



City Council Meeting Agenda

Tuesday, April 26, 2022

5:00 p.m. – Executive Sessions (CLOSED TO THE PUBLIC)

5:30 p.m. – City Council Regular Meeting

REVISED 04/22/2022

Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.

The public is strongly encouraged to relay concerns and comments to the Council in one of three ways:

- Email at any time up to **5 p.m. on Friday, April 22nd** to claudia.cisneros@mcminnvilleoregon.gov
- If appearing via telephone only please sign up prior by **5 p.m. on Friday, April 22nd** by emailing the City Recorder at claudia.cisneros@mcminnvilleoregon.gov as the chat function is not available when calling in zoom;
- Join the zoom meeting use the raise hand feature in zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide your First and Last name, Address, and contact information (email or phone) to the City. You do not need to state your address for the record when called to speak**

For **PUBLIC HEARINGS** input please see the city webpage for specific instructions:

<https://www.mcminnvilleoregon.gov/citycouncil/page/city-council-regular-meeting-530-pm>

You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331, Frontier 29 or webstream here:

www.mcm11.org/live

CITY COUNCIL REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/86530067614?pwd=RXdlZ2FXc1IDTIJweHFQJjE5RzZ4UT09>

Zoom ID: 865 3006 7614

Zoom Password: 879903

Or you can call in and listen via zoom: 1-253- 215- 8782

ID: 865 3006 7614

5:00 PM – EXECUTIVE SESSIONS- VIA ZOOM (NOT OPEN TO THE PUBLIC) (Added on 04.22.2022)

1. CALL TO ORDER
2. **EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(a): TO CONSIDER THE EMPLOYMENT OF A PUBLIC OFFICER, EMPLOYEE, STAFF MEMBER OR INDIVIDUAL AGENT.**
3. ADJOURNMENT

5:30 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER & ROLL CALL (5:30 PM)
2. PLEDGE OF ALLEGIANCE (5:31 PM)
3. NOMINATION AND APPOINTMENT OF INTERIM MAYOR (5:35 PM)

4. NOMINATION AND APPOINTMENT OF MUNICIPAL COURT JUDGE (5:50 PM)
5. PROCLAMATIONS (6:00 PM)
 - a. Arbor Day Proclamation
 - b. Historic Preservation Month
6. PUBLIC HEARINGS (6:10 PM)
 - a. Public Hearing regarding **Resolution No. 2022-19**: A Resolution Establishing an In-Lieu-Of Tax Payment of Six Percent (6%) by the Water and Light Commission to the City of McMinnville from the Electric Utility and Repealing Resolution Nos. 1988-31, 1990-4, and 2003-14.
 - b. Public Hearing regarding **Resolution No. 2022-20**: A Resolution Revising Paragraph F of Resolution No. 2019-35 Regarding the Franchise Fee for Wastewater Services.
 - c. Public Hearing regarding **Resolution No. 2022-21**: A Resolution Establishing a Franchise Fee for Water Services.
 - d. Public Hearing regarding **Resolution No. 2022-22**: A Resolution Establishing a Franchise Fee for Electric Services.
7. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT – (7:00 PM)

The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. The Mayor will read comments emailed to City Recorded and then any citizen participating via Zoom.
8. PUBLIC HEARINGS (7:05 PM)
 - a. Public Hearing regarding **Resolution 2022-23**: Resolution conducting a public hearing for the McMinnville City Council to obtain Citizen’ views about the 2019 Housing Rehabilitation Community Development Block Grant (CDBG), and to take comments about the local government’s performance.
 - b. Public Hearing regarding **Ordinance No. 5112**: Amending Title 3 of the McMinnville City Code, Adopting an Affordable Housing Construction Excise Tax.
9. ADVICE/ INFORMATION ITEMS (8:00 PM)
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
10. CONSENT AGENDA (8:15 PM)
 - a. Consider **Resolution No. 2022-24**: A Resolution Approving Entering into a Contract with KeyBank.
 - b. Consider request from Ryan Huett dba: Huett Cellars for Winery 1st Location, OLCC Liquor License located at 2803 NE Orchard Ave.
 - c. Consider **Resolution No. 2022-25**: A Resolution approving the award of a Professional Services Contract to Jacobs Engineering Group Inc. for the Solids Capacity Improvement Project 60%, 90%, 100%, and Bid Services, Project 2019-10.
 - d. Consider request from Declan Wine Company LLC dba: Harper Voit for Winery 2nd Location, OLCC Liquor License located at 1400 NE Alpha Dr. (Added on 04.22.2022)

11. RESOLUTION (8:25 PM)

- a. Consider **Resolution No. 2022-19**: A Resolution Establishing an In-Lieu-Of Tax Payment of Ten Percent (10%) by the Water and Light Commission to the City of McMinnville from the Electric Utility and Repealing Resolution Nos. 1988-31, 1990-4, and 2003-14.
- b. Consider **Resolution No. 2022-20**: A Resolution Revising Paragraph F of Resolution No. 2019-35 Regarding the Franchise Fee for Wastewater Services.
- c. Consider **Resolution No. 2022-21**: A Resolution Establishing a Franchise Fee for Water Services.
- d. Consider **Resolution No. 2022-22**: A Resolution Establishing a Franchise Fee for Electric Services.
- e. Consider **Resolution 2022-23**: A Resolution conducting a public hearing for the McMinnville City Council to obtain Citizen' views about the 2019 Housing Rehabilitation Community Development Block Grant (CDBG), and to take comments about the local government's performance.

12. ORDINANCE (9:25 PM)

- a. Consider first reading with a possible second reading of **Ordinance No. 5112**: An Ordinance Amending Title 3 of the McMinnville City Code, Adopting an Affordable Housing Construction Excise Tax.
- b. Consider first reading with a possible second reading of **Ordinance No. 5113**: An Ordinance Amending Title 17 of the McMinnville City Code, Adopting a New Chapter 17.11, Residential Design and Development Standards for Compliance with HB 2001 (2019 Oregon Legislative Session), And Amendments to the Rest of Title 17 and the Comprehensive Plan to Support the New Residential Design and Development Standards.

13. ADJOURNMENT OF REGULAR MEETING (9:50 PM)



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 26, 2022
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: Arbor Day Proclamation

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsibly & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is a proclamation to be read by the Mayor which will proclaim April 29, 2022 as Arbor Day in McMinnville.

Background:

Arbor Day was first celebrated in Nebraska in 1872 as a tree-planting holiday, and since that time the Arbor Day Foundation was formed and the holiday is now celebrated internationally each year. In Oregon, the first full week of April is celebrated as Arbor Week. Nationally, Arbor Day celebrated on the last Friday in April.

Discussion:

This year, the City of McMinnville celebrates the 25th consecutive year of recognition as a certified Tree City USA. The Tree City USA recognition program, sponsored by the Arbor Day Foundation in partnership with the United States Forest Service and National Association of State Foresters, honors a city's commitment to a framework for a healthy and sustainable urban forestry program. Recognizing and celebrating Arbor Day is an important component of the Tree City USA program. In McMinnville, it provides an opportunity to educate about trees and tree care, build support for the City's community forest, and helps foster a sense of civic pride. Arbor Day is also a day to recognize the many benefits provided by trees in McMinnville, the State of Oregon, and around the world:

- Trees clean air by removing pollutants
- Trees provide oxygen
- Trees contribute to positive mental health

- Trees help clean drinking water
- Trees provide shade to lower surface and air temperatures
- Trees help reduce effects of climate change
- Trees help save and conserve energy
- Trees support wildlife and provide habitat
- Trees help reduce crime
- Trees increase property values

To further support McMinnville, the Arbor Day Foundation has provided updates for street signs located at prominent entries to the city showing McMinnville has been a certified Tree City USA for 25 consecutive years. Also, McMinnville's Tree City USA flag continues to fly over the city on a flag pole at the Fire Department, near the corner of Baker Street and 2nd Street.

Attachments:

None.

Fiscal Impact:

None.

Recommendation:

Staff recommends that the Mayor read the attached proclamation to proclaim April 29, 2022 as Arbor Day in the City of McMinnville.

MB

City of McMinnville Oregon

PROCLAMATION

Whereas, in 1872 Julius Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and world; and

Whereas, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of our business areas, and beautify our community; and

Whereas, the City of McMinnville is celebrating its 25th year as a certified Tree City USA as recognized by the Arbor Day Foundation; and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Scott A. Hill, Mayor of the City of McMinnville, do hereby proclaim Friday, April 29, 2022 as

ARBOR DAY

in the City of McMinnville, and I urge all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of McMinnville to be affixed this 26th day of April, 2022.

Scott A. Hill, Mayor

STAFF REPORT

DATE: April 26, 2022
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: Historic Preservation Month Proclamation

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is a proclamation to be read by the Mayor which will proclaim May 2022 as Historic Preservation Month in McMinnville.

Background:

Historic Preservation Month was first established and observed by the National Trust for Historic Preservation in 1973. The National Trust for Historic Preservation is a nonprofit organization dedicated to protecting America's historic buildings, landscapes, and neighborhoods. The City's Historic Landmarks Committee is the appointed body that is involved in the practice of historic preservation, serving as the body tasked with managing the City's Historic Resources Inventory and reviewing any alteration to an existing historic landmark. The Historic Resources Inventory is a locally adopted list of protected historic structures, buildings, and sites in the city, and includes numerous resources dating back as far as 1853.

Discussion:

Historic Preservation Month is celebrated annually during the month of May across the country. Public agencies and nonprofits use the month of May as a time to celebrate and promote historic buildings, sites, landscapes, and neighborhoods. McMinnville's extensive Historic Resources Inventory, which includes numerous buildings and sites, provides ample opportunity to highlight the important historic resources that exist throughout the city. The McMinnville Downtown Historic District is listed on the National Register of Historic Places and includes many of the most prominent historic buildings in McMinnville, but a vast majority of our historic resources are located in other historic areas of the city.

Historic Preservation Education & Marketing Program

The Planning Department and the Historic Landmarks Committee is developing public education marketing program to increase public education, awareness, and appreciation of McMinnville's historic resources. This is included in the McMinnville Historic Preservation Plan as Goal 1, which is to "Increase Public Awareness and Understanding of McMinnville's History and its Historic Preservation Program".

The creation of the public education marketing program is funded by a Certified Local Government (CLG) grant that the Planning Department received from the State Historic Preservation Office (SHPO).

The CLG grant funds are being utilized to procure professional consultant services to assist in the execution of the public education marketing program.

This Place Matters

The City will be working to promote important and interesting historic throughout the summer by developing posters of thirty selected historic resources throughout the community and highlighting their historic significance. The posters will be distributed through the town and locate on signs on the identified properties with QR codes that will provide people with online access to historic and current photos of the site, as well as stories that provide more information about the role that the historic resources play in the city. The Planning Department will be sharing this information through social media platforms.

Attached to this report are a couple of early examples.

Speaker Series

Speakers have been identified that will provide talks about significant historic resources throughout the community. These talks will be highlighted throughout the summer.

Attachments:

Proclamation for Historic Preservation Month

Fiscal Impact:

None.

Recommendation:

Staff recommends that the Mayor read the attached proclamation to proclaim May 2022 as Historic Preservation Month in the City of McMinnville.



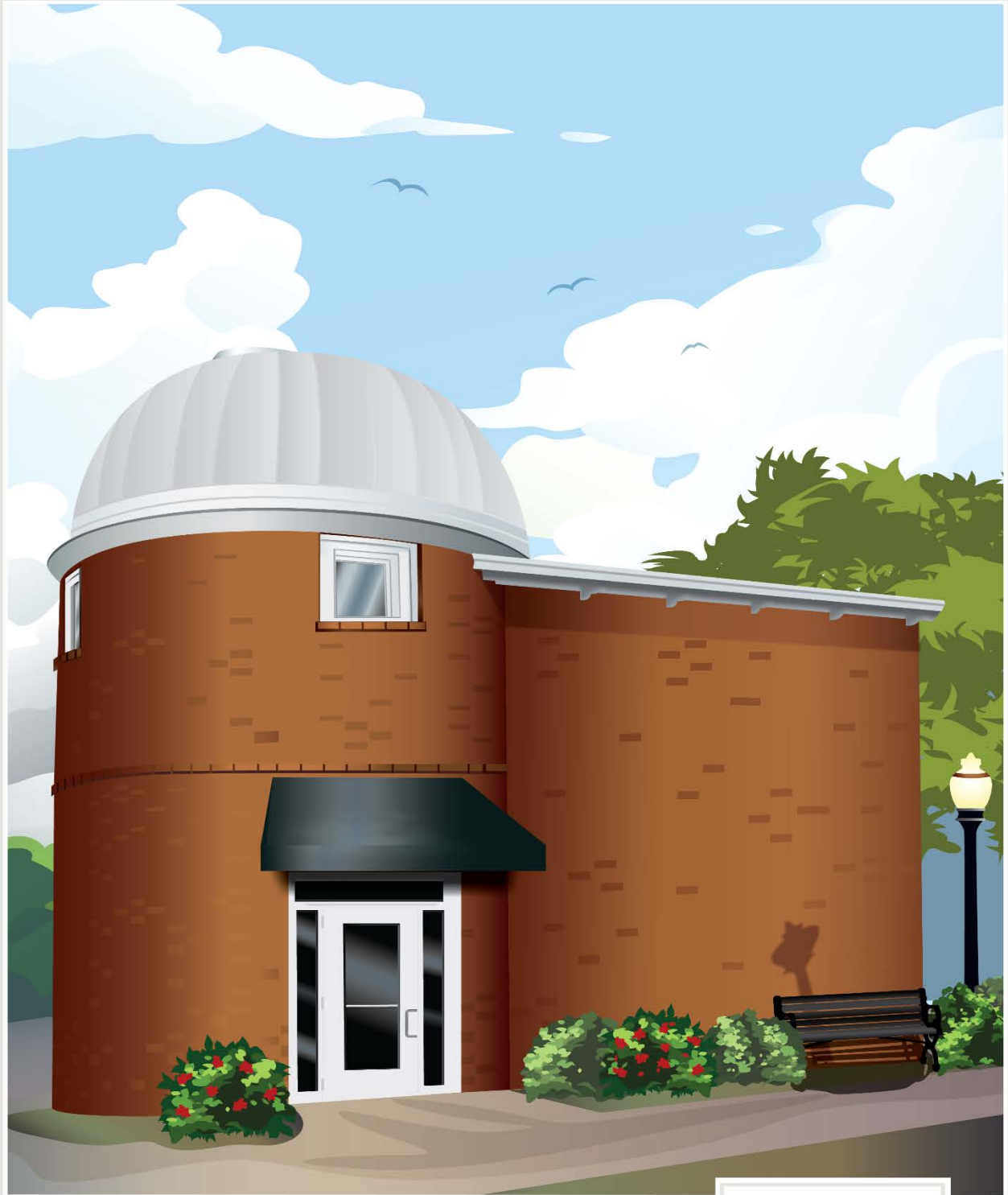
City of McMinnville

HISTORIC PRESERVATION
Mack Theater/Cook Building • Est. 1886

SCAN
to learn more



OR VISIT
www.mcminnvilleoregon.gov/planning

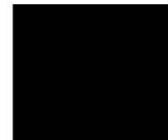


City of McMinnville

HISTORIC PRESERVATION

Linfield Observatory • Est. 1894

SCAN
to learn more



OR VISIT
www.mcminnvilleoregon.gov/planning



City of McMinnville

HISTORIC PRESERVATION

McMinnville City Park • Est. 1908

SCAN
to learn more



OR VISIT
www.mcminnvilleoregon.gov/planning

PROCLAMATION

Whereas, the National Trust for Historic Preservation, a nonprofit dedicated to protecting America’s historic buildings, landscapes, and neighborhoods, established an annual celebration of historic preservation across the country; and

Whereas, this celebration, known as National Historic Preservation Month, was first established and observed by the National Trust for Historic Preservation in 1973; and

Whereas, National Historic Preservation Month is now observed in the month of May every year throughout the country; and

Whereas, the City of McMinnville has a rich history as the primary social and economic center of the Yamhill County region; and

Whereas, the McMinnville Downtown Historic District, the economic center of our city focused on Third Street, is listed on the National Register of Historic Places; and

Whereas, the City of McMinnville promotes and protects its historic buildings and sites through a locally adopted Historic Resources Inventory, managed by the Historic Landmarks Committee, which includes numerous buildings and sites dating back as far as 1853; and

Whereas, the protection of our historic resources enhances the economic vitality of our community, beautifies our built environments, and instills in our community members a sense of pride in the historic importance of the City of McMinnville.

