided in the street furnishing zone; and
- 4) Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance;
 - 5) Surface parking is oriented behind or to the side of a building when possible and shall be screened from the sidewalk by low walls, fences or hedges; for corner lots, buildings should generally be located and oriented to the corner portion of the lot, with parking to the rear or interior side;
 - 6) Landscape buffering is provided between parking lots and all adjacent sidewalks; or
 - 7) The proposal contains an equally good or superior way to achieve the above criterion.
5. Street Connections: The development is part of a connected street system that serves vehicles, pedestrians and bicycles.
- a. Guidelines:
 - 1) Public or private streets connect the development to adjacent neighborhoods;
 - 2) No block face shall have a length greater than 500 feet without a dedicated alley or pathway providing through access;
 - 3) The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space;
 - 4) Public streets are preferred over private streets to accommodate through traffic; and
 - 5) The proposal implements all planned street connections, as designated by the City's Master *Plan*; or
 - 6) The proposal contains an equally good or superior way to achieve the above criterion.
6. Parking and Land Use Efficiency: All of the following methods are used whenever possible to minimize the amount of land developed as surface parking.
- a. Guidelines:
 - 1) **Shared Parking**. "Shared parking" means that multiple uses share one or more parking facilities. Parking demands must "peak" during different times of the day.
 - 2) **Credit for on-street parking**. The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to City standards, except that angled parking

may be allowed for some streets, as approved by the City. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site/design review. The City shall maintain a written record of credits granted per each use;

- 3) *Reduce or waive minimum off-street parking standards.* The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City;
 - 4) *Maximum parking ratio.* Surface parking shall not exceed 110% of the minimum parking requirement for the subject land use(s). Exemptions to the standard can be approved through site/design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities;
7. Creating and Protecting Public Spaces: The proposal provides usable public space, and recognizes and responds appropriately to existing or planned public spaces (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces). Public spaces are “public” when they are within view of a street or other public space, accessible by pedestrians, and can be occupied by people. All developments shall meet or exceed the following guidelines.
- a. Guidelines:
 - 1) The development does not diminish the safety, function, comfort or attraction of an existing public space, as described in 1-4, below.
 - i. “Safety” means both pedestrian safety near vehicles, and safety related to crime prevention; and
 - ii. The “function” of a public space may include transportation, in the case of the sidewalk; recreation and socialization, in the case of a plaza or park; and
 - iii. “Comfort” means the ability of a public space to reasonably accommodate expected uses; and
 - iv. “Attraction” relates to the reason people use the public space; and/or
 - 2) The proposal contains an equally good or superior way to achieve the above criterion. A superior design may enhance an existing public space and/or create a superior public space(s).
8. Human Scaled Building Design: Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the neighborhood.
- a. Guidelines:

- 1) Existing architectural character of the neighborhood/district, which may or may not be an appropriate guide for new development or redevelopment;
 - 2) The continuity of the building sizes;
 - 3) How the street-level and upper-level architectural detailing is treated;
 - 4) Roof forms;
 - 5) Rhythm of windows and doors; and
 - 6) General relationship of buildings to public spaces such as streets, plazas, other open space, and public parking.
9. General Use and Design Standards. The proposal complies with the following guidelines:
- a. Guidelines:
 - 1) The entire Activity Center land area shall be divided into blocks, streets, and lots and optional open space areas.
 - 2) Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
 - 3) Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, except service stations and banks; storage or warehousing facilities; auto sales; or retail uses that exceed 10,000 square feet in size (except grocery stores, which may be a maximum of 50,000 square feet in size) shall be prohibited. All commercial uses shall be conducted within complete enclosed buildings unless otherwise specified, except for sidewalk and pedestrian oriented uses, such as outdoor dining or sidewalk merchandise sales.
 - 4) All streets shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.

17.50.050 Procedures for Review.

- A. Annexations to the City of lands within the area covered by this ordinance shall meet the requirements of the annexation ordinance. An Activity Center Concept Plan, as described in this ordinance, shall accompany applications for annexation. Such plan shall be part of the Concept Master Plan required for annexation necessary to satisfy the annexation ordinance's requirement for submittal of a general land use plan.
- B. Zone changes and land divisions submitted for approval shall be processed under the requirements and standards of Chapter 17.51 (Planned Development Overlay) of the McMinnville Zoning Ordinance. If standards and requirements of Chapter 17.51 differ from those established elsewhere by the City, the more restrictive standards and requirements shall be adhered to.
- C. Land division requests (partition, subdivision) shall be processed under the requirements of Chapter 17.53 of the Zoning Ordinance.

- D. Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 (Planned Development Overlay) of the McMinnville Zoning Ordinance.

Chapter 17.51

PLANNED DEVELOPMENT OVERLAY

Sections:

- 17.51.010 Purpose.
- 17.51.020 Standards and requirements.
- 17.51.030 Procedure.

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

- A. The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)
- B. The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)
 - 1. A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.

2. The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;
- C. The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;
- D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)
- E. A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;
- F. A property owner shall not be required to pay an additional fee when the planned development overlay was originally initiated by the Council or Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

- A. An applicant shall submit twenty-one (21) copies of a preliminary development plan to the Commission for study at least thirty days prior to the Commission meeting at which it is to be considered. The preliminary plan shall include the following information:
 1. Proposed land uses, building locations and housing unit densities.
 2. Proposed circulation pattern indicating the status of street ownership.
 3. Proposed open space uses.
 4. Proposed grading and drainage pattern.
 5. Proposed method of water supply and sewage disposal.
 6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.
 7. Relation of the proposed development to the surrounding area and the comprehensive plan;

- B. Prior to discussion of the plan at a Commission meeting, copies shall be submitted by the Planning Director to City departments for study and comment;
- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
 - 1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 - 2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
 - 3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
 - 4. The plan can be completed within a reasonable period of time;
 - 5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
 - 6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
 - 7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;
- D. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;
- E. The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;
- F. Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 (Applications and Review Process) of this ordinance;
- G. Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved 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 is 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 site 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;
- H. An approved planned development shall be identified on the zoning map in addition to the existing zoning. (Ord. 4242 §1, §2, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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Chapter 17.52

AIRPORT OVERLAY ZONE

Sections:

- 17.52.010 Purpose.
- 17.52.020 Definitions.
- 17.52.030 General Restrictions.
- 17.52.040 Runway Protection Zone Restrictions.
- 17.52.050 Approach Zone Restrictions.
- 17.52.060 Horizontal Zone Restrictions.
- 17.52.070 Conical Zone Restrictions.
- 17.52.080 Waiver of Remonstrance Required.
- 17.52.090 Notice of Construction.
- 17.52.100 Nonconforming Uses.
- 17.52.110 Variances.
- 17.52.120 Enforcement.
- 17.52.130 Conflicting Regulations.

17.52.010 Purpose. The Airport Overlay Zone shall enhance the utility of the McMinnville Municipal Airport by preventing the establishment of any structure or use of land which unreasonably obstructs the safe flight of aircraft in landing or taking off. Further, this overlay zone is intended to prevent the establishment of airspace obstructions through height restrictions and other land use controls, as deemed essential to protect the public health, safety, and welfare consistent with Federal Aviation Regulations (FAR), Part 77. The Airport Overlay Zone is intended to implement recommendations contained in the McMinnville Airport Master Plan Update (1989-2009) and as drawn on the Airport Imaginary Surfaces Map (Wilsey & Ham, 1989). (Ord. 4512 §1(part), 1992).

17.52.020 Definitions. For the purpose of this section, refer to Section 17.06.025 for Airport Overlay Zone related definitions. (Ord. 4952 §1, 2012).

17.52.030 General Restrictions. No use in the Airport Overlay Zone shall:

- A. Create electrical interference with navigational signals or radio communication between the airport and aircraft; or
- B. Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. 4512 §1(part), 1992).

17.52.040 Runway Protection Zone Restrictions. Within the four prescribed clear zones, the City shall make every attempt, subject to available resources, to either purchase title to properties or secure aviation easements in order to protect the airport approach zones. (Ord. 4512 §1(part), 1992).

17.52.050 Approach Zone Restrictions. The following uses are prohibited in the Approach Zone:

- A. Places of public assembly;
- B. Industrial discharge impairing visibility, including smoke or steam pollution sources;
- C. Any structure which exceeds a height greater than 209 feet above MSL;
- D. Residential density greater than one dwelling per twenty acres except as allowed in the underlying zone existing prior to the date of adoption of this ordinance or except if a development request involves an existing lot of record;
- E. The planting of any tree which reaches a mature height of 75 feet or more within 3,750 feet of the Primary Surface;
- F. Any use which would make it difficult for pilots to distinguish between airport lights and others;
- G. Any use which would result in glare in the eyes of the pilots using the airport;
- H. Any use which would create bird strike hazards. (Ord. 4512 §1(part), 1992).

17.52.060 Horizontal Zone Restrictions. The following uses are prohibited in the Horizontal Zone:

Any structure which exceeds a height greater than 309 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills. (Ord. 4512 §1(part), 1992).

17.52.070 Conical Zone Restrictions. The following uses are prohibited in the Conical Zone:

Any structure which exceeds a height greater than that established by this parabolic curve which starts at 309 feet above MSL and terminates at 509 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills. (Ord. 4512 §1(part), 1992).

17.52.080 Waiver of Remonstrance Required. Prior to the issuance of a building permit or approval of a land use request within the Approach Zone, an applicant shall submit to the City Planning Director and to the County Planning Director a signed waiver of remonstrance recognizing noise impacts resulting from airport operations and waiving rights to remonstrate against the same. Said waiver shall be recorded with the deed(s) to the subject property. (Ord. 4512 §1(part), 1992).

17.52.090 Notice of Construction. Anyone proposing to construct or alter a structure within an Approach Zone shall be required to contact the Federal Aviation Administration regional office in Seattle, Washington, to determine whether the subject request requires the submission of FAA Form 7460-1 (Notice of Proposed Construction or Alteration). If said form is required, then completed copies shall also be submitted to the Aeronautics Division of the Oregon Department of Transportation, to the Airport Manager, to the City Planning Director, and to the County Planning Director. (Ord. 4512 §1(part), 1992).

17.52.100 Nonconforming Uses. No permit shall be granted that would allow nonconformities within the Approach Zone to be enlarged upon, expanded, or extended in any manner which would increase the hazard to aviation, except as provided in the variance section. (Ord. 4512 §1(part), 1992).

17.51.110 Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this ordinance, may apply to the McMinnville Urban Area Management Commission (MUAMC) for a variance from such regulations. An application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that:

- A. Owing to special and unusual circumstances related to a specific piece of property, strict application or enforcement of this ordinance would cause an undue or unnecessary hardship;
- B. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any comprehensive plan or policy; and
- C. The variance would not create a hazard to air navigation.

In granting a variance, the jurisdiction may attach conditions which it finds necessary to protect the best interests of the surrounding property, the airport, or otherwise achieve the purposes of this chapter.

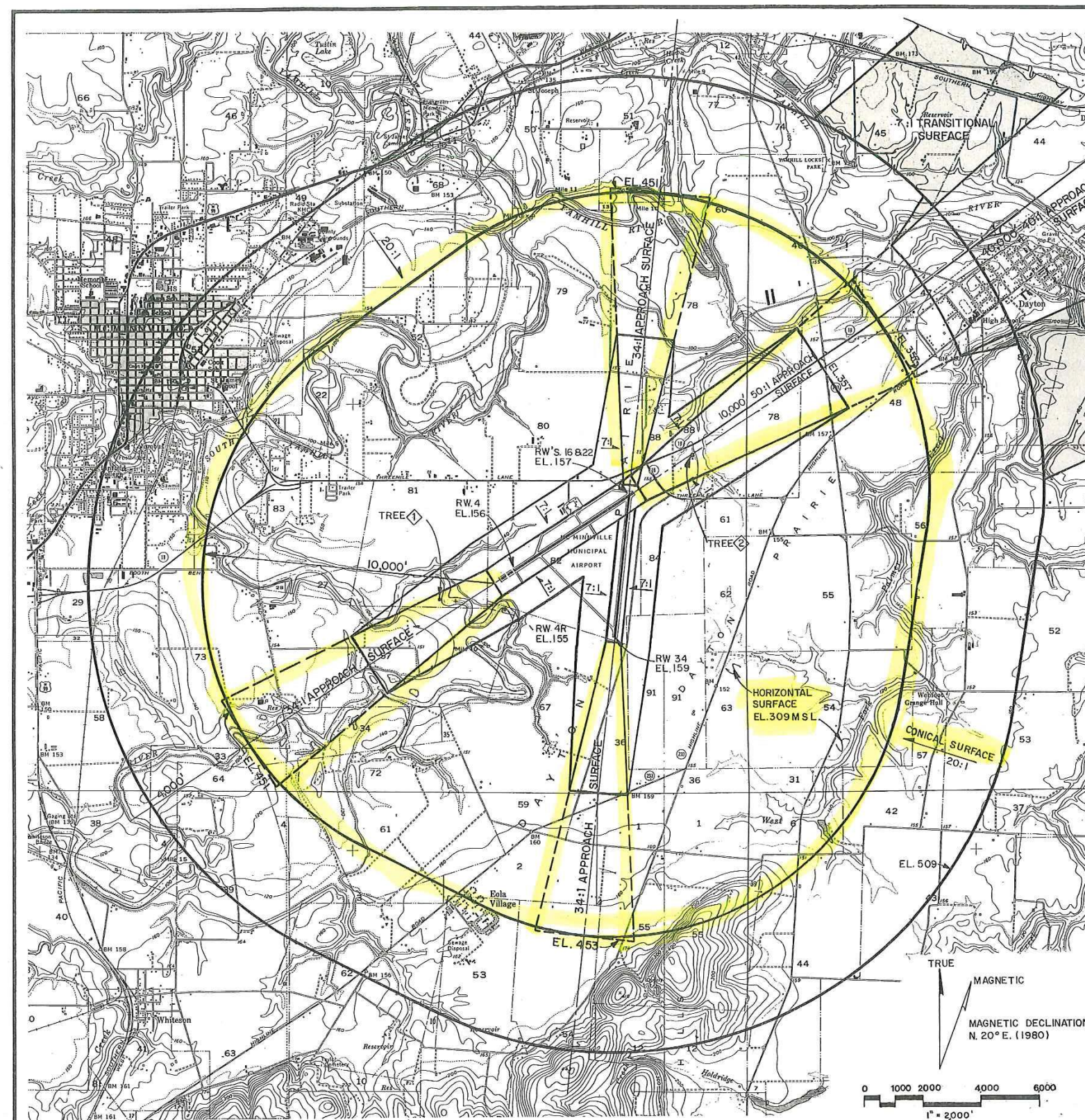
An appeal of any decision related to a variance shall follow the appropriate jurisdiction's appeal procedures and the concurrence procedures as outlined in the 1981 McMinnville Urban Growth Boundary Management Agreement. (Ord. 4512 §1(part), 1992).

17.52.120 Enforcement. The appropriate jurisdiction (i.e., the City of McMinnville, Yamhill County, or the City of Dayton) shall have the power and duty to interpret and to enforce the provisions of this ordinance. Any appeal of an interpretive ruling by the appropriate jurisdiction regarding the requirements of this ordinance shall be filed within fifteen days of said ruling and shall be initiated only with the MUAMC.

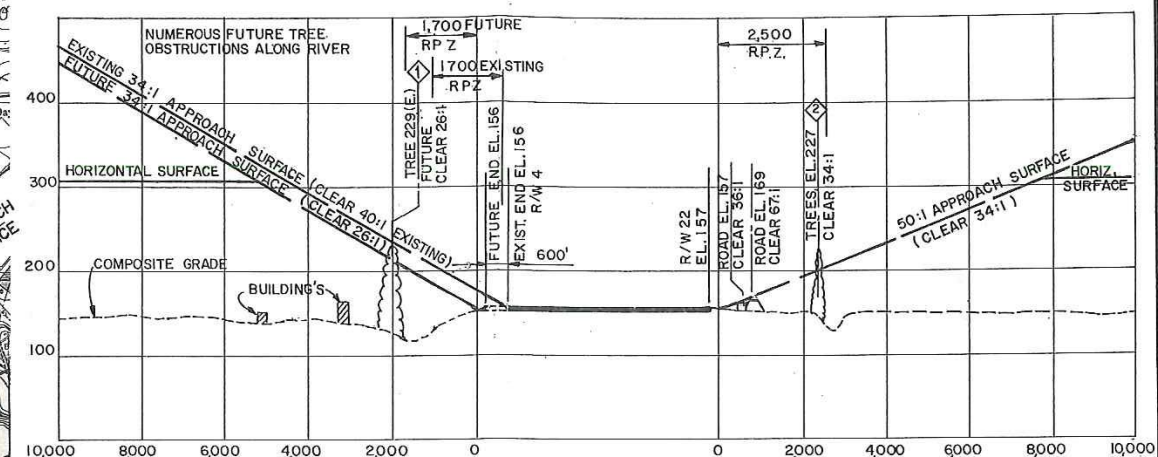
In addition, the City may, at its own expense, trim any tree which exceeds the height restrictions of this ordinance to a height which conforms to said height restrictions. Notice of such action with an affected property owner shall be made thirty days prior to any scheduled trimming. (Ord. 4512 §1(part), 1992).

17.52.130 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 4512 §1(part), 1992).

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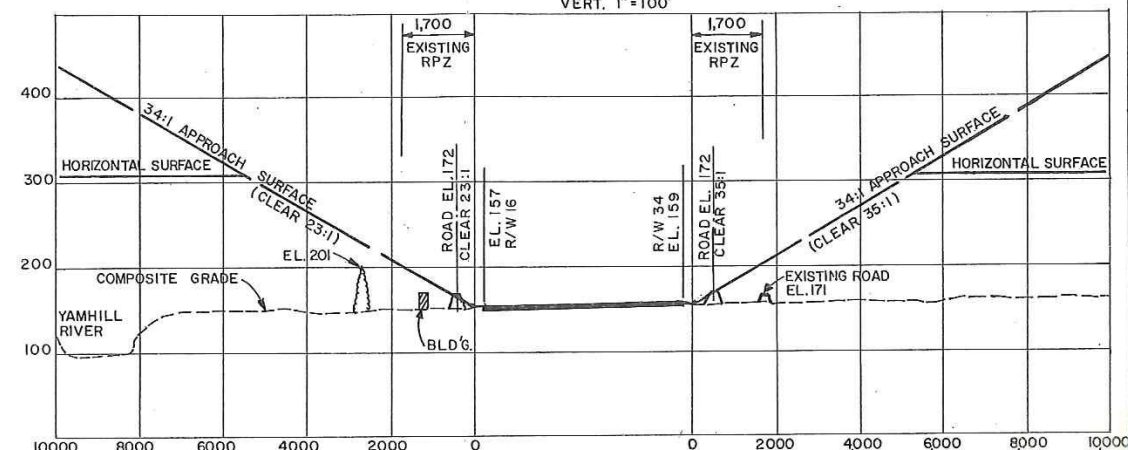


IMAGINARY SURFACES, APPROACH
AND CLEAR ZONE PLAN



RUNWAY 4 / 22 APPROACH PROFILE

SCALE: HORIZ. 1" = 2000'
VERT. 1" = 100'



RUNWAY 16 / 34 APPROACH PROFILE

SCALE: HORIZ. 1" = 2000'
VERT. 1" = 100'

NOTES:

1. THERE ARE NO KNOWN PENETRATIONS TO THE CONICAL, HORIZONTAL, AND TRANSITIONAL SURFACES.
2. PENETRATION OF THE APPROACH SURFACE ARE SHOWN ON THE PROFILES. PROFILES REPRESENT A COMPOSITE OF THE HIGHEST TERRAIN IN THE APPROACH SURFACES. ROAD ELEVATIONS INCLUDE 15 FEET FOR CLEARANCE REQUIREMENTS AT CLOSEST EDGE.
3. AIRPORT ELEVATION IS 159 FEET MSL.

EXHIBIT 4.5

REVISIONS:

NO.	DESCRIPTION	DATE

WILSEY & HAM
W&H PACIFIC
1099 S.W. COLUMBIA STREET
PORTLAND, OREGON 97201
(503) 227-0455
TRA Airport Consulting

McMINNVILLE MUNICIPAL AIRPORT
McMINNVILLE, OREGON
IMAGINARY SURFACES, APPROACH
AND CLEAR ZONE PLAN

DRAWN: A.N.M. CHECKED: J.M. SCALE: AS SHOWN DATE: 12/15/89

SHEET 5 OF 5

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Chapter 17.53

LAND DIVISION STANDARDS (as adopted Ord. 4905, Jan. 27, 2009)

Sections:

- 17.53.010 Purpose.
- 17.53.020 Scope of Regulations.
- 17.53.040 Planned Development.

Property Line Adjustment

- 17.53.050 Applicability.
- 17.53.051 Filing Procedures and Requirements.
- 17.53.053 Review and Tentative Approval Process.
- 17.53.055 Requirements for Final Property Line Adjustment Approval.

Partition

- 17.53.060 Submission of Tentative Partition Plan.
- 17.53.061 Submission of Final Partition Plat.
- 17.53.063 Filing of Final Partition Plat.

Subdivision

- 17.53.070 Submission of Tentative Subdivision Plan.
- 17.53.071 Preliminary Review of Tentative Subdivision Plan.
- 17.53.073 Preliminary Approval of Tentative Subdivision Plan.
- 17.53.075 Submission of Final Subdivision Plat.
- 17.53.077 Approval of Final Subdivision Plat.
- 17.53.079 Filing of Final Subdivision Plat.

Future Development Plan

- 17.53.080 Submission of Future Development Plan.

Expedited Land Division

- 17.53.090 Expedited Land Division.
- 17.53.091 Application for Expedited Land Division; Notice Requirements; Procedure; Appeal.

Approval of Streets and Ways

- 17.53.100 Creation of Streets.
- 17.53.101 Streets.
- 17.53.103 Blocks.
- 17.53.105 Lots.
- 17.53.110 Lot Grading.
- 17.53.120 Building Lines.
- 17.53.130 Large Lot Subdivision.
- 17.53.140 Left-over Land.

Sections: (Continued)

Improvements

- 17.53.150 Improvement Procedures.
- 17.53.151 Specifications for Improvements.
- 17.53.153 Improvement Requirements.

Exceptions, Variances and Enforcement

- 17.53.160 Exceptions in the Case of Large Scale Development.
- 17.53.161 Exceptions in the Case of Hillside Development.
- 17.53.163 Variance Application.
- 17.53.165 Failure to Receive Notice - Not to Impair Hearing.
- 17.53.167 Enforcement.
- 17.53.170 Severability.
- 17.53.180 Violation-Procedure-Penalty.

17.53.010 Purpose. The purpose of this chapter is to establish standards and procedures for the partitioning and subdividing of land, and adjustment of property lines in the City. These regulations are necessary to provide uniform procedures and standards for the subdivision and partitioning of land, and adjustment of property lines; to assure adequate width and arrangement of streets; to coordinate proposed development with plans for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to secure safety from fire, flood, slides, pollution, drainage or other dangers; to provide adequate light and air, recreation, education, and adequate transportation; to promote energy conservation; to protect in other ways the public health, safety, and welfare; and to promote the goals and policies of the McMinnville Comprehensive Plan.

17.53.020 Scope of Regulations. Subdivision plats and streets or ways created for the purpose of partitioning land shall be approved and accepted by the Planning Commission or Planning Director, as appropriate, in accordance with these regulations. A person desiring to subdivide land, to partition land, to adjust common property lines, or to sell any portion not the whole of a parcel of land shall submit tentative plans and final documents for approval as provided in this chapter and state law. The applicant shall meet all of the requirements set forth in ORS, Chapters 92 and 227.

17.53.030 Fees. Deleted (Ord. 4920, §4, 2010)

17.53.040 Planned Development. The subdivision of land in accordance with the planned development section of the City of McMinnville Zoning Ordinance (No. 3380, as revised) may result in the terms and requirements of this chapter being waived, altered, or otherwise changed as determined by action of the Planning Commission and approved by the City Council.

Property Line Adjustment

17.53.050 Applicability. A property line adjustment refers to the relocation of a common property line between abutting properties where no additional lot or parcel is created, and may be granted in accordance with the provisions of this ordinance. This process is separate from Yamhill County lot and/or parcel consolidation policies and procedures.

17.53.051 Filing Procedures and Requirements. Any person proposing a property line adjustment shall prepare and submit two (2) copies of the materials described below, in accordance with the submittal procedures as stated in Sections 17.72.020 through 17.72.070. An application for a property line adjustment shall be filed on forms provided by the City and shall be accompanied by the following:

- A. A scale drawing showing the existing property lines; proposed property lines; existing water, sewer and utility lines; and the footprint of all existing structures with setbacks to the existing and proposed property lines noted. In addition, the drawing shall include the date, north point, and scale; locations, names, and existing widths of all streets and easements of way; and location and size of sewer and water lines and drainage ways relating to subject properties;
- B. Name and address of the recorded owner(s);
- C. Legal descriptions for the existing properties and for the properties as adjusted.
- D. Signature of property owners.
- E. Such additional information as required by the Planning Director.
- F. Appropriate fees. (Ord. 4920, §4, 2010)

17.53.053 Review and Tentative Approval Process.

- A. An application for a property line adjustment shall be reviewed by the Director in accordance with the procedure listed in Section 17.72.100.
 - 1. Existing lots are not reduced in size below the applicable minimum lot size as established by the zoning ordinance.
 - 2. Nonconforming properties that are less than the minimum size established for the zone shall not be further reduced in size.
 - 3. Existing structures shall not be made nonconforming with regard to setbacks or other requirements of the applicable zone.
 - 4. Existing utilities and streets to serve the adjusted lots or parcels shall be in conformance with current City standards or shall be constructed to conform to those standards.
 - 5. The property line adjustments shall not result in the creation of a landlocked parcel or lot; creation of a new parcel or lot; or increase the degree of non-conformity of each lot, parcel or structure that is non-conforming at the time of application.
- B. Copies of the recorded deeds and survey for the adjusted properties shall be provided to the Planning Department as a condition of approval.
- C. The following conditions of approval may be required:
 - 1. A public or private utility easement may be required to be vacated, relocated or created.