NOW, THEREFORE, I, Scott A. Hill, Mayor of the City of McMinnville, do hereby proclaim **May 2022** as

HISTORIC PRESERVATION MONTH

in the City of McMinnville, and I urge all citizens to celebrate Historic Preservation Month and support efforts to protect our valued historic resources throughout the city.

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 26th day of April, 2022.

Scott A. Hill, Mayor

STAFF REPORT

DATE: April 26, 2022
TO: Mayor and City Councilors
FROM: Jeff Towery, City Manager
SUBJECT: Supplement to April 12 Staff Report – Sustainable Resources: FY23 Franchise Fees

Strategic Priority and Goal:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief:

After receiving written and verbal public testimony and holding the subsequent discussion on April 12th, the City Council called for a public hearing on April 26th to give additional opportunity for public feedback on these potential action items. In addition, a majority of the Council expressed support for raising the electric payment in lieu of tax (PILOT) for Cascade Steel and Aire Liquide from 3% to 6% and appeared open to phasing that increase in over some period of time.

Discussion:

Staff has crafted an additional option for the Council's consideration that limits the PILOT to 6% and relies on increasing the existing wastewater franchise fee to 6% and establishing 6% franchise fees for the water and electric utilities. This approach would raise slightly more revenue than Option 2 and would keep the City's franchise fees within the typical range for such fees in Oregon. The Mayor and City Manager have met with representatives from Cascade Steel and plan to meet again with both Cascade Steel and McMinnville Water & Light and will provide a report and perhaps specific recommendations to the Council on April 26th.

Estimates for additional resources		New Option	Residential %	Commercial-Industrial %
Payment in Lieu of Tax (PILOT)	481,000	all pay 6%	34%	66%
Electric Franchise Fee	2,543,000	6% franchise fee	34%	66%
Water Franchise Fee*	272,000	6% franchise net revenue	58%	42%
Wastewater Franchise Fee	105,000	6% franchise fee	77%	23%
Total Additional Revenue	3,401,000		37%	63%

*Net amount noted, assumes \$200k annual water costs plus franchise percentage

Attachments:

1. Jennifer Cuellar, Finance Director Staff Report from 04-12-2022 City Council Packet
2. Resolution 2022-19 (Staff Propose Alternate), Payment in Lieu of Tax
3. Resolution 2022-19 (Original), Payment in Lieu of Tax
4. Resolution 2022-20 (Staff Propose Alternate), Wastewater Franchise Fee
5. Resolution 2022-20 (Original), Wastewater Franchise Fee
6. Resolution 2022-21 (Staff Propose Alternate), Water Franchise Fee
7. Resolution 2022-21 (Original), Water Franchise Fee
8. Resolution 2022-22 (Staff Propose), Electric Service Franchise Fee



STAFF REPORT

DATE: April 12, 2022
TO: Jeff Towery, City Manager
FROM: Jennifer Cuellar, Finance Director
SUBJECT: Sustainable Resources: FY23 Franchise Fees

Strategic Priority and Goal:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief:

At the Council's 6/22/2021 meeting, the governing body adopted its 2021 Annual Goals; included among them is the following goal under City Government Capacity:

Right-Size Services: Address insufficient resources by finding new sustainable funding sources: Looking for ways to bring additional revenue into the City's general fund

This goal came following the difficult FY2021-22 budget decisions which required service cuts and in recognition of the long-term trend of leaning on reserves to backfill budget gaps and pay for general operating activities. New sustainable resources are required to support a steady state budget relative current service levels as they cannot be supported by the traditional mix of property tax and existing general fund revenue sources such as franchise fees, state shared revenues, and fees for service. A commitment to rebuild reserves; make prudent investments in facilities maintenance and capital equipment replacement; and meet MacTown 2032 strategic plan goals with new programming require an even more substantial level of additional resources.

At the work sessions on 2/16/2022 and 3/22/2022, concrete options to add sustainable resources to the City of McMinnville General Fund were presented and discussed by Council and the Budget Committee (with the McMinnville Water and Light's Commission also in joint session at the February meeting). These deliberations, as well as input from the series of meetings undertaken over the last year on sustainable resources and core service delivery, indicates that Council is interested in acting on this 2021 goal to assure service level continuity and, in some priority areas, improvements in core service delivery. The importance of addressing deferred maintenance and capital equipment replacement as well as offering new programming to serve MacTown 2032's strategic goals and priorities has also been a theme many Council and Budget Committee members have stressed in these public meetings.

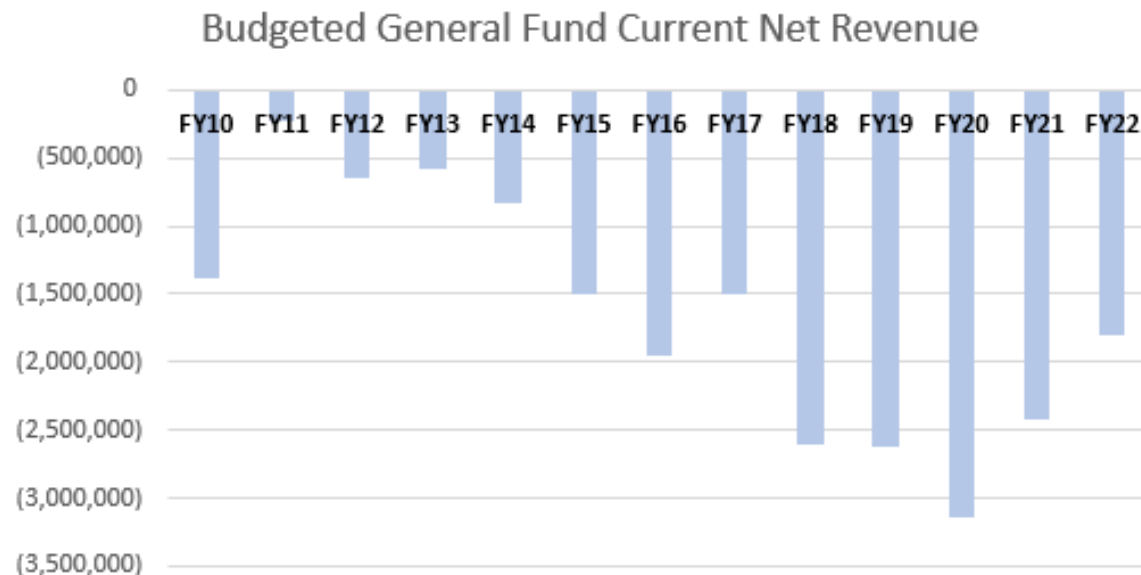
A decision on three resolutions is sought at the Council meeting of 4/12/2022. In addition, guidance on preferred approach for addressing the impact of a higher franchise rate for wastewater is also requested.

Discussion:

The primary vehicle discussed for increasing stable funding for the City of McMinnville has been establishing a City Services Charge. While staff has received indication of the preferred charge structure (option 3 of the 4 structures described by our rate consultant Deborah Galardi), concerns about the timing of this new charge relative the Fire District ballot measure indicate that there is more interest in focusing efforts on franchise and payment in lieu of tax (PILOT) for the FY2022-23 budget cycle. In addition, the complexities of implementing a service charge in partnership with McMinnville Water and Light, the City of McMinnville's municipal utility component unit, mean that it would pragmatically not be ready for next year's budget starting July 1, 2022.

A mix of two franchise fees and PILOT will combine to raise resource levels for general fund core services including police, fire, library, parks and recreation, short- and long-term planning efforts and municipal court, among others. The amount of resources to be generated depend on the fee levels across the three municipal fee types, all funding mechanisms that are commonly utilized by Oregon cities to support general fund activities that McMinnville seeks to stabilize and strengthen with time.

The budget gap staff is working to close for FY2022-23 for a steady state budget – one that does not include add packages – is consistent with the largest negative net revenue general fund budget adopted for FY2019-20.



Option 1:

At one end of the spectrum, Council might opt to establish a water franchise fee at 5%, consistent with the current wastewater franchise fee, and remove the subsidy for industrial electric customer contribution to PILOT. Currently, industrial customers pay 3% while all other commercial and residential electric utility payers are charged double that rate at 6%. This would generate approximately \$700,000 more general fund revenue in FY2022-23.

At this level of new sustainable revenues, it would require staff to present a budget that strips out routine building maintenance and capital investments as well as a reduction in service levels relative to the staffing capacity and program costs present in the current

fiscal year. No investments in raising the service delivery level of any core services from below base to base or adding capacity in new initiatives envisioned by MacTown 2032 could be contemplated.

Estimates for additional resources - Option 1

			Resid %	Biz-Industrial %
Payment in Lieu of Tax (PILOT)	500,000	all pay 6%	34%	66%
Water Franchise Fee*	205,000	5% franchise net revenue	58%	42%
Wastewater Franchise Fee	0	5% franchise fee (unchanged)	77%	23%
Total Additional Revenue	705,000		41%	59%

*Net amount noted, assumes \$200k annual water costs

Staff does not recommend Option 1 as it would result in a FY2022-23 budget requiring general fund service level reductions.

Option 2:

Staff recommends that the Council set the payment rates for all three of these revenue streams at 10%. This proposed action would also remove the significant subsidy that heavy industrial customers have enjoyed relative all other electric utility customers since it was first established over thirty years ago by the City Council in 1990.

Estimates for additional resources - Option 2

			Resid %	Biz-Industrial %
Payment in Lieu of Tax (PILOT)	2,175,000	all pay 10%	34%	66%
Water Franchise Fee*	605,000	10% franchise net revenue	58%	42%
Wastewater Franchise Fee	535,000	10% franchise fee	77%	23%
Total Additional Revenue	3,315,000		45%	55%

*Net amount noted, assumes \$200k annual water costs

This estimated funding injection totals \$3.3 million, enough to allow for a steady state budget along with basic facilities maintenance and capital investments. It also stretches to make some targeted advances on improving core service delivery levels from below base to base and MacTown2032 priority investments that in past years have not been possible.

While this amount is substantial, budget challenges would still be faced in terms of continuing to make progress on budgeted reserve targets as well as with core services investments and MacTown 2032 programming. We anticipate new resources will also be required to meet state mandates and our own local aspirations to better serve historically marginalized communities, address climate change and build resiliency in the face of potential natural disasters, while also future proofing our community so that it remains affordable and desirable to live and work in for new generations of upper-Willamette Valley Oregonians.

It merits noting that 10% will be among the highest franchise and PILOT rates in the state. Despite this unfavorable benchmark, this solution represents the best - and most realistic - funding strategy still open to the Council that can be enacted and implemented for the FY2022-23 budget year.

In December 2021, the City Manager and Mayor met with the Chief of Steel Operations and Business Performance of Schnitzer Steel Industries, Inc., the parent company of Cascade Steel. Among the topics of conversation was the PILOT subsidy and rate

generally. Mr. Ruckwardt expressed concerns about making changes to the PILOT because the steel industry is “a very cyclical commodity business with relatively low margins.” He shared Schnitzer Steel’s response to rule changes at the state level on Oregon’s Climate Protection Program (attached).

In terms of equity associated with the balance of resident to commercial and industrial contributions towards new sustainable resources for city programming, the weighted average contribution for this proposed combination of actions is 45% residential and 55% commercial and industrial customers. This compares favorably with 82% residential to 18% commercial and industrial estimates for the favored Option 3 of the City Service Charge rate structure.

When the lay of the land is clearer regarding the significant choices that will be brought to McMinnville voters in the next 6 to 24 months regarding the creation of a new fire district and a bond measure to support new recreation and library facilities, a rebalancing of franchise fees, PILOT rates and even a city services charge can be made so that the City’s funding is equitably shouldered by all the beneficiaries of great city services – all McMinnville’s residents and business owners, large and small, operating in town.

Wastewater Rate Recommendation Input Needed

At the 3/22/2022 work session, a wastewater utility rate study presentation was given. The recommendation of no rate increase for FY2022-23 included the assumption that the wastewater franchise fee would remain 5%. City staff seek input from Council as to preferences for how to proceed given decisions made tonight on an increase to the wastewater franchise fee:

1. Maintain a 0% wastewater rate increase for FY2022-23 and consider lower fund balance/higher rate increases in future years as part of FY2023-24 fiscal planning
2. Increase wastewater rates by the same amount of the franchise fee rate increase, thus keeping long range financial projections on same trajectory
3. Phase in wastewater rate increase by half on 7/1/2022 and the other half on either 1/1/2023 or 7/1/2023

Based on feedback from Council, staff will run the data through the rate model and come back with a refined recommendation and action, as needed, on FY2022-23 wastewater rates.