2. A joint use access and/or parking agreement or easement.
3. Construction of frontage improvements.
- D. An appeal of the Director's decision shall follow the procedure listed in Section 17.72.170.
- E. Approval of a Property Line Adjustment plan shall be valid for a one-year period from the effective date of approval (end of the appeal period). Upon written request, the Director may approve a six (6) month extension of the decision. (Ord. 4920, §4, 2010)

17.53.055 Requirements for Final Property Line Adjustment Approval. Within 12 (twelve) months after approval of the tentative property line adjustment, the applicant shall provide to the Planning Department a final survey of the adjusted property line (if required) and a copy of the recorded deeds conveying ownership consistent with the approved tentative property line adjustment.

In addition, the applicant shall provide evidence to the Planning Department that all other conditions of approval have been satisfied.

Partition

17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:

- A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:
 1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
 2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
 3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
 4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
 5. Outline and location of existing buildings to remain in place;
 6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;
 7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
 8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.

9. Contour lines related to City datum and having minimum intervals of two (2) feet.
 10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
 11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
 12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.
 13. Such additional information as required by the Planning Director.
- B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.
- C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.
 2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
 3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
 4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.
- D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission. (Ord. 4920, §4, 2010)

17.53.061 Submission of Final Partition Plat. Within 12 (twelve) months after approval of the tentative plan, the partitioner shall prepare a final plat in conformance with the tentative plan as approved and submit the final plat to the City Engineering Department. Information required on the final plat shall be consistent with the requirements listed in ORS 92.050 and ORS 209.250. The partitioner shall submit the original drawing and two (2) exact copies thereof, and any supplementary information to the City Engineer.

17.53.063 Filing of Final Partition Plat. The partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

Subdivision

17.53.070 Submission of Tentative Subdivision Plan. An application to subdivide land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure: A subdivider shall prepare a tentative plan together with improvement plans and other supplementary material required to indicate his general program and objectives, and shall submit 25 (twenty-five) copies of the tentative plan and supplementary data to the Planning Director's office. The tentative plan need not be a finished drawing, but shall show pertinent information to scale in order that the review body may properly review the proposed development. Additionally, condominiums shall be processed under the provisions of ORS 100. All subdivision developments shall comply with the requirements of the Oregon Fire Code.

- A. Scale. The tentative plan shall be drawn on a sheet 18 (eighteen) by 24 (twenty-four) inches in size at a scale of one inch equals 50 (fifty) feet, or a reasonable engineer's scale for the sheet size. A smaller sheet size may be used provided that all required information is legible and is approved for use by the Planning Department.
- B. General Information. The following general information shall be shown on the tentative plan:
 - 1. Proposed name of subdivision. No plan of a subdivision shall be approved which bears a name which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the contiguous subdivision plat of the same name last filed; Date, north arrow, and scale of drawing;
 - 2. Appropriate identification clearly stating the plan is a tentative plan;
 - 3. Location of the subdivision sufficient to define the location and boundaries of the proposed tract;
 - 4. Names and addresses of the owner(s), subdivider, engineer, and surveyor;
 - 5. In the event the subdivider plans to utilize the provisions of ORS 92.060 as pertains to "Delayed Monumentation," he shall notify the County Surveyor and Planning Commission and report said fact on the tentative plan;
 - 6. A subdivision guarantee report issued by a title insurance company in the name of the owner(s) of the land, showing all parties whose consent is necessary and their interest in the premises and all encumbrances, covenants, and other restrictions pertaining to the subject property.

- C. Existing Conditions. The following existing conditions shall be shown on the tentative plan:
1. The location, widths, and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, city boundary lines, and monuments;
 2. The direction of slope by means of arrows or other suitable symbol;
 3. The location of at least one temporary bench mark, on established City datum, within 200 feet of the plat boundaries;
 4. The location and direction of water courses, and the location of areas subject to flooding on a probability frequency one (1) percent or greater;
 5. Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees. Areas noted in the Comprehensive Plan, Volume I Background Element, Chapter VII, The Parks and Recreation and Open Space Master Plan (1999), as potential open space lands should be identified;
 6. Existing uses of the property, including location of existing structures to remain on the property after platting.
- D. Proposed Plan of Subdivision. The following information shall be included on the tentative plan:
1. The location, width, names, approximate grades, and radii of curves of streets. The relationship of streets to any existing streets and to any projected streets as shown on the McMinnville Comprehensive Plan Map 1980, as amended, or as identified in the McMinnville Comprehensive Plan text and Transportation System Plan, or as may be suggested by the Planning Commission in order to assure adequate traffic circulation;
 2. The location, width, and purpose of easements;
 3. The location and approximate dimensions of lots and the proposed lot and block numbers;
 4. Sites, if any, allocated for purposes other than single-family dwellings, such as multiple-family dwellings, parkland, open space common areas, etc.
 5. Access. As required by the Oregon Fire Code, a minimum of two access points is required when more than 30 (thirty) one-family or two-family dwellings or one-hundred multi-family units are being served.
- E. Partial Development. If the tentative subdivision plan pertains to only part of the tract owned or controlled by the subdivider, the requirements of Section 17.53.090 (future development plan) shall apply.
- F. Explanatory Information with Tentative Subdivision Plan. The following information shall be required by the Planning Commission or staff and if it cannot be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:
1. A vicinity plan, showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets and utilities may be extended to connect to existing streets and utilities;
 2. Proposed deed restrictions, if any, in outline form;

3. The location of existing sewers, water mains, culverts, drain pipes, and electric lines and elevations of sewers at points of probable connections within the subdivision and in the adjoining streets and property;
 4. Special studies of areas which appear to be hazardous due to local conditions such as inundation or slippage;
 5. Contour lines related to an established bench mark on city datum and having minimum intervals as follows:
 - a. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed;
 - b. For slopes of five (5) percent to 15 (fifteen) percent: two (2) feet;
 - c. For slopes of 15 (fifteen) percent to 20 (twenty) percent: five (5) feet;
 - d. For slopes of over 20 (twenty) percent: 20 (twenty) feet.
- G. Supplemental Plans with Tentative Subdivision Plans. Any of the following plans may be required by the Planning Commission or staff to supplement the plan of subdivision:
1. Approximate center line and right-of-way profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of the streets and the nature and extent of street construction. Where any cut or fill will exceed three (3) feet in depth, a cross section of the road shall also be submitted.
 2. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.
 3. If lot areas are to be graded, a plan showing the nature of cuts and fills exceeding five (5) feet, and information on the character of the soil. (Ord. 4920, §4, 2010)

17.53.071 Preliminary Review of Tentative Subdivision Plan. Upon receipt, the Planning Department shall distribute copies to appropriate officials and agencies designated by the City. In addition, coordination of the tentative plan should be made with affected county, state, and federal agencies, and all affected special districts. These officials and agencies shall be given a reasonable time to review the plan and to suggest any revisions that appear to be indicated in the public interest. A tentative plan for a subdivision with up to 10 (ten) lots shall be reviewed by the Planning Director in accordance with Section 17.72.110. A tentative plan for a subdivision with more than 10 (ten) lots shall be subject to Planning Commission review as required in Section 17.72.120. (Ord. 4920, §4, 2010)

17.53.073 Preliminary Approval of Tentative Subdivision Plan.

- A. It shall be the responsibility of the Engineering Department and Planning Department to review a tentative plan to insure that it substantially conforms to the requirements of this chapter prior to the submittal of the plan to the Commission. The Planning Director may refuse to submit a tentative plan to the Commission if it is found that it does not substantially conform to the chapter requirements.
- B. Upon finding that a tentative plan substantially conforms to the requirements of this chapter, the Planning Director shall either approve the plan or approve the plan with conditions (for subdivisions with up to 10 lots). When the plan

is for a subdivision with more than 10 (ten) lots, the plan along with the reports of appropriate officials and agencies shall be submitted to the Commission for review at its earliest practicable meeting.

- C. The decision of the Planning Director may be appealed to the Planning Commission as provided in Section 17.72.170. The decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180. Approval of the tentative plan shall indicate approval for preparation of the final plat if there is no substantial change in the plan of the subdivision and if the subdivider complies with the requirements of this chapter. (Ord. 4920, §4, 2010)

17.53.075 Submission of Final Subdivision Plat. Within 12 (twelve) months after approval of the tentative plan, the subdivider shall prepare a final plat in conformance with the tentative plan as approved. The subdivider shall submit the original drawing and two exact copies and any supplementary information to the City Engineer. Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

- A. Information on Final Plat. In addition to that specified by ORS 92.050 and ORS 209.250, the following information shall be shown on the final plat and/or complied with:
1. The date, scale, north point, legend, controlling topography, such as bluffs, creeks, and other bodies of water, and existing cultural features, such as highways and railroads;
 2. Legal description of the tract boundaries;
 3. Name of the owner, subdivider, and surveyor;
 4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision;
 - b. Adjoining lot corners of adjoining subdivisions;
 - c. Oregon Coordinate System
 - d. Error of closure throughout the subdivision shall not exceed one foot in 10,000 feet;
 - e. Measurement error shall not exceed one tenth of a foot between monuments, or one ten-thousandth of the distance shown on the subdivision plat, whichever is greater.
 - f. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
 5. The exact location, deflection angle, and width of streets and easements intercepting the boundary of the tract. The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to showing bearings in degrees, minutes, and seconds of a degree and distances in feet and hundredths of a foot, the following curve information

shall be shown on the subdivision either on the face of the map or in a separate table:

- a. Arc length;
 - b. Chord length;
 - c. Chord bearing;
 - d. Radius; and
 - e. Central angle.
6. Tract, block, and lot boundary lines and street rights-of-way and center lines, with dimensions, bearing and deflection angles, radii, arcs, points of curvature, and tangent bearings. Flood plain and normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 (thirty) seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used;
 7. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement of record is not definitely located, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication;
 8. Lot numbers beginning with the number "1" and numbered consecutively;
 9. Area of each lot shall be shown on the face of the plat, with acreage calculated to 1/100 acre or square footage to nearest square foot, when area is less than one acre;
 10. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale;
 11. The following declarations which may be combined where appropriate;
 - a. A declaration signed and acknowledged by all parties having any recorded title or interest in the land, consenting to the preparation and recording of the plat;
 - b. A declaration signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for public use except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants, and servants;
 - c. A declaration with the seal of the surveyor responsible for the survey and final map;
 - d. Other declarations, deed restrictions, or covenants as now or hereafter may be required by law.
 12. A statement of water right, if appropriate, and, if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department must be attached before the County recording officer may accept the plat of the subdivision for recording (ORS 92.120).
- B. Supplementary Information with Final Subdivision Plat. The following data shall accompany the final plat:

1. A subdivision guarantee report issued by a title insurance company in the name of the owner(s) of the land, showing all parties whose consent is necessary and their interest in the premises;
 2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any, prior to adjustment;
 - b. The computation of all distances, angles, and courses shown on the final map;
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, state highway stationing, and Oregon Coordinate System;
 3. A copy of any deed restrictions applicable to the subdivision;
 4. A copy of any dedication requiring separate documents;
 5. Written proof that all taxes and assessments which have become a lien on the tract are paid;
- C. Technical Review.
1. Upon receipt of the final plat and accompanying data, the City Engineering Department, the Planning Department and McMinnville Water and Light shall review the final plat and documents to determine that the plat conforms to the approved tentative plan, and that there has been compliance with provisions of the law and of this ordinance.
 2. In addition to the above review process, the City Engineer and County Surveyor shall examine the plat for compliance with requirements for accuracy and completeness. They shall make checks in the field to verify that the plat is sufficiently correct on the ground, and may enter the property for this purpose. If they determine that there has not been full conformity, the subdivider shall be advised of the changes or additions that must be made, and the subdivider shall be afforded an opportunity to make such changes or additions.
 3. If the City Engineer determines that full conformity has been made, he shall so certify.
- D. Agreement for Improvements. Before Director or Planning Commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.
- E. Bond.
1. The subdivider will be required to file with the agreement for improvement as required in Section 17.53.075(D) above, to assure his full and faithful performance thereof, one of the following:

- a. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney;
 - b. File with the City a copy of instructions to a qualified escrow agent, providing that said agent shall withhold any amounts due or to become due to the subdivider in amount sufficient to cover the cost of all public improvements to be completed or installed by the subdivider, in a form approved by the City Attorney;
 - c. Cash;
 - d. Letter of credit or loan commitment in a form approved by the City Attorney.
2. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related City expenses.
 3. If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expense resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference. (Ord. 4988 §1, 2015; Ord. 4920, §4, 2010)

17.53.077 Approval of Final Subdivision Plat. If the City Engineer determines that the final Plat for a subdivision with more than 10 (ten) lots conforms fully with all applicable regulations and standards, the City Engineer shall so advise the chairman of the Planning Commission. If the final plat is referred to the chairman of the Planning Commission, the chairman may elect either to sign the plat or submit it to the Planning Commission for further review. When submitted to the Planning Commission for review, approval of the final plat shall be by a majority of those present. In the absence of the chairman, his duties and powers with respect to action on final plats shall be vested in the vice-chairman. Final plats for a subdivision with 10 (ten) lots or fewer shall be signed by the Planning Director and City Engineer upon finding that the plat conforms fully with all applicable regulations and standards. (Ord. 4920, §4, 2010)

17.53.079 Filing of Final Subdivision Plat. The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law, e.g., County Commissioners, County Assessor, County Surveyor, County Clerk, and Tax Collector. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

Future Development Plan

17.53.080 Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:

- A. Any potential future lots (lot size shall be depicted).
- B. Existing and proposed utilities including water, sewer and storm drains.
- C. Streets and access points for potential future lots.

It shall be the responsibility of the Engineering Department and Planning Department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The Planning Director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:

- A. The construction of streets and utilities or the dedication of right-of-way for future improvements.
- B. Any easements as deemed necessary for the extension of utility services.

Expedited Land Division

17.53.090 Expedited Land Division. The expedited land division process is an action of local government which establishes a 63 (sixty-three) day review period of a complete application for residential development within the urban growth boundary providing that the review body does not take action to extend the 63 (sixty-three) day time period as stated in ORS 197.370 (2) and (3). In order for an expedited land division application to be considered, the following criteria apply:

- A. The land is zoned for residential use and is within the urban growth boundary;
- B. The land is solely for the purpose of residential use, including recreational or open space uses accessory to residential use.
- C. The land division will not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
 - 1. Open spaces, scenic and historic areas and natural resources;
 - 2. The Willamette River Greenway;
 - 3. Estuarine resources;
 - 4. Coastal shore lands; and
 - 5. Beaches and Dunes.
- D. The land division satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.
- E. The land division either creates enough lots or parcels to allow building residential units at 80 (eighty) percent or more of the maximum net density permitted by the zoning designation of the site, or is a land division that will create three (3) or fewer parcels under ORS 92.010.

An expedited land division is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

17.53.091 Application for Expedited Land Division; Notice Requirements; Procedure; Appeal. The submittal requirements for an expedited land division application shall be congruent with the submittal requirements for a partition (Section 17.53.060) or subdivision (Section 17.53.070). On receipt of a complete application, written notice shall

be provided to owners of property within 100 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site.

- A. There shall be a 14 (fourteen) day period to allow for submission of written comments prior to the Director's decision.
- B. There shall be no public hearing on the application.
- C. The Director's decision shall be based on applicable elements of the zoning ordinance and comprehensive plan.
- D. The applicant may appeal the Director's decision within 14 (fourteen) days of the mailing of the decision notice and the appeal shall be based solely on allegations as listed in ORS 197.375 (1) (c) (A) through (D) and shall be accompanied by a \$500 appeal application which is refundable if the appellant prevails.
- E. The Director shall appoint a referee to decide the appeal decision and the appointed referee shall comply with ORS 197.375 (3) through (6) when issuing a decision.

Approval of Streets and Ways

17.53.100 Creation of Streets.

- A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:
 - 1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;
 - 2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;
 - 3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.
- B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.
- C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:

1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;
 2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.
 3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.
- D. A private way/drive which is created to allow the subdivision of land shall be in the form of common ownership, provide on-street parking or parking bays to replace that displaced by limited parking area, be approved by the Planning Commission in the form of a planned development, and meet the following conditions:
1. If it is the only reasonable method by which the rear portion of the existing parcel can be provided with access; or because of unusual topography, vegetative cover (preservable trees), lot size, or shape, it is the most feasible way to develop the parcel.
 2. The Planning Commission shall require the subdivider to provide the improvements to standards as set forth in Section 17.53.101(P) and maintenance of said private way/drive; to establish binding conditions upon each parcel taking access over said private way/drive, not limited to only the required maintenance, but to include adherence to the limited parking restrictions imposed by the individual planned development ordinance; and to provide necessary easements for the installation, operation, and maintenance of public utilities.
 3. Provisions must be made to assure that the private streets will be properly maintained over time and that new purchasers of homes or lots within the subdivision are notified, prior to purchase, that the street is private and that maintenance fees may be charged. Such provisions must meet with the approval of the Planning Commission.
 4. Street sign posts on private streets must contain a sign stating that the street is private. The design and location of such signs must be approved by the City Engineer.
 5. Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions (Amended 8/14/07 by Ordinance No. 4879).

17.53.101 Streets.

- A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public

convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or
3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.
- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

COMPLETE STREET DESIGN STANDARDS

				Arterial		Collector		Neighborhood Connector	Local Residential	Alley
				Major	Minor	Major	Minor			
Streetscape	Street Profile	Bike	Auto/Truck Amenities (lane widths) ¹	2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	See Street Width	See Street Width	20 ft.
			Median / Center Turn Lane	14 ft.	12 ft.	12 ft.	10 ft.	None	None	None
			Bike Facility ²	2 lanes (6 ft.)	2 lanes (6 ft.)	2 lanes (5 ft.)	2 lanes (5 ft.) or shared lane	Shared Lane	Shared Lane	None
			Curb-to-curb Street Width ³ On-Street Parking Two Sides None	na 74 ft.	na 46 ft.	na 44 ft.	30 or 40 ft. 30 or 40 ft.	28 ft.	28 ft.	Not Apply
		Pedestrian Zone (with ADA)	Pedestrian Amenities ⁴ Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None
			Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res na Com	5 ft. Res	5 ft. Res	None
			Preferred Adjacent Land Use – Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low
	Traffic Management		Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 – 3,000	1,200	500
Traffic Calming			Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical	Not Typical	
Managed Speed ⁵			35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph	
Through-traffic Connectivity			Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible	
Access Control			Yes	Yes	Some	Some	No	No	No	
Maximum Grade			6%	6%	10%	10%	12%	12%	12%	
Right-of-Way:			104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.	

General Design Notes:

- Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lanes widths shall be 12 feet.
- An absolute minimum bike lane width for safety concern is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur in locations where existing development along an established route or other physical constraint preclude construction of the preferred facility width.
- Street design for each development shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
- Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
- None with on-street parking

Street Design Standard Notes:

- Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area.
- The right-of-way, street width, improvement standards, and turnaround radius of commercial/industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.
- Intersection curb radii shall not be less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within a 60-foot distance of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and installation of "No Parking" signs as approved by the City Engineering Department.
- Sidewalks and planting strips shall not be required along eyebrows.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department.

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- E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.
- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.
- H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.
- J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

- K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)
- L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
 2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).
- Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.
- M. Streets adjacent to a railroad right-of-way. Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- N. Frontage roads/streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- O. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.
- P. Private way/drive. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan

shall be approved by the City Engineer. The right-of-way width will be determined based on site conditions and proposed use and will be approved by the Planning Commission.

- Q. Bikeways. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)
- R. Residential Collector Spacing. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)
- S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)
- T. Park strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.
- U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager. (Ord. 5023, §2, 2017; Ord. 4922, §4B, 2010; Amended 8/14/07 by Ordinance No. 4879.)

17.53.103 Blocks.

- A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to

an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

C. Easements.

1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.
2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.
3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

17.53.105 Lots.

- A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.
 1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.
- B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.
- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet

wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

17.53.110 Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
- C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.
- D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.
- E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.

17.53.120 Building Lines. If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.

17.53.130 Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

17.53.140 Left-over Land. Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).

Improvements

17.53.150 Improvement Procedures. In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City. To the extent necessary for evaluation of the

- subdivision proposal, the plans shall be required before approval of the final plat. All plans shall be prepared in accordance with requirements of the City;
- B. Work shall not be commenced until the City has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City has been notified;
 - C. Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest;
 - D. Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements and utilities when service connections are made;
 - E. Plans showing public improvements as built shall be filed with the City Engineer within 30 (thirty) days after acceptance of the improvements by the Engineer.

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

- A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
- B. Drainage facilities;
- C. Sidewalks in pedestrian ways;
- D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.
- D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.
- E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with

which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.

- F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

Exceptions, Variances, and Enforcement

17.53.160 Exceptions in Case of Large Scale Development. The Planning Commission may modify the standards and requirements of this ordinance if the subdivision plat comprises a planned development unit, a large scale shopping center, or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety, and welfare, and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

17.53.161 Exceptions in the Case of Hillside Development. The Planning Commission may modify the standards and requirements of this ordinance if the subdivision is located on land of 20 (twenty) percent or greater slope. To minimize disturbance of the existing grade and to take advantage of natural building sites, modification may concern alignment, width and improvement of streets, and building site locations. If modification involves the creation of some lots of less than the minimum area, the average area of lots in the subdivision shall equal the density established for the area under the zoning in effect.

17.53.163 Variance Application. When necessary, the Commission may authorize conditional variances to the requirements of this chapter. The Commission shall hold at least one public hearing on a variance application. Procedures for the public hearing shall be the same as those described in Section 17.72.130. Public hearings for variances may be held simultaneously with tentative plan hearings when the same property is affected. Applications shall be made on forms provided by the Planning Department. Before a variance may be granted, the Commission shall first determine that the following circumstances substantially exist:

- A. That there are special conditions affecting the property that are not common to all property in the area;
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property;

- C. That the variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity;
- D. The variance requested is the minimum variance which would alleviate the hardship. (Ord. 4920, §4, 2010)

17.53.165 Failure to Receive Notice - Not to Impair Hearing. Deleted (Ord. 4920, §4, 2010)

17.53.167 Enforcement. Deleted (Ord. 4920, §4, 2010)

17.53.170 Severability. Deleted (Ord. 4920, §4, 2010)

17.53.180 Violation Procedure-Penalty. Deleted (Ord. 4920, §4, 2010)

Chapter 17.54

GENERAL REGULATIONS

(as amended Ord. 4912, March 24, 2009)

Sections:

- 17.54.010 Classification of an Unlisted Use.
- 17.54.020 Residential Accessory Structure and Use.
- 17.54.030 Buildings-Number Per Lot.
- 17.54.040 Exceptions to Building Height.
- 17.54.050 Yards.
- 17.54.060 Model Homes.
- 17.54.065 Use of Recreational Vehicle (RV) As Temporary Residence During Residential Construction.
- 17.54.070 Temporary Living Units.
- 17.54.080 Clear Vision Area.
- 17.54.090 Fences.
- 17.54.100 Swimming Pools.
- 17.54.110 Use of Required Open Space.
- 17.54.120 Minimum Requirement Maintenance.
- 17.54.130 Address Assignment.
- 17.54.140 Keeping of Animals in a Residential Zone.

17.54.010 Classification of an Unlisted Use.

- A. Purpose. When a specific use is not listed as permitted or conditionally permitted the procedure for determining the permissibility of that use in a particular zoning district and whether that use is compatible with the listed uses is provided in this section.
- B. Review procedure/standards. Upon receipt of a request for classification of an unlisted use, the Planning Director shall provide notice of the request which shall be published in the newspaper. The notice shall:
 - 1. Provide a 14-day period for submission of written comments prior to the decision by the Planning Director;
 - 2. State that issues which may provide the basis for an appeal to the Planning Commission shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision-maker to respond to the issue;
 - 3. List the applicable criteria for the decision;
 - 4. State the place, date, and time that comments are due;
 - 5. State that copies of all documentation submitted by the applicant are available for review, and that copies can be obtained at cost;
 - 6. Include the name and phone number of a staff person to contact for information pertaining to the application.