McMinnville Water and Light partnership

While less complicated than work required with the City Services Charge, implementation of a new water franchise fee and updates to the wastewater franchise fee and PILOT will impact the City’s utility component unit, McMinnville Water and Light. As the Council makes these decisions, it is effectively instructing McMinnville Water and Light staff, as well as City staff, to execute these resolutions in time for a 7/1/2022 start date.

Concerns from McMinnville Water and Light’s appointed Commissioners and staff have been raised regarding the new revenue options under consideration this last year. City employees will continue to partner with utility staffers to address implementation issues with the goal of efficient business processes with strong internal control frameworks.

Fiscal Impact:

These discussions will have an impact on the City’s financial sustainability and ability to maintain services in the FY23 budget cycle and beyond.

To meet budget process deadlines and allow the Council, Budget Committee and public ample time to review the proposed budget prior to mid-May public meetings, staff had to include assumptions on new revenues for the City and includes Option 2 assumptions in the balanced, proposed budget. Should Council choose a different revenue path, staff will prepare a companion document that describes the programming and budgetary impacts of a smaller or larger revenue estimate for the general fund in FY2022-23.

Attachments:

1. Resolution 2022-19, Payment in Lieu of Tax
2. Resolution 2022-20, Wastewater Franchise Fee
3. Resolution 2022-21, Water Franchise Fee
4. Schnitzer comments on rulemaking to Oregon Department of Environmental Quality on the Climate Protection Program

RESOLUTION NO. 2022-19

A Resolution Establishing an In-Lieu-Of Tax Payment of Six Percent (6%) by the Water and Light Commission to the City of McMinnville from the Electric Utility and Repealing Resolution Nos. 1988-31, 1990-4, and 2003-14.

RECITALS:

Whereas, the Water and Light Commission is authorized and empowered by City Charter to act on behalf of the City in the management, operation, and acquisition of electricity; and

Whereas, ORS 225.270 provides that a municipal electric utility shall pay to the City not less than three percent (3%) of the annual gross operating revenue of such utility; and

Whereas, since 1961, the Water and Light Commission has paid to the City in-lieu-of tax payments at a rate of six percent (6%); and

Whereas, in 1988, the City Council, via Resolution No. 1988-31, established an in-lieu-of tax payment by the Water and Light Commission of six percent (6%) of annual gross operating revenue except for heavy industrial users that had a rate of four and one-half percent (4.5%); and

Whereas, in 1990, the City Council, via Resolution No. 1990-4, again required an in-lieu-of tax payment by the Water and Light Commission of six percent (6%) of annual gross operating revenue, but it reduced the rate for heavy industrial users from four and one-half percent (4.5%) to three percent (3%); and

Whereas, the City Council, via Resolution No. 2003-14, established that each Water and Light customer within the heavy industry class shall be charged, at maximum, the total actual fee revenue collected from that heavy industry customer plus three percent (3%), and each subsequent year increase could not exceed three percent (3%); and

Whereas, the City seeks to reinstate its in-lieu-of tax payment of six percent (6%) of annual gross operating revenue across all electric utility customer classes.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. Beginning on July 1, 2022, the in-lieu-of tax payment by the Water and Light Commission to the City of McMinnville is six percent (6%) of annual gross operating revenue across all customer classes.

2. Resolution Nos. 1988-31, 1990-4, and 2003-14 are hereby repealed.
3. That this resolution shall take effect on July 1, 2022 and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2022-19

A Resolution Establishing an In-Lieu-Of Tax Payment of Ten Percent (10%) by the Water and Light Commission to the City of McMinnville from the Electric Utility and Repealing Resolution Nos. 1988-31, 1990-4, and 2003-14.

RECITALS:

Whereas, the Water and Light Commission is authorized and empowered by City Charter to act on behalf of the City in the management, operation, and acquisition of electricity; and

Whereas, ORS 225.270 provides that a municipal electric utility shall pay to the City not less than three percent (3%) of the annual gross operating revenue of such utility; and

Whereas, since 1961, the Water and Light Commission has paid to the City in-lieu-of tax payments; and

Whereas, in 1988, the City Council, via Resolution No. 1988-31, established an in-lieu-of tax payment by the Water and Light Commission of six percent (6%) of annual gross operating revenue except for heavy industrial users that had a rate of four and one-half percent (4.5%); and

Whereas, in 1990, the City Council, via Resolution No. 1990-4, again required an in-lieu-of tax payment by the Water and Light Commission of six percent (6%) of annual gross operating revenue, but it reduced the rate for heavy industrial users from four and one-half percent (4.5%) to three percent (3%); and

Whereas, the City Council, via Resolution No. 2003-14, established that each Water and Light customer within the heavy industry class shall be charged, at maximum, the total actual fee revenue collected from that heavy industry customer plus three percent (3%), and each subsequent year increase could not exceed three percent (3%); and

Whereas, the City seeks additional revenues to ensure that the City can continue to operate at current levels of service, and

Whereas, the City's property tax, the largest revenue source supporting general fund City services, cannot be increased due to State Measures 5 and 50 passed in the 1990s.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. Beginning on July 1, 2022, the in-lieu-of tax payment by the Water and Light Commission to the City of McMinnville is ten percent (10%) of annual gross operating revenue across all customer classes.
2. Resolution Nos. 1988-31, 1990-4, and 2003-14 are hereby repealed.
3. That this resolution shall take effect on July 1, 2022 and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2022-20

A Resolution Revising Paragraph F of Resolution No. 2019-35 Regarding the Franchise Fee for Wastewater Services.

RECITALS:

Whereas, in 2019, the City Council, via Resolution No. 2019-35, established a franchise fee for wastewater services; and

Whereas, the franchise fee is provided in paragraph F of Resolution No. 2019-35, and is in the amount of five percent (5%) of all wastewater revenues generated from the user fees set forth therein; and

Whereas, franchise fees collected by the City support general fund City services and the City seeks resources to maintain its current levels of service.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. Beginning on July 1, 2022, paragraph F of Resolution No. 2019-35 is amended as follows: "five-percent (5%)" of paragraph F is hereby deleted and replaced with "six percent (6%)."
2. All other terms of Resolution No. 2019-35 continue to be in full force and effect.
3. That this resolution shall take effect on July 1, 2022 and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2022-20

A Resolution Revising Paragraph F of Resolution No. 2019-35 Regarding the Franchise Fee for Wastewater Services.

RECITALS:

Whereas, in 2019, the City Council, via Resolution No. 2019-35, established a franchise fee for wastewater services; and

Whereas, the franchise fee is provided in paragraph F of Resolution No. 2019-35, and is in the amount of five percent (5%) of all wastewater revenues generated from the user fees set forth therein; and

Whereas, franchise fees collected by the City support general fund City services and the City seeks resources to maintain its current levels of service.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. Beginning on July 1, 2022, paragraph F of Resolution No. 2019-35 is amended as follows: "five-percent (5%)" of paragraph F is hereby deleted and replaced with "ten percent (10%)."
2. All other terms of Resolution No. 2019-35 continue to be in full force and effect.
3. That this resolution shall take effect on July 1, 2022 and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2022-21

A Resolution Establishing a Franchise Fee for Water Services.

RECITALS:

Whereas, the City of McMinnville, by and through the Water and Light Commission, provides water services throughout the city and the region and utilizes publicly-owned space including, but not limited to, City right-of-way and easement areas, to provide such services; and

Whereas, the City seeks to establish a franchise fee for water services to compensate the City for the use of its right-of-way and easement areas.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. Beginning on July 1, 2022, a franchise fee in the amount of six percent (6%) is assessed on all water revenues generated from the fees collected from users within the City limits for the provision of water services provided by the City through the Water and Light Commission.
2. The water franchise fee will be remitted by the Water and Light Commission to the City each month and will be transferred to the City General Fund for appropriation by the City Council.
3. This resolution shall take effect on July 1, 2022 and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2022-21

A Resolution Establishing a Franchise Fee for Water Services.

RECITALS:

Whereas, the City of McMinnville, by and through the Water and Light Commission, provides water services throughout the city and the region and utilizes publicly-owned space including, but not limited to, City right-of-way and easement areas, to provide such services; and

Whereas, the City seeks to establish a franchise fee for water services to compensate the City for the use of its right-of-way and easement areas.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. Beginning on July 1, 2022, a franchise fee in the amount of ten percent (10%) is assessed on all water revenues generated from the user fees collected for the provision of water services provided by the City through the Water and Light Commission.
2. The water franchise fee will be remitted by the Water and Light Commission to the City each month and will be transferred to the City General Fund for appropriation by the City Council.
3. This resolution shall take effect on July 1, 2022 and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2022-22

A Resolution Establishing a Franchise Fee for Electric Services.

RECITALS:

Whereas, the City of McMinnville, by and through the Water and Light Commission, provides electric services throughout the city and the region and utilizes publicly-owned space including, but not limited to, City right-of-way and easement areas, to provide such services; and

Whereas, the City seeks to establish a franchise fee for electric services to compensate the City for the use of its right-of-way and easement areas.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. Beginning on July 1, 2022, a franchise fee in the amount of six percent (6%) is assessed on all electric revenues generated from the fees collected from users within the City limits for the provision of electric services provided by the City through the Water and Light Commission.
2. The electric franchise fee will be remitted by the Water and Light Commission to the City each month and will be transferred to the City General Fund for appropriation by the City Council.
3. This resolution shall take effect on July 1, 2022 and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

STAFF REPORT

DATE: April 26, 2022
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: Resolution No. 2022-23

STRATEGIC PRIORITY & GOAL:



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)
Create diverse housing opportunities that support great neighborhoods.

OBJECTIVE/S: Collaborate to improve the financial feasibility of diverse housing development opportunities

Report in Brief:

This is a public hearing to consider Resolution No. 2022-23 closing out a \$500,000 Community Development Block Grant for Manufactured Home Rehabilitation in McMinnville. This project was undertaken in partnership with the Housing Authority of Yamhill County and the Yamhill County Affordable Housing Corporation (YCAHC).

The City is required to hold a public hearing to take comments from citizens on the administration and distribution of the funds.

Darcy Reynolds, Housing Rehabilitation Specialist for the Housing Authority of Yamhill County, will provide a presentation on the outcomes of the project.

Background:

The Yamhill County Housing Rehabilitation Program has provided assistance to lower income homeowners throughout the county to make necessary repairs and upgrades to their homes since 1980. The program is funded largely through Community Development Block Grants (CDBG's) that are awarded to local jurisdictions by the state's Infrastructure Finance Authority, a department within the Oregon Business Development Department.

These grants are administered by the Yamhill County Affordable Housing Corporation (YCAHC) and its agent, the Housing Authority of Yamhill County (HAYC).

Discussion:

This \$500,000 CDBG grant was awarded to the City of McMinnville in 2019. Grants were distributed to 39 households impacting 69 people, all of which were low-income.

Grants were provided to construct accessible ramps for people who experiencing mobility challenges so that they could stay in their homes. Wood rot, mold, water damage and leaky roofs were all abated and repaired.

The assistance went to households who could not afford the repairs needed to be able to remain in their homes in safe and habitable conditions.

Attachments:

Memo from Yamhill County Affordable Housing Authority
Resolution No. 2022-23

Fiscal Impact:

This program was entirely funded by CDBG grants. The City did make a conscientious decision not to bill staff time to the grant in order to reserve as much funding as possible for needed projects.

Recommendation:

Staff recommends approval of the Resolution after conducting a public hearing.

"I move to approve Resolution No. 2022-23."



To: City of McMinnville Mayor and City Council Members

From: Darcy Reynolds - Housing Rehabilitation Specialist, representing the Housing Authority of Yamhill County (HAYC), and Yamhill County Affordable Housing Corporation (YCAHC) a non-profit agency.

Date: April 4, 2022

Subject: Final Public Hearing for the 2019 McMinnville Housing Rehabilitation Community Development Block Grant.

PUBLIC HEARING

The purpose of this Public Hearing is for the City Council of McMinnville to obtain citizens views about the 2019 Community Development (CDBG) Housing Rehabilitation Grant project, and to take comments about the local government's performance.

PROJECT SUMMARY

This project assisted 39 households, 69 people total, 100% of which were low income, by providing grants to complete immediate health and safety repairs to their manufactured homes (more project details will be provided by HAYC during the public hearing comment section).

CITY PERFORMANCE

My experience working with the City of McMinnville during this project was outstanding. The city's staff met the multitude of project requirements timely and accurately, and were very pleasant to work with.

The city also performed very well during the state audit, with no performance findings.

I'd like to give special recognition and appreciation to the following city officials for their roles in making this project a success:

- Mayor Scott Hill and the Council for supporting the application for the CDBG funding.
- Heather Richards, Planning Director, for assuming the role of certifying officer. This involved acting as the central point of contact for the grant, reviewing and signing off on all the site-specific environmental reviews as well as various policies and contractual documents, working directly with the state during the course of the project and the audit.



- Marcia Baragary, former Finance Director, and Jennifer Cuellar, current Finance Director for reviewing and signing draw requests, turning reimbursement checks over timely, as well as participating in the audit.
- Building Division staff Stuart Ramsing, Katie Land and Rob Reygers for their support with permits and code compliance.

Thank you to all the city representatives who were very efficient, and pleasant to work with, who helped make this project a success.

RESOLUTION NO. 2022-23

A Resolution conducting a public hearing for the McMinnville City Council to obtain Citizen' views about the 2019 Housing Rehabilitation Community Development Block Grant (CDBG), and to take comments about the local government's performance.

RECITALS:

Whereas, At the May 19, 2019, meeting the McMinnville City Council gave its unanimous support to move forward with a CDBG application to provide grants to owners of manufactured homes in parks to repair immediate health and safety issues in their homes; and

Whereas, On June 11, 2019, the McMinnville City Council passed resolution 2019-36 to submit the CDBG application and to hold the required initial public hearing; and

Whereas, the application was submitted to Business Oregon on September 18, 2019; and

Whereas, the contract between McMinnville and Business Oregon, the Subgrant Agreement between McMinnville and Yamhill County Affordable Housing Corporation (YCAHC), and the Professional Services Agreement between YCAHC and the Housing Authority of Yamhill County were all signed by May 29, 2020; and

Whereas, all the Federal Requirements, minus this public hearing, and all of the construction projects were completed February 10, 2022; and

Whereas, the goal of the grant was to provide assistance to 45 households, 100 persons total, with critical repair items on their manufactured homes in order to sustain healthy and safe housing.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. A public hearing was held on April 26, 2022, to accept public comments and feedback on the 2019 Housing Rehabilitation CDBG, and the city's performance during the project.
2. A public hearing notice was placed in the April 15, 2022, addition of the News Register.

3. A total of 39 households and 69 people, all of which were low income were assisted by this project to complete immediate health and safety repairs to their manufactured homes.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

STAFF REPORT

DATE: April 26, 2022
TO: Mayor and City Councilors
FROM: Tom Schauer, Senior Planner
SUBJECT: Ordinance No. 5112, Affordable Housing Construction Excise Tax (CET)

STRATEGIC PRIORITY & GOAL:



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)

Create diverse housing opportunities that support great neighborhoods.

OBJECTIVE/S: Collaborate to improve the financial feasibility of diverse housing development opportunities

Report in Brief:

This is a public hearing to consider an ordinance amending the McMinnville Municipal Code to adopt an Affordable Housing Construction Excise Tax (AHCET) as presented in **Attachment 1**.

Background:

SB 1533 was signed into law in 2016, authorizing the governing body of a city or county to impose a construction excise tax on new construction to fund Affordable Housing incentives and development programs.

Following passage of SB 1533, the McMinnville Affordable Housing Task Force, now the Affordable Housing Committee, evaluated whether to recommend approval of an Affordable Housing Construction Excise Tax to City Council, and evaluated parameters for a proposed Affordable Housing Construction Excise Tax. As part of a multi-year evaluation, they outreached to other cities, the development community, and housing organizations. The affordable housing needs in the community have only increased since the committee began discussion of the Affordable Housing CET as a funding source to help meet McMinnville's affordable housing needs.

On October 20, 2021, the McMinnville Budget Committee provided a recommendation to City Council regarding a package of sustainable funding sources, including a recommendation

for City Council to consider the Affordable Housing Construction Excise Tax. On October 27, 2021, the McMinnville Affordable Housing Committee recommended adoption of the Affordable Housing Construction Excise Tax to City Council.

On November 17, 2021, the McMinnville City Council held a work session regarding the Affordable Housing Construction Excise Tax. Presentations were provided by staff and by representatives of other cities with Affordable Housing CETs: Bend, Tigard, and Newberg.

The Affordable Housing Committee expressed that it would be important for City Council to hear about the experiences of other cities. Specifically, the AHC thought it would be most valuable to hear from Bend, Tigard, and Newberg. Bend has a unique experience with their extensive history with an Affordable Housing CET and affordable housing programs, with the ability to provide breadth and depth of lessons learned and opportunities afforded by the program. Tigard and Newberg have some unique characteristics relevant to McMinnville. They are both in our region on the Highway 99 corridor, with Newberg also being a Yamhill County city. McMinnville's population is between those of Newberg and Tigard. In addition, Tigard and Newberg are two of the most recent cities to adopt affordable housing CETs. Tigard's was adopted about two years ago, and Newberg's was adopted about a year ago. They have also adopted parameters similar to those recommended by the Affordable Housing Committee.

The information provided by staff at the November 17, 2021 work session included a presentation of the Affordable Housing Committee's (AHC's) recommendation for an Affordable Housing CET, including a summary of the major elements of an Affordable Housing CET as recommended by the Affordable Housing Committee. Additional background information was provided regarding the 2016 state enabling legislation and the history of McMinnville's consideration of an Affordable Housing CET following the passage of SB 1533.

At the work session, the cities of Bend, Tigard, and Newberg shared information regarding their CETs and use of funds including the following:

- CET rates (residential and non-residential)
- Value:
 - Revenue generated from the CET (residential and non-residential),
 - How much has been spent on affordable housing projects,
 - How CET funding was used
 - Funds leveraged by the CET
 - What have they been able to accomplish to address affordable housing needs
 - How has this benefited the local construction sector and trades

Following the presentations at the work session, City Councilors expressed support for the Affordable Housing Committee's recommendation. Council provided direction to staff to

outreach to the Homebuilders Association and local builders, and to schedule a public hearing for consideration of an ordinance adopting an Affordable Housing CET.

Staff outreached to the Homebuilders Association and met via Zoom meeting on March 18, 2022 with Ryan Makinster, Director of Policy and Government Affairs for the Homebuilders Association of Metropolitan Portland (HBA PDX), which is the local affiliate of the Oregon Homebuilders Association which includes Yamhill County.

Staff also invited local homebuilders to an April 1, 2022 Zoom meeting, and sent out "Affordable Housing CET Quick Facts" in advance of the Zoom meeting (**See Attachment 2**). However, none of the invitees elected to join the Zoom meeting.

Discussion:

The attached Affordable Housing CET Quick Facts include information that illustrates the challenges McMinnville will face in addressing its affordable housing needs, and the associated economic development issues, without a dedicated funding source that the Affordable Housing CET would provide.

Through the outreach that followed the City Council work session, the Homebuilders Association of Metropolitan Portland requested that the City concurrently authorize deferred payment of System Development Charges (SDCs). SDCs are paid at the time of building permit issuance, and they requested that payment of SDCs be deferred until Certificate of Occupancy.

Following that meeting, key members of the Executive Staff met, including legal, finance, planning, building, and parks to discuss SDC deferrals. In addition, staff reached out to other communities that have adopted Affordable Housing CETs, including those that have established SDC deferral and/or financing programs.

Staff discussed several potential alternatives for structuring an SDC deferral program, including consideration of options for deferral to different stages of the construction process. With the different alternatives considered, there were concerns about impacts that may cause delays during the construction and inspection process, as well as concerns about potential delays to critical closing dates and homebuyer occupancy requirements with real estate transactions.

As a result of the meeting, staff determined there would need to be certain legal and administrative safeguards in place to implement an SDC deferral program, necessary for the protection of the City, as well as builders and homebuyers. However, those safeguards wouldn't necessarily address the concerns described above.

Such safeguards would require new administrative programs that would result in additional costs associated with the collection of SDC revenues, which would be incurred by the City, the builder, or both. Current private sector financing options generally provide a more efficient way to defer SDCs through financing without creating a duplicate municipal program that cannot operate as efficiently. Administration of an SDC deferral program with the required safeguards would result in a greater share of the collected revenue being directed toward administrative costs rather than the funding of programs and projects.

For the reasons noted above, staff is not prepared to recommend that City Council enact a concurrent SDC deferral program at this time.

Staff also discussed HB 3040-B. With HB 3040-B, the legislature determined the provisions of the original version of that bill should not go forward until an SDC study had been completed as specified in the bill. That work is underway. In part, the previous version of the bill would have required local governments to defer collection of SDCs until certificate of occupancy for multifamily residential, commercial, and industrial development and would have deferred SDC collection until sale of a single-family home as part of the closing costs.

The future results of the HB 3040-B study and any conclusions resulting from the study may help inform best practices for administration of SDC programs.

Attachments:

1. Ordinance No. 5112
2. Affordable Housing CET Quick Facts

Fiscal Impact:

The fiscal implication is dependent on the variability of construction activity in any given year. The background information presented to the Budget Committee for their recommendation to City Council on the Sustainable Funding Sources estimated annual revenues after the first year of between \$160,000 and \$560,000 per year based on historic construction activity.

The CET is also critical to leverage state and federal dollars for construction of affordable housing. Housing providers have communicated the importance of local matching funds to demonstrate local commitment, a scoring criterion which is critical to be successful in competing for multi-million dollar funding awards.

Recommendation

Based on the recommendations of the Budget Committee and the Affordable Housing Committee, staff recommends approval of Ordinance No. 5112 adopting the Affordable Housing Construction Excise Tax.

ORDINANCE NO. 5112

AN ORDINANCE AMENDING TITLE 3 OF THE MCMINNVILLE CITY CODE, ADOPTING AN AFFORDABLE HOUSING CONSTRUCTION EXCISE TAX.

RECITALS:

WHEREAS, the 2016 Oregon Legislature authorized the governing body of a city or county to impose a construction excise tax on new construction to fund Affordable Housing incentives and development programs through Senate Bill 1533 (2016), Chapter 59, Oregon Session Laws, 2016 (codified in ORS 320.170 to 320.195); and

WHEREAS, following passage of SB 1533, the McMinnville Affordable Housing Task Force, now the Affordable Housing Committee, evaluated whether to recommend approval of an Affordable Housing Construction Excise Tax to City Council, and evaluated parameters for a proposed Affordable Housing Construction Excise Tax. As part of a multi-year evaluation, they outreached to other cities, the development community, and housing organizations; and

WHEREAS, on October 20, 2021 the McMinnville Budget Committee provided a recommendation to City Council regarding a package of sustainable funding sources, including a recommendation for City Council to consider the Affordable Housing Construction Excise Tax; and

WHEREAS, on October 27, 2021, the McMinnville Affordable Housing Committee recommended adoption of the Affordable Housing Construction Excise Tax to City Council; and

WHEREAS, on November 17, 2021, the McMinnville City Council held a work session regarding the Affordable Housing Construction Excise Tax; and

WHEREAS, additional outreach was conducted with the development community on March 18, 2022 and April 1, 2022; and

WHEREAS, the City Council held a public hearing on April 26, 2022 to consider the Affordable Housing Construction Excise Tax, which was noticed in the News-Register on April 15; and

WHEREAS, the City Council having received the staff report, being fully informed about said request, and having deliberated;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That Title 3 of the McMinnville Municipal Code is amended as provided in Exhibit 'A', adding a new Chapter 3.30 "Affordable Housing Construction Excise Tax".

2. That at least five years and not more than six years after the effective date of this ordinance, the City Manager or designee shall prepare a report analyzing the impacts of the construction excise tax. Following the presentation of the report, the City Council may call for a public hearing to consider whether Chapter 3.30 should be repealed. Chapter 3.30 shall remain in effect unless repealed.

3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 26th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Affordable Housing Construction Excise Tax

**Exhibit 'A' - to Ordinance No. 5112
Affordable Housing Construction Excise Tax**

Chapter 3.30 AFFORDABLE HOUSING CONSTRUCTION EXCISE TAX

Sections:

- 3.30.010 Purpose
- 3.30.020 Definitions
- 3.30.030 Imposition of Tax
- 3.30.040 Exemptions
- 3.30.050 Collection of Tax
- 3.30.060 Statement of Full Value of improvement Required
- 3.30.070 Interest and Penalties
- 3.30.080 Refunds
- 3.30.090 Use of Revenue, Deed Restriction, and Annual Accounting
- 3.30.100 Administrative Fee
- 3.30.110 Appeal Procedure
- 3.30.120 Penalty
- 3.30.130 Review

3.30.010 Purpose

This chapter establishes a construction excise tax on commercial and residential improvements to provide funding for affordable housing in the city.

3.30.020 Definitions

The following definitions apply in this chapter.

"Affordable housing" means a housing unit for which a person earning 80% or less of area median income would not pay more than 30% of their gross income for housing payments.

"Area Median Income" means the Yamhill County median household income by household size as defined by the United State Department of Housing and Urban Development and published periodically.

"Building Division" means the McMinnville Building Division.

"City Manager" means the McMinnville City Manager or the Manager's designee.

"Commercial" means designed or intended to be used, or actually used, for other than residential purposes.

"Commercial and Industrial" means a structure designed or intended to be used, or actually used, for purposes other than residential purposes. Structures on land zoned Industrial or Commercial are presumed to be industrial or commercial.

"Construct" or "Construction" means erecting, constructing, enlarging, altering, repairing, improving, or converting any building or structure for which the issuance of a building permit is required by Oregon law.

"Housing units guaranteed to be affordable" means a residential housing unit for which a deed restriction or contractual obligation guarantees that the housing will remain affordable under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.

"Improvement" means a permanent addition to, or modification of, real property resulting in a new structure, additional square footage to an existing structure, or addition of living space to an existing structure.

"Net Revenue" means revenues remaining after the administrative fees described in section 3.30.100 are deducted from the total construction excise tax collected.

"Structure" means something constructed or built and having a fixed base on, or fixed to, the ground or to another structure.

"Value of Improvement" means the total value of the improvement as determined in the process of issuance of the building permit.

3.30.030 Imposition of Tax

Unless subject to exemption under Section 3.30.040, each person who applies for a building permit for real property located in the City of McMinnville shall pay a construction excise tax, as follows:

- A. Commercial or Industrial improvements shall be subject to and pay an excise tax in the amount of 1% of the value of the improvement. 100% of the net revenue of the tax collected shall go towards affordable housing programs, after deducting the administrative fee as set forth in Subsection 100 of this chapter.
- B. Residential improvements shall be subject to and pay an excise tax in the amount of 1% of the permit valuation of the improvement. The tax collected shall go towards administration and affordable housing programs per ORS 320.195(3).
- C. The Building Division shall calculate the amount of excise tax due under this Chapter based on the documentation provided by the permit applicant at the time of issuance of building permits and shall be based on the total value of all improvements associated with the project regardless of the number of separate building or trade permits involved.
- D. The percentage rate of the construction excise tax shall not exceed that permitted by state law.
- E. Construction excise taxes may be paid by:
 - 1. The owner of the subject property; or
 - 2. Any agent of the property owner authorized to apply for a building permit on the property owner's behalf.

3.30.040 Exemptions

- A. The following are exempt from the Affordable Housing Construction Excise Tax, which are specifically exempt under ORS 320.173:
1. Private school improvements.
 2. Public improvements as defined in ORS 279A.010 (Definitions for Public Contracting Code).
 3. Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
 4. Public or private hospital improvements.
 5. Improvements to religious facilities primarily used for worship or education associated with worship.
 6. Agricultural buildings, as defined in ORS 455.315 (Exemption of agricultural buildings, agricultural grading and equine facilities) (2)(a).
 7. Facilities that are operated by a not-for-profit corporation and that are:
 - a. Long term care facilities, as defined in ORS 442.015 (Definitions);
 - b. Residential care facilities, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455); or
 - c. Continuing care retirement communities, as defined in ORS 101.020 (Definitions).
 8. Residential housing being constructed on a lot or parcel of land to replace residential housing on the lot or parcel of land that was destroyed or damaged by wildfire or another event or circumstance that is the basis for a state of emergency declared under ORS 401.165 or 401.309 or for the exercise of authority under ORS 476.510 to 476.610.
- B. The following are also exempt from the Affordable Housing Construction Excise Tax:
1. Any improvements that are now or hereafter exempt from the construction excise tax under state law.
 2. Any improvement funded by Construction Excise Tax proceeds, or other dedicated affordable housing funding through the City of McMinnville. Such exemption is limited to the amount of the city's investment in the improvement unless the improvement is otherwise exempt under Subsection (A) of this Section.
 3. Accessory non-living space located on residential property (e.g., shop buildings, garages, unenclosed covered patios and decks, etc.)
- C. The City Manager may require any person seeking an exemption to demonstrate that the improvements are eligible for an exemption and to establish all facts necessary to support the exemption.
- D. In the event that a property receiving an exemption under this section as affordable housing is subsequently sold for an amount that no longer qualifies as affordable housing, the seller shall be liable for all of the following:
1. an amount equal to the applicable construction excise tax as of the time of the construction;

2. interest on the tax at an annual rate of 12% from the date of the exemption; and
3. a late fee equal to 5% of total applicable taxes and interest owing under this section.