- C. Review criteria. Approval or denial of an unlisted use classification request shall be based on the following findings:
 - 1. The use is consistent with the intent and purpose of the applicable zoning district;
 - 2. The use has similar intensity, density, and off-site impacts as the uses permitted or conditionally permitted in the applicable zoning district; and
 - 3. The use has similar impacts on community facilities and services as the listed uses.
- D. Limitation/appeal. The Planning Director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted or conditional use. The decision of the Planning Director shall be mailed to the applicant and any person who submits comments within the stated review period. The notice of decision shall include an explanation of appeal rights and briefly summarize the decision-making process for the decision being made. The decision of the Planning Director may be appealed to the Planning Commission if notice of intent to appeal is received by the Planning Department within 15 days of the Director's decision. The decision of the Planning Director shall be entered in a registry to be kept on file in the Planning Department office. The decision, as noted in the registry, shall include:
 - 1. The street address or understood geographic reference.
 - 2. The date of the decision; and
 - 3. A written summary of the decision made. (Ord. 4522 §2, 1992; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.020 Residential Accessory Structure and Use. An accessory structure refers to a detached, non-habitable building (such as a shed or greenhouse) generally used for storage or other non-commercial use. An accessory structure is permitted in addition to an attached or detached garage and shall comply with the following limitations:

- A. One accessory structure may be located within a required rear yard or a required interior side yard behind the back building line, and shall not contain more than 100 square feet in area or be greater than 10 (ten) feet in height. An accessory structure exceeding one or both of these requirements must comply with the setback requirements of the zone. In addition, if the accessory structure is more than 10 (ten) feet in height or greater than 200 square feet in floor area, a building permit shall be obtained prior to construction.
- B. No accessory structure may be constructed on any lot prior to the issuance of a building permit for the principle structure. A permit for a detached garage may be issued simultaneously with the issuance of a permit for a principle dwelling on the subject property.
- C. An accessory structure placed within six (6) feet of a residence must comply with the Oregon State Building Code fire safety requirements.
- D. An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback. An uncovered deck may be located within the required rear yard or the required side yard behind the back building line provided that it may not be closer than five feet to a property line.

- E. The placement of a temporary storage structure (such as a “POD”) for non-commercial use is permitted in a required yard for a period not exceeding 10 (ten) days in a calendar year. This does not apply to construction trailers (typically erected for the duration of the construction period of a home, subdivision, commercial or industrial site) which must be removed within two (2) weeks of the date that a final certificate of occupancy is issued for the particular development.
- F. Play structures may be placed along rear and/or interior side yard property lines except that any portion of the structure that is six (6) feet or more in height must be a minimum of five (5) feet from the interior side and/or rear property line. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.030 Buildings—Number Per Lot. In an R-1, R-2, and R-3 zone there shall be only one main building on a lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.040 Exceptions to Building Height. The following exceptions to building height are permitted.

- A. Public Buildings. Public, quasi-public or public-service buildings, hospitals, educational institutions or schools may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when permitted in a zone with lower height regulations, provided that required yards are increased one foot for each foot of additional building height above the height regulations for the zone (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
- B. Chimneys, Domes, Towers, Flagpoles and Similar Structures. Projections such as chimneys, spires, steeples, domes, elevator shaft housings, antennas, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.050 Yards

- A. Measurement. The measurement of a yard shall be made perpendicular from the property line to the nearest portion of the building.
- B. Requirement exceptions. The following exceptions to the front-yard requirements for a dwelling are authorized for a lot in any zone:
 - 1. If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
 - 2. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front-yard depth.
 - 3. Whether attached to a residence or as a separate structure, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 (twenty) feet from the property line bordering the street.
- C. Projections into yards. Architectural features such as cornices, canopies, sunshades, windows, chimneys, and flues shall not project more than 18

(eighteen) inches into a required yard. Eaves may extend a distance not to exceed 30 (thirty) inches into a required yard. Stairs may encroach up to five (5) feet into a required front yard provided that the stairs are not covered or enclosed, except for an eave not exceeding the 30 (thirty) inch encroachment as noted above.

- D. In a district where automobile service stations are permitted or conditionally permitted, freestanding gasoline pumps and pump islands shall not be closer than 10 (ten) feet to a street property line.
- E. In a commercial or industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the center of the alley.
- F. Yards required along arterial streets. Except in zones where greater setbacks are required, a minimum five (5) foot yard shall be provided where a lot or parcel abuts an arterial street, as those streets are defined in the City's Transportation Master Plan. The required five (5) foot yard shall be maintained as a clear vision area as defined in Section 17.54.080 except that the following uses may be allowed when alternatives are unavailable:
 - 1. The exceptions described in Section 17.54.080.
 - 2. Signs and signposts provided that the body of the sign is below three (3) feet in height or above eight (8) feet in height when measured from the top of the curb, or where no curb exists, eight and one-half (8.5) feet from the edge of the pavement or top of asphalt measured at the property line.
- G. A building may be constructed with a cantilever which extends up to two (2) feet over the setback at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half (8.5) feet above the edge of the pavement, or top of asphalt measured at the property line.
- H. Setback variance requests shall be processed under the provisions of Chapters 17.72 (Applications and Review Process) and 17.74 (Review Criteria), except that:
 - 1. The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance:
 - 2. Variances to the requirements of this section which do not involve building setbacks must comply with Section 17.54.060(H)(1) above, but need not comply with Section 17.74.110. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.060 Model Home. A "model home" means the building(s) and/or property incorporating unique or innovative architectural design or construction techniques and intended for use as an example to promote similar development, and also means the building(s) and/or property intended for use as an example in attracting potential buyers to a specific subdivision. A permit for a model home may be obtained from the Planning Director, subject to the following conditions:

- A. The applicant requesting a model home permit must supply the Planning Director with a plot plan of the proposed model home and a narrative explaining any unique or innovative architectural design or construction techniques intended to be used in the model home. If the permit is being

requested for a home which is simply to be used as an example in attracting buyers to a specific subdivision, the applicant must supply the Planning Director with a plot plan of the model home and a copy of the approved plat of the subdivision clearly showing the lot on which the model home is to be located. If the Planning Director finds that approval of the permit would create no adverse impact on the immediate neighborhood or the surrounding area he will issue a renewable and revocable permit, upon payment of the appropriate fee, for a one-year period. Approval by the Planning Director of a renewable request is contingent on the absence of formal complaints or changes in circumstances. If there are formal complaints or changes in circumstances, the request for renewal must be approved by the Planning Commission. Formal complaints or changes in circumstances may be cause for revocation of an approved permit by the Planning Director. All decisions of the Planning Director may be appealed to the Planning Commission provided that the appropriate fees have been paid and notice of intent to appeal is received by the Planning Department within 15 (fifteen) days of the Director's decision.

- B. The Planning Director may permit the temporary use of a sales office within a designated model home, subject to the condition that the sales office is used to conduct sales of homes within the subdivision in which the model home is located. Sales of real properties outside of the subdivision may not be conducted out of said office.
- C. A permit for such use may be granted in the form of a temporary and revocable permit, the fee for which will be set by the City Council. The permit shall be valid for not more than one year or until 90 percent of the building permits for the subdivision have been issued, whichever occurs first. If 90 percent of the building permits have not been issued in one year's time, the permit may be renewed, upon reapplication to the Planning Director and payment of the appropriate fee. Renewal of a permit shall be for periods of not more than six months or until the 90 percent requirement is met. Approval by the Planning Director of a renewal request is contingent on the absence of formal complaints or changes in circumstances. If there are formal complaints or changes in circumstances, the request for renewal must be approved by the Planning Commission. Formal complaints or changes in circumstances may be cause for revocation of an approved permit by the Planning Director. All decisions of the Planning Director may be appealed to the Planning Commission provided that the appropriate fees have been paid and notice of intent to appeal is received by the Planning Department within 15 (fifteen) days of the Director's decision.

17.54.065 Use of Recreational Vehicle (RV) As Temporary Residence During Residential Construction. A recreational vehicle (RV) may be authorized as a temporary residence during construction of a new residential structure on the same lot or parcel if found to comply with the following conditions.

- A. Only one RV shall be allowed on a lot or parcel. The RV shall only be placed on a lot or parcel for which a building permit for a site-built dwelling(s) or a placement permit for a manufactured dwelling meeting the standards of the applicable zone has been obtained and remains active.

- B. The RV shall only be placed on a vacant lot, or a lot on which any existing dwellings will be demolished or removed. If any existing dwellings on the lot are to be demolished, the RV shall only be allowed on the lot prior to demolition if a demolition permit is issued concurrently with the building permit or placement permit for the new home. Demolition of any site-built home shall begin, or removal of any manufactured home shall occur, within 30 days of placement of the RV.
- C. The RV shall only be occupied by future residents of a dwelling under construction on the same lot. If the occupants are not the property owner, written authorization from the property owner shall be provided prior to placement of the RV.
- D. The RV shall not be occupied concurrently with any dwelling on the lot, either prior to demolition or removal of any existing dwelling or upon completion or placement of a new dwelling.
- E. The RV shall only be occupied during a period in which satisfactory progress is being made towards the completion of the site-built dwelling or placement of the manufactured dwelling for which a permit has been obtained, and in no case shall the time period exceed 18 months involving a site-built dwelling or 6 months involving a manufactured dwelling, including any applicable demolition or removal. The Planning Director may grant one or more emergency hardships extensions provided the building permit or installation permit remains active and upon finding continued progress toward completion.
- F. The RV shall cease to be used as a temporary residence not later than one month following the completion of a new site-built dwelling or placement of a manufactured dwelling, as applicable.
- G. Except in the case of a self-contained motorized RV, connections to public sewer and water or any authorized on-site systems shall be provided, as well as electric power. Any on-site connections shall require applicable permits and approvals.
- H. There shall be no parking of a self-contained, motorized RV or any vehicles on any portion of the site which is not paved or improved with a compacted dust-free gravel surface.
- I. The Planning Director may revoke authorization for use of the RV as a temporary residence upon finding noncompliance with the provisions of this Section, including evidence of unsatisfactory progress on construction or placement of the permanent dwelling unit(s).
- J. Nothing in the Section is intended to preclude any other lawful use of an RV as otherwise authorized in the McMinnville Municipal Code, such as the Safe Overnight Parking Program. (Ord. 5105 §2, 2021)

17.54.070 Temporary Living Units.

- A. This section is enacted to meet the requirements of McMinnville citizens who have a need for a temporary living unit in which they will provide "special care" to a relative. This section is not enacted to provide additional living space for family members unless the hardship conditions listed below are met. The City envisions the use of a temporary living unit approved under this section on a lot which either has an occupied residence or on a lot which is immediately adjacent to the residence of the family member making

application for this special permit. The temporary living unit, if approved, must meet all the yard and setback requirements of this title. When granting a permit, the Planning Director will take into consideration the lot on which the unit will be placed, the type of temporary living unit being proposed, and the visual impact of the unit upon the surrounding neighborhood.

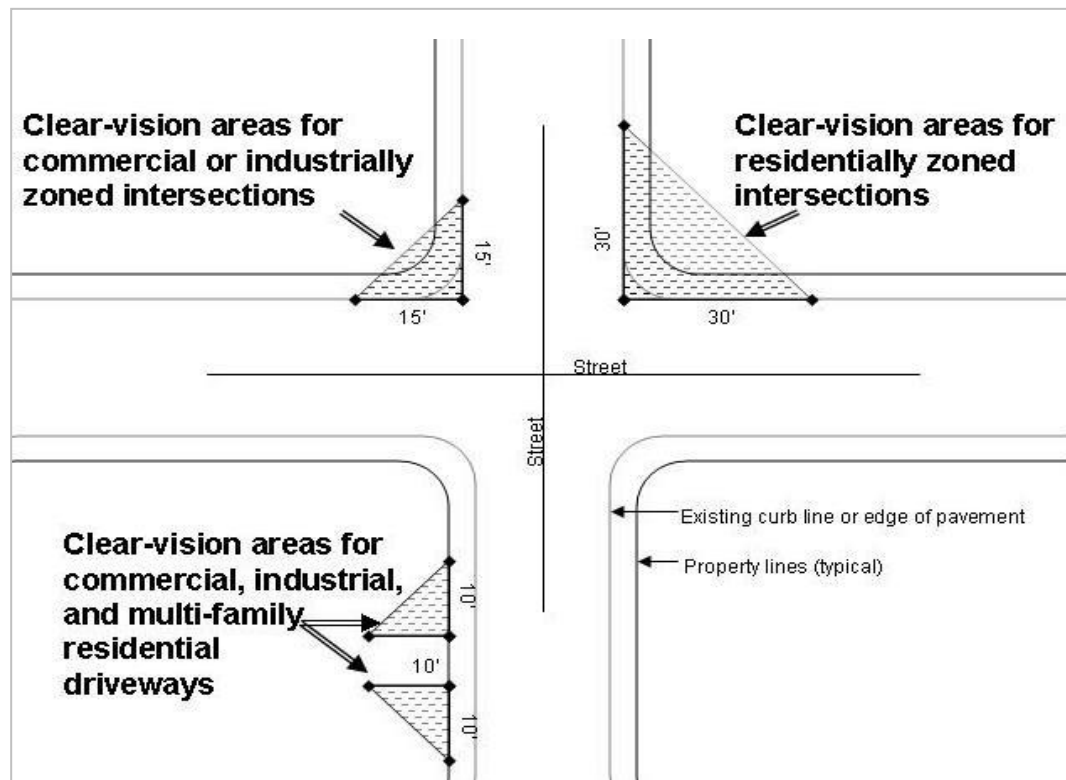
1. The definition of the term "special care" shall include providing medical attention (either physical or mental) and/or providing living accommodations for a relative who needs to be in close physical proximity to family members for assistance in housekeeping, shopping, etc., and for emotional support;
 2. The definitions of the term "temporary living unit" includes, but is not limited to, manufactured home, trailer, camper, and recreational vehicle (RV);
- B. The Planning Director may permit the temporary use of a temporary living unit in any zoning district (subject to the unit meeting yard and setback requirements of the zoning ordinance) in the following situation: Temporary residence for relative requiring special care;
- C. The Planning Director shall make a decision within 20 (twenty) days of the date that the application for the temporary living unit is received and notice of the Director's decision shall be sent to abutting property owners. An appeal of the decision may be filed with the Planning Department within 15 (fifteen) calendar days of the date the written notice of the decision is mailed.
- D. A permit for such use may be granted in the form of a temporary and revocable permit, for not more than a six (6) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Such permit shall be renewable upon payment of the appropriate fee prior to its expiration date in the absence of any formal complaints or changes in circumstances and payment of semi-annual renewal fee. Such structures shall be removed after they are no longer required for their initial use. Application for a temporary permit shall be on forms provided by the Planning Director. The Planning Director shall review the initial temporary permit request, subject to the requirements of this ordinance. (Ord. 4988 §1, 2015).

17.54.080 Clear Vision Area

- A. Clear vision area requirement. A clear vision area shall be maintained on the corners of all properties at the intersection of two streets, a street and an alley, or a street and a railroad. Clear vision area requirements shall also apply to the first 10 (ten) feet of commercial and industrial access driveways when the driveway intersects with a street or alley. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.
1. Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;
 2. Telephone, power, and cable television pole, electrical junction boxes.

3. Government issued traffic safety signs.
 4. Telephone switch boxes provided that they are less than 10 inches wide at the widest dimension. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
- B. Clear Vision Area Measurement. The following measurements used in conjunction with the formula established in Section 17.06.080 shall be used to establish clear vision areas:
1. In a residential zone the minimum length of the triangle legs shall be 30 (thirty) feet at street intersections and 10 (ten) feet where a street and an alley intersect;
 2. In all other zones the minimum length of the triangle legs shall be 15 (fifteen) feet at street intersections and 10 (ten) feet where a street and an alley or street and access drive intersect, except that when the angle of intersection between two streets, is less than 30 (thirty) degrees, the length of the triangle legs shall be 25 (twenty-five) feet;
 3. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half feet above the edge of the pavement, or top of asphalt measured at the property line;

Clear Vision Area



17.54.090 Fences. Fence limitations shall be as follows:

- A. A fence placed along an interior side or rear property line shall not exceed the height of seven (7) feet. The construction of a fence greater than six (6) feet in height requires a building permit.

- B. A fence located in a required front yard shall not exceed the height of three (3) feet measured from grade. Fences greater than three (3) feet in height must conform to the front-yard setback requirements of that zone or must be set back to the front building line of the existing residence (whichever is less).
- C. On a corner lot, a fence located in a required exterior side yard shall not exceed the height of three (3) feet measured from grade; except when adequate vision clearance exists, the Planning Director may permit a fence up to six (6) feet in height.
- D. In the case of a sloping property, the height of a fence shall be measured from the uphill side, but in no case shall the height exceed 10 (ten) feet when measured from the downhill side of the fence.
- E. Fence height restrictions do not apply to public utility fences or to chain link fences enclosing schools and public playgrounds.

17.54.100 Swimming Pools. An uncovered swimming pool may be located within a required rear yard or interior side yard behind the rear building line, provided it is no closer than five feet to a property line. Pool installation and fencing shall be provided consistent with the State Uniform Building Code.

17.54.110 Use of Required Open Space. No lot area, yard, other open space, or off-street parking or loading area which is required by this title for one use shall be used as a required lot area, yard, or other open space or off-street parking or loading area for another use except as provided in Section 17.60.120 of this Ordinance.

17.54.120 Minimum Requirement Maintenance. No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimums required for it by this title, except when the provisions of either the variance or the planned development overlay processes are utilized. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.130 Address Assignments. The Building Official shall be responsible for assigning addresses to new structures. Addresses shall conform to the established numbering system for the City and to the requirements of McMinnville Ordinance No. 1770 and shall be assigned at the time the building permit is issued or before final occupancy is granted. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.140 Keeping of Animals in a Residential Zone. It is not permissible to keep exotic, dangerous or wild animals as domestic pets. This includes any mammal, fowl, fish or any other species not commonly considered as pets or commonly raised for food or agricultural purposes which would be a possible threat to the life or health of humans as determined by the Yamhill County Animal Control Officer and the Planning Director. The slaughtering of animals is not permissible in residential zones.

- A. The keeping of the following animals is permitted in residential zones:
 - 1. Domestic dogs.
 - 2. Domestic cats.
 - 3. Gerbils, hamsters, rats or similar rodents kept in cages.
 - 4. Non carnivorous fish kept in tanks and ponds.
 - 5. Non venomous reptiles.

6. Domestic rabbits, consistent with the requirements of Section 17.54.140(B)(3). (Rabbits kept for commercial purposes or for food production are prohibited.)
 7. Vietnamese pot bellied pigs (one per residence).
 8. Domestic fowl or birds for non-commercial purposes excluding roosters and peacocks, consistent with the requirements of Section 17.54.140(B)(3).
 9. Livestock, consistent with the requirements of Section 17.54.140(B)(2)
- B. The following conditions shall apply in a zone when animals are permitted:
1. A dog kennel or dog facility exists when four (4) or more dogs of licensable age (six months or older) are kept for commercial reasons such as breeding, buying, selling or boarding. Such facilities are prohibited in a residential zone.
 2. In addition to the minimum lot area per family requirement for the zone, a minimum area of one-half acre of land (exclusive of buildings) shall be provided for accommodation of the animals listed in Subsections (a) and (b) below. The following animals are permitted in residential zones and shall not exceed the following density requirements:
 - a. One horse or one cow over six months of age for each additional half acre (21,780 square feet) over the minimum lot size.
 - b. Two sheep or two goats (or similar size livestock) over six months of age per each additional half acre over the minimum lot size.
 3. A minimum of 5,000 square feet of lot area is required to maintain up to two (2) fowl (excluding roosters and peacocks) or two (2) rabbits, or combination thereof. Each rabbit or fowl in excess of this number shall require an additional 1,000 square feet of lot area.
 4. No enclosure or pen for animals shall be placed in front of the residence nor shall it be closer than 70 feet to a front property line, 15 feet to a side property line or 10 feet to a rear property line.

Chapter 17.55

WIRELESS COMMUNICATIONS FACILITIES

(as amended by Ord. 5043, January 2018)

Sections:

- 17.55.010 Purpose.
- 17.55.020 Definitions.
- 17.55.030 Exemptions.
- 17.55.040 Permitted and conditional use locations of antennas, antenna support structures and alternative antenna support structures to be used for wireless communication service.
- 17.55.050 Development Review Standards
- 17.55.060 Co-location of antennas and antenna support structures.
- 17.55.070 Application for permit for antennas, antenna support structures, and equipment enclosures.
- 17.55.080 Speculation tower
- 17.55.090 Owner's responsibility
- 17.55.100 Abandoned Facilities
- 17.55.110 Review Process and Approval Criteria

17.55.010 Purpose. Wireless Communications Facilities (WCF) play an important role in meeting the communication needs of the citizens of McMinnville. The purpose of this chapter is to establish appropriate locations, site development standards, and permit requirements to allow for the provision of wireless communications service while helping McMinnville remain a livable and attractive city.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of McMinnville citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used in this chapter, reference to WCF is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio and/or television signals, including telecommunication lattice and monopole towers, and alternative antenna support structures, equipment enclosures, parking and storage areas, and all other associated facilities.

17.55.020 Definitions. For the purposes of this section, refer to Section 17.06.050 for Wireless Communications Facility related definitions. (Ord. 4952 §1, 2012).

17.55.030 Exemptions. The provisions of this chapter do not apply to:

- A. Federally licensed amateur radio stations,
- B. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming

signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of the zoning designation of the site outside of the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines).

- C. Public SCADA (supervisory control and data acquisition) and similar systems.
- D. Cell on Wheels which are portable mobile cellular sites that provide temporary network and wireless coverage, are permitted as temporary uses in all zones for a period not to exceed sixty (60) days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State; a typical example of Cells on Wheels would be a mobile news van used for broadcasting coverage of an event or other news.
- E. Modifications to Certain Existing Facilities that Qualify as "Eligible Facilities Requests" Under Federal Law. Any "Eligible Facilities Request" that does not "substantially change" the physical dimensions of a WCF, as those terms are used and defined under 47 U.S.C. 1455(a) and implemented by 47 CFR Section 1.40001. Applicants shall submit applications consistent with Section 17.72.020 demonstrating that the proposed modification qualifies as an "eligible facilities request" under applicable federal law, and compliance with all applicable building and structural codes. Filing fees shall be paid by applicants pursuant to Section 17.72.030. All such requests shall be reviewed by the City pursuant to 17.72.100

17.55.040 Permitted and conditional use locations of antennas, small cells, DAS, antenna support structures and alternative antenna support structures to be used for wireless communications service. All non-exempt (17.55.030) WCF (antennas, antenna support structures, alternative antenna support structures, small cells and DAS) are permitted, conditionally permitted, or prohibited to be located in zones as provided in this Chapter and as listed below:

A. Permitted Uses.

1. Antennas (inclusive of small cells), antenna support structures and alternative antenna support structures are permitted in the M-L (Limited Light Industrial Zone), M-1 (Light Industrial Zone), and M-2 (General Industrial Zone) zones. Antenna support structures are not permitted within the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines).
2. Antennas (inclusive of small cells) mounted to alternative antenna support structures in the O-R, C-1, C-2, and C-3 zones located outside of the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines). Unless a conditional use permit is obtained under 17.55.040 (B), such antennas and small cells shall add not more than ten (10) feet to the total height of such structure. Except for small cells installed in the public right-of-way, associated facilities so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or structure. Such screening materials shall be reviewed and approved by the Planning Director. Small cells installed in the public right-of-way are subject to 17.55.050 (A)(1).

3. Antennas (inclusive of small cells) may be mounted to alternative antenna support structures in the R-1, R-2, R-3 and R-4 zones. Unless a conditional use permit is obtained under 17.55.040 (B), such antennas and small cells shall not exceed the height of the alternative antenna support structure. Except for small cells installed in the public right-of-way, associated facilities so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or structure. Such screening materials shall be reviewed and approved by the Planning Director. Small cells installed in the public right-of-way are subject to 17.55.050 (A)(1).
- B. Conditional Uses. In all zones other than industrial zones, antenna(s) may be mounted to existing alternative antenna support structures limited to an additional 20-feet in total height added subject to conditional use approval by the Planning Commission. Except for small cells installed in the public right-of-way, such antennas so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the existing building or structure. Small cells installed in the public right-of-way are subject to 17.55.050 (A)(1). For properties located within the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines), antennas proposed for mounting on alternative antenna support structures, in addition to all requirements of this Chapter, are subject to conditional use permit approval by the Planning Commission.
- C. Prohibited Uses. Construction or placement of new antenna support structures in all zones except as permitted by 17.55.040 (A)(1) and in the matrix in 17.55.040 (D).

D. Wireless Communications Facilities Matrix:

WIRELESS FACILITIES		
ZONE	ANTENNA SUPPORT STRUCTURES	ANTENNAS (INCLUSIVE OF SMALL CELLS) MOUNTED TO ALTERNATIVE ANTENNA SUPPORT STRUCTURES*
Residential	Prohibited	Permitted - No additional height added
		Conditional Use – Less than or equal to 20 feet height added
Commercial	Prohibited	Permitted - Less than or equal to 10 feet height added
		Conditional Use - Within Downtown Design District
		Conditional Use – Less than or equal to 20 feet height added
Industrial	Permitted outside of the Downtown Design District	Permitted (100-foot maximum finished height)
Agricultural Holding	Prohibited	Conditional – Less than or equal to 20 feet height added
Floodplain	Prohibited	Conditional – Less than or equal to 20 feet height added

* Subject to the requirements of Chapter 17.55.

17.55.050 Development review standards.

All WCF shall comply with the following design and review standards, unless identified as being legally non-conforming (grandfathered) as per the requirements of Chapter 17.63 (Nonconforming Uses).

A. Visual Impact.

1. Antennas. Façade-mounted antennas (inclusive of small cells) shall be architecturally integrated into the building/structural improvement design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two (2) feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.