3.30.050 Collection of Tax

The construction excise tax is payable on issuance of a building permit for the construction of improvements. A building permit may not be issued until the construction excise tax is paid.

3.30.060 Statement of Full Value of Improvement Required

It is a violation of this Chapter for any person or legal entity to fail to state, or to understate, the full value of improvements to be constructed in the City in connection with an application for a building permit.

3.30.070 Interest and Penalties

- A. Except for payments due pursuant to Section 3.30.040(D) above, all amounts of construction excise tax not paid when due shall bear interest on the entire unpaid amount at the rate of .83 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original date to the 15th day of the month following the date of the payment. Interest amounts may not be waived. A penalty of five percent of the underpayment of construction excise tax shall apply to:
 1. Any underpayment due to the improvements constructed initially failing, or later ceasing, to be exempt affordable housing under section 3.30.040(A)(3).
 2. Any underpayment involving a failure to state or an understatement of the full value of improvements. If not paid within ten days after billing all interest and penalties shall merge with and become part of the construction excise tax required to be paid under this Chapter. From the point of merger, the previously assessed interest and penalty become part of the tax due for calculation of interest and penalty for subsequent periods.

3.30.080 Refunds

- A. The City shall issue a refund to the owner listed on the permit for which a tax was assessed and paid, in the amount of the tax actually paid, under the following circumstances:
 1. If the taxpayer establishes that the tax was paid for improvements that were otherwise eligible for an exemption under section 3.30.040.
 2. If the taxpayer establishes that construction of the improvements was not commenced and the associated building permit has been cancelled by the Planning Department.
- B. The City Manager shall either refund all amounts due under this section within 30 days of the date a written request for refund is filed with the city or give written notice of the reasons why the refund request has been denied. Such decision is subject to the appeals provisions in 3.30.110.

- C. Any request for refund must be initiated within one year from the date of payment.

3.30.090 Use of Revenue, Deed Restriction, and Annual Accounting

- A. Except for funds withheld for administrative costs under Section 3.30.100, all construction excise taxes levied upon projects on commercial, industrial and mixed-use property under Section 3.30.030A shall be used in accordance with Subsections (C) and (D) herein; and
- B. Except for funds withheld for administrative costs under Section 3.30.100, construction excise taxes levied upon projects on residential improvements under Subsection 3.30.030(B) shall be used as follows:
 - 1. 50% to fund developer incentives under subsection (C);
 - 2. 15% to the Oregon Housing and Community Services Department to fund home ownership programs that provide down payment assistance; and
 - 3. 35% to fund developer incentives and affordable housing programs under subsections (C) and (D), herein.
- C. The City may fund developer incentives allowed or offered pursuant to ORS 197.309(5)(c) and (d) and 197.309(7), including but not limited to:
 - 1. system development;
 - 2. land acquisition; and/or
 - 3. local public improvements required by municipal governments.
- D. The City may fund affordable housing programs in accordance with Section 9, Chapter 59, Oregon Laws 2016, including but not limited to:
 - 1. Rent buy-downs and subsidies;
 - 2. Down-payment assistance; and/or
 - 3. Foreclosure-prevention assistance.
- E. Any affordable housing unit built or purchased with construction excise tax funds shall have recorded in its chain of title a deed restriction that requires that the property remain "affordable housing" as defined by this Chapter, for a period of no less than 60 years from the date of restriction.
- F. The City Manager shall provide the City Council with an annual accounting, based on the city's fiscal year, for construction excise taxes collected and the projects funded from each account in the previous fiscal year. A list of the amounts spent on each project funded in whole or in part with construction excise tax revenues shall be included in the annual accounting.

3.30.100 Administrative Fee

- A. As authorized by Sections 8 and 9 of Chapter 59, Oregon Session Laws, 2016, the City shall receive an administrative fee equal to 4% the gross receipt of construction excise taxes, without regard to subsequent reductions due to refunds, failed payments, or similar reductions.
- B. The City shall deduct the administrative fees directly from the collected construction excise taxes.

- C. The City may recover from the construction excise taxes any banking fees or penalties that arise from the collection of construction excise taxes such as returned check charges.

3.30.110 Appeal Procedure

- A. Any written determination issued by the Planning Department applying the provisions of this Chapter, believed to be in error, may be reviewed by the City Manager if the recipient requests review in writing within ten days after receipt of the written determination together with all documentation required to support the request.
- B. Appeals of any other decision required or permitted to be made by the City Manager under this Chapter must be filed in writing with the City Manager within 10 days of the decision.
- C. After receiving an appeal under subsection B, the City Manager shall schedule the appeal to be heard by the Council, and provide notice to the appellant. The City Council shall determine whether the City Manager's decision or the expenditure is in accordance with the provisions of this Chapter and state law. The Council may affirm, modify, or overrule the decision. The decision of the Council shall be reviewed only by writ or review.
- D. The filing of any appeal shall not stay the effectiveness of the written determination unless the Council so directs.

3.30.120 Penalty

Violation of this chapter is a civil infraction.



City of McMinnville
 Planning Department
 231 NE 5th Street
 McMinnville, OR 97128
 (503) 434-7311

Affordable Housing Construction Excise Tax (AHCET) Quick Facts

Who:

McMinnville City Council

What:

Public Hearing to Consider
 Adoption of Affordable Housing
 Construction Excise Tax (AHCET)

When:

April 26, 2022

(See City of McMinnville website for
 Zoom online meeting link).

What is coming up?

On April 26, 2022, the McMinnville City Council will hold a public hearing to consider adoption of an Affordable Housing Construction Excise Tax (AHCET).

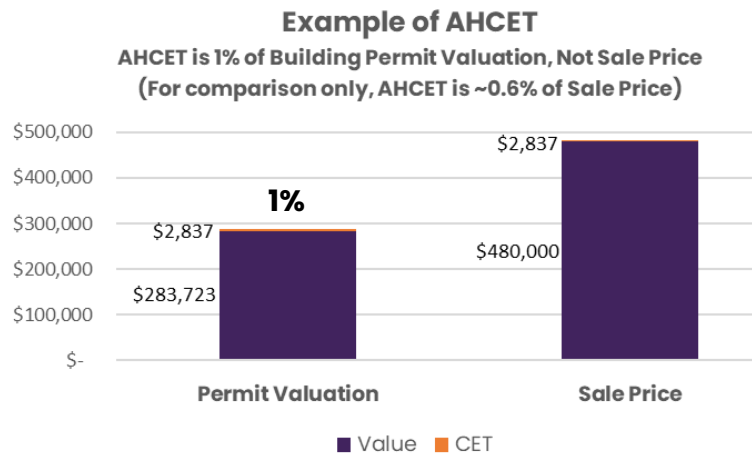
The McMinnville Affordable Housing Committee has recommended City Council adopt the AHCET, and the McMinnville Budget Committee has recommended the City Council adopt the AHCET as part of a package of sustainable funding sources.

What is the timeline?

If the City Council adopts the AHCET on April 26, **the AHCET is proposed to go into effect starting July 1, 2022.** If adopted on April 26, the City will also provide additional information and outreach regarding the AHCET following adoption.

What is proposed?

The proposal would establish an **Affordable Housing Construction Excise Tax (AHCET) of 1% of the building permit valuation** of residential and commercial construction. The AHCET would apply to new construction and construction that adds usable square footage. The AHCET would be due at the time a building permit is issued. Funds would be used to support housing which is affordable to households earning up to 80% of median household income. Certain developments would be exempt as provided in state law.



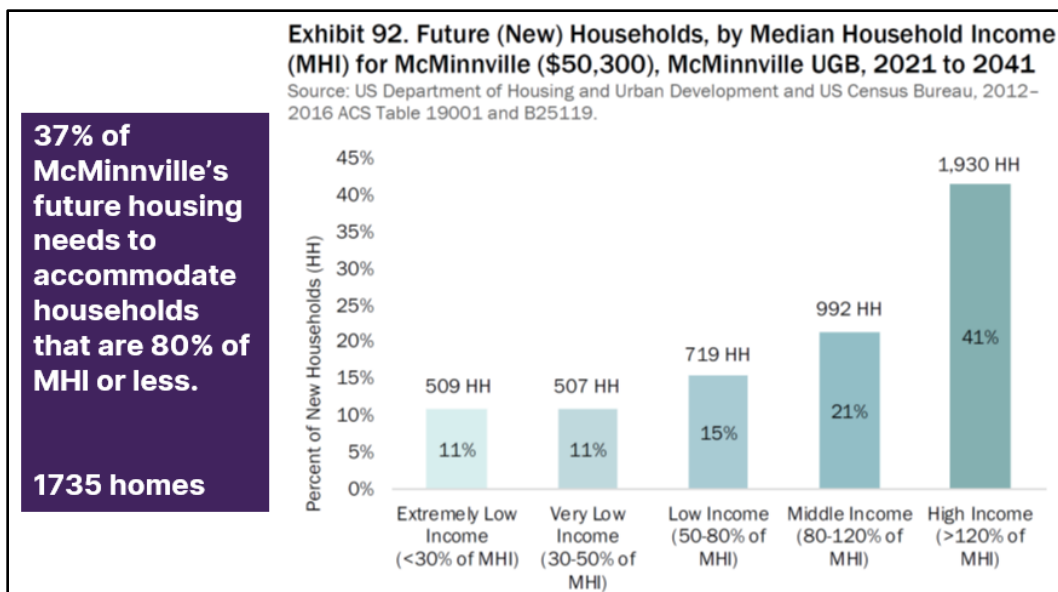
Please be aware the building permit valuation upon which the AHCET is based doesn't include land value, and it is not the same as the market value for which a home would sell. For comparison, the 1% AHCET is the same rate as the School District's current CET.

Why is this needed?

With housing costs growing at an unprecedented pace, the increasing gap between wages and housing prices means **housing is increasingly out of reach for many in our community**, including those who want to live and work here. For many in the community, "naturally occurring" affordable housing isn't available, and housing costs make up a disproportionate share of household income. Even some households earning more than McMinnville's median household income experience "cost burden," meaning more than one-third of their household income is spent on housing. For those earning less than the median household income, many experience housing costs exceeding one-half of their household income.

Increasingly, this has also become an **economic development issue** for McMinnville, making it more **challenging for businesses to recruit and retain employees** who may be unable to find and afford housing in McMinnville.

With passage of HB 2003, McMinnville will be required to show how it is enacting programs to meet identified housing needs. In addition, with McMinnville's new annexation process, the City will need a program to help incentivize and offset cost of affordable housing.



Source: Draft 2019 Housing Needs Analysis

How will this help?

The City of McMinnville is undertaking a **multi-faceted approach** to help address the community's **affordable housing needs**. Actions that have already been taken and are underway include:

- Reductions/waivers to permit fees and SDCs for affordable housing.
- Urban Growth Boundary amendment to add land for housing for all income levels
- Changes to land use regulations to allow more opportunities for a variety of housing

The AHCET would provide a funding source to help McMinnville meet its affordable housing needs. McMinnville doesn't have a dedicated funding source to assist affordable housing. Further, McMinnville doesn't qualify for certain federal funding sources available to some communities.

How would the revenue be used?

State law allows cities discretion in how they can use AHCET funds to assist affordable housing. The proposed ordinance would **dedicate the revenues to affordable housing**, but would **not be more restrictive than state law** regarding ways the City may assist affordable housing.

Other cities that have adopted AHCETs and taken a similar approach have found that this allows them to be responsive to projects that are effective in addressing affordable housing needs.

Residential CET \$ Distribution	Commercial CET \$ Distribution
4% of Revenue: Administration	4% of Revenue: Administration
50% of Balance: Developer Incentives for Affordable Housing	50% of Balance: To Fund Programs Related to Affordable Housing
15% of Balance: OHCS	50% of Balance: Unrestricted by State Law
35% of Balance: Local Affordable Housing Program	

A few examples of ways AHCET funds *could* be used include the following:

- Developer incentives and buy-down of costs as part of a development so some lots/homes can be made available to households earning less than 80% median household income.
- Revolving loans for low-cost financing of affordable housing.
- Local match to leverage other funding sources. This helps ensure McMinnville's housing partners are competitive when applying for housing funds so McMinnville doesn't lose out to other communities.
- Acquisition and holding of land to be available for affordable housing.

Who could qualify to use the AHCET funds?

There is nothing in the ordinance that limits who could apply to use CET funds. **Funds could be used by for-profit or non-profit developers and housing providers** as long as the funds are used to meet the applicable affordable housing criteria. Use of AHCET funds for construction of affordable housing also helps support the construction trades.

Have other cities adopted AHCETs?

Yes. Many cities in Oregon have adopted AHCETs, and they are **successfully using their AHCET revenues to support affordable housing**. Tigard and Newberg are among the cities that have most recently adopted AHCETs.

How can I get more information?

If you have questions or if you would like additional information, please contact the McMinnville Planning Department at 503-434-7311.

STAFF REPORT

DATE: April 26, 2022
TO: Jeff Towery, City Manager
FROM: Jennifer Cuellar, Finance Director
SUBJECT: KeyBank P-Card implementation



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief: Replace US bank visa cards with Purchasing cards (p-cards) through KeyBank.

Discussion:

The finance department seeks to move away from a corporate credit card product tied to individual staff members' personal credit to a purchasing card product in its place that is more suited to municipal use. The use of the p-card will generate a cash rebate for the city.

The p-card is accepted by vendors and utilized in the same way that the corporate credit card has been for purchasing goods or services for the City.

We anticipate the p-card program will result in more efficient processing of purchases centrally and that city employees administrative actions associated with purchases made by p-cards will be similar or the same as current credit card usage.

The City must enter into a contract agreement with KeyBank in order to implement the P-card process.

Finance staff will work with KeyBank to facilitate the implementation of the purchasing cards to staff in the city departments.

Fiscal Impact:

This program will result in a financial benefit to the City, albeit a small one.

Recommendation: Staff recommends adoption of the contract with KeyBank.

Documents:

1. Resolution No. 2022-23
 - a. KeyBank Contract for purchasing cards

RESOLUTION NO. 2022-23

A Resolution Approving Entering into a Contract with KeyBank.

RECITALS:

Whereas, the City of McMinnville wishes to implement Purchase cards to replace the use of the current US Bank Visa Cards.

Whereas, the City desires to contract with KeyBank as the administrator to provide the P-Card services.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That entry into a contract between the City of McMinnville and Keybank is hereby approved.
2. The City Manager is hereby authorized and directed to execute the agreement with KeyBank.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of April 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of April, 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. KeyBank Contract for purchasing cards

Officer's Certification

Key2Purchase® Program

For KeyBank Use Only
TIN # (required):
Account # (optional):
Doc Type: Treasury Services Agreement
Aux Doc Type: Public/Governmental Entity
KeyBank Contact Name:
Phone:
Modified <input type="checkbox"/> YES <input type="checkbox"/> NO

Public/Governmental Entity (herein "Government Entity" or "Entity") City of McMinnville		
State of Organization Oregon		
Principal Address of Business 230 NE Second Street McMinnville, OR 97128-4831		
Federal Tax Identification Number 93-6002204		
<p>1. Government Entity Information. This Certificate of Authority has been completed on behalf of the Government Entity identified above.</p> <p>2. Program. The Government Entity has determined that it is in the best interests of the Entity to obtain and establish a corporate charge card program, known as the Key2Purchase Program, from KeyBank National Association ("KeyBank"), which program may consist of one or more charge card accounts with one or more authorized users being provided an access device in the form of charge cards for such account(s) (herein referred to as the "Program"), provided that the maximum amount of credit extended under such Program will not exceed:</p>		
<p>\$ (the "Credit Limit"): 225,000/month</p>		
<p>The Program requires the Entity to designate a Program Administrator (as such term is defined in the Documentation) to provide day-to-day operational instruction and direction to KeyBank for maintenance of the Program.</p>		
<p>3. Authorized Persons. In accordance with the governance rules relating to the Government Entity, the following individuals (the "Authorized Person(s)") are authorized, on behalf of the Government Entity, to execute and deliver to KeyBank the Key2Purchase Application, its incorporated Terms and Conditions as well as any applicable Addendums thereto, and any other documentation and disclosures provided by KeyBank to Entity relative to the Program (collectively the "Documentation") for the purpose of establishing the Program, extending credit, and providing related services to the Government Entity with KeyBank in the United States (collectively, the "Services");</p>		
Name Jennifer Cuellar	Title Finance Director	Signature
Name Ronda Gretzon	Title Senior Accountant	Signature
Name	Title	Signature
<p>4. Execution Requirements. The governance rules relating to the Government Entity require the following number of Authorized Persons to sign the Documents for the Services (choose only <u>one</u>):</p> <p><input type="checkbox"/> One (1) Authorized Person <input checked="" type="checkbox"/> Two (2) Authorized Persons</p>		
<p>5. Execution. By signing the Documents, each individual signing in his or her capacity as an authorized signing officer of the Government Entity and not in his or her personal capacity, certifies and warrants that (a) all action required by Government Entity's organizational documents to authorize the signer(s) to act on behalf of the Government Entity in all actions taken under the Documents, including but not limited to, the authority to incur debt on behalf of the Government Entity, has been taken, (b) each signer is empowered in the name of and on behalf of the Government Entity to enter into all transactions and Services contemplated in the Documents and (c) the signatures appearing on all supporting documents of authority are authentic.</p>		

Officer's Certification – Key2Purchase Program

6. Officer's Assurances. The Authorized Person(s) indicated above, in addition to being authorized to execute the Documentation and bind the Entity, have also been put on notice as to the operation of the Program and Services, such that the Authorized Person(s) were/are fully aware, before execution of the Documentation, that:

- The Program (i) will have an initial three-year term (unless otherwise stated in Terms and Conditions) which term will be automatically extended thereafter until cancelled upon 90 days written notice, and (ii) will provide an extension of credit to be paid in full by Entity each month, such extension of credit, including fees, not to exceed the Credit Limit together with other terms as set forth in the Documentation, and which fees and other terms are subject to change in accordance with the provisions of the Documentation.
- A Program Administrator designated by any one of the authorized officers listed above has the full power and authority to act in accordance with the duties and responsibilities of a Program Administrator as set forth in the Documentation, including, but not limited to the ability to (i) establish new accounts and/or cards under the Program, (ii) add or delete Cardholders from the Program, (iii) revise ACLs (as such term is defined in the Documentation), (iv) make electronic payment from depository accounts for the Entity for payment of the accounts established under the Program, (v) direct application of rebates under the Program, (vi) to initiate payment to vendors of Entity through single use and ghost accounts and/or cards, and (vii) take all other commercially reasonable administrative and operational actions appropriate for a Program Administrator.
- KeyBank may accept instructions from any authorized officer or Program Administrator orally, electronically (including through the electronic portal established to administer the Program), or via a writing, and may further conclusively assume that all actions of such individuals are authorized by the Entity until receipt by KeyBank of a written notice to the contrary, in accordance with the provisions of the Documentation.
- KeyBank is not responsible for reviewing the transactions of Entity employees for Entity's compliance with the Documentation requirement that the charge cards under the Program are to be used for business purposes only, and therefore KeyBank will process and pay all transactions of cardholders under the Program without inquiry as to the circumstances of the use of the charge cards, subject to the terms of the Documentation.

7. Certifications.

I certify that I am the (Title of Individual):

and I am acting in my official capacity as an authorized officer who has been given the authority by the Government Entity make this Certification, and further to specifically certify that the Authorized Person(s) has/have the full power and authority under applicable law and the governance rules relating to the Government Entity to execute and deliver to KeyBank, on behalf of the Government Entity, and to bind the Government Entity under, the Documents for the purpose of establishing and extending the Services. I also certify that the name(s) and title(s) of the Authorized Person(s) set forth above are correct and that the signature appearing beside each name is a true and genuine specimen of his/her signature.

Printed Name of Individual Signing related to Section 7

Jeff Towery

Title

City Manager

Signature of Individual Signing Above (Cannot be an Authorized Person listed in Section 3)

Date

I certify that I am an officer of the Government Entity and that my title is:

I certify that the above named individuals in Section 3 and Section 7 are acting in their designated capacity on behalf of the Government Entity and/or the Governing Body of the Government Entity, as appropriate. I further certify the signature below is my genuine signature and the signature above is the genuine signature of the individual listed in Section 7.

Printed Name of Individual Signing

Scott Hill

Title

Mayor

Signature

Date

Officer's Certification – Key2Purchase Program

Instructions for completing the Certificate of Authority (COA)

Note that at least three different individuals must sign this document – one in section 3, two in section 7.

Section 1. Governmental Entity Information	Enter the entity/agency name and the Tax ID number on the document. Note that the entity/agency name must match exactly the name of the Participation Addendum and it must be the legal name of the entity. An exact match is required. If you do not know the legal name please consult with your legal department.
Section 2. Program	No action required.
Section 3. Authorized Persons	The individual who signed the Documentation (as that term is defined in the Officer's Certificate) must complete and sign Section 3.
Section 4. Execution Requirement	Check one box in Section 4 to indicate how many individuals (either 1 or 2) at your entity/agency are required to sign legal documents on behalf of entity/agency.
Section 5. Execution	No action required.
Section 6. Officer's Assurances	No action required.
Section 7. Certifications	The individual authorized to certify as to the Authorized Signers authority is required to sign this section. One other officer of the entity must sign below the signature attesting to the signature of the authorized individual. Note: Two individuals must sign this section. The individual(s) who signed in Section 3 cannot sign in Section 7 or this document is invalid.

Please call your KeyBank representative with any questions.

Note: At Public Entity's election, only one of the following documents needs to be delivered to KeyBank: (1) this Officer's Certification, or (2) the Legal Opinion (in the form provided by KeyBank).



Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Ryan Huett dba: Huett Cellars
BUSINESS LOCATION ADDRESS: 2803 NE Orchard Ave
LIQUOR LICENSE TYPE: Winery 1st location

Is the business at this location currently licensed by OLCC

Yes No

If yes, what is the name of the existing business:

Hours of operation: Monday-Friday 8 am to 5 pm
Entertainment: N/A
Hours of Music: N/A
Seating Count: N/A

EXEMPTIONS:
(list any exemptions)

Tritech Records Management System Check: Yes No

Criminal Records Check: Yes No

Recommended Action: Approve Disapprove



Chief of Police / Designee

City Manager / Designee



LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: <i>4/18/2022</i>
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Name of City or County: _____
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Distillery	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	By: _____
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	Date: _____
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	OLCC USE ONLY
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Date application received: _____
<input type="checkbox"/> Limited On-Premises	Date application accepted: _____
<input type="checkbox"/> Off-Premises	License Action(s): _____
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input checked="" type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

Ryan Huett

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT _____ App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT _____

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT _____ App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT _____

3. Trade Name of the Business (Name Customers Will See) <i>Huett Cellars</i>		
4. Business Address (Number and Street Address of the Location that will have the liquor license) <i>2803 NE Orchard Ave.</i>		
City <i>McMinnville</i>	County <i>Yamhill</i>	Zip Code <i>97128</i>

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



City of McMinnville
Public Works Department
3500NE Clearwater Drive
McMinnville, OR 97128
(503) 434-7313
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 21, 2022
TO: Jeff Towery, City Manager
FROM: Leland Koester, Wastewater Services Manager
SUBJECT: WRF Solids Treatment Capacity Improvement Project, 60%, 90%, 100%, and Bid Services

Report in Brief:

This action is the consideration of a resolution to award a Professional Services Contract to Jacobs (formerly CH2MHill) for the 60%, 90%, 100%, and Bid Services of the Water Reclamation Facility Solids Treatment Capacity Improvement Project, Project 2019-10.

Background:

In the fall of 2019, the City advertised a formal request for proposals for a consultant to develop a design for the WRF Biosolids Storage Tank and Grit System Expansion Project, based on recommendations from the 2009 Wastewater Master Plan. The City selected Jacobs. In the spring of 2020, the City approved resolution 2019-10 approving a Professional services contract with Jacobs for the first phase of the project, which was the preliminary design phase of the project. This phase of the project was completed in the spring of 2021, resulting in a Project Definition Report. The preliminary design included a comprehensive review of the WRF's solid's handling process, including grit system, screenings, digesters, and biosolids storage capacity. The evaluation concluded that only building another biosolids storage tank would not resolve digester capacity issues, could result in a stranded asset in the future, and would be more costly than previously thought due to geotechnical concerns. Therefore, the City worked with Jacobs to evaluate alternatives to address our needs.

- Expansion of our existing ATAD digesters with existing technology and add a new biosolids storage tank
- Install Generation 2 ATAD digesters and repurpose existing ATAD digesters
- Convert to the Lystek process
- Generation 2 ATAD digesters and biosolids dewatering
- Lystek process and biosolids dewatering

After evaluating the different alternatives, we determined that the best solution was to implement Generation 2 ATAD digesters now as Phase I and when needed add the dewatering features in Phase II.

Discussion:

The city has negotiated the type of services, work scope, project team, sub-consultants, fee schedule for the next phase of the project. Termed “Solids Treatment Capacity Improvement Project 60%, 90%, 100%, and Bid Services:

- Addition of two autothermal thermophilic aerobic digesters (ATADs) based on the Thermal Process Systems Thermaer™ process.
- Conversion of the three existing ATAD tanks to Thermal Process Systems SNDR™ process with consideration for constructing a new tank for the SNDR process, rather than retrofit of the existing tanks.
- Construction of an ATAD Support Building to house the equipment associated with the ATAD and SNDR processes.
- Replacement of the existing odor control system.
- Improvements to the existing decant system at the Biosolids Storage Tank.
- Accommodating a future project to implement dewatering and cake storage.
- Replacement of the Headworks PLC.

Upon completion of the 60%, 90%, 100%, and Bid Services, construction phases are anticipated. Jacobs Scope and Fee Proposal for the 60%, 90%, 100%, and Bid Services is included as Attachment 2 & 3 for the Council's reference.

The estimate for this scope of work is \$ 1,232,403.

Attachments:

1. Resolution 2022-25
 - a. Exhibit 1 to Resolution: First Amendment to Professional Services Agreement
 - i. Jacob's scope of work
 - ii. Fee Detail
 - iii. Fee Summary

Fiscal Impact:

Funds for the design work are included in the FY21/22 and FY 22/23 Wastewater Capital Fund (77).

Recommendation:

Staff recommends that the City Council adopt the attached resolution approving a Professional Services Contract with Jacobs for the 60%, 90%, 100%, and Bid Services phase of the WRF Solids Treatment Capacity Improvement Project, Project 2019-10.

RESOLUTION NO. 2021 – 25

A Resolution approving the award of a Professional Services Contract to Jacobs Engineering Group Inc. for the Solids Capacity Improvement Project 60%, 90%, 100%, and Bid Services, Project 2019-10.

RECITALS:

Whereas, in 2019, the City undertook a formal procurement process to request proposals (RFP) for the Water Reclamation Facility Biosolids Storage Tank and Grit System Expansion (“Project”); and

Whereas, Jacobs Engineering Group Inc. (“Jacobs”) was the successful proposer and the City executed a Professional Services Contract on April 7, 2020 for the first phase of the project during which Jacobs agreed to develop a Project Definition, but with the understanding that later phases described in the RFP, would be separately contracted as the Project advanced; and

Whereas, on January 29, 2021 the City received the WRF Biosolids Storage Tank and Grit System Expansion Project 2019-10, Project Definition Report (Phase 1); and

Whereas, this report listed the process and evaluations that took place and the final recommendations for moving forward with the 30% Schematic Design; and

Whereas, on December 10, 2021, the City executed a Professional Services Agreement with Jacobs to complete Phase 2 of the Project in which Jacobs agreed to provide the 30% Schematic Design; and

Whereas, the 60%, 90%, 100%, and Bid Services report has been received and the final recommendations for moving forward with the 60%, 90%, 100%, and Bid Services.

Whereas, the City has negotiated the type of services, work scope, project team, sub-consultants, fee, and schedule with Jacobs for this of the Project. Future detailed design and construction phases are anticipated; and

Whereas, the estimate for this scope of work is \$ 1,232,403; and

Whereas, project funding is included in the adopted FY 22 and FY 23 Wastewater Capital Fund (77) budget for the professional services of the biosolids storage tank and grit system expansion design.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE, OREGON, as follows:

1. That an amendment to the Professional Services Agreement with Jacobs for Phase 2 of the Water Reclamation Facility (WRF) Solids Capacity Improvement Project 60%, 90%, 100%, and Bid Services, Project 2019-10, in the amount of \$ 1,232,403 is hereby approved.

2. The City Manager is hereby authorized and directed to execute the First Amendment to the December 10, 2021 Professional Services Agreement with Jacobs, which First Amendment is substantially similar to **Exhibit 1** attached hereto.