- a. Small Cells on existing or replacement utility poles, street light standards, signal poles, etc. shall also conform to the following standards.
 - 1) The antennas and/or replacement utility pole do not project more than 24 inches above the existing utility pole support structure.
 - a) The Planning Director may allow for additional height, up to no more than ten (10) feet above the existing utility pole support structure, if the additional height is required to meet separation requirements from electrical lines. The applicant must also show that there are no alternative sites available that would not require more than an additional 24 inches of height through the alternative site analysis required in 17.55.070(G).
 - 2) No more than a total of two antennas are located on a single pole.
 - 3) Any ground-mounted equipment cabinet is concealed from public view by burying or screening by means other than walls or fences.
 - 4) Any pole-mounted equipment or equipment cabinet is painted or finished to match and mounted as close to the pole as is feasible, unless it is incorporated into some other stealth or architectural feature.
2. Height. Freestanding antenna support structures and alternative antenna support structures shall be exempted from the height limitations of the zone in which they are located, but shall not exceed one-hundred (100) feet in Industrial zones unless it is demonstrated that additional height is necessary. Antennas (inclusive of small cells) shall not exceed fifty (50) feet in height in residential zones. This exemption notwithstanding, the height and mass of the antenna support structure shall be the minimum which is necessary for its intended use, as demonstrated in a report prepared by a radio frequency engineer or a licensed civil engineer. A WCF that is attached to an alternative antenna support structure shall not exceed the height indicated in the matrix in 17.55.040(D).
3. Visual Impact. All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to minimize the visual impact to the viewshed from other properties. The use of camouflage technique(s), as found acceptable to the Planning Director to conceal antennas, associated equipment and wiring, and antenna supports is required.
4. Screening. Except in the public right-of-way, the area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition

of landscaped screening, the Planning Director may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.

5. Color.
 - a. A camouflage or stealth design that blends with the surrounding area shall be utilized for all wireless and broadcast communication facilities unless an alternative design is approved during the land use review process. If an alternative design is approved, all towers, antennas and associated equipment shall be painted a non-reflective, neutral color as approved through the review process. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure.
 - b. Antenna support structures more than 100 feet in height shall be painted in accordance with the Oregon Department of Aviation (ODA) and Federal Aviation Administration (FAA) rules.
 - c. Where ancillary facilities are allowed under this code to be visible, they shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment, and where mounted on the ground shall be otherwise screened from public view, or placed underground.
6. Signage. Except when included as part of a camouflage or stealth design, there shall be no signs, symbols, flags, banners, or other such elements attached to or painted or inscribed upon any WCF except for warning and safety signage with a surface area of no more than three (3) square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes.
7. Historic Buildings and Structures. If the application involves the placement of an antenna on a building that is listed in the National Register of Historic Places or the McMinnville Historic Resources Inventory, no such permit shall be issued without the prior approval of the McMinnville Historic Landmarks Committee.
8. Accessory Building Size. Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed twelve (12) feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to two hundred (200) square feet, unless approved through a Conditional Use Permit. If approved in a Residential zone or the Downtown Design District, all equipment and ancillary facilities necessary for the operation of and constructed as part of a WCF shall be placed within an existing structure, incorporated into the WCF's design, or placed within an underground vault specific to the purpose. If

it is infeasible to locate the facilities within an existing structure or incorporate them into the WCF's design, and it can be sufficiently demonstrated to the Planning Director that undergrounding a vault would be impractical and/or infeasible (due to high water table, shallow bedrock, etc.) the Planning Director may waive this requirement in place of stealthing and/or screening sufficient to buffer the equipment. Unenclosed storage of materials is prohibited. Other building facilities, including offices, vehicle storage areas or other similar uses not necessary for transmission or relay functions are prohibited unless a separate land use application for such is submitted and approved. Such other facilities shall not be allowed in Residential zones.

9. Utility Vaults and Equipment Pedestals. Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible, unless they are incorporated into the design of the WCF as otherwise allowed by this chapter.
 10. Parking. No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
 11. Sidewalks and Pathways. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land.
 12. Lighting. No antennas, or antenna support structures shall be artificially lighted except as required by the FAA or other State or Federal governmental agency. All other site lighting for security and maintenance purposes shall be shielded and directed downward, unless otherwise required under Federal law.
- B. Setbacks and Separation.
1. Setbacks. Except when located in the public right-of-way, all WCF antenna support structures shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto, unless this requirement is specifically waived by the Planning Director or the Planning Commission for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
All WCF are prohibited in a required front yard, rear yard, side yard, or exterior side yard setback of any lot in any zone, and no portion of any antenna shall extend into such setback. For guyed towers or monopoles, all guy anchors shall be located outside of the required site setbacks.
 2. Separation. No antenna support structure shall be permitted to be constructed, installed or erected within 1,000 feet of any other antenna support structure that is owned, operated, or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the Planning Director if, after reviewing evidence submitted by the service provider, the Director finds that: 1) a closer spacing is required in order to provide adequate wireless communication service to the subject area; and, 2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area.

Antennas mounted on rooftops or City-approved alternative support structures shall be exempt from these minimum separation requirements. However, antennas and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened in a manner found acceptable to the reviewing authority.

17.55.060 Co-location of antennas and antenna support structures.

- A. For co-locations not exempt under 17.55.030 (E), in order to encourage shared use of towers, monopoles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the co-location and addition of equipment, provided that:
1. There is no change to the type of tower or pole.
 2. All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.
 3. All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
 4. All accessory equipment shall be located within the existing enclosure, shall not result in any exterior changes to the enclosure and, in Residential zones and the Downtown Design District, shall not include any additional above grade equipment structures.
 5. Co-location on an alternative support structure in a Residential zone or the Downtown Design District shall require a stealth design.
 6. The equipment shall not disturb, or will mitigate any disturbed, existing landscaping elements according to that required in a landscape plan previously approved by the Landscape Review Committee. If no such plan exists, a new landscape plan for the affected area must be submitted to and reviewed by the Landscape Review Committee prior to installation of the subject facility.
 7. Placement of the equipment does not entail excavation or deployment outside of the site of the current facility where co-location is proposed.
 8. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
 9. Additional Application Requirements for Co-Location.
 - a. A copy of the site plan approved for the original tower, pole, or other base station facility, to which the co-location is proposed.
 - b. A detailed Site Plan as part of a set of drawings stamped by a Registered Architect or Professional Engineer delineating development on-the-ground is consistent with the approved site plan.

17.55.070 Application for permit for antennas, antenna support structures, and equipment enclosures. All applications for permits for the placement and construction of wireless facilities shall be accompanied by the following:

- A. Payment of all permit fees, plans check fees and inspection fees;
- B. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, enclosure, and/or structure is proposed,

or copy of an appropriate easement, lease, rental agreement, or other owner authorization;

- C. Public Meeting. Except when the applicant proposes small cells in the public right-of-way, prior to submitting an application for a new antenna support structure (as defined in Chapter 17.06), the applicant shall schedule and conduct a neighborhood meeting to inform the property owners and residents of the surrounding area of the proposal. The neighborhood meeting shall be held in accordance with the requirements for neighborhood meetings in Section 17.72.095(B)–(G) of the McMinnville Zoning Ordinance. In place of the notification distance described in 17.72.095(D)(1), the notification distance to be used for new antenna support structures shall be 1,000 feet of the boundaries of the subject property.
- D. Residential Siting Analysis. If a WCF is proposed within a Residential zone, the applicant must demonstrate the need for the new facility and compliance with stealth design requirements for alternative support structure as specified in this Chapter.
- E. Geographical Survey. The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network associated with the gap that the proposed WCF is proposed to close. The applicant shall describe how this service area fits into and is necessary for the service provider's service network. Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC authorization or license for the facility being built or relocated, if required. This Section is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a) as implemented by 47 CFR Part 1.40001(a) noted in Section 17.55.030(E) above.
- F. Visual Impact Analysis. The applicant shall provide a visual impact analysis for all components of the facility. The visual impact analysis shall include photo simulations, the maximum silhouette of the facility, color and finish palette, proposed screening, and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a vicinity map clearly depicting where, within a one-half (1/2) mile radius, any portion of the proposed WCF could be visible. The photo simulations must show the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director, or the Planning Director's designee, and the applicant. The applicant shall include the locations of the two points on the vicinity map required above.
- G. Design Options and Alternative Site Analysis. The applicant shall include an analysis of alternative sites and design options for the WCF within and outside of the City that are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower or pole and why existing locations or alternatives cannot be used to meet the identified service objectives.

Documentation and depiction of all steps that will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.

- H. Number of WCF. The Application shall include a detailed narrative of all of the proposed equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; towers; monopoles; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment.
- I. Safety Hazards. Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.
- J. Landscaping. When applicable, the Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included. All landscape plans shall be reviewed by and approved by the McMinnville Landscape Review Committee prior to installation.
- K. Height. The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives.
- L. Timeframe. The Application shall describe the anticipated time frame for installation of the WCF.
- M. Noise/Acoustical Information. The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide equipment decibel ratings as provided by the manufacturer(s) for all noise generating equipment for both maintenance cycling and continual operation modes.
- N. Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment for review and approval by the Planning Director.
- O. Co-Location. In the case of new antenna support structures (multi-user towers, monopoles, or similar support structures), the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.
- P. Lease. The site plan shall show the lease or easement area of the proposed WCF.
- Q. Lighting and Marking. The Application shall describe any proposed lighting and marking of the WCF, including any required by the Oregon Department of Aviation (ODA) or Federal Aviation Administration (FAA).

- R. Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
- S. The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.
- T. Co-Location Feasibility. A feasibility study for the co-location of any WCF as an alternative to new antenna support structures must be presented and certified by a radio-frequency engineer or a licensed civil engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:
 - 1. An inventory, including the location, ownership, height, and design of existing WCF within one-half (1/2) mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
 - 2. Documentation of the efforts that have been made to co-locate on existing or previously approved towers, monopoles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, monopoles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
 - 3. Documentation as to why co-location on existing or proposed towers, monopoles, or commercial structures within one thousand (1,000) feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Planning Commission may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

17.55.080 Speculation tower. No application shall be accepted or approved from an applicant to construct a tower and lease tower space to service providers when it is not itself a wireless service provider unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the tower.

17.55.090 Owner's Responsibility.

- A. If the City of McMinnville approves a new tower, the owner of the tower improvement shall, as conditions of approval, be required to:
 - 1. Record all conditions of approval specified by the City with the Yamhill County Clerk/Recorder;
 - 2. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - a. Negotiate in good faith with any potential user for shared use of space on the tower;

- b. The above conditions, and any others required by the City, shall run with the land and be binding on subsequent purchasers of the tower site and/or improvement; and
- B. Maintenance. The following maintenance requirements apply to all facilities and shall be required as conditions of approval, where applicable:
 - 1. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
 - 2. If a flagpole is used as a stealth method for camouflaging a facility, flags must be flown and must be properly maintained at all times.
 - 3. All wireless and broadcast communication facility sites shall be kept clean, free of litter and noxious weeds.
 - 4. All wireless and broadcast communication facility sites shall maintain compliance with current RF emission standards of the FCC, the National Electric Safety Code, and all state and local regulations.
 - 5. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.

17.055.100 Abandoned Facilities.

- A. All owners who intend to abandon or discontinue the use of any wireless or broadcast communication facility shall notify the City of such intentions no less than 60 days prior to the final day of use.
- B. Wireless or broadcast communication facilities shall be considered abandoned 90 days following the final day of use or operation.
- C. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first. Upon written application prior to the expiration of the ninety (90) day period, the Planning Director may grant a six-month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the City subject to any conditions required to bring the project into compliance with current law(s) and make compatible with surrounding development.
- D. In the event that an owner discontinues use of a wireless communication and broadcast facility for more than ninety (90) days, has not been granted an extension of time by the Planning Director, and has not removed the facility, the City may declare the facility abandoned and require the property owner to remove it. An abandoned facility may be declared a nuisance subject to the abatement procedures of the City of McMinnville Code. If such structure and equipment enclosure are not so removed, the City may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal. Delay by the City in taking action shall not in any way waive the city's right to take action. .
- E. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.
- F. The applicant shall submit a bond or cash deposit to be held by the City as security for abatement of the facility as specified herein. The bond or cash deposit shall be equal to 120% of the estimated cost for removal of the facility and restoration of the site. Cost estimates for the removal shall be provided by the applicant based on an independent, qualified engineer's analysis and

shall be verified by the City. Upon completion of the abandonment of the facility by the applicant as specified by this section, and inspection by the City, any bond will be released and the entirety of any cash deposit shall be returned to the applicant.

17.055.110 Review Process and Approval Criteria. The following procedures shall be applicable to all new WCF applications as specified in the Section:

- A. All new WCF shall be reviewed under this chapter. Applications for new wireless and broadcast communication facilities WCF shall be processed in accordance with the provisions of this section.
- B. Approval Criteria. The City shall approve the application for a WCF on the basis that the proposal complies with the General Development Standards listed in this code above, and upon a determination that the following criteria are met:
 - 1. The location is the least visible of other possible locations and design options that achieve approximately the same signal coverage objectives.
 - 2. The location, size, design, and operating characteristics of the proposed facility will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 - a. Scale, bulk, coverage and density;
 - b. The detrimental impact, if any, upon neighboring properties; The suitability of the site for the type and intensity of the proposed facility; and
 - c. Any other relevant impact of the proposed use in the setting where it is proposed (i.e. noise, glare, traffic, etc).
 - 3. All required public facilities and services have adequate capacity as determined by the City, to serve the proposed wireless or broadcast communication facility; and
 - a. The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location, or if compliance with all of the applicable approval criteria cannot be achieved through the imposition of reasonable conditions, the application shall be denied.
- D. Notwithstanding any other provisions of this Code, the McMinnville City Council may establish fees in amounts sufficient to recover all of the City's costs in reviewing applications filed pursuant to this Chapter, including retaining independent telecommunication or other professional consultants as may be necessary to review and evaluate any evidence offered as part of an application. Such fee may be imposed during the review of an application as deemed appropriate by the City Planning Department.

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Chapter 17.56

LARGE FORMAT COMMERCIAL DEVELOPMENT

(as adopted by Ord. 4891, April 22, 2008)

Sections:

- 17.56.010 Purpose.
- 17.56.020 Definitions.
- 17.56.030 Applicability.
- 17.56.040 Review process.
- 17.56.050 Development Standards.
- 17.56.060 Energy Efficiency.
- 17.56.070 Maintenance of Vacant Buildings.

17.56.010 Purpose. While McMinnville recognizes the inevitable commercial growth taking place within the City and the ensuing change to the cityscape, it is committed to preserving the character and values of the City, thus continuing to make McMinnville an inviting place to live and work. This ordinance aims to diminish the negative aesthetic impacts of large-scale commercial development on the City.

Large commercial establishments typically locate at highly visible locations on major public streets. As a result of this, their design and layout determines much of the character and attractiveness of major streetscapes in the City. This ordinance is a response to concerns about the impact of large-format commercial establishments on McMinnville's landscape. To date, much of the built commercial environment in McMinnville is largely defined by typical small-town characteristics: architectural variety, pedestrian scale and accessibility, substantial façade articulation, extensive glazing, and landscaping. The goals and standards of this chapter are intended to encourage large-scale commercial development that reflects McMinnville's traditional design elements.

Specifically, the goals of this ordinance are to:

- A. Establish standards which will ensure that large-scale commercial development in McMinnville is compatible with surrounding commercial and residential development.
- B. Permit commercial development which is visually appealing with regard to site and building design.
- C. Encourage large-scale commercial development to use energy-efficient building and layout designs.
- D. Create a pedestrian-friendly environment within large-scale commercial developments.
- E. Achieve reasonably sized parking areas enhanced with substantial landscaping and parking lot trees.

17.56.020 Definitions. For the purposes of this section, refer to Section 17.06.015 for Large Format Commercial Development related definitions. (Ord. 4952 §1, 2012).

17.56.030 Applicability.

- A. The requirements of this Chapter shall apply to:
 - 1. New commercial structures, the footprint of which exceeds 25,000 square feet of gross floor area;
 - 2. Additions to commercial structures that result in a combined total footprint exceeding 25,000 square feet of gross floor area, and that represent more than a 20 percent increase in building gross floor area. In those cases, the building's entire façade shall be brought into compliance with the standards of this chapter to the extent practicable.
 - 3. Buildings less than 25,000 square feet in size that share appurtenant facilities, such as driveways, parking and pedestrian walkways, with developments otherwise subject to the requirements of this chapter. Examples include restaurants, banks, gas stations and convenience stores constructed on building pads or separate lots located within a larger development site that is otherwise subject to the requirements of this chapter.
- B. Where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence.

17.56.040 Review Process.

- A. An application for design review of commercial development subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (D) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include:
 - 1. Two (2) copies of the following information:
 - a. Detailed plans for the proposed commercial development showing topography, site layout, massing (i.e., isometric), parking, and site circulation.
 - b. Building elevations that include building colors and materials (texture and relief), building height, vertical and horizontal articulation, voids to solids (window to wall) relationships, window treatment, and other elements as appropriate.
 - c. General landscape plan indicating the percentage of site landscaping, and the number, species, and placement of all proposed plant material; a complete landscaping and irrigation plan is required prior to or at the time of building permit submittal.
 - 2. A narrative describing how the proposal meets or exceeds the guidelines and standards of this chapter.
 - 3. Other information deemed necessary by the Planning Director to allow review of the applicant's proposal. The Director may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. An application for design review shall be reviewed by the Planning Director as set forth in Section 17.72.100.
- D. A guideline or standard contained in this ordinance may be waived as a part of the design review process. If a waiver is requested, the applicant must explain in their application how the proposed design meets or exceeds the

guidelines and standards of this chapter. A request for a waiver shall be reviewed by the Planning Director and notification shall be provided as set forth in Section 17.72.110. The Director shall base a decision to approve, approve with conditions, or deny a waiver request based on the following criteria:

1. There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site;
2. There is demonstrable evidence that the alternative design shall accomplish the purpose of this chapter in a manner that is equal to or superior to a project designed consistent with the guidelines standards contained herein; and,
3. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.
4. Notification of the Director's decision shall be provided as set forth in Section 17.72.150. A copy of the Director's letter shall be provided to the Building Official.
5. An appeal of a decision by the Planning Director may be made subject to the provisions of Section 17.72.170. (Ord. 4920, §4, 2010)

17.56.050 Development Standards. Large-dimensioned, plain, building facades are typically perceived as architecturally monotonous and do not reflect the existing or desired character of the McMinnville community. Toward reducing the visual scale of such buildings, McMinnville supports architectural designs that relate to both the pedestrian as well as to those traveling within adjacent rights-of-way.

To implement that vision, McMinnville requires that large commercial structures, as defined in this chapter, provide architectural features that “break up” or articulate the building's horizontal plane, and that provide visual interest. Examples of elements supportive to this design include, but are not limited to, the use of vertical columns, gables, a variety of compatible and complementary building materials, the provision of openings in the building façade, and landscaping, both around the perimeter and throughout the site.

This vision for development is addressed through the following four sections of this chapter identified as: Building facades; roof features; site design; and, energy efficiency.

- A. Building Facades. Buildings shall have architectural features and patterns that provide visual interest relating to both the pedestrian as well as to those traveling within adjacent rights-of-way. The following elements shall be integral parts of the building fabric, and not superficially applied trim, graphics, or paint.

1. Architectural Projections or Recesses.

Features such as projections and recesses can create an interplay of sun and shadow along the façade and provide the building a sense of depth and substance. Additionally, projections and recesses can also provide strong visual focal points and are often used to emphasize specific aspects of the design such as an entry or adjacent plaza.

Standard: Building facades shall include architectural projections and/or recesses incorporated into each exterior wall design. The proposed design shall be of such dimension to relate significantly to both the pedestrian as well as to those traveling within adjacent rights-of-way.

2. Design Features.

Large structures that provide a combination of design features add visual interest to the building, and help it relate the pedestrian scale. Further, the provision of customer amenities such as covered walkways also help to create a more inviting atmosphere for the community at-large. In an effort to avoid the construction of large, architecturally plain commercial facilities, McMinnville encourages architectural variety and character in its building design and the provision of pedestrian amenities to create a more livable and enjoyable outdoor environment for the community.

Standard: Buildings shall include at least two design features along the majority of the main façade such as canopies, awnings, porticos, covered walkways, or transparent display windows.

3. Loading Facilities.

To aid in mitigating negative visual impacts commonly associated with off-street loading facilities, such facilities shall be visually screened by either a wall designed to architecturally complement the building exterior, an evergreen vegetative screen, or a combination of these two options. Solid waste and recycling enclosures shall be designed as required by Chapter 17.61 (Solid Waste and Recycling Enclosure Plan) of the McMinnville Zoning Ordinance.

4. Entrances.

To provide architectural interest to the building and to provide meaningful focal point(s), the customer entrance(s) of each large commercial structure shall be clearly visible and architecturally prominent.

5. Repeating Elements.

All building facades shall include a repeating pattern that includes at least three of the following four elements, one of which shall repeat horizontally:

- a. Color change
- b. Texture change
- c. Material change
- d. Architectural or structural bays provided through a change in plane of at least 12 inches in width, such as a reveal, projecting rib, or offset.

6. Exterior Building Materials.

- a. At least 75% of exterior building materials shall include:
 - i. Brick
 - ii. Rock
 - iii. Stone,
 - iv. Tile, and/or
 - v. Tinted and textured concrete masonry units
 - vi. Other materials as approved by the Planning Director
- b. Exterior building materials may include the following architectural and design elements as approved by the Planning Director; the applicant shall demonstrate compliance of the design guideline goals and standards of this chapter:
 - i. Smooth-faced concrete masonry units

- ii. Metal siding
- iii. Smooth-faced tilt-up concrete panels
- c. Exterior building materials shall not include:
 - i. T-111 siding
 - ii. Plain plywood, and
 - iii. Sheet Pressboard

7. Multiple-Tenant Buildings.

When large commercial structures contain multiple tenants, each business that occupies less than 15,000 square feet of gross ground-floor area, and with separate exterior entrance(s), shall have transparent windows along at least 50 percent of the horizontal length of its storefront. The bottom of the ground floor windows shall be no more than three (3) feet above the adjacent exterior grade. These requirements are in addition to all other requirements of this Chapter.

- B. Roof Features. Rooftops and rooflines have the ability to define the skyline and become symbols of the building. Architectural variability in the roof design can enhance the character of the development and can add to its positive relationship to the neighborhood around it. McMinnville encourages roof designs that provide architectural variation and visual interest to complement the community at-large. Toward this end, roof features shall incorporate no less than two of the following features:

- 1. Parapets with cornices;
- 2. Overhanging eaves or cornices;
- 3. Prominent portions of the roof design exhibiting slopes with a plane of between 4/12 (33 degrees) and 6/12 (45 degrees).

C. Site Design.

1. Buffering.

Where a property containing a large commercial structure(s) abuts land zoned for residential use, and no public street separates the residential-zoned land from the commercially zoned property, the proposed use shall provide screening in the form of sight-obscuring, evergreen plantings, shade trees, fences, walls, or combinations of plantings and screens. Where plant material is used, emphasis shall be placed on achieving an effective year-round vegetative screen as approved by the Landscape Review Committee. Chain-link fencing shall not be permitted.

2. Pedestrian Walkways.

- a. Continuous 10-foot-wide pedestrian walkways shall be provided along the full length of any building facade featuring a customer entrance, and along any other building facade abutting customer parking areas for the distance that the parking lot abuts the building.
- b. Continuous 10-foot-wide pedestrian walkways may be allowed to be separated from the building façade with planting beds for foundation landscaping except where features such as covered entrances, awnings or canopies are part of the building façade, wherein the walkway must abut the building façade. Such walkways shall include weather-protection features, such as awnings, within 30 feet of all customer entrances and connecting to the entrance(s).

- c. Continuous six-foot-wide pedestrian walkways shall be provided from the sidewalk along the adjacent public or private street(s) to the principal customer entrance(s) of all large commercial structures. These pedestrian walkways shall feature abutting landscaped areas of no less than five-feet in width for no less than 50 percent of the length from the building to the adjacent street.
 - d. Pedestrian walkways shall be distinguished from driving surfaces through use of durable, low maintenance surface materials such as pavers, bricks, or scored or dyed concrete.
 - e. Walkways within a site with multiple structures shall be located and aligned to directly and continuously connect all commercial buildings, and shall not be located and aligned solely based on the outline of a parking lot configuration. Walkways within parking lots shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on each side of the drive aisle.
 - f. Where it is necessary for the primary pedestrian access to cross drive aisles or other internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, or other design elements as may be approved.
3. Parking.
Parking spaces shall be provided at no more than 120 percent of the minimum required by Chapter 17.60 (Off-Street Parking and Loading). Additionally, all parking areas shall be designed in a manner that is attractive, easy to maintain, and minimizes the visual impact of off-street parking. Bicycle parking accommodations shall be provided as required by Chapter 17.60.140 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.
4. Parking Lot Landscaping.
a. All parking facilities shall include landscaping to equal not less than ten percent (10%) of the gross site area supporting the proposed commercial development; exclusive of building footprint(s).
b. Landscaped peninsulas and islands shall be evenly distributed throughout all parking areas, and separated by no more than 60 feet, one from another. Such landscaped areas shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar in form or as may be approved by the Landscape Review Committee.
5. Dark Skies Lighting.
Exterior lighting often creates a substantial amount of unintended sky-directed glare (sky glow). "Dark skies" lighting aims to protect the night sky from light pollution by use of partially and fully shielded lighting, and by more careful selection of lighting options for the application. These

efforts help to ensure that the majority of the light reaches its intended target and reduces both vertical and lateral glare. Additionally, as energy prices increase, the city encourages the use of more efficient lighting.

Standard: Lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/ or shielded to place light on the intended target, and not result in skyward glare.

17.56.060 Energy Efficiency. Locally and nationally, energy costs have continued to rise as has the desire to lessen the volume and severity of pollutants released into the environment. McMinnville supports the vision of local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce building heat-gain, lower energy consumption and lessen pollutant output such as:

- A. Energy-efficient windows
- B. LEED level construction
- C. White reflective cool-roof technology to reduce heat absorption
- D. Use of other energy-efficient technologies as approved through the review process outlined in this chapter.

17.56.070 Maintenance of Vacant Buildings. In the event of the vacancy of a large commercial structure, the owner shall maintain the facilities and grounds, including the structure(s), landscaping, parking lots and storm water facilities, to ensure the development does not become a public nuisance.

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Chapter 17.57

LANDSCAPING

Sections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 Zones where required.
- 17.57.040 Specific uses requiring landscaping
- 17.57.050 Plans—Submittal and review—Approval—Time limit for completion.
- 17.57.060 Plans—Information to be included.
- 17.57.070 Area determination—Planning factors.
- 17.57.080 Central business district.
- 17.57.090 Credit for work in public right-of-way.
- 17.57.100 Appeal—Planning Commission to act.

17.57.010 Purpose and intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- A. Provide guidelines and standards that will:
 - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
 - 2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
 - 3. Mitigate the loss of natural resources.
 - 4. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
 - 5. Create safe, attractively landscaped areas adjacent to public streets.
 - 6. Require the planting of street trees along the City's rights-of-way.
 - 7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
 - 8. Provide shade, and seasonal color.
 - 9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.

- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. Support McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);
- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);
- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone). (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Specific uses requiring landscaping.

- A. Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- B. Utility substations, subject to the landscaping requirements of commercial uses.

- C. Mobile home park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development. (Ord. 5027 §2, 2017; Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.050 Plans—Submittal and review—Approval—Time limit for completion.

- A. At the time the applicant applies for a building permit, they shall submit, for the Landscape Review Committee, two copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, two copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
 - 1. No building permit shall be issued until the landscaping plan has been approved.
 - 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;
- B. Landscaping review shall occur within 30 (thirty) days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action to be taken on the plans. A failure to review within 30 (thirty) days shall be considered as approval of the plan;
- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;
- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, inspection, and approval, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the final inspection and/or approval to be postponed until the project is completed or cause the security to be used by the City;

- E. All completed landscape projects shall be inspected by the Planning Director or their designee. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as determined by the Planning Director or their designee, as long as they do not alter the character and aesthetics of the original plan. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Plans—Information to be included. The following information shall be included in the plans submitted under Section 17.57.050:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;
- B. The location in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, raised planters, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;
- G. All of the information on the plot plan for the building permit. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
 - 1. Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

4. A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.
5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition; however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.
 - a.

ALC (additional <u>lot coverage</u>)	X	% of landscaping required	X	Total lot area
ELC (existing lot coverage)				
 - b. Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;
- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
 2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
 3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
 4. The development and use of islands and plantings therein to break up parking areas.
 5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
 6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;
- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning

Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.080 Central business district. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS



17.57.090 Credit for work in public right-of-way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.100 Appeal—Planning Commission to act when.

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within 15 (fifteen) days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;
- C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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Chapter 17.58

TREES

(as adopted by Ord. 4654B Dec. 9, 1997)

Sections:

- 17.58.010 Purpose.
- 17.58.020 Applicability.
- 17.58.030 Definitions.
- 17.58.040 Tree Removal/Replacement.
- 17.58.045 Downtown Trees.
- 17.58.050 Review Criteria.
- 17.58.060 Permit Exemptions.
- 17.58.070 Topping.
- 17.58.075 Protection of Trees.
- 17.58.080 Street Tree Planting - When Required.
- 17.58.090 Street Tree Standards.
- 17.58.100 Street Tree Plans.
- 17.58.110 Street Tree Planting.
- 17.58.120 Street Tree Maintenance.

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

17.58.030 Definitions. For the purpose of this section, refer to Section 17.06.045 for Tree related definitions. (Ord. 4952 §1, 2012).

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for

the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.
- G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.
- H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.045 Downtown Trees.

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.
- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees within the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees within the Downtown Tree Zone to minimize the potential for sidewalk / tree root conflict.
- C. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the Downtown Tree Zone. In order to implement this policy, the Planning Director shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the Downtown Tree Zone.
- D. A street tree within the Downtown Tree Zone may be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 5027 §2, 2017).

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.060 Permit Exemptions.

- A. Hazardous Tree - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.
- B. Tree Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the Planning Director or their designee. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City's annual tree planting program.
- C. Maintenance - Regular pruning maintenance which does not require the removal of over 20 percent of the tree's canopy, tree topping, or the disturbance of over 10 percent of the tree's root system is exempt from the provisions of this ordinance.
- D. Removal of downtown trees at the direction and initiative of the City Planning Director. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the McMinnville Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees

- A. It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

- B. It shall be unlawful for any person to attach or keep attached to any street or public tree or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.
- C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any street tree or public tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.
- D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the Landscape Review Committee. Utility pole installations are exempted from these requirements. During such excavation or construction, any such person shall guard any street tree or public tree within the drip line, or as may be required by the Landscape Review Committee.
- E. All building material or other debris shall be kept outside of the drip line of any street tree or public tree. (Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.

- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.
- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans

- A. Submittal.
 - 1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.
 - 2. Commercial, Industrial, Parking Lots, and Multi-family Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.
- B. Street Tree Plan Content. At a minimum, the street tree planting plan should:

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting

- A. Residential subdivisions and partitions.
 1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.
- B. Commercial, Industrial, Multi-family, Parking Lot Development.
 1. Planting Schedule: Street trees required of a commercial, industrial, multi-family, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

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Chapter 17.59

DOWNTOWN DESIGN STANDARDS AND GUIDELINES

(as adopted Ord. 4797, Oct. 23, 2003)

Sections:

17.59.010	Purpose
17.59.020	Applicability
17.59.030	Review Process
17.59.040	Review Criteria
17.59.050	Building and Site Design
17.59.060	Surface Parking Lots
17.59.070	Awnings
17.59.080	Signs

17.59.010 Purpose. To provide for the protection, enhancement and preservation of buildings, structures, and other elements in the downtown core which contribute to its special historic and cultural value. Further, it is not the purpose of this ordinance to create a “themed” or artificial downtown environment. Rather, its purpose is to build on the “main street” qualities that currently exist within the downtown and to foster an organized, coordinated, and cohesive historic district that reflects the “sense of place,” economic base, and history unique to McMinnville and the downtown core. (Ord. 4797 §1, 2003).

17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4th Street, to the east by Kirby Street, and to the south by 1st Street. Lands immediately adjacent to the west of Adams Street, from 1st Street to 4th Street, are also subject to the provisions of this Chapter.
- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
 1. All new building construction;
 2. Any exterior building or site alteration; and,
 3. All new signage.
- C. This ordinance shall not apply to the following activities or uses:
 1. Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting where similar materials and colors are used that comply with this ordinance;
 2. Interior remodeling; and,
 3. Single-family detached housing.
- D. The Planning Director shall determine whether any proposed maintenance activity complies with this ordinance and whether the proposed activity is subject to the review procedures contained in this chapter.

- E. This ordinance shall apply only to those portions of a building or sign that are proposed for construction or modification and shall not extend to other elements of the building or sign that may be out of compliance with the requirements of this ordinance (i.e., a permit to replace a single window shall not require that all other windows on the building that may be out of compliance with this ordinance to be replaced, unless such action is initiated by the property owner). However, if a building should be destroyed due to fire, accident, or an act of God, the new or replacement structure shall be rebuilt to conform to the requirements of this ordinance. (Ord. 5034 §2, 2017; Ord. 4797 §1, 2003).

17.59.030 Review Process.

- A. An application for any activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (E) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include the following information:
1. The applicant shall submit two (2) copies of the following information:
 - a. A site plan (for new construction or for structural modifications).
 - b. Building and construction drawings.
 - c. Building elevations of all visible sides.
 2. The site plan shall include the following information:
 - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
 - b. Details of proposed construction or modification to the existing structure.
 - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
 3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
 4. Photographs of the subject site and adjacent property.
 5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant's proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. Review Process
1. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The Planning Director shall review the application and determine whether the proposed activity is in compliance with the requirements of this ordinance.
 2. The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director's decision as to whether an alteration is minor or major.

3. Notification shall be provided for the review of applications for major alterations and new construction, subject to the provisions of Section 17.72.110.

- a. The Historic Landmarks Committee shall meet within 30 (thirty) days of the date the application was deemed complete by the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure by the Planning Director or Historic Landmarks Committee, as applicable, to review within 30 (thirty) days shall be considered an approval of the application.
- b. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity to be in compliance with the provisions of this ordinance, they shall approve the application.
- c. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity in noncompliance with the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.

D. Waiver Process

A guideline or standard contained in this ordinance may be waived as part of the design review process when it can be demonstrated that the proposed design satisfies or exceeds the downtown design goals and objectives of this ordinance. If a waiver is requested, the applicant must explain in their application how the proposed design satisfies or exceeds these goals and objectives. A request for a waiver to the standards of this ordinance shall be reviewed by the McMinnville Historic Landmarks Committee, as described in Section 17.59.030(C)(2).

E. Appeal

An appeal of a decision by the Planning Director or Historic Landmarks Committee, including an appeal of conditions placed on the permit by the committee, may be made to the Planning Commission as outlined in Section 17.72.170. (Ord. 5034 §2, 2017; Ord. 4920, §4, 2010; Ord. 4797 §1, 2003).

17.59.040 Review Criteria

A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:

1. The City's historic preservation policies set forth in the Comprehensive Plan;
2. If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, the City's historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2); and
3. If applicable (waiver request), that all of the following circumstances are found to exist:

- a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter. (Ord. 5034 §2, 2017; Ord. 4797 §1, 2003).

17.59.050 Building and Site Design.

A. Building Setback.

1. Except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.
2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

B. Building Design.

1. Buildings should have massing and configuration similar to adjacent or nearby historic buildings on the same block. Buildings situated at street corners or intersections should be, or appear to be, two-story in height.
2. Where buildings will exceed the historical sixty feet in width, the façade should be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings, and as appropriate to reflect the underlying historic property lines. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the front façade.
3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include:
 - a. A belt course separating the upper stories from the first floor;
 - b. A bulkhead at the street level;
 - c. A minimum of seventy (70) percent glazing below the transom line of at least eight feet above the sidewalk, and forty (40) percent glazing below the horizontal trim band between the first and second stories. For the purposes of this section, glazing shall include both glass and openings for doorways, staircases and gates;
 - d. A recessed entry and transom with transparent door; and
 - e. Decorative cornice or cap at the roofline.
4. Orientation of rooflines of new construction shall be similar to those of adjacent buildings. Gable roof shapes, or other residential roof forms, are discouraged unless visually screened from the right-of-way by a false front or parapet.
5. The primary entrance to a building shall open on to the public right-of-way and should be recessed.
6. Windows shall be recessed and not flush or project from the surface of the outer wall. In addition, upper floor window orientation primarily shall be vertical.

7. The scale and proportion of altered or added building elements, such as new windows or doors, shall be visually compatible with the original architectural character of the building.
 8. Buildings shall provide a foundation or base, typically from ground floor to the lower windowsills.
- C. Building Materials.
1. Exterior building materials shall consist of building materials found on registered historic buildings in the downtown area including block, brick, painted wood, smooth stucco, or natural stone.
 2. The following materials are prohibited for use on visible surfaces (not applicable to residential structure):
 - a. Wood, vinyl, or aluminum siding;
 - b. Wood, asphalt, or fiberglass shingles;
 - c. Structural ribbed metal panels;
 - d. Corrugated metal panels;
 - e. Plywood sheathing, to include wood paneling such as T-111;
 - f. Plastic sheathing; and
 - g. Reflective or moderate to high grade tinted glass.
 3. Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim. (Ord. 4797 §1, 2003).

17.59.060 Surface Parking Lots.

- A. Surface parking lots shall be prohibited from locating on Third Street. In addition, vehicular access to parking lots from Third Street is prohibited.
- B. All parking lots shall be designed consistent with the requirements of Section 17.60.080 of the McMinnville Zoning Ordinance.
- C. A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the street-side edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee. (Ord. 4797 §1, 2003).

17.59.070 Awnings.

- A. Awnings or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building's architectural details. If transom windows exist, awning placement shall be above or over the transom windows where feasible.
- B. Awnings shall be placed between pilasters.
- C. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.
- D. Awnings should be constructed of soft canvas, fabric, or matte finished vinyl. The use of wood, metal or plastic awnings is prohibited.

- E. Awnings may be indirectly illuminated; internal illumination of awnings is prohibited.
- F. Awning colors shall be of a low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the awning are prohibited. (Ord. 4797 §1, 2003).

17.59.080 Signs.

- A. The use of flush-mounted signs, flag-mounted signs, window signs, and icon signs are encouraged. Sign materials shall be compatible with materials used in the building.
- B. Where two or more businesses occupy the same building, identifying signs should be grouped together to form a single panel.
- C. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms; on cornice fascia boards; or, below cornices. Wall signs shall not exceed the height of the building cornice.
- D. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet.
- E. The use of the following are prohibited in the downtown area:
 - 1. Internally-lit signs;
 - 2. Flashing signs
 - 3. Pedestal signs and pole-mounted signs;
 - 4. Portable trailer signs;
 - 5. Cabinet-type plastic signs;
 - 6. Billboards of all types and sizes;
 - 7. Historically incompatible canopies, awnings, and signs;
 - 8. Signs that move by mechanical, electrical, kinetic or other means; and,
 - 9. Inflatable signs, including balloons and blimps. (Ord. 4797 §1, 2003).

Chapter 17.60

OFF—STREET PARKING AND LOADING

Sections:

- 17.60.010 Applicability of chapter.
- 17.60.020 Property owner's responsibility.
- 17.60.030 Plans required.
- 17.60.040 Spaces—Used to park automobiles only.
- 17.60.050 Spaces—Location.
- 17.60.060 Spaces—Number required.
- 17.60.070 Off—street loading requirements.
- 17.60.080 Design requirements.
- 17.60.090 Requirements for uses not listed.
- 17.60.100 Reduced requirements for certain area.
- 17.60.110 More than one use per structure.
- 17.60.120 Joint use of spaces permitted.
- 17.60.125 Shared access.
- 17.60.130 Transitional parking areas.
- 17.60.140 Bicycle parking.
- 17.60.150 Parking variances for historic structures.

17.60.010 Applicability of chapter. The provisions set forth in this chapter shall apply to off-street parking and loading facilities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.020 Property owner's responsibility. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter. Should the owner or occupant of any lot or buildings change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this title to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are met. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.030 Plans required. A plan drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a building permit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.040 Spaces—Used to park automobiles only. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.050 Spaces—Location.

- A. Except as provided below, required off-street parking spaces for dwellings shall be located on the same lot with the dwelling. For the following residential uses, off-street parking shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building.
1. Off-street parking for one or two upper story residential dwelling units above a non-residential use
 2. Off-street parking for residential uses in the City Center Housing Overlay Zone designated in Chapter 17.66
- B. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building.
- C. When parking is provided on a different lot than the use it is required to serve, the applicant shall provide evidence of a binding parking agreement for use of the property for off-street parking consistent with the provisions of this Chapter for as long as the parking is required to serve the property. If the property is in different ownership or subsequently conveyed to a different owner, the parking agreement shall be recorded. (Ord 5105 §2, 2021; Ord 5060 §2, 2018; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.060 Spaces—Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

- | | |
|---|--|
| 1. Bed and breakfast establishments | One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room. |
| 2. Boarding house, lodginghouse, or roominghouse | One space per two guest accommodations. |
| 3. Fraternity, sorority, cooperative, or dormitory | One space per two sleeping accommodations. |
| 4. Multiple-family dwelling | One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons. |

5. Single-family and two-family dwelling.	Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.
6. Short term rental and resident occupied short term rental.	One space for each guest room
B. Institutional land use category:	
1. Churches, clubs or lodges	One space per every four fixed seats or every eight feet of bench length in the main auditorium or sanctuary. One space per every 75 square feet in the main auditorium when no permanent seats or benches are maintained.
2. College—commercial or business	One space per every three classroom seats.
3. College—residential type	One space per every three full-time equivalent students.
4. Convalescent hospital, nursing home, sanitarium, or rest home	One space per two beds for patients or residents.
5. Day care, child care center preschool, nursery, or kindergarten	One space per on-site employee, and a designated pick-up and drop off zone for two vehicles which can be on-street parking if it is not immediately adjacent to another use.
6. Elementary or junior high school	One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.
7. Hospital	Three spaces per two beds.
8. Library, reading room, museum, or art gallery	One space per 300 square feet of floor area.
9. Other places of public assembly including stadiums	One space per four seats or eight feet of bench length.

10. Senior high school	One space per classroom plus one space per administrative employee plus one space per each six students or one space per four seats or eight feet of bench length in the main auditorium or gymnasium, whichever is greater.
C. Commercial land use category	
1. Automobile service station	Two spaces per each lubrication stall, rack, or pit and one per each two gasoline pumps.
2. Auto wash	One and one-half spaces per employee.
3. Banks, financial institutions	One space per 200 square feet of floor area.
4. Barber shop and beauty parlor	One space per each employee plus two spaces per each barber or beauty chair.
5. Bed and breakfast establishment (as amended Ord 4292, July 24, 1984)	One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room.
6. Bowling alley	Six spaces per alley.
7. Dance hall, skating rink, pool or billiard parlor, and similar commercial recreational uses without fixed seating	One space per 100 square feet of floor space.
8. Drive-in restaurants or similar drive-in uses for the sale of beverages, food, or refreshments for consumption on the premises.	One space per four seats or one space per 200 square feet of floor area, whichever is greater.
9. Establishments for sale and consumption on the premises of beverages, food, or refreshments	One space per 100 square feet of floor area or one per four seats, whichever is greater.
10. Laundromats and coin operated dry cleaners	One space per every two washing machines.
11. Medical or dental office, including clinic	One space per 200 square feet of floor area.
12. Mortuary	One space per four seats or eight feet of bench length in chapel.

13. Lodging (Motel or hotel)	One space per each guest room. Parking for motel or hotel restaurants or ball rooms must be figured separately as per the requirements of this section.
14. Nursery	One space per 300 square feet of floor area of the building.
15. Pharmacy	One space per 150 square feet of floor area.
16. Private golf club, swimming pool, club, tennis club, or other similar uses	One space for each two member families, or if anticipated membership has not been achieved, one space for every two member families anticipated at maximum membership or one space for every four persons when facility is used to capacity.
17. Professional office (non-medical or dental)	One space per 300 square feet of floor area.
18. Retail store, except as otherwise specified in this section	One space per 250 square feet of floor area.
19. Retail stores handling bulky merchandise or household furniture	One space per 500 square feet of floor area.
20. Service or repair shop	One space per 400 square feet.
21. Theater	One space per each three seats.
22. Short term rental and resident occupied short term rental.	One space for each guest room
D. Industrial land use category:	
1. Manufacturing establishment	One space per 1,000 square feet of floor area or two spaces per three employees working on the largest shift during peak season, whichever is greater.
2. Wholesale establishment, warehousing	One space per 2,000 square feet of floor area or two spaces per three employees on the largest shift during peak season, whichever is greater.

(Ord. 5104 §2, 2021; Ord. 5047 §2, 2018, Ord 4902 §1(h), 2008; Ord. 4479A §5, 1991; Ord. 4477 §5, 1990; Ord. 4419 §2, 1988) Ord. 4292 §2(j), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.070 Off-street loading requirements.

- A. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.
- B. The following standards shall be used in establishing the minimum number of berths required:

<u>Gross Floor area of the Building in Square Feet</u>	<u>Number of Berths</u>
5,000 to 10,000	1
10,000 and over	2

For buildings or structures up to five thousand square feet, regular off-street parking areas may be used to meet the off-street loading requirements.

- C. A loading berth shall contain a space twelve feet wide and thirty-five feet long and have a vertical clearance of fourteen feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.080 Design requirements.

- A. All parking lots and driving aisles shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked, except that in an industrial zone, parking spaces which are in addition to those required by this chapter, may be surfaced with a minimum of treated gravel and maintained dust free.
- B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed by this ordinance, and such parking space shall not be less than twenty feet in depth from the property line.
- C. Safe access shall be provided as follows:
 - 1. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 - 2. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
 - 3. Driveways to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide for maximum safety of pedestrians and vehicular traffic on the site.
 - 4. Clear vision areas shall be provided at driveway exits for all uses except single-family and two-family residential and shall have minimum dimensions of ten feet measured along the street right-of-way and the edge of the driveway. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from the established centerline grade. Except for existing permanent buildings and structures (other

than signs), nonconformities shall be made to comply with the provisions of this section within seven years from the date of its adoption.

5. Driveway cuts shall be a minimum of twenty feet from a street intersection.
- D. Parking areas shall be made compatible with surrounding uses as follows:
1. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street.
 2. When a parking area in a commercial or industrial zone abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall lies with the commercial or industrial property.
 3. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- E. Space size minimum shall be as follows:
1. Handicap parking spaces shall be a minimum of twelve feet wide and 19 feet in length.
 2. Compact and subcompact parking spaces shall be a minimum of eight feet by sixteen feet.
 3. Standard parking spaces shall be a minimum of eight feet six inches by nineteen feet.
- F. The type of space shall be set as follows:
1. Handicap spaces shall be required and designated as per current federal, state, and local regulations.
 2. Standard spaces shall comprise not less than sixty-five percent of all newly constructed lot spaces.
- G. Except as varied for good cause by the Building Official or Planning Director, maneuvering room shall be required and parking stalls measured according to the following table:

PARKING MANEUVERING ROOM TABLE

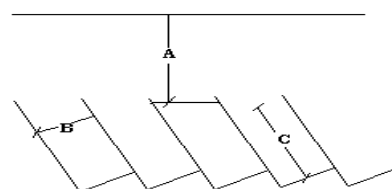
Parking Angle Degrees	Width of Spaces	One Way Aisle Width	Two Way Aisle Width
Parallel	8'0"	13'0"	26'0"
	8'6"	12'6"	25'0"
	9'0"	12'0"	24'0"
	9'6"	11'6"	23'0"
30°	8'0"	13'0"	26'0"
	8'6"	13'0"	24'0"
	9'0"	11'0"	22'0"
	9'6"	11'0"	22'0"
45°	8'0"	14'0"	26'0"
	8'6"	13'0"	26'0"
	9'0"	12'0"	24'0"
	9'6"	11'0"	22'0"
60°	8'0"	17'0"	25'0"
	8'6"	16'0"	25'0"
	9'0"	15'0"	24'0"
	9'6"	15'0"	24'0"
75°	8'0"	25'0"	25'0"
	8'6"	24'0"	25'0"
	9'0"	23'0"	24'0"
	9'6"	22'0"	24'0"
90°	8'0"	28'0"	28'0"
	8'6"	27'0"	27'0"
	9'0"	26'0"	26'0"
	9'6"	25'0"	25'0"

Standard space- Minimum requirements:
Width 8.5'
Length 19'

Compact space -Minimum requirements:
Width 8'
Length 16'

Handicapped space- Minimum requirements:
Width 12'
Length 19'

PARKING SPACE MEASUREMENT DIAGRAM:



A = Aisle Width
B = Space Width
C = Space Length

(Ord. 4283 §4, 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.090 Requirements for uses not listed. The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. All decisions made by the Planning Director may be appealed to the Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.100 Reduced requirements for certain area.

- A. In the area bounded by Adams Street, Ford Street, Fourth Street, and Seventh Street, required off-street parking spaces for commercial establishments may be one-half of the number stated for the particular use in Section 17.60.060 (see special parking requirements map below).
- B. Except as provided in Subsection (C), within the City Center Housing Overlay Zone designated in Chapter 17.66, minimum required off-street parking spaces for residential uses shall be one space per dwelling unit.
- C. Within the areas described in Section 17.60.060 and 17.60.100 and depicted in the "Reduced Parking Requirements" map, minimum required off-street parking spaces for multi-family residential uses shall be 0.5 space per dwelling unit for studio and 1-bedroom dwellings. (Ord 5105 §2, 2021)

REDUCED PARKING REQUIREMENTS



(Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.110 More than one use per structure. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.120 Joint use of space permitted. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Commission in the form of deeds, leases, or contracts to establish the joint use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.125 Shared access: Shared access. When it is in the public interest, a shared driveway and circulation subject to a shared access easement and agreement may be authorized by the Planning Director when it would achieve one or more objectives of the Comprehensive Plan or this ordinance, such as reducing access points onto access-managed streets or reducing the amount of land required for access to parking spaces. Except where otherwise provided in this ordinance, a shared driveway to access parking spaces shall not replace the requirements for street frontage or other provisions of this code. The Planning Director may require that a shared driveway be located on the common property line between properties in certain circumstances, such as a situation where access is shared, but parking is not. (Ord 5105 §2, 2021)

17.60.130 Transitional parking areas. Property located in a commercial or industrial zone may utilize a lot or portion of a lot in a residential zone for parking spaces which are in addition to those required by the commercial or industrial zone. The applicant shall meet all of the off-street parking and loading requirements contained in this chapter in addition to those set forth in this section unless said property is a preexisting, nonconforming use and the granting of transitional parking will be in the best interests of the city and surrounding environs. The following criteria are established:

- A. Application shall be made to the Planning Commission and shall set forth the following information:
 1. Reason said transitional parking is required.
 2. Absence of commercial or industrial zone property for said parking space.
 3. Diagram or drawing of proposed site to include buildings, streets, ingress and egress traffic flow diagram, and landscaping;
- B. The R-zone property must be contiguous to the benefited commercial or manufacturing zone property and may not be across any street or portion thereof; further, any transitional parking use shall not result in R-zone property being bounded on three or more sides by said use and/or commercial or industrial zoned properties or any combination thereof;
- C. The side, rear, and front yard setbacks of said transitional parking area shall not be less than seven and one-half feet. The applicant shall establish a wheel bumper curb three feet from the point at which any side or rear or front yard commences, save and except rear and side yard setbacks may be used only for parking purposes when said setbacks are a part of a contiguous boundary between commercial and manufacturing zone property and the R-zone property which is to be used for parking purposes;

- D. The applicant/user shall, as a condition of the granting of a transitional parking permit, provide and permanently maintain an evergreen hedge along side and back yard properties which adjoin property zoned residential. The hedge shall be not less than three feet in height at the time of planting and shall be of a kind or variety which is capable of reaching a height of at least six feet. In addition, a permanent fence or wall of three feet shall also be erected along side and back yard properties which adjoin property zoned residential;
- E. Requests for transitional parking shall be approved for periods not to exceed five years. An applicant may apply for an extension upon compliance with the requirements set forth in this section and subsequent approval by the Planning Commission;
- F. The Planning Commission may grant a request for transitional parking with or without a public hearing. Public hearings shall be held in accordance with Section 17.72.130 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.140 Bicycle parking.