3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of April 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of April 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

Exhibit A:

- First Amendment to Professional Services Agreement

CITY OF McMinnville
FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

**Water Reclamation Facility Biosolids Storage Tank and Grit System Expansion,
Phase 2**

This First Amendment to Professional Services Agreement (“First Amendment”) is effective the ____ day of _____ 2022 (“Effective Date”), by and between the **City of McMinnville**, a municipal corporation of the State of Oregon (“City”), and **Jacobs Engineering Group Inc.**, a Delaware corporation (“Consultant”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the City entered into a Professional Services Agreement (“Agreement”) with Consultant on December 10, 2021 relating to the Water Reclamation Facility Biosolids Storage Tank and Grit System Expansion Phase 2 Project (“Project”); and

WHEREAS, the City requires additional services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, the City and Consultant anticipate that additional time is needed to complete the Services stated in the Agreement and the Additional Services described in this First Amendment; and

WHEREAS, Consultant represents that Consultant is qualified to perform the Additional Services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such Additional Services as the City does hereinafter require;

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

The Agreement is amended as follows:

Section 1. Additional Services To Be Provided

Consultant will perform the Additional Services more particularly described in **Exhibit A**, attached hereto and incorporated by reference herein, for the Project pursuant to all original terms of the Agreement, except as modified herein.

Section 2. Time for Completion of Additional Services

The Additional Services provided by Consultant pursuant to this First Amendment shall be completed by no later than June 30, 2023.

Section 3. Compensation

The City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed ONE MILLION TWO HUNDRED THIRTY-TWO THOUSAND FOUR HUNDRED THREE DOLLARS (\$1,232,403) for performance of the Additional Services (“Additional Compensation Amount”) Consultant’s estimate of time and materials is attached hereto as **Exhibit B**, and incorporated herein by reference.

Section 4. All Other Terms

All of the other terms and conditions of the Agreement shall remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Agreement shall apply to this First Amendment.

The Consultant and the City hereby agree to all provisions of this First Amendment.

CONSULTANT:

JACOBS ENGINEERING GROUP INC.

By: _____

Print Name: _____

As Its: _____

Employer I.D. No. _____

CITY:

CITY OF McMinnville

By: _____

Print Name: _____

As Its: _____

APPROVED AS TO FORM:

Amanda R. Guile-Hinman, City Attorney
City of McMinnville, Oregon

g:\city attorney\03 - forms\contract_1st amd psa.docx

Exhibit A

Agreement for Professional Services for the City of McMinnville Water Reclamation Facility (WRF) Solids Treatment Capacity Improvements Project Project 2019-10

PROJECT DESCRIPTION

McMinnville's Water Reclamation Facilities Plan (2009, CH2M HILL/West Yost) recommended expanding the WRF in conjunction with reducing collection system infiltration and inflow (I&I) to address future wastewater treatment needs. Related to the solids treatment and headworks processes, the Facilities Plan included: construction of a 1-MG biosolids storage tank and mixer; construction of a dewatering process and dry biosolids storage; upgrade of odor control; expansion of grit removal; modification of the influent screens; and, addition of thermal drying. Since the Facilities Plan: the City has deferred some of the recommended projects; population growth, thus flows and lows, have not increased as projected; and, technologies have changed.

The Project Definition Report (2021, Jacobs) for the Biosolids Storage Tank and Grit System Expansion recommended implementation of the Solids Treatment Capacity Improvements Project, including the following major components:

- Addition of two autothermal thermophilic aerobic digesters (ATADs) based on the Thermal Process Systems Thermaer™ process.
- Conversion of the three existing ATAD tanks to Thermal Process Systems SNDR™ process with consideration for constructing a new tank for the SNDR process, rather than retrofit of the existing tanks.
- Construction of an ATAD Support Building to house the equipment associated with the ATAD and SNDR processes.
- Replacement of the existing odor control system.
- Improvements to the existing decant system at the Biosolids Storage Tank.
- Accommodating a future project to implement dewatering and cake storage.
- Replacement of the Headworks PLC.

The 30% Schematic Design began in December 2021 and will be completed by May 2022. The scope described herein is based on delivery of the 60%, 90%, 100%, and

Bid Services phases. The Work is proposed on a Time & Materials basis with a not-to-exceed budget of \$1,232,403.

BASIS OF DESIGN SCOPE AND FEE DEVELOPMENT

The following key assumptions were made in the compilation of this scope of work and the estimation of the level of effort:

- 1) The design and bid services phases scoped herein will last 12 months from authorization to proceed and be completed by June 2023.
- 2) No additional workshops or deliverables are included beyond those identified in the Work Approach.
- 3) The design will be based on the federal, state, and local codes and standards in effect on the effective date of the authorization to proceed. Any changes in these codes may necessitate a change in scope.
- 4) Wiring diagrams related to PLC-30 replacement will be produced during the construction phase and are not scoped herein.

City-Provided Services

- 1) City will provide to Consultant all data in City's possession relating to Consultant's services on the Project. Consultant will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by the City.
- 2) City will make its facilities accessible to Consultant as required for Consultant's performance of its services and will provide labor and safety equipment as required by Consultant for such access. City will perform, at no cost to Consultant, such tests of equipment, machinery, pipelines, and other components of City's facilities as may be required in connection.
- 3) City will give prompt notice to Consultant whenever City observes or becomes aware of any development that affects the scope or timing of Consultant's services, or of any defect in the work of Consultant.
- 4) The City will examine information submitted by Consultant and render in writing or otherwise provide decisions in a timely manner.
- 5) The City will furnish required information and approvals in a timely manner.
- 6) The City will provide a utility locate service to mark existing utilities, if necessary.
- 7) The City will develop any required permit applications, supporting information, and required reports and pay all permit processing fees.

WORK APPROACH

The project design work will be carried out using a phased design delivery approach to assure a logical and progressive completion of the design work. A specific list of work products and deliverables are identified in the tasks below. Design review workshops will be conducted with the City's personnel, key individuals from the Consultant's project team and others as needed; the design review workshops will be conducted at critical design milestones as identified in the following section.

Task 1: Project Management

Task 2: Final Design

Task 3: Bid Period Services

Task 4: Geotechnical

Task 5: Quality Management

Task 6: Estimate of Probable Construction Cost

Task 7: Additional Services

Task 1: Project Management

The purpose the Project Management task is to establish and monitor compliance with project budget and schedule.

Task 1.1: Progress Meetings and Updates

The Consultant's project manager will talk or email with the City's project manager weekly to review project progress and discuss upcoming work activities. The Consultant's project manager will provide monthly email summaries of work completed, upcoming activities and unresolved issues. All in-person meetings and workshops will be held at the WRF unless noted otherwise. When possible, meetings will be conducted over video conference.

Task 1.2: Project Management Plan

The Project Management Plan includes project instructions and a project health and safety plan for the Consultant's team. The plan developed in the previous design phase will be used for the remainder of design.

Task 1.3: Invoicing, Cost and Schedule Control

The Consultant's project manager will manage, administer, coordinate, and integrate work of the Consultant's team as required to deliver the project within budget and on schedule. The Consultant's project manager will prepare and submit to the City's project manager on a monthly basis, a brief cost and schedule status report and updated summary project schedule showing actual versus projected. The report

shall include a narrative description of progress to-date, actual costs for each major task, estimates of percent complete, and potential cost variances.

Deliverables: *Monthly status reports and invoices.*

Task 2: Final Design

Task 2.1: Prepare 60% Intermediate Design Documents

The purpose of this task is to utilize the conceptual decisions of the project that were made in the schematic design phase and develop the design in sufficient detail to convey the design intent to City staff. The 60 percent design level construction drawings and specifications will depict the final location and size of major components and systems.

Design development will include the following major work elements:

- Update and finalize process flow diagrams
- Finalize equipment selection and develop equipment data sheets
- Update and finalize P&ID's
- Prepare electrical one-line and typical control diagrams
- Prepare preliminary calculations
- Develop detailed drawings
- Prepare design details for each required discipline
- Develop draft specifications
- Update construction cost estimate
- Develop preliminary construction schedule

Consultant will conduct one 3-hour workshop to conduct a review of the work products with the City staff. Consultant's project manager, design manager and lead engineers will attend. Workshop will be hybrid with management team meeting with City in person and engineers meeting virtually.

Deliverables: *60% Design Development Drawings & Technical Specifications, and workshop agenda and minutes.*

Task 2.2: Prepare 90% Contract Documents

The purpose of this task is to develop the final review contract drawings, specifications, design details, and schedules for competitive bidding. The following activities will be completed under this subtask:

- Finalize specification Divisions 0 and 1 documents, including General Conditions, General Requirements, bidding documents, bonds, and Instruction to Bidders.

- Prepare construction drawings and design details.
- Prepare technical specifications.
- Prepare final calculations.
- Complete final checking and coordination review.
- Coordinate with City on plan reviews by outside agencies.
- Coordinate with City on advertising and bidding process.

Consultant will conduct one 3-hour workshop to conduct a review of the work products with the City staff. Consultant's project manager, design manager and lead engineers will attend. Workshop will be hybrid with management team meeting with City in person and engineers meeting virtually.

Deliverables: 90% review construction documents, workshop agenda and minutes

Task 2.3: Incorporate Final Review Comments & Prepare Bid Set (100% Complete)

Consultant will modify the contract documents to reflect all agreed upon final review comments from the City, DEQ and Consultant's quality control review team. Reproducible final documents will then be submitted to the City.

Deliverables: Record of comments and responses, final 100% construction documents.

Task 2.4: Site Visits

The Consultant will travel to visit two recent ATAD installations in Parker and South Fort Collins, CO. Budget is included for two Consultant staff members to travel and attend the site visits in a 2-day trip.

Task 3: Bid Period Services

The Consultant shall provide technical assistance as needed to interpret the contract documents during the construction contract bid phase. Correspondence with prospective bidders shall be documented in writing. Two Consultant team members shall attend the prebid conference and will assist in preparing up to three technical addenda to the contract documents (if needed). City is responsible for managing the advertisement and bidding process.

Deliverables: Written documentation of correspondence with bidders. Technical addenda to the contract documents (if needed).

Task 4: Geotechnical

As part of the 30% design effort, Jacobs completed geophysical exploration to determine depth of the bedrock at the project site, and to obtain shear wave velocity measurements to depth of about 450 feet. Jacobs used the geophysical exploration data, and the 2013 geotechnical data to complete seismic deformation and site-response analyses to identify the need for ground improvement or deep foundation for the new facilities.

The geotechnical evaluation for the 60% design will include development of design recommendations including foundation alternative evaluation, bearing capacity, lateral earth pressure, and settlement evaluation.

Deliverables: *Geotechnical Recommendations Report*

Task 5: Quality Management

The Consultant will carry out a quality assurance program (QAP). The purpose of this QAP is to monitor the quality of the Project through the use of internal quality assurance/quality control (QA/QC) reviews as described herein. The Consultant will manage multidiscipline internal QA/QC review activities with the senior review team. A QC review will be performed on process and cost calculations. A formal QC review will be performed prior to the City's review of the draft 60 and 90 percent documents.

A Quality Management Plan (QMP) will be prepared for the project to serve as a guide for all phases of the project. Key features of the QMP will include:

- A single point of contact responsible for all quality management.
- Independent quality review performed by discipline-specific quality reviewers to provide critical analysis without bias.
- Procedures for engineers; detailed checks of reports, calculations, drawings, design details and specifications.

Audits by QA personnel will be conducted to verify conformance with the approved QMP and confirm that required checking and review functions are completed.

Design quality review documentation will demonstrate that quality review process is complete and review comments are acceptably addressed as a component of the overall records management system. The review will be documented in a Technical Verification Form.

The level of effort for this task includes preparation of the QMP and QC reviews for the 60 and 90 percent phases.

Deliverables: *Written documentation verifying completion of QC review.*

Task 6: Estimate of Probable Construction Cost

For the 60% and 90% design phases, Consultant will prepare an Estimate of Probable Construction Cost. This cost estimate will be prepared based on the drawings and specifications, scale-up or scale-down factors, and cost data from other projects. It is intended that the estimate will include sufficient contingency to cover expected cost impacts that will be identified as the design evolves.

The estimate provided above will be based on the judgment and experience of the Consultant and shall not be construed as a guarantee of cost. In addition, predictions of economic feasibility, operating efficiency, costs and such other matters developed during designs, are forecasts based upon the judgment and experience of the Consultant and shall not constitute a guarantee of the final project cost.

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the Project, Consultant has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operational factors that may materially affect the ultimate Project cost or schedule. Therefore, Consultant makes no warranty that City's actual Project costs, financial aspects, economic feasibility, or schedules will not vary from Consultant's opinions, analyses, projections, or estimates.

Deliverables: AACE Class 1 and 2 estimate of probable construction cost.

Task 7: Additional Services Allowance

The City may elect to request the following services from Consultant during the course of the project. The scope, schedule and fee for each additional service will be negotiated and approved by the City prior to Consultant beginning the associated work. Additional services could include but are not limited to the items listed below. Note that the allowance provided would not fully fund the listed items.

- Upgrade or modifications of any existing building or structures including a feasibility study to make sure the proposed modifications can be implemented cost-effectively.
- Power system analyses for existing facilities. No additional secondary or emergency power source will be provided as part of the project.
- Modification or expansion of the I&C system or software for the existing processes, except where noted previously.
- Multiple construction contracts, phases or schedules.
- Studies, including wetlands mitigation, archaeological investigations, site history investigations, hazardous wastes, corrosion of existing piping, asbestos presence and similar study efforts.
- Legal, easement or plat surveys.

- Additional alternative plant site layouts.
- Evaluation of any structural problems associated with any existing plant facilities.
- Electrical and building code review of existing, unrelated processes to identify areas where the facilities do not meet current codes.
- Pre-purchase of selected equipment.
- Location/verification of existing below ground utilities.
- 3-D renderings and services to support local public interest efforts.
- Preparation, submittal, negotiations and comment responses and changes associated with obtaining regulatory agency permits. Drawings and specifications to be provided as part of the contract documents will be provided to the Consultant upon request for modification or annotation by the Consultant for use in permit application packages.
- Site work, including road repaving, in areas outside those needed for the new facilities.
- Additional topographic survey. Existing survey information will be used for the design of the new and modified facilities.
- Additional geotechnical borings or laboratory tests. The foundation design of the new facilities will be based on boring and site-specific ground motion site response analysis in 2013.