- A. Bicycle parking facilities shall be required as follows:
 - 1. In any commercial (C-1, C-2, and C-3) or office/residential (O-R) zone, bicycle parking facility requirements shall be based on the amount of automobile parking required. The minimum number of bicycle parking spaces provided shall be ten percent of the automobile parking spaces required.
 - 2. The uses exempted from bicycle parking requirements include: residential uses, drive-in theaters, mortuaries, motels, hotels, and automobile service stations.
 - 3. In all zones, for each fifteen automobile parking spaces required, a required automobile parking space may be eliminated if five bicycle parking spaces are provided.
- B. Bicycle parking facilities shall be provided pursuant to the following design standards. (as modified by the Bicycle Parking Administrative Rule of September 14, 1984):
 - 1. At a minimum, a bicycle parking facility shall consist of a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable or chain and lock.
 - 2. Fixed objects which are intended to serve as bicycle parking facilities but not obviously designed for such purposes shall be clearly labeled as available for bicycle parking.
 - 3. Bicycle parking facilities shall provide a least an eighteen inch clearance between adjacent bicycles.
 - 4. Aisles between bicycle parking facilities shall be at least five-feet in width.
 - 5. Paving is not required for bicycle parking areas, but the outside ground surface shall be finished or planted in such a way that the surface will remain free from mud or dust. Bicycle parking may be provided within a required landscape area.
 - 6. Bicycle parking should be situated at least as conveniently as the most convenient car parking area. Bicycle and automobile parking areas shall be separated by a physical barrier or sufficient distance to protect parked

bicycles from damage by automobiles. (Ord. 4261 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.150 Parking Variances for Historic Structures. (as amended by Ord. 4314, Jan. 2, 1985)

- A. A variance to the parking requirements of Chapter 17.60 (Off-Street Parking and Loading) of this ordinance may be granted in the circumstance where an existing historic structure located in the C-3 zone or O-R zone is being converted to a different use or occupancy subject to the following conditions:
 - 1. Only those structures which have been categorized as "distinctive" or "significant" historic resources by the Historic Landmarks Committee shall be eligible under this section for a variance to the parking requirements.
 - 2. The Planning Director may grant variances to the parking requirements for up to and including five vehicles. Variances for greater than five vehicles must be granted by the Planning Commission.
 - 3. Variances approved under this section are not transferable and are valid only for the specific occupancy or use for which they are granted. Any new use proposed for a structure, or on property for which a parking variances has been granted, regardless if such new use is in the same land use category as the old use, must either be provided with the required parking or receive separate approval of a parking variance.
 - 4. All variances shall be recorded by the applicant in the Deed Records of Yamhill County for the purpose of informing any new occupant or owner that the property has been granted a variance and may be subject to conditions.
- B. The process for granting parking variances for historic structures shall be as follows:
 - 1. Application shall be made on forms provided by the Planning Director. The applicant shall provide a site plan and a map showing available public and private parking within 300 feet of the site. The Planning Director or the Planning Commission may require the provision of other drawings or material essential to the understanding of the variance request.
 - 2. The Planning Director or Planning Commission shall base their decision on the factors listed in Section 17.60.150(C) below and shall either approve, approve with conditions, or deny the application.
 - 3. A decision by the Planning Director may be appealed to the Planning Commission.
 - 4. A public hearing pursuant to the procedures as set forth in Sections 17.72.120 and 17.72.130 of this ordinance shall be held for parking variance requests which are required to be processed before the Commission.
- C. In entertaining a request for a parking variance for an historic structure, the Planning Director or Planning Commission shall consider the following factors:
 - 1. Is the variance requested the minimum variance which would allow the use while preserving the structure?

2. What is the expected traffic generation of the proposed use? Is it less than the required parking would indicate?
 3. What is the peak time use of the proposed use? How does that compare with other uses in the neighborhood?
 4. What is the general character of the surrounding neighborhood? Is it commercial, residential, or mixed use in nature?
 5. To what degree would the granting of the variance cause an adverse impact on the neighborhood? Could the adverse impacts be negated through conditioning the variance?
 6. How many public parking spaces, including street parking spaces, are available in the vicinity of the site?
 7. Does the value of saving the specific historic structure outweigh the negative impacts which would result in the neighborhood? Could the structure in fact be lost if the variance were not granted?
- D. The Planning Director or Planning Commission may impose conditions on the parking variance which could:
1. Preserve the site or structure or preserve the character of the area;
 2. Ensure that alterations to the structure are compatible with the historic or architectural character of the structure or neighborhood;
 3. Preserve the existing landscaping;
 4. Limit the hours of operation of the use or occupancy;
 5. Minimize adverse impacts on neighboring property owners. (Ord. 4988 §1, 2015; Ord. 4314 §1, 1985; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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Chapter 17.61

SOLID WASTE AND RECYCLING ENCLOSURE PLAN

(as adopted by Ord. 4883, December 11, 2007)

Sections:

- 17.61.010 Purpose and Intent.
- 17.61.020 Applicability and Exemptions.
- 17.61.030 Guidelines and Standards
- 17.61.040 Procedure.

17.61.010 Purpose and Intent. The purpose and intent of this chapter is to provide efficient, safe and convenient locations for solid waste and recycling containers, to provide adequate on-site maneuvering for collection vehicles and to ensure that solid waste enclosures for all commercial, industrial and multi-family development are in compliance with the solid waste and recycling pick-up standards of the service provider while contributing to the overall appearance and attractiveness of the City of McMinnville.

17.61.020 Applicability and Exemptions.

- A. The requirements of this chapter shall apply to all new commercial, industrial and multi-family developments of three (3) or more dwelling units.
- B. Existing development is exempt from the above requirements. Change-of-use and tenant improvement applications will be assessed on an individual basis for their conformity to the enclosure requirements based on intensity of use and recommendations of the service provider.
- C. When unique physical constraints exist on a property, the Planning Director has the authority to work with the property owner to establish an alternative trash and recycling enclosure plan while still preserving the intent of the requirements of this chapter. Additionally, the Planning Director, in consultation with the service provider, has the authority to grant an exception to the requirement for a solid waste and recycling enclosure if it is determined that the proposed use will not generate enough trash and recycling to necessitate the use of trash receptacles which require screening or if the receptacles are to be maintained inside the building.

17.61.030 Guidelines and Standards.

- A. The location of an enclosure must allow for collection agency drive-in access. A fifty-foot (50) access approach is recommended. In addition to the approach, either an exit that allows the truck to move forward or a turn area with a minimum radius of 46.5 feet is preferred. Both approach and location shall be unobstructed and free of over head wires and low hanging trees. An eighteen-foot (18) minimum height clearance above the enclosure approach is required and a thirty-two-foot (32) vertical clearance is required above the container itself. The enclosure shall be of sufficient size to store trash and recycling receptacles, the size of which shall be determined by the collection

agency and will be based on proposed use. A minimum distance of two-feet (2) is required between the container and existing or proposed structures. The enclosure shall be a minimum of six-feet (6) tall or six inches (6) higher than the top of the tallest container.

- B. Solid waste enclosures shall not be located within twenty-feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee.
- C. Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.
- D. Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty-feet (30) from any residential structure or as otherwise approved by the Planning Director.
- E. Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight-feet (8) beyond the gates.
- F. Gates that screen the containers are required and must remain closed at all times except at times of service.
- G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A "No Parking" sign must be visibly placed on the gates of the enclosure.
- H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville's Fire Code.

17.61.040 Procedure. The applicant is responsible for contacting the collection agency for information regarding the size of containers required relative to proposed use *prior* to submittal of building plans. Two (2) copies of a Solid Waste and Recycling Enclosure plan shall be included in the submitted site (plot) plan or as a separate plan to allow for Planning Department review. At a minimum, the Enclosure Plan will illustrate the location, size and height of the proposed trash enclosure in addition to listing construction materials and any required landscaping. The structure must conform to the approved site plan at the time of final inspection.

Chapter 17.62

SIGNS

(as adopted by Ord. 4900, Nov. 5, 2008)

Sections:

17.62.010	Purpose
17.62.020	Scope
17.62.030	Definitions
17.62.040	Exempted Signs
17.62.050	Prohibited Signs
17.62.060	Temporary Signs
17.62.070	Permanent Signs
17.62.080	Sign Permits
17.62.090	Landmark and Abandoned Signs
17.62.100	Construction and Maintenance Standards
17.62.110	Nonconforming Signs
17.62.120	Exceptions
17.62.130	Enforcement

17.62.010 Purpose. The City Council finds that signs provide an important medium through which individuals and businesses may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety and a traffic hazard as well as an obstruction to the aesthetic appeal of McMinnville's unique landscape.

The standards contained in this chapter are primarily intended to balance the needs of businesses and individuals to convey their messages through signs, and the right of the public to be protected against the unrestricted proliferation of signs and their effect on public and traffic safety and the aesthetic qualities of the City such as vistas and gateways. In an attempt to achieve that balance, the purpose of this chapter is to:

- A. Improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards;
- B. Provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance;
- C. Minimize visual clutter caused by signs by limiting their numbers and duration of use;
- D. Protect citizen safety by prohibiting hazardous signs;
- E. Ensure compliance with state and federal laws regarding advertising by providing rules and standards that are content neutral; and
- F. Provide for near term and longer term improvements to signage through the use of appropriate amortization and incentive policies.

17.62.020 Scope. All signs visible from the public right-of-way or private areas open to public travel within the City corporate limits shall be within the scope of this chapter. The copy or message of signs is not regulated by this chapter. No sign shall be permitted in the City of McMinnville unless in accordance with the provisions of this chapter or unless determined to be legally nonconforming to the requirements of this chapter, with the exception that where a planned development overlay exists, any signage restrictions adopted with that planned development overlay shall take precedence;

further, this chapter does not apply to lands within the areas described in Section 17.59.020(A) of the Downtown Design Standards and Guidelines and in the Three Mile Lane Ordinances 4572 and 4131.

17.62.030 Definitions. For the purpose of this section, refer to Section 17.06.040 for Sign related definitions. (Ord. 4952 §1, 2012).

17.62.040 Exempted Signs. The following signs are allowed in all zones, and are exempt from size, height, and setback requirements unless otherwise noted in this section. Use of these signs does not affect the amount or type of signage allowed by this Chapter. These exemptions shall not relieve the sign owner of the responsibilities of sign maintenance and sign placement outside of the public right-of-way and clear vision areas, unless otherwise permitted.

- A. Signs placed or authorized by the city, county, state, or federal government in the publicly-owned right-of-way or within public parks and open spaces, as well as signs required by city, state, or federal government located on private property;
- B. Flags adopted or endorsed by a governmental agency;
- C. Tablets, cornerstones, or commemorative plaques less than four (4) square feet in area and not illuminated;
- D. Signs placed in windows, not to include strobe lights or other flashing lights when the effects of such device is visible from the exterior of the building, or electronic changeable copy signs with a sign face area greater than eight (8) square feet;
- E. Festoons (not allowed in residential zoned areas);
- F. Balloon signs of less than twenty-four (24) inches in diameter (not allowed in residential zoned areas);
- G. Seasonal decorations on private and public property;
- H. Signs less than three (3) square feet in area and non-illuminated that are erected by a recognized neighborhood watch group;
- I. Handheld signs;
- J. Accessory signs;
- K. Landmark signs;
- L. Signs for hospital or emergency services and railroads.
- M. Incidental Signs, provided the signs do not exceed one and a half (1.5) square feet in area for each sign;
- N. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature;
- O. Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street, alley, or other area open to public travel;
- P. One indirectly illuminated or nonilluminated wall sign not exceeding one and one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate;
- Q. Signs placed in or attached to a motor vehicle, bus, railroad car, or light rail car that is regularly used for purposes other than the display of signs;
- R. Signs, up to four (4) square feet in area and three (3) feet in height, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking;

- S. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected where there is a danger to the public or to which public access is prohibited;
- T. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended and oriented for viewing by persons within the facility;
- U. Covered flier boxes under one (1) square foot in area when attached to a temporary or permanent sign. (Ord. 4935 §1, 2011).

17.62.050 Prohibited Signs. The following signs are prohibited:

- A. Signs or sign structures which may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in Sections 17.54.080(A) and (B).
- B. Signs not in compliance with applicable setback requirements as specified in this chapter and/or as set forth in Section 17.54.050(F).
- C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility.
- D. Portable signs in the following categories:
 - 1. Signs on a vehicle parked on public property or right-of-way unless the vehicle is being used for transport in the normal day-to-day operations of a business.
 - 2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
- E. Moving signs.
- F. Balloon signs twenty-four (24) inches in diameter or greater.
- G. Video signs.
- H. Hazardous signs.
- I. Flashing signs.
- J. Roof signs.
- K. Signs that appear similar to traffic control devices.
- L. Signs not in compliance with this ordinance. (Ord. 4912 §3 2009)

17.62.060 Temporary signs.

- A. Temporary signs may be erected and maintained only in compliance with the following provisions:
 - 1. Temporary signs which exceed the provisions of 17.62.060(B) shall not be permitted.
 - 2. Temporary banner signs which stretch across public right-of-ways and which are authorized by a governmental agency are not subject to the provisions of 17.62.060(B) below.
 - 3. With the exception of provision (2) above and signs installed or authorized by a governmental agency, no temporary signs are permitted in public right-of-way.
 - 4. Temporary and portable signs over three (3) feet tall shall be set back a minimum of five feet from the street side of a property line. This does not apply to signs placed within recessed entryways provided that no portion of the sign extends over a public sidewalk. This does not apply to signs which hang from the face or wall of a building provided that the sign does not protrude more than two inches from the face or wall.

5. Temporary signs affixed to a building may be placed no higher than the building's eave, top of wall, or parapet.
 6. With the exception of provision (2) above, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.
- B. Permitted temporary signage. Temporary signage shall be allowed for each lot as follows:
1. Residential (R-1, R-2, R-3, and R-4) zones:
 - a. One temporary sign per frontage, not exceeding four (4) square feet in area, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected. Such signs are typically used for garage sales.
 - b. Two temporary signs not exceeding twenty-four (24) square feet in area allowed per subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification. No sign may be erected for an inhabited residence.
 - c. One temporary sign per lot, not exceeding six (6) square feet in area and thirty (30) inches in height and erected only between the hours of 5:00 p.m. Friday and 8:00 a.m. Monday.
 2. Commercial (O-R, C-1, C-2, and C-3) and Industrial (M-L, M-1, and M-2) zones: Temporary signs mounted flush with the building face are unlimited as to their number and size. If mounted other than flush to a building face, one temporary sign, not to exceed sixteen (16) square feet in area, for each 250 feet of public street frontage, calculated per frontage shall be permitted.
 3. All Zones:
 - a. Signs not exceeding six (6) square feet each in area during the period from six (6) weeks prior to a public election or the time the election is called, whichever is earlier, to fourteen (14) days after the public election.
 - b. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within thirty (30) days of the sale, lease or rental of the lot/structure.
 - c. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within thirty (30) days of the completion of any construction, landscaping, or remodeling. (Ord. 4935 §1, 2011).

17.62. 070 Permanent Sign Regulations. Permanent signs may be erected and maintained only in compliance with the following specific provisions:

- A. Residential (R-1, R-2, R-3, and R-4) zones.
1. Each subdivision or multi-family complex is permitted one permanent monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be nonilluminated.
 2. Each public school, private school, and community building is permitted one (1) permanent sign per public street frontage. Each sign may take any of the following forms (although only one freestanding sign taller than

six (6) feet in height is permitted per school): a nonilluminated freestanding sign no taller than fifteen (15) feet in height and no larger than thirty six (36) square feet in area; an indirectly illuminated or non-illuminated monument sign no taller than six (6) feet in height and no larger than forty-eight (48) square feet in area; or a non-illuminated wall sign placed no higher than thirty-five (35) feet above grade or the eave, top of wall, or parapet (whichever is less) and no larger than forty-eight (48) square feet in area. In the case of a private school located within or upon an existing or proposed church facility or site, the total sign face area may be increased by eight (8) square feet. Each sign may include changeable copy (manual or electronic) subject to 17.62.070(E)(1 – 4, 6 and 7). Any electronic changeable copy sign must have all illumination turned off between the hours of 8 p.m. and 7 a.m. Each sign shall meet the setbacks applicable to the residential zone in which it is located.

3. Each church is permitted one (1) non-illuminated or indirectly illuminated permanent sign per public street frontage. No sign shall be taller than six (6) feet in height. If a church site has more than one frontage, the first sign shall be no larger than thirty (30) square feet in area and any subsequent sign may be no larger than six (6) square feet in area. Signs may include changeable copy (manual or electronic). Signs must be a minimum of ten (10) feet back from any property line. Landscaping shall be provided at the base of the sign, consistent with a plan to be submitted by the applicant for review and approval by the McMinnville Landscape Committee.
- B. Office Residential (O-R) zone. Each site or multi-tenant complex may have one permanent wall, monument, canopy, hanging, or projecting sign per frontage. Signs may not exceed the following heights: wall signs- thirty-five (35) feet; monument signs- four (4) feet; canopy, hanging, and projecting signs- ten (10) feet. Signs may not exceed twenty-four (24) square feet in area. Signs may be indirectly lit between 6 a.m. and 10 p.m. Signs must be at least five (5) feet from any property line.
- C. Commercial (C-1, C-2, and C-3) and Industrial (M-L, M-1, and M-2) zones. Signs in the commercial and industrial zones may be directly or indirectly lit and shall meet all setback requirements of its zone.
 1. Freestanding Signs: Each site or multi-tenant complex is allowed one (1) permanent freestanding sign not to exceed forty-eight (48) square feet in area and six (6) feet in height. In addition, each site or multi-tenant complex is allowed one (1) additional permanent freestanding sign per 500 feet of frontage, not to exceed three (3) per site or multi-tenant complex, each not to exceed 125 square feet in area and twenty (20) feet in height if located on Highways 99W or 18 and sixteen (16) feet in height if located elsewhere.
 2. Mounted Signs: There is no limit on the area of permanent mounted signs except as provided in 17.62.070(D)(5).
- D. Supplemental permanent sign provisions.
 1. No signs are permitted within a public right-of-way unless authorized by a public agency.
 2. Signs shall be erected in an upright position and placed perpendicular to a horizontal surface conforming to the line from horizon to horizon.

3. Maximum square footage restrictions include changeable copy and exclude accessory and incidental signs.
 4. Minimum clearance for projecting, canopy, and hanging signs when over a walkway or access area is eight (8) feet.
 5. Projecting and hanging signs may extend no more than six (6) feet from a building's façade. No projecting or hanging sign may be over thirty-six (36) square feet in area.
 6. Sign setbacks are measured from the nearest property line to the nearest portion of the sign. In addition to the specific setbacks noted above, all signs shall meet the clear-vision requirements of Sections 17.54.050(F) and 17.54.080(A) and (B).
- E. Electronic changeable copy signs are subject to the following standards:
1. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.
 2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.
 3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
 4. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.
 5. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.
 6. On sites or multi-tenant complexes on which an electronic changeable copy sign is located, temporary signage is limited to that described in Section 17.62.060(B)(2) and (3).
 7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.
- F. Drive-up Service Signs. Additional freestanding signs are permitted with businesses that employ drive-up service. One such sign, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary sign, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding sign that has copy facing toward a public street shall be located a minimum of thirty (30) feet from that street's property line. Wall mount signs shall be exempt from this requirement. (Ord. 5013 §1, 2016; Ord. 4935 §1, 2011; Ord. 4912 §3 2009)

17.62.080 Sign Permits.

A. General Provisions.

1. No sign which is not specifically listed as exempt from the provisions of this ordinance shall be erected, constructed, attached, relocated, or structurally altered without obtaining City approval.
2. Such approvals are not required for temporary signs, mounted signs that protrude less than twelve (12) inches, signs listed as exempt, or for routine sign maintenance.

B. Sign Permit.

1. Permit Requirements. An applicant for a sign permit shall supply the following information on forms provided by City:
 - a. Size, height, location, description, and material of the sign;

- b. Name of the manufacturer, contractor, owner, and business advertised;
 - c. Scaled drawing(s) and description of copy, structure, and lighting;
 - d. Photo(s) or drawing(s) of the proposed sign location(s); and
 - e. Signature of property owner or designee.
 - f. Other information required to demonstrate compliance with this Chapter.
2. Sign Permit Fee.
- a. The fee for a sign permit shall be as set forth in a resolution adopted by the City Council.
 - b. The fee for a sign permit shall be waived if the permit application is to bring a nonconforming sign into compliance within the first eight (8) years following the adoption of this ordinance.

17.62.090 Landmark and Abandoned Signs. Landmark signs and abandoned signs are subject to the following provisions:

- A. Landmark Signs may be exempted from the provisions of this chapter on the recommendation of the Planning Director.
- B. Abandoned signs must be removed or made conforming within forty-five (45) days of the date they became classified as abandoned.

17.62.100 Construction and Maintenance Standards. The following standards apply to the construction and maintenance of signs in the City:

- A. All permanent signs shall be constructed and erected in accordance with the design and construction requirements of the most recent edition of the State of Oregon Structural Specialty Code.
- B. All illuminated signs shall be subject to the provision of the State Electrical Specialty Code. It shall be the applicant's responsibility to demonstrate compliance with that code by supplying the City with a copy of an approved State Electrical Permit.
- C. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

17.62.110 Nonconforming Signs.

- A. The following actions will require that a nonconforming sign be brought into compliance with this chapter:
 - 1. Any alteration of a nonconforming sign that requires a building permit;
 - 2. Any alteration of a structure or building on the property that requires a building permit and a certificate of occupancy;
 - 3. Additions or expansions of 25 percent or more of the overall square footage of a structure or building on the property;
 - 4. Any change to a property that requires a building permit of which the value of the building permit improvements is 25 percent or more of the real market value of the buildings on the property within a 24 month period, as determined by the Yamhill County Assessor's Office in the most recent tax year;
 - 5. Abandonment of a nonconforming sign.

- B. All temporary or portable signs not in compliance with the provisions of this chapter shall be removed or made compliant immediately. (Ord. 5052 §2, 2018; Ord. 5044 §2, 2017; Ord. 5013 §1, 2016)

17.62.120 Exceptions.

- A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.
- B. An exception may be granted if the property owner established that:
1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and
 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
 3. The request will not be detrimental to community standards and the appearance of the city.
- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
1. Deny the owner of all economically viable use of the property on which the sign is located; or
 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located
- D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.
- E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

17.62.130 Enforcement. Nothing contained herein shall preclude the issuance of citations for violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a sign to be unlawful or to remove an unlawful sign.

A. General Provisions.

1. Any sign which does not conform to the requirements of this Chapter or other applicable provision of this code is subject to the provisions of Chapter 17.03 (General Provisions).
2. When a sign is removed, altered, and/or stored under these enforcement provisions, removal and storage costs may be collected against the sign owner and the person responsible for the placement of the sign. The city council shall establish the fees for removal and storage of signs, and for other associated fees, by resolution, from time to time.

- B. Any sign installed or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of this chapter or other applicable provisions of this code, may be removed by the Planning Director or his/her designee as follows:
1. Immediate confiscation without prior notice to the owner of the sign.
 2. If the City can ascertain contact information for the owner of the sign or for any person or business responsible therefore, the City shall contact that person or business and advise that: a) the sign was found in a location that the City believes to be a public right-of-way or City-owned property; b) that no permit was issued for the placement of the sign in that location, and that the sign is not otherwise lawfully permitted to be in that location; and c) that the City has confiscated the sign and shall destroy it after thirty (30) days from the time notice was sent to the person or business responsible for the sign, unless either i) the sign is claimed and the removal and notice costs are reimbursed to the City in full or ii) a request for hearing is submitted by the person or business responsible for the sign to the Planning Department.
 3. If notification is not possible, the city shall store the sign for thirty (30) days from date of confiscation. The sign shall then be destroyed.
 4. The city shall continue to store the sign for any additional period during which an appeal or review thereon is before the municipal court.
- C. Signs found to be erected or maintained on private property in violation of the provisions of this chapter or other applicable provisions of this code are subject to the provisions of Chapter 17.03 (General Provisions).

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Chapter 17.63

NONCONFORMING USES

Sections:

- 17.63.010 Purpose.
- 17.63.020 Lots of record—Single-family dwelling construction permitted.
- 17.63.030 Structures—Alteration or extension.
- 17.63.040 Changes to conforming use only.
- 17.63.050 Use of structure—Discontinuance.
- 17.63.060 Structure—Destruction.
- 17.63.070 Time limit for completion.

17.63.010 Purpose. Within the zones established by this title there exist lots, structures and uses of land and structures which were lawful before the ordinance codified in this title was passed or amended, but which are now prohibited, regulated, or restricted under the terms of this title and amendments. It is the intent of this title to permit these nonconformities until they are removed or abandoned, but not to encourage their survival. Such uses are declared by this title to be incompatible with permitted uses in the zones involved. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded or extended, except as provided for in this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.020 Lots of record—Single-family dwelling construction permitted. In a residential district, one single-family dwelling may be constructed on any single lot of record which is nonconforming because of area, width, length, or a combination thereof, provided the lot is no less than four thousand square feet in area. All other zoning requirements, such as yard dimensions, setbacks, etc., shall conform to the zone in which the lot is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.030 Structures—Alteration or extension. Structures conforming as to use but nonconforming as to height, yard requirements, setback, lot size, or density may be altered or extended, provided the alteration or extension does not result in a violation of this title, except as provided below:

- A. Dwellings may be altered or extended subject to the provisions of Section 17.54.050;
- B. Dwellings located in residential zones may be altered or extended so long as the alteration or extension does not result in a violation of this title or so long as the alteration or extension is confined within the existing building lines. (Ord. 4912 §3 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.040 Changes to conforming use only. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone, and after it is changed, it shall not be changed back to a nonconforming use. If a use other than that allowed in the zone is desired, a change of zone may be applied for pursuant to Chapter

17.72 (Applications and Review Process) and Chapter 17.74 (Review Criteria) of this code. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.050 Use of structure—Discontinuance. If a nonconforming use, or the use of a nonconforming structure, is discontinued for a period of one year, further use of the property shall conform to the requirements of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.060 Structure—Destruction.

- A. If a nonconforming structure or a structure containing a nonconforming use in the industrial land use category is destroyed by any cause to an extent exceeding sixty percent of the assessed structural value as recorded in the County Assessor's records at the time of destruction, a future structure or use of the property shall conform to the provisions of this ordinance;
- B. If a nonconforming structure or a structure containing a nonconforming use in a residential, commercial, or public land use category is destroyed by fire, accident, or an act of God, the structure may be rebuilt to the same size (square footage before destruction) and may be occupied by the use which occupied the structure at the time of destruction.
- C. In the case of a destruction of a nonconforming multiple-family residential structure, the structure, if rebuilt, may not contain more living units than existed prior to the destruction, except, however, in a C-3 zone within the City Center Housing Overlay Zone, this limitation shall not apply to a multiple-family structure that is nonconforming relative to the referenced setbacks of the R-4 zone, but meets the setbacks of the C-3 zone and which does not otherwise increase nonconformity relative to other development standards. (Ord 5105 §2, 2021; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.070 Time limit for completion. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building, structure or use for which a building permit has been legally issued prior to the effective date of adoption or amendment of the ordinance codified in this title, except that applications for extension of a building permit shall not be approved to exceed a period of one year from the date of adoption or amendment. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.64

MARIJUANA RELATED ACTIVITIES (as adopted by Ord. 5000, Dec. 22, 2015)

Sections:

- 17.64.010 Purpose
- 17.64.020 Applicability
- 17.64.030 Locations
- 17.64.040 Performance Standards
- 17.64.050 Non-conforming Use
- 17.64.060 Enforcement

17.64.010 Purpose. The purpose of this Chapter is to establish zoning regulations that provide for state licensed medical marijuana and commercial recreational marijuana activities allowed under voter-approved statewide initiatives and subject to other statewide administrative rules. The requirements of this Chapter are intended to be consistent with those regulations and, in some cases, augment them as necessary to provide adequate safeguards to address potential public health, safety and welfare considerations, particularly those associated with the cultivation, processing, and production of marijuana and the detrimental effects such activities may have upon McMinnville citizens and neighborhoods.

17.64.020 Applicability.

- A. The requirements of this Chapter shall apply to the following state licensed uses or activities:
 - 1. Medical marijuana dispensaries;
 - 2. Medical marijuana processing activities;
 - 3. Medical marijuana production activities;
 - 4. Commercial marijuana retail activities;
 - 5. Commercial marijuana wholesale activities;
 - 6. Commercial marijuana processing activities; and
 - 7. Commercial marijuana production activities.
- B. Where existing planned development provisions differ from the standards of this Chapter, the standards of the planned development ordinance shall take precedence.

17.64.030 Locations.

- A. Marijuana activities may locate in the following zones, as described below and as may be required by Section 17.64.040.
 - 1. State licensed medical marijuana dispensary or commercial recreational marijuana retail business shall be located only on lands zoned C-1 or C-3.

2. State licensed medical marijuana processing or production, or commercial recreational marijuana processing or production shall be located only on lands zoned M-1 or M-2.
3. State licensed commercial marijuana wholesale use shall be located only on lands zoned L-M, M-1, or M-2.

17.64.040 Performance Standards.

- A. In addition to other requirements noted in this Chapter, medical marijuana and commercial recreational marijuana activities shall be subject to the following:
1. Medical marijuana dispensaries and commercial recreational marijuana retail businesses may operate between the hours of 9:00am and 9:00pm only.
 2. Any state licensed marijuana activity operating within the city shall be located indoors within a permanent building and may not locate in a trailer, cargo container or motor vehicle. Outdoor storage of any merchandise, plants, or other marijuana activity related materials is not allowed. Further, no drive-through facilities or temporary facilities shall be permitted.
 3. There shall be no marijuana, marijuana product, or marijuana paraphernalia visible from the exterior of the building.
 4. Medical marijuana dispensaries may not be located within 1,000 feet of another state licensed dispensary.
 5. Commercial recreational retail businesses may not be located within 1,000 feet of another state licensed commercial recreational retail business.
 6. Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following:
 - a. School as defined by OAR 333-008-1110(2).
 - b. McMinnville public library, community center, or aquatic center.
 7. Commercial marijuana production shall be limited to indoor production and up to Tier II size limits (10,000 square foot maximum canopy).
 8. All sites on which a state licensed marijuana facility is located shall provide landscaping and off-street parking consistent with the requirements of Chapter 17.57 (Landscaping) and Chapter 17.60 (Off-Street Parking) of the zoning ordinance.
 9. Signs for locations on which a state licensed marijuana facility is located shall comply with the applicable provisions of Chapter 17.62 (Signs) of the zoning ordinance.
 10. All other development requirements (e.g., fencing, property setbacks and buffers, solid waste disposal, lighting) shall be as required by the zone in which the marijuana activity is located or otherwise required by the zoning ordinance or applicable planned development ordinance.
 11. The City Building Division will require a proof of license from the State (either OHA or OLCC, as applicable) showing the security plan, waste disposal plan, and all other required improvements prior to release of a final occupancy permit.

12. All other applicable requirements of state law regarding the operation of a state licensed marijuana activity shall apply as they now exist or may be amended.
13. The private growing or cultivation of marijuana for non-commercial personal use, as defined by state law, is not regulated by this chapter. (Ord. 5014 §1, 2016)

17.64.050 Non-conforming Use. A marijuana activity lawfully established prior to the adoption of this ordinance but that is not in compliance with the allowed uses or the standards for those uses as described in this Chapter shall be considered a lawful nonconforming use. The continuation of a lawful nonconforming use is subject to the applicable provisions of Chapter 17.63 (Nonconforming Uses). In addition, any dispensary that offered for sale commercial recreational marijuana as provided by SB 460 (early sales legislation) prior to the adoption of this ordinance but that is not in compliance with the allowed uses or the performance standards for such use as described in this Chapter shall not be permitted to continue such commercial recreational retail sales after December 31, 2016.

17.64.060 Enforcement. Nothing contained herein shall preclude the issuance of citations for violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a marijuana activity to be unlawful. Marijuana activities found to be in violation of the provisions of this Chapter, or other applicable provisions of this zoning ordinance, are subject to the provisions of Chapter 17.03 (General Provisions).

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Chapter 17.65

HISTORIC PRESERVATION (as adopted by Ord. 5034, August 8, 2017)

Sections:

- 17.65.010 Purpose
- 17.65.020 Definitions
- 17.65.030 Historic Resources Inventory
- 17.65.040 Certificate of Approval Process
- 17.65.050 Demolition, Moving, or New Construction
- 17.65.060 Exterior Alteration or Remodeling
- 17.65.070 Public Notice
- 17.65.080 Appeals
- 17.65.090 Violation, Procedure, and Penalty

17.65.010 Purpose. Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary for the following reasons:

- A. Stabilize and improve property values through restoration efforts;
- B. Promote the education of local citizens on the benefits associated with an active historic preservation program;
- C. Foster civic pride in the beauty and noble accomplishments of the past;
- D. Protect and enhance the City's attractions for tourists and visitors; and
- E. Strengthen the economy of the City.

Historic districts may have a separate set of regulatory controls and administrative procedures which take priority over this ordinance.

17.65.020 Definitions. For the purpose of this ordinance, certain terms and words are defined as follows: words in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is mandatory; the word "may" is discretionary; and the masculine gender includes the feminine gender. For the purposes of this section, refer to Section 17.06.060 for Historic Preservation related definitions.

17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiled in 1983/84 and as subsequently updated, is hereby adopted and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance.

- A. The Historic Landmarks Committee shall be authorized to make all additions, deletions, and changes to the inventory. Any addition, deletion or change, including a reevaluation of the significance of any resource, shall conform to the requirements of this section.
- B. Any person may file an application with the Planning Director to amend the inventory by adding or deleting a resource or changing the level of significance of a resource. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040

of the McMinnville Zoning Ordinance. The Historic Landmarks Committee shall act on such an application within thirty (30) days of the date the application was deemed complete by the Planning Department. The Committee may delay action on an application for up to thirty (30) days from the date of their meeting so that additional information needed for a decision can be obtained. The owner of the site which is under consideration and the applicant (if different) shall be notified of the time and place of the Historic Landmarks Committee review, although their presence shall not be necessary for action to be taken on the application.

- C. The Historic Landmarks Committee shall base each decision regarding additions or changes to the inventory on the following criteria:
 - 1. History. The resource is associated with significant past events, persons, organizations, trends, or values which were important at the city, county, state, or national level. The age of the resource relative to other local development contributes to its historic significance;
 - 2. Style/Design. The resource is representative of a particular style or a type of construction. The uniqueness of the resource or its quality of composition, detailing, or craftsmanship contribute to its design significance. The resource was designated or constructed by a craftsman, contractor, designer, or architect of local, state, or national importance;
 - 3. Integrity. The resource retains original design elements, materials, and character with relatively minor alterations, if any; and
 - 4. Environment. The resource contributes to the character or continuity of the street or neighborhood.
 - 5. Consistency with the National Register Criteria for Evaluation as follows:
 - a. The resource is associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. The resource is associated with lives of significant persons in our past; or
 - c. The resource embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. The resource has yielded or may be likely to yield, information important in history or prehistory; and
 - 6. The designation of the resource is consistent with the priorities described in the historic preservation plan.
- D. The Historic Landmarks Committee shall allow owners of property to refuse addition to the inventory at any time during the designation process in Section 17.65.030. The Historic Landmarks Committee shall not include a site, structure, building, or object on the inventory if the owner objects to its designation on the public record. The Historic Landmarks Committee is not required to remove a historic resource from the inventory because an owner refuses to consent to designation.
- E. The Historic Landmarks Committee must remove a historic resource from the inventory if the designation was imposed on the property and the owner at the time of designation:

1. Has retained ownership since the time of designation; and
 2. Can demonstrate that the owner objected to the designation on the public record; or
 3. Was not provided an opportunity to object to the designation; and
 4. Requests that the Historic Landmarks Committee remove the resource from the inventory.
- F. Except as provided in Section 17.65.030 (E), the Historic Landmarks Committee shall base each decision regarding deletions from the inventory on the following criteria:
1. The resource has lost the qualities for which it was originally recognized; or
 2. Additional information shows that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing; or
 3. The Building Official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

17.65.040 Certificate of Approval Process. A property owner shall obtain a Certificate of Approval from the Historic Landmarks Committee, subject to the procedures listed in Section 17.65.050 and Section 17.65.060 of this chapter, prior to any of the following activities:

- A. The alteration, demolition, or moving of any historic landmark, or any resource that is listed on the National Register for Historic Places;
 1. Accessory structures and non-contributing resources within a National Register for Historic Places nomination are excluded from the Certificate of Approval process.
- B. New construction on historical sites on which no structure exists;
- C. The demolition or moving of any historic resource.

17.65.050 Demolition, Moving, or New Construction. The property owner shall submit an application for a Certificate of Approval for the demolition or moving of a historic resource, or any resource that is listed on the National Register for Historic Places, or for new construction on historical sites on which no structure exists. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Historic Landmarks Committee shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department to review the request. A failure to review within thirty (30) days shall be considered as an approval of the application.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.
- B. The Historic Landmarks Committee shall base its decision on the following criteria:
 1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
 2. The economic use of the historic resource and the reasonableness of the proposed action and their relationship to the historic resource preservation or renovation;
 3. The value and significance of the historic resource;

4. The physical condition of the historic resource;
 5. Whether the historic resource constitutes a hazard to the safety of the public or its occupants;
 6. Whether the historic resource is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
 7. Whether retention of the historic resource would cause financial hardship to the owner not outweighed by the public interest in the resource's preservation; and
 8. Whether retention of the historic resource would be in the best interests of a majority of the citizens of the City, as determined by the Historic Landmarks Committee, and, if not, whether the historic resource may be preserved by an alternative means such as through photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.
- C. If the structure for which a demolition permit request has been filed has been damaged in excess of seventy percent (70%) of its assessed value due to fire, flood, wind, or other natural disaster, the Planning Director may approve the application without processing the request through the Historic Landmarks Committee.
 - D. The Historic Landmarks Committee shall hold a public hearing to consider applications for the demolition or moving of any resource listed on National Register consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.
 - E. Any approval may be conditioned by the Planning Director or the Historic Landmarks Committee to secure interior and/or exterior documentation of the resource prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. The Historic Landmarks Committee may require documentation in another format or medium that is more suitable for the historic resource in question and the technology available at the time. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings or other details.
 - F. If any proposed new construction is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the new construction shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

17.65.060 Exterior Alteration or Remodeling. The property owner shall submit an application for a Certificate of Approval for any exterior alteration to a historic landmark, or any resource that is listed on the National Register for Historic Places. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Planning Director shall determine whether the proposed activities constitute an alteration as defined in Section 17.65.020 (A) of this chapter. The Historic Landmarks Committee shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department to review the request. A failure to review within thirty (30) days shall be considered as an approval of the application. Within five (5) working days after a decision

has been rendered, the Planning Department shall provide written notice of the decision to all parties who participated.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.
- B. The Historic Landmarks Committee shall base its decision on the following criteria:
 - 1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
 - 2. The following standards and guidelines:
 - a. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
 - b. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - c. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
 - d. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 - f. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
 - g. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - i. The Guidelines for Historic Preservation as published by the United States Secretary of the Interior.
 - 3. The economic use of the historic resource and the reasonableness of the proposed alteration and their relationship to the public interest in the historic resource's preservation or renovation;
 - 4. The value and significance of the historic resource; and
 - 5. The physical condition of the historical resource.
- C. Any approval may be conditioned by the Historic Landmarks Committee to secure interior and/or exterior documentation of the resource prior to the proposed action. Required documentation shall consist of no less than twenty

(20) black and white photographs with negatives or twenty (20) color slide photographs. The Historic Landmarks Committee may require documentation in another format or medium that is more suitable for the historic resource in question and the technology available at the time. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings, or other details.

- D. If the historic landmark is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the exterior alteration shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

17.65.070 Public Notice.

- A. After the adoption of the initial inventory, all new additions, deletions, or changes to the inventory shall comply with subsection (c) of this section.
- B. Any Historic Landmark Committee review of a Certificate of Approval application for a historic resource or landmark shall comply with subsection (c) of this section.
- C. Prior to the meeting, owners of property located within 300 feet of the historic resource under consideration shall be notified of the time and place of the Historic Landmarks Committee meeting and the purpose of the meeting. If reasonable effort has been made to notify an owner, failure of the owner to receive notice shall not impair the validity of the proceedings.

17.65.080 Appeals.

- A. Any appeal of a decision by the Historic Landmarks Committee, including an appeal of conditions placed on the approval of a Certificate of Approval by the committee, may be made to the City Planning Commission within fifteen (15) days of the date the written notice of the decision is mailed.
- B. If the appeal is filed, the Planning Commission shall receive a report and a recommendation from the Historic Landmarks Committee and shall hold a public hearing on the appeal consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance. Any permit shall be invalid and no work shall be undertaken during the appeal process.

17.65.090 Violation, Procedure, and Penalty.

- A. All historic resources shall be preserved against decay and deterioration, and kept free of structural defects by the owner or other person(s) or entities who may have legal possession, custody and control thereof. Demolition by neglect shall be prohibited.
- B. Violations of the provisions of this chapter or other applicable provisions of this code are subject to the provisions of Chapter 17.03 (General Provisions).

Chapter 17.66

CITY CENTER HOUSING OVERLAY ZONE

(as adopted by Ord, October 26, 2021)

Sections:

17.66.010	Establishment
17.66.020	Purpose and Intent
17.66.020	Applicability and Exemptions
17.66.030	Guidelines and Standards
17.66.040	Procedure

17.66.010 Establishment. The City Center Housing Overlay Zone is hereby established. The City Center Housing Overlay Zone boundary is shown in Figure 17.66.1.

17.66.020 Purpose and Intent.

17.66.030. Applicability and Exemptions. Provisions of this Chapter apply to residential development within the City Center Housing Overlay Zone boundary, including new development, and development that increases the square footage or number of existing dwelling units.

The provisions of the Chapter modify the provisions of other Chapters of the Zoning Ordinance as specified herein.

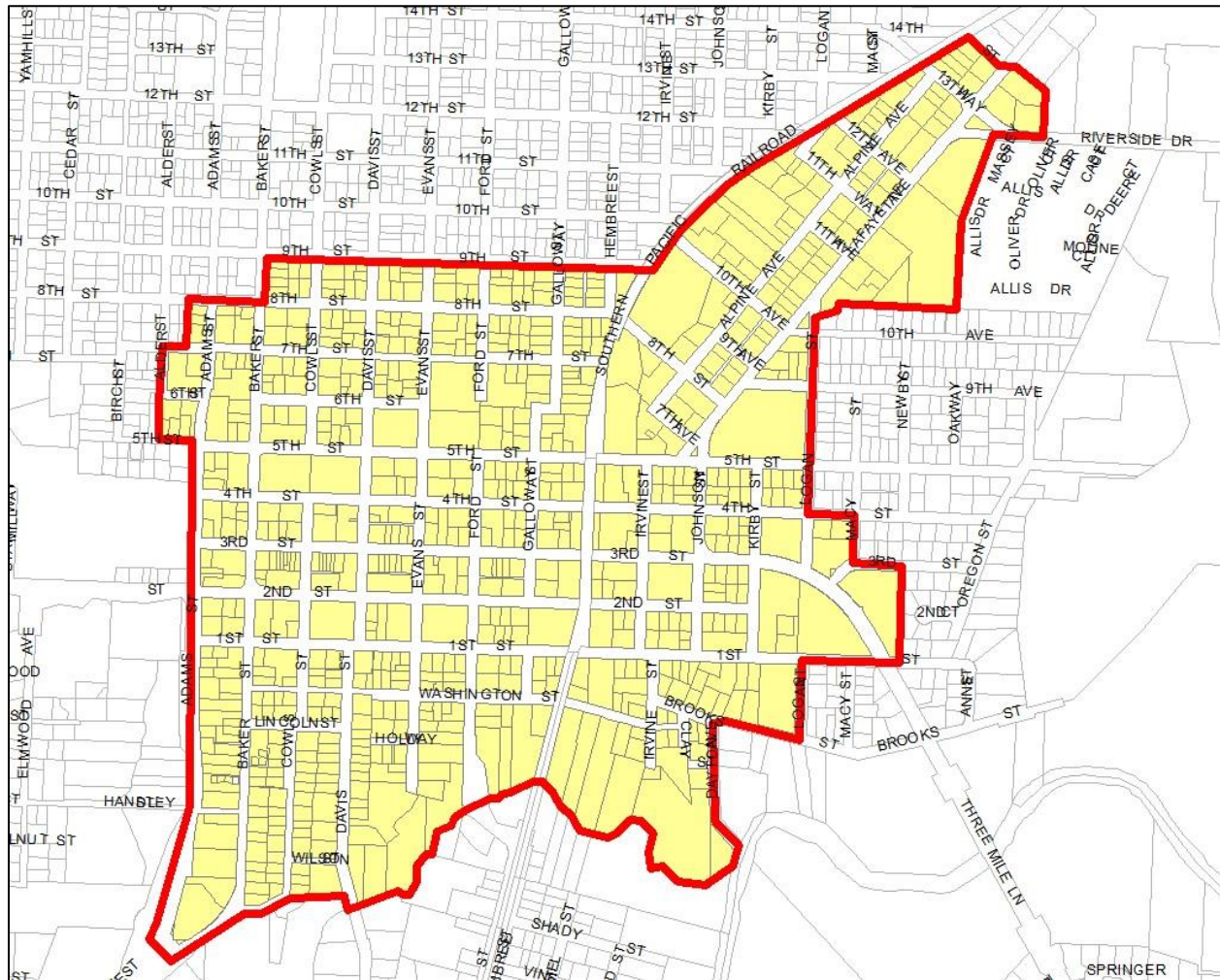
In addition, other Chapters of this Ordinance may specify that certain provisions of those respective Chapters are modified for properties within the City Center Housing Overlay Zone boundary, as specified in those Chapters.

The provisions of this Chapter do not apply to routine maintenance of residential development within the City Center Housing Overlay Zone.

17.66.040. Guidelines and Standards. [Reserved for future use].

17.66.050. Procedures. [Reserved for future use].

Figure 17.66.1. City Center Housing Overlay Zone Boundary



Chapter 17.67

HOME OCCUPATIONS

Sections:

- 17.67.010 Home occupation—Purpose.
- 17.67.020 Application—Approval.
- 17.67.030 Home occupation standards.
- 17.67.040 Prohibited Uses.
- 17.67.050 Home occupation complaint procedures.
- 17.67.060 Standards for judging objections.
- 17.67.070 Action by Commission—Home occupation complaints.

17.67.010 Home occupations—Purpose. The home occupation provision is included in recognition of the needs of many people who are engaged in small scale business ventures which could not necessarily be sustained if it were necessary to lease commercial quarters for them or which, in the nature of the home occupation, cannot be expanded to full-scale enterprises.

It is the intent of this ordinance that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district continue to be conducted in such district and not at home. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.020 Application—Approval. Application for a home occupation permit shall be submitted as required by Section 17.72.020. A permit for a home occupation shall be reviewed by the Planning Director consistent with the procedures in Section 17.72.100. Approval of the permit shall be subject to the following conditions:

- A. If the Planning Director finds that the standards noted in Section 17.67.030 have been met and approval of the permit would create no adverse impact on the immediate neighborhood or the surrounding area, the Director will, within 21 days of the date of the application, issue a renewable and revocable permit, upon payment of the appropriate fee, for a one-year period;
- B. Permits may be renewed for one-year periods upon payment of the appropriate fee, provided that the permit has not been terminated under the provisions of Section 17.67.050 of this ordinance. Permits may also be terminated for failure to pay the renewal fee by the anniversary date of the permit. (Ord. 4947 §1, 2011; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.030 Home occupation standards. A home occupation shall mean that any occupation or profession may be carried on by a member of the family residing on the premises, provided that the following conditions are satisfied:

- A. No sign is displayed other than that which is permitted by Section 17.62.040;
- B. There is no display that will indicate from the exterior that the building is being used for any purpose other than a dwelling;

- C. Outdoor storage or display of materials, equipment, or merchandise related to the occupation shall be prohibited;
- D. There are no paid employees beyond those residing at the residence listed as the site of the home occupation;
- E. All work being performed at the site must be done within the confines of a building and no noise, odor, dust, smoke or other evidence of the home occupation permeates beyond the confines of the property;
- F. The permit holder must reside at the location listed as the site of the home occupation;
- G. The use does not generate traffic which exceeds the numbers which would normally be found in the neighborhood. The Planning Director may impose other conditions as necessary in order to mitigate impacts related to traffic or clientele. (Ord. 4947 §1, 2011; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.040 Prohibited Uses. The following prohibited uses include, but are not limited to:

- A. Motor vehicle sales;
- B. Vehicle repair, body work, or painting;
- C. Storage and/or sale of fireworks;
- D. Junk and salvage operations;
- E. Any use that involves the use of hazardous substances or materials which might create a fire hazard or danger to neighboring properties as may be determined by the Fire Department;
- F. Parking of more than one business-related vehicle on-site.
- G. Marijuana business. (Ord 5000 §3, 2015, Ord 4947 §1, 2011)

17.67.050 Home occupation complaint procedures.

- A. Complaints will be investigated by the Planning Department. If the alleged violation is determined to exist by the Department, the permit holder will be notified of the violation of the standards or conditions by certified letter, and the time period in which the violation must be corrected. If the alleged violation has not been corrected within 15 days of the date of the letter or as may otherwise be specified, the Planning Department shall have cause to revoke said permit. Notice of termination of the permit shall be provided by certified mail to the permit holder;
- B. Upon termination of the permit by the Planning Department, an appeal of the decision may be made to the Planning Commission as provided in Section 17.72.170 of this ordinance. (Ord. 4947 §1, 2011; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.060 Standards for judging objections. Standards for judging objections to a home occupation shall include, but not be limited to the following:

- A. Generation of excessive traffic;
- B. Monopoly of on-street parking spaces;
- C. Frequent deliveries and pickups by motor freight trucks;

- D. Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
- E. Smoke, fumes, or odors in excess of those created by normal residential use;
- F. Failure to meet the conditions listed in Section 17.67.030 Home Occupation Standards;
- G. Other offensive activities not in harmony with a residential neighborhood. (Ord. 4947 §1, 2011; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.070 Action by Commission—Home occupation complaints. The Commission, upon hearing the evidence, may:

- A. Approve the use as it exists;
- B. Require the use to be terminated; or
- C. Impose appropriate restrictions, such as limiting hours of operation, establishing a phase-out period, or other measures insuring compatibility with the neighborhood. (Ord. 4947 §1, 2011; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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Chapter 17.72

APPLICATIONS AND REVIEW PROCESS (as amended by Ord. 4920, January 12, 2010)

Sections:

- 17.72.010 Purpose
- 17.72.020 Application Submittal Requirements
- 17.72.030 Filing Fees
- 17.72.040 Application Review for Completeness
- 17.72.050 Application Decision Time Limit
- 17.72.060 Limitations on Renewal or Refiling of Application
- 17.72.070 Concurrent Applications

Application Review and Decision Process

- 17.72.080 Legislative or Quasi-Judicial Hearings
- 17.72.090 Application Review Summary Table
- 17.72.095 Neighborhood Meetings
- 17.72.100 Applications and Permits-Director's Review
- 17.72.110 Applications-Director's Review with Notification
- 17.72.120 Applications-Public Hearings
- 17.72.130 Public Hearing Process
- 17.72.140 Mailed Notification

Notice of and Effective Date of Decision

- 17.72.150 Notice of Decision
- 17.72.160 Effective Date of Decision

Appeal

- 17.72.170 Appeal from Ruling of the Planning Director
- 17.72.180 Appeal from Ruling of Planning Commission
- 17.72.190 Appeal from Ruling of City Council

17.72.010 Purpose. The purpose of this chapter is to describe the various review and appeal processes for land use applications and permits in McMinnville.

17.72.020 Application Submittal Requirements. Applications shall be filed on forms provided by the Planning Department and shall be accompanied by the following;

- A. A scalable site plan of the property for which action is requested. The site plan shall show existing and proposed features, such as access, lot and street lines with dimensions in feet, distances from property lines, existing and proposed buildings and significant features (slope, vegetation, adjacent development, drainage etc.)
- B. An explanation of intent, nature and proposed use of the development, and any pertinent background information.
- C. Property description and assessor map parcel numbers(s).
- D. A legal description of the property when necessary.

- E. Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.
- F. Materials required by other sections of the McMinnville Zoning Ordinance specific to the land use application.
- G. Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.

17.72.030 Filing Fees. The City shall charge and collect a filing fee for each such application as established by resolution of the City Council.

- A. The applicant(s) shall submit the required filing fee at the time of application submittal;
- B. Whether the request is approved or denied, the petitioner shall not be entitled to a refund of the initial fee paid.

17.72.040 Application Review for Completeness. Upon receipt of a complete application, the Planning Director shall review the application for completeness within 30 (thirty) days of the date that the application is submitted. If, upon review, the application is found to be incomplete, the applicant shall be advised in writing of the information needed to complete the application within 30 (thirty) days of the date of application submittal. The application shall be deemed complete upon receipt of all of the missing information or upon written notice from the applicant that some or all of the missing information will not be provided. Throughout all land use proceedings, the burden of proof shall rest on the applicant.

17.72.050 Application Decision Time Limit. The City shall take final action on all land use requests that are wholly within the authority and control of the City within 120 days from the date the application is deemed complete. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time. The 120 day period does not apply to an amendment of the comprehensive plan or a land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development (DLCD) as required by ORS 197.610.

17.72.060 Limitations on Renewal or Refiling of Application. Where an application that is subject to a public hearing has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the City Council or Planning Commission, for good cause, shall grant permission to do so.

17.72.070 Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

Application Review and Decision Process

17.72.080 Legislative or Quasi-Judicial Hearings. The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning Commission or City Council.

- A. A requested amendment to the text of the zoning ordinance or comprehensive plan would call for a legislative-type hearing, the purpose of which is to obtain public input primarily on matters of policy. A legislative amendment may be initiated by the City Council, the Planning Commission or by the Citizens' Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment.
- B. An application that is site specific (such as a zone change or annexation request) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens' Advisory Committee or by application of the property owner.

17.72.090 Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter. (Ord. 5106 §2, 2021; Ord. 5047, §2, 2018, Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

<u>Review Process</u>	<u>Land Use Application</u>	<u>Zoning Ordinance Reference</u>
Applications and Permits- Director's Review Without Notification	Home Occupation Permit	17.67
	Large Format Commercial Design Review (standard)	17.56.040
	Manufactured Home Park Permit	Ord. No.4220
	Model Home Permit	17.54.060
	Property Line Adjustment	17.53.050
	Recreational Vehicle Park Permit	Ord. No.4220-Section 12
	Temporary Living Unit Permit	17.54.070
	Downtown Design Review (minor alterations)	17.59.030-040
Applications- Director's Review with Notification	Administrative Variance	17.74.080-090
	Resident Occupied Short Term Rental	17.12.010(N)
	Classification of an Unlisted Use	17.54.010
	Downtown Design Review	17.59.030-040
	Large Format Commercial Design Review (variation to prescribed standards)	17.56.040
	Partition	17.53.060
	Subdivision-up to 10 lots	17.53.070
	Three Mile Lane Design Review	Ord. Nos. 4131, 4572
	Transitional Parking Permit	17.60.130
	Short Term Rental	17.12.010(O)

	Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)	17.59.030-040
Applications Public Hearing-Planning Commission	Appeal of Director's Decision	17.72.170
	Application (Director's Decision) for which a Public Hearing is Requested	17.72.120
	Area Plan	17.10
	Comprehensive Plan Map or Text Amendment*	17.74.020
	Conditional Use Permit	17.74.030-060
	Legislative Amendments	17.72.120
	Master Plan	17.10
	Planned Development Amendment*	17.74.070
	Subdivision (more than 10 lots)	17.53.070
	Variance	17.74.100-130
	Zone Change*	17.74.020
	Appeal of Planning Commission's Decision	17.72.180
	Hearings Initiated by City Council	17.72.130
Public Hearing-City Council	Urban Growth Boundary (UGB) Amendment	Ord. Nos. 4130,4146
	Demolition of National Register of Historic Places Structure	17.65.050 (D)
MUAMC***		
Public Hearing - Historic Landmarks Committee		

* Following Public Hearing, Planning Commission makes recommendation to City Council

*** McMinnville Urban Area Management Commission

17.72.095 Neighborhood Meetings.

- A. A neighborhood meeting shall be required for:
 1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
 - a. Comprehensive plan text amendment; or
 - b. Zoning ordinance text amendment; or
 - c. Appeal of a Planning Director's decision; or
 - d. Application with Director's decision for which a public hearing is requested.
 2. Tentative Subdivisions (up to 10 lots)
 3. Short Term Rental
- B. Schedule of Meeting.
 1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.

2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.
- C. Meeting Location and Time.
1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
 2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
 3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
 4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 pm and 8 pm or Saturdays between the hours of 10 am and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.
- D. Mailed Notice.
1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110 and Section 17.72.120.
 2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
 3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.
 4. The mailed notice shall:
 - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
 - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request).
 - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
 - d. Include a conceptual site plan.
 5. The City of McMinnville Planning Department shall be included as a recipient of the mailed notice of the neighborhood meeting.
 6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.
- E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
 2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
 3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.
 4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.
- F. Meeting Agenda.
1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
 2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
 - a. An opportunity for attendees to view the conceptual site plan;
 - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
 - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.
- G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:
1. A copy of the meeting notice mailed to surrounding property owners;
 2. A copy of the mailing list used to send the meeting notices;
 3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
 4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
 5. Notes of the meeting, which shall include:
 - a. Meeting date;
 - b. Meeting time and location;
 - c. The names and addresses of those attending;
 - d. A summary of oral and written comments received; and
 - e. A summary of any revisions made to the proposal based on comments received at the meeting. (Ord. 5047, §2, 2018, Ord. 5045 §2, 2017).

17.72.100 Applications and Permits – Director's Review without Notification.

The following applications are subject to the Planning Director's review for which a decision shall be made within 20 (twenty) working days from the date that a complete application is received. Applications shall be submitted as required in Section 17.72.020.

- Downtown Design Review (minor alterations)
- Home Occupation Permit
- Large Format Commercial Development (not involving a variation to standards)
- Mobile Home Park Permit

- Model Home Permit
- Property Line Adjustment
- Recreational Vehicle Permit
- Temporary Living Unit Permit

Notice to neighboring property owners for the above land use applications and permits is not provided. Prior to a decision, the Director may forward the application to other City departments for review and comment. The Planning Department shall provide written notice of the decision to all parties who participated and, in the case of a Temporary Living Unit permit, to the abutting property owners. (Ord. 5034 §2, 2017).

17.72.110 Applications – Director’s Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- Administrative Variance
- Classification of an Unlisted Use
- Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)
- Large Format Commercial Development (variation to standard)
- Resident Occupied Short Term Rental
- Short Term Rental
- Tentative Partition
- Tentative Subdivision (up to 10 lots)
- Three Mile Lane Design Review
- Transitional Parking Permit

A. Notice of the request shall be provided to owners of property within 100 feet of the site for which the application is made. For applications involving classification of an unlisted use, the only notification provided shall be that published in a newspaper of general circulation a minimum of 14 (fourteen) days prior to a decision being rendered. Notices for applications listed in Section 17.72.110 shall:

1. Provide a 14 (fourteen) day period for submission of written comments prior to the decision;
2. State that issues which may provide the basis for an appeal to the Land Use Board of appeals (LUBA) shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
3. List, by commonly used citation, the applicable criteria for the decision;
4. Set forth the street address or other easily understood geographical reference to the subject property;
5. State the place, date and time that comments are due;
6. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
7. Include the name and phone number of a local government contact person;
8. Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and
9. Briefly summarize the local decision making process for the land use decision being made.

- B. During the 14 (fourteen) day comment period, a person who has received notice may request a public hearing following the procedure as outlined in Section 17.72.120.
- C. The Director or designee shall make a decision for the above applications within 30 (thirty) days following the close of the 14 (fourteen) day comment period. The Director's decision may be appealed as outlined in Section 17.72.170. (Ord. 5047 §2, 2108, Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

17.72.120 Applications – Public Hearings. The Planning Commission shall hold at least one public hearing on the following land use applications.

- Annexation
- Appeal of a Planning Director's Decision
- Application with Director's decision for which a public hearing is requested
- Comprehensive Plan Map Amendment
- Comprehensive Plan Text Amendment
- Conditional Use Permit
- Demolition of National Register of Historic Places Structure (Public hearing held by the Historic Landmarks Committee)
- Planned Development
- Planned Development Amendment
- Tentative Subdivision (more than 10 lots)
- Urban Growth Boundary Amendment
- Variance
- Zone Change
- Zoning Ordinance Text Amendment
- Any application listed in Section 17.72.110 for which a public hearing is requested.

The above applications are subject to the following submittal, notice, and hearing requirements:

- A. Applications must be filed not less than 35 (thirty-five) days prior to the date of the public hearing. Applications other than those involving text amendments or other legislative matters shall be reviewed for completeness as outlined above in Section 17.72.040.
- B. The Director shall send a copy of the proposal to any agency or City department identified by the Director as having interest in the proposal including those agencies and departments responsible for determining compliance with state and federal requirements. The notified agency may provide written comment regarding the proposal.
- C. An application to amend the comprehensive plan map, zoning ordinance text, comprehensive plan text or other application requiring notice to the Department of Land Conservation (DLCD) and Development Commission as a "post acknowledgment plan amendment" shall be submitted to the Planning Department a minimum of 55 (fifty-five) days prior to the date of the public hearing so that notice of the application can be provided to the DLCD.
- D. Notice of the public hearing shall be published in a newspaper of general circulation in the City, not less than five (5) days nor more than 15 (fifteen) days prior to the date of the public hearing.

- E. Written notice of a variance request shall be mailed to the applicant and all property owners within 100 feet of the exterior boundary of the subject property, and within 200 feet of the exterior boundary of the subject property for an application for a conditional use permit not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.
- F. Written notice of a request for applications other than those involving text amendments or other legislative matters shall be mailed to the applicant and all property owners within 300 feet of the exterior boundary of the subject property, not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.
- G. Written notice of an application to change a zone for all or part of a mobile home park shall be provided for the tenants of a mobile home park at least 20 (twenty) days but not more than 40 (forty) days before the date of the first public hearing on the applications. (Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

17.72.130 Public Hearing Process. Public hearings shall be conducted as per requirements of McMinnville Ordinance No. 3682, as amended;

- A. A staff report shall be submitted to the review body, and shall be made available to the public at least seven (7) days before the date of the public hearing. Any public hearing may be continued to a specific date, time and location by oral announcement of that specific date, time, and location prior to the hearing being recessed. This announcement is sufficient notice to all applicants, adverse parties, and interested persons, and no further notice is required.
- B. Legislative hearings: Within 45 days following the public hearing on a comprehensive plan text amendment or other legislative matter, unless a continuance is announced, the Planning Commission shall render a decision which shall recommend either that the amendment be approved, denied, or modified:
 - 1. Upon reaching a decision the Planning Commission shall transmit to the City Council a copy of the proposed amendment, the minutes of the public hearing, the decision of the Planning Commission, and any other materials deemed necessary for a decision by the City Council;
 - 2. Upon receipt of the decision of the Planning Commission, the City Council shall:
 - a. Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or
 - b. Adopt an ordinance effecting the proposed change in an amended form, or
 - c. Refuse to adopt the amendment through a vote to deny, or
 - d. Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.120(D).
- C. Quasi-judicial hearings: A quasi-judicial public hearing may be held over on the Planning Commission's own motion or on the request of any participant in the hearing who requests an opportunity to present additional evidence, arguments, or testimony on the application.
 - 1. Should a participant request an opportunity to present additional evidence, arguments, or testimony, the Planning Commission shall have the discretion to grant the request by either:

- a. continuing the hearing to a specific date, time and location, provided the date is at least seven (7) days after the date of the initial evidentiary hearing or,
 - b. holding the record open for the submission of additional written evidence, arguments or testimony, provided that the record shall be left open for at least seven (7) days after the date of the initial evidentiary hearing.
2. A request for continuance or a request to keep the record open shall be granted provided that the request occurs before the conclusion of the initial evidentiary hearing and either;
 - a) There is sufficient time under ORS 197.178, or
 - b) The applicant requests or agrees to the extension of time.
3. Within 45 (forty-five) days following the public hearing on a quasi-judicial matter, and unless a continuance is announced, the Planning Commission shall make specific Findings of Fact. Based on the findings, the Planning Commission shall render a decision which shall either approve or deny the application, or approve the application in a different form.
4. Planning Commission decisions on the following applications shall be final unless an appeal is filed.
 - Appeal of Planning Director's Decision
 - Conditional Use Permit
 - Tentative Subdivision (with more than 10 lots)
 - Variance
 - Any application listed in Section 17.72.110 for which a public hearing is called.
5. Following the public hearing for all other quasi-judicial applications listed in Section 17.72.120, the Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.
 - a. If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council, a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the Planning Commission, and any other materials deemed necessary for decision by the City Council
 - b. If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.
6. Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:
 - a. Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;
 - b. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D)-(F).

17.72.140 Mailed Notification. The names and addresses of the property owners from the Yamhill County Assessor's Office most recent property tax assessment roll shall be used for the purposes of giving notice to affected parties. Failure of a person or persons to receive notice shall not impair the validity of the hearing.

Notice of and Effective Date of Decision

17.72.150 Notice of Decision. Within five (5) working days after a decision has been rendered, the Planning Department shall provide written notice of the decision to all parties who participated.

17.72.160 Effective Date of Decision. Unless an appeal is filed, a decision made by the Planning Director or the Planning Commission shall become final fifteen (15) calendar days from the date that the notice of the decision is mailed. Unless an appeal is filed, a decision made by the City Council shall become final 21 (twenty-one) days from the date that the notice of decision is mailed. (Ord. 5106 §2, 2021)

Appeal

17.72.170 Appeal from Ruling of Planning Director. The applicant, property owner, or other parties that participated, may appeal a decision of the Director to the Planning Commission within 15 (fifteen) calendar days of the date the written notice of the decision is mailed. Written notice of the appeal shall be filed with the Planning Department and shall set forth in detail the basis for and issues raised in the appeal. If the appeal is not taken within the 15 (fifteen) day period, the decision of the Planning Director shall be final. If an appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the Planning Director and shall hold a public hearing on the appeal subject to the procedure stated in Section 17.72.130. Notice of a Planning Commission hearing on an appeal of a decision of the Planning Director shall take the form of that provided for in Section 17.72.110(A).

17.72.180 Appeal from Ruling of Planning Commission. An action or ruling of the Planning Commission pursuant to this title may be appealed to the City Council within 15 (fifteen) calendar days of the date the written notice of the decision is mailed. Written notice of the appeal shall be filed with the City Planning Department and shall identify the decision sought to be reviewed, including the date of the decision and a statement of interest from the person seeking review specifying that they were party to the initial proceedings. If the appeal is not taken within the 15 (fifteen) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal. Notice of a City Council hearing on an appeal of a decision of the Planning Commission shall take the form of that provided for the initial application before the Planning Commission.

17.72.190 Appeal from Ruling of City Council. An action or ruling of the City Council may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of the decision is mailed.

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Chapter 17.74

REVIEW CRITERIA

(as adopted by Ord. 4920, January 12, 2010)

Sections:

- 17.74.010 Purpose
- 17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria
- 17.74.030 Authorization to Grant or Deny a Conditional Use.
- 17.74.040 Placing Conditions on a Conditional Use Permit.
- 17.74.050 Compliance with Zone Standards - Exceptions.
- 17.74.060 Use Conveyed with Property - Termination Condition and Procedures.
- 17.74.070 Planned Development Amendment - Review Criteria
- 17.74.080 Administrative Variance - Limitations
- 17.74.090 Administrative Variance - Review Criteria
- 17.74.100 Variance-Planning Commission Authority
- 17.74.110 Conditions for Granting Variance.
- 17.74.120 Variance for Solar Collection Systems.
- 17.74.130 Use Conveyed with Property - Termination Condition and Procedures.

17.74.010 Purpose. The purpose of this chapter is to provide the approval criteria for the following applications:

- Comprehensive Plan Map Amendment
- Conditional Use Permit
- Planned Development Amendment
- Variance-Administrative
- Variance
- Zone Change (Planned Development)

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.74.030 Authorization to Grant or Deny Conditional Use. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

17.74.040 Placing Conditions on a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

17.74.050 Compliance with Zone Standards-Exception. A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use or as otherwise modified as follows:

- A. Setbacks. In a residential zone, yards shall be at least one-half the height of the principal structure. In any zone, yards greater than the standard of the zone in which the use is located may be required;
- B. Limitations on access to lots and on openings to buildings. The City may limit or prohibit vehicular access from a conditional use to a residential street not designated as an arterial street on an officially adopted street plan, and it may limit or prohibit openings in sides of a building or structure permitted as a conditional use within fifty feet of a residential zone if such openings will cause glare, excessive noise, or other adverse effects on adjacent residential properties;
- C. Utility substation or pumping substation. The minimum lot size of the zone in which a public utility facility is to be located may be waived only on finding

that the waiver will not result in noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site in a residential zone. Such uses shall be fenced and provided with landscaping as found necessary.

17.74.060 Use Conveyed with Property-Termination Condition and Procedures.

- A. Subject to the provisions of this section, a conditional use shall become a property right and shall be conveyed to the benefit of the owner or other person(s) entitled to possession regardless of transfer of title or interest unless otherwise specified by the Planning Commission at the time of approval;
- B. Each conditional use permit issued after the effective date of this ordinance codified in this section shall be terminated if:
 - 1. Construction or remodeling for the conditional use as approved has not been started within one year of the date specified on a development schedule approved with the conditional use, or in case no such development schedule was approved, within one year of the effective date of approval.
 - 2. Construction once commenced does not substantially progress for a one-year period.
 - 3. After completion of the construction or remodeling, the approved use as authorized by the permit lapses for any one-year period.
 - 4. There is a failure to meet any condition as may be specifically required by the Planning Commission at the time of approval of a conditional use;
- C. The Planning Director shall determine if a conditional use is in compliance with this section and any conditions imposed by the Planning Commission. At such time as a conditional use becomes subject to termination as provided in this section, the Planning Director shall notify, in writing, the legal owner of record or the occupant. The notice shall explain the reasons for which the conditional use will be terminated. Notice of termination will be delivered by registered mail. A receipt of delivery will be returned to the Planning Director;
- D. An action or ruling of the Planning Director pursuant to this section may be appealed to the Planning Commission within 30 (thirty) days after the recorded date of delivery of the notice of termination. In the event the notice is not deliverable or acceptance is refused or unclaimed, the 30 (thirty) days in which an appeal may be filed shall be computed from the date of mailing. The decision of the Planning Director is final if the appeal is not taken within the (30) thirty day period. If the appeal is filed, the Commission shall receive a report and recommendation thereon from the Planning Director and shall hold a public hearing on the appeal pursuant to Section 17.72.130. The conditional use shall be invalid during the appeal process;
- E. Upon termination of a conditional use, the property shall thereafter be used in accordance with the zoning ordinance and other applicable plans, ordinances, resolutions, rules, and regulations unless a conditional use or other action is subsequently approved.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

17.74.080 Administrative Variance Limitations. Limitations for an administrative variance are outlined in Section 17.74.090. A request for an administrative variance beyond these limitations shall be submitted and processed as a variance application.

17.74.090 Administrative Variance-Review Criteria. The Planning Director may grant limited adjustments to the terms of this title as follows:

- A. Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than 90 (ninety) square feet;
- B. Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.
- C. These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.
- D. Special conditions may be attached to adjustments if such conditions relate directly to the adjustments.

Subjects not allowable for adjustment are: number of dwelling units permitted, parking requirements, height of building, vision clearance area, density or use of property.

17.74.100 Variance-Planning Commission Authority. The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

17.74.110 Conditions for Granting Variance. A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

17.74.120 Variance for Solar Collection Systems. A setback variance may be granted by the Planning Commission for a solar energy collection system, active or passive, which is to be attached to an existing structure or accessory to an existing structure subject to compliance with the following conditions:

- A. Granting of the variance will in no way hinder access to public utilities or fire access;
- B. Granting of the variance will not unduly restrict solar access to surrounding properties;
- C. Granting of the variance will not unreasonably invade the privacy of adjoining properties;
- D. The variance requested is the minimum variance which would allow the construction of the system;
- E. The system must meet the minimum standards for tax credit certification from the Oregon Department of Energy;
- F. The system must be designed to provide no less than 10 (ten) percent of the total energy requirements for the principal use.

17.74.130 Use Conveyed with Property-Termination Condition and Procedures.

- A. Subject to the provisions of this section, a variance shall become an integral part of the property and shall be conveyed to the benefit of the owner or other

person(s) entitled to possession regardless of transfer of title or interest unless otherwise specified by the Planning Commission at the time of approval;

- B. Each variance issued after the effective date of the ordinance codified in this title shall be terminated if:
 - 1. Any construction or remodeling relative to the variance as approved has not been started within one year of the date specified on a development schedule approved with the variance, or in case no such development schedule was approved, within one year of the effective date of approval;
 - 2. There is a failure to meet any condition as may be specifically required by the Planning Commission at the time of approval of the variance;
- C. The Planning Director shall determine if a variance is in compliance with this section and any condition imposed by the Planning Commission. At such time as a variance becomes subject to termination as provided by this section, the Planning Director shall notify in writing the legal owner of record or the occupant the grounds on which the variance will be terminated. Notice of termination will be delivered by registered mail. A receipt of delivery will be returned to the Planning Director;
- D. An action or ruling of the Planning Director pursuant to this section may be appealed to the Planning Commission within thirty days after the recorded date of delivery of the notice of termination. In the event the notice is not deliverable or acceptance is refused or unclaimed, the thirty days in which an appeal may be filed shall be computed from the date of mailing. Notice of appeal shall be in writing and filed with the Planning Department. The decision of the Planning Director is final if the appeal is not taken within the 30 (thirty) day period. If the appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the Planning Director and shall hold a public hearing on the appeal pursuant to Section 17.72.130. The variance shall be invalid during the appeal process, and no work shall be undertaken during the appeal process;
- E. Upon termination of a variance, the property shall thereafter be used in accordance with the zoning ordinance and other applicable plans, ordinances, resolutions, rules, and regulations unless a variance or other action is subsequently approved.

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