EXHIBIT B

Estimated Level of Effort
 McMinnville WRF Solids Treatment Capacity Improvements Project
 Final Design Phase

						Subconsultants		
		Jacobs Labor		Mileage and Additional	Total Jacobs Labor	Total Sub Hours	Total Sub Labor	
		Hours	\$					
1.0	Project Management		\$11,772	\$500	\$12,272		\$ -	
	Task Hours	66				0		
2.0	Final Design		\$996,962	\$8,000	\$1,004,962		\$ 35,240	
2.1	60% Design	2486				0		
2.2	90% Design	2794				0		
2.3	100% Design	1407				0		
2.4	Site Visits	32				0		
	Task Hours	6719				208		
3.0	Bid Services		\$9,089	\$500	\$9,589			
	Task Hours	64				0		
4.0	Geotechnical		\$33,129	\$0	\$33,129			
	Task Hours	201				0		
5.0	Quality Management		\$88,252	\$0	\$88,252		\$ -	
	Task Hours	324				0		
6.0	Cost Estimate		\$37,904	\$0	\$37,904		\$ -	
	Task Hours	150				0		
7.0	Additional Services		\$11,055	\$0	\$11,055		\$ -	
	Task Hours	48				0		
	TOTAL	7572	\$1,188,163	\$9,000	\$1,197,163	208	\$ 35,240	
	Cost							
	Hours							
					\$1,197,163		\$ 35,240	
						TOTAL	\$ 1,232,403	

Estimated Level of Effort
 McMinnville WRF Solids Treatment Capacity Improvements Project
 Final Design Phase

		J Koch PM	J Koch DM	D Oerke Process (Solids)	B Reistad Process (Solids)	T Greeley Process	M Heidari Geotech	L Bhaumik Geotech	K Galardi Odor	T Cotten Geotech	A Firth Structural	E Gray Arch	M Hoffmann Planning	S Chandler Civil/Lands cape	J Cutz Bldg Serv	S Baar Mech	M Winnett IC	G Erb IC	M Valenzuela Electrical	T Jones Cost	R Cowan DDL	G McFarland Mech CAD	B Gyaourova Civil CAD	H Jochimsen Struct CAD	J Hostetler Arch CAD	B Kiser Odor CAD	C McCoy Elect CAD	J Boss I&C CAD	L Wood QC	G Bates / L Hurt Project Controls	T Riddle Admin	
1.0	Project Management	\$ 6,909	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,863	\$ -
	Task Hours	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36	0
2.0	Final Design	\$ 70,014	\$ 62,184	\$ 5,900	\$ 19,742	\$ 81,690	\$ 9,042	\$ -	\$ 57,694	\$ -	\$ 68,349	\$ 16,781	\$ 14,468	\$ 62,042	\$ 24,589	\$ 42,987	\$ 39,481	\$ 28,537	\$ 38,056	\$ -	\$ 49,341	\$ 94,533	\$ 35,628	\$ 36,043	\$ 23,680	\$ 32,951	\$ 23,515	\$ 20,799	\$ -	\$ -	\$ -	\$ 38,914
2.1	60% Design	116	110	10	33	183	20		103	0	101	45	40	147	86	103	123	43	94	0	100	290	146	100	44	125	91	80	0	0	153	
2.2	90% Design	126	120	10	33	183	16	0	103	0	121	54	40	170	86	123	123	43	163	0	120	290	169	120	53	125	160	80	0	0	163	
2.3	100% Design	46	40	0	20	100	12	0	50	0	60	26	0	82	45	103	80	30	68	0	60	180	82	60	26	58	68	40	0	0	71	
2.4	Site Visits	16	0	0	0	0	0	0	0	0	0	0	0	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Task Hours	304	270	20	86	466	48	0	256	0	282	125	80	399	217	345	326	116	325	0	280	760	397	280	123	308	319	200	0	0	387	
3.0	Bid Services	\$ 3,685	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,990	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,413	
	Task Hours	16	0	0	0	0	0	0	0	0	0	0	0	0	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	24	
4.0	Geotechnical	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,433	\$ 11,002	\$ -	\$ 8,487	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,207	
	Task Hours	0	0	0	0	0	66	93	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	
5.0	Quality Management	\$ 2,764	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 84,282	\$ -	\$ 1,207
	Task Hours	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	300	0	12	
6.0	Cost Estimate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 37,904	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Task Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	150	0	0	0	0	0	0	0	0	0	0	0	0
7.0	Additional Services	\$ 11,055	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Task Hours	48	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	TOTAL																															
	Cost	\$ 90,742	\$ 62,184	\$ 5,900	\$ 19,742	\$ 81,690	\$ 21,475	\$ 11,002	\$ 57,694	\$ 8,487	\$ 68,349	\$ 16,781	\$ 14,468	\$ 62,042	\$ 24,589	\$ 42,987	\$ 39,481	\$ 28,537	\$ 38,056	\$ 37,904	\$ 49,341	\$ 94,533	\$ 35,628	\$ 36,043	\$ 23,680	\$ 32,951	\$ 23,515	\$ 20,799	\$ 84,282	\$ 4,863	\$ 41,327	
	Hours	410	270	20	86	466	114	93	256	30	282	125	80	399	217	369	326	116	325	150	280	760	397	280	123	308	319	200	300	36	435	

Exhibit A

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- 3) City will give prompt notice to Consultant whenever City observes or becomes aware of any development that affects the scope or timing of Consultant's services, or of any defect in the work of Consultant.
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Task 2: Final Design

Task 3: Bid Period Services

Task 4: Geotechnical

Task 5: Quality Management

Task 6: Estimate of Probable Construction Cost

Task 7: Additional Services

Task 1: Project Management

The purpose the Project Management task is to establish and monitor compliance with project budget and schedule.

Task 1.1: Progress Meetings and Updates

The Consultant's project manager will talk or email with the City's project manager weekly to review project progress and discuss upcoming work activities. The Consultant's project manager will provide monthly email summaries of work completed, upcoming activities and unresolved issues. All in-person meetings and workshops will be held at the WRF unless noted otherwise. When possible, meetings will be conducted over video conference.

Task 1.2: Project Management Plan

The Project Management Plan includes project instructions and a project health and safety plan for the Consultant's team. The plan developed in the previous design phase will be used for the remainder of design.

Task 1.3: Invoicing, Cost and Schedule Control

The Consultant's project manager will manage, administer, coordinate, and integrate work of the Consultant's team as required to deliver the project within budget and on schedule. The Consultant's project manager will prepare and submit to the City's project manager on a monthly basis, a brief cost and schedule status report and updated summary project schedule showing actual versus projected. The report

shall include a narrative description of progress to-date, actual costs for each major task, estimates of percent complete, and potential cost variances.

Deliverables: *Monthly status reports and invoices.*

Task 2: Final Design

Task 2.1: Prepare 60% Intermediate Design Documents

The purpose of this task is to utilize the conceptual decisions of the project that were made in the schematic design phase and develop the design in sufficient detail to convey the design intent to City staff. The 60 percent design level construction drawings and specifications will depict the final location and size of major components and systems.

Design development will include the following major work elements:

- Update and finalize process flow diagrams
- Finalize equipment selection and develop equipment data sheets
- Update and finalize P&ID's
- Prepare electrical one-line and typical control diagrams
- Prepare preliminary calculations
- Develop detailed drawings
- Prepare design details for each required discipline
- Develop draft specifications
- Update construction cost estimate
- Develop preliminary construction schedule

Consultant will conduct one 3-hour workshop to conduct a review of the work products with the City staff. Consultant's project manager, design manager and lead engineers will attend. Workshop will be hybrid with management team meeting with City in person and engineers meeting virtually.

Deliverables: *60% Design Development Drawings & Technical Specifications, and workshop agenda and minutes.*

Task 2.2: Prepare 90% Contract Documents

The purpose of this task is to develop the final review contract drawings, specifications, design details, and schedules for competitive bidding. The following activities will be completed under this subtask:

- Finalize specification Divisions 0 and 1 documents, including General Conditions, General Requirements, bidding documents, bonds, and Instruction to Bidders.

- Prepare construction drawings and design details.
- Prepare technical specifications.
- Prepare final calculations.
- Complete final checking and coordination review.
- Coordinate with City on plan reviews by outside agencies.
- Coordinate with City on advertising and bidding process.

Consultant will conduct one 3-hour workshop to conduct a review of the work products with the City staff. Consultant's project manager, design manager and lead engineers will attend. Workshop will be hybrid with management team meeting with City in person and engineers meeting virtually.

Deliverables: 90% review construction documents, workshop agenda and minutes

Task 2.3: Incorporate Final Review Comments & Prepare Bid Set (100% Complete)

Consultant will modify the contract documents to reflect all agreed upon final review comments from the City, DEQ and Consultant's quality control review team. Reproducible final documents will then be submitted to the City.

Deliverables: Record of comments and responses, final 100% construction documents.

Task 2.4: Site Visits

The Consultant will travel to visit two recent ATAD installations in Parker and South Fort Collins, CO. Budget is included for two Consultant staff members to travel and attend the site visits in a 2-day trip.

Task 3: Bid Period Services

The Consultant shall provide technical assistance as needed to interpret the contract documents during the construction contract bid phase. Correspondence with prospective bidders shall be documented in writing. Two Consultant team members shall attend the prebid conference and will assist in preparing up to three technical addenda to the contract documents (if needed). City is responsible for managing the advertisement and bidding process.

Deliverables: Written documentation of correspondence with bidders. Technical addenda to the contract documents (if needed).

Task 4: Geotechnical

As part of the 30% design effort, Jacobs completed geophysical exploration to determine depth of the bedrock at the project site, and to obtain shear wave velocity measurements to depth of about 450 feet. Jacobs used the geophysical exploration data, and the 2013 geotechnical data to complete seismic deformation and site-response analyses to identify the need for ground improvement or deep foundation for the new facilities.

The geotechnical evaluation for the 60% design will include development of design recommendations including foundation alternative evaluation, bearing capacity, lateral earth pressure, and settlement evaluation.

Deliverables: *Geotechnical Recommendations Report*

Task 5: Quality Management

The Consultant will carry out a quality assurance program (QAP). The purpose of this QAP is to monitor the quality of the Project through the use of internal quality assurance/quality control (QA/QC) reviews as described herein. The Consultant will manage multidiscipline internal QA/QC review activities with the senior review team. A QC review will be performed on process and cost calculations. A formal QC review will be performed prior to the City's review of the draft 60 and 90 percent documents.

A Quality Management Plan (QMP) will be prepared for the project to serve as a guide for all phases of the project. Key features of the QMP will include:

- A single point of contact responsible for all quality management.
- Independent quality review performed by discipline-specific quality reviewers to provide critical analysis without bias.
- Procedures for engineers; detailed checks of reports, calculations, drawings, design details and specifications.

Audits by QA personnel will be conducted to verify conformance with the approved QMP and confirm that required checking and review functions are completed.

Design quality review documentation will demonstrate that quality review process is complete and review comments are acceptably addressed as a component of the overall records management system. The review will be documented in a Technical Verification Form.

The level of effort for this task includes preparation of the QMP and QC reviews for the 60 and 90 percent phases.

Deliverables: *Written documentation verifying completion of QC review.*

Task 6: Estimate of Probable Construction Cost

For the 60% and 90% design phases, Consultant will prepare an Estimate of Probable Construction Cost. This cost estimate will be prepared based on the drawings and specifications, scale-up or scale-down factors, and cost data from other projects. It is intended that the estimate will include sufficient contingency to cover expected cost impacts that will be identified as the design evolves.

The estimate provided above will be based on the judgment and experience of the Consultant and shall not be construed as a guarantee of cost. In addition, predictions of economic feasibility, operating efficiency, costs and such other matters developed during designs, are forecasts based upon the judgment and experience of the Consultant and shall not constitute a guarantee of the final project cost.

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the Project, Consultant has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operational factors that may materially affect the ultimate Project cost or schedule. Therefore, Consultant makes no warranty that City's actual Project costs, financial aspects, economic feasibility, or schedules will not vary from Consultant's opinions, analyses, projections, or estimates.

Deliverables: AACE Class 1 and 2 estimate of probable construction cost.

Task 7: Additional Services Allowance

The City may elect to request the following services from Consultant during the course of the project. The scope, schedule and fee for each additional service will be negotiated and approved by the City prior to Consultant beginning the associated work. Additional services could include but are not limited to the items listed below. Note that the allowance provided would not fully fund the listed items.

- Upgrade or modifications of any existing building or structures including a feasibility study to make sure the proposed modifications can be implemented cost-effectively.
- Power system analyses for existing facilities. No additional secondary or emergency power source will be provided as part of the project.
- Modification or expansion of the I&C system or software for the existing processes, except where noted previously.
- Multiple construction contracts, phases or schedules.
- Studies, including wetlands mitigation, archaeological investigations, site history investigations, hazardous wastes, corrosion of existing piping, asbestos presence and similar study efforts.
- Legal, easement or plat surveys.

- Additional alternative plant site layouts.
- Evaluation of any structural problems associated with any existing plant facilities.
- Electrical and building code review of existing, unrelated processes to identify areas where the facilities do not meet current codes.
- Pre-purchase of selected equipment.
- Location/verification of existing below ground utilities.
- 3-D renderings and services to support local public interest efforts.
- Preparation, submittal, negotiations and comment responses and changes associated with obtaining regulatory agency permits. Drawings and specifications to be provided as part of the contract documents will be provided to the Consultant upon request for modification or annotation by the Consultant for use in permit application packages.
- Site work, including road repaving, in areas outside those needed for the new facilities.
- Additional topographic survey. Existing survey information will be used for the design of the new and modified facilities.
- Additional geotechnical borings or laboratory tests. The foundation design of the new facilities will be based on boring and site-specific ground motion site response analysis in 2013.

Estimated Level of Effort
 McMinnville WRF Solids Treatment Capacity Improvements Project
 Final Design Phase

		J Koch PM	J Koch DM	D Oerke Process (Solids)	B Reistad Process (Solids)	T Greeley Process	M Heidari Geotech	L Bhaumik Geotech	K Galardi Odor	T Cotten Geotech	A Firth Structural	E Gray Arch	M Hoffmann Planning	S Chandler Civil/Lands cape	J Cutz Bldg Serv	S Baar Mech	M Winnett IC	G Erb IC	M Valenzuela Electrical	T Jones Cost	R Cowan DDL	G McFarland Mech CAD	B Gyaourova Civil CAD	H Jochimsen Struct CAD	J Hostetler Arch CAD	B Kiser Odor CAD	C McCoy Elect CAD	J Boss I&C CAD	L Wood QC	G Bates / L Hurt Project Controls	T Riddle Admin	
1.0	Project Management	\$ 6,909	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,863	\$ -
	Task Hours	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36	0	
2.0	Final Design	\$ 70,014	\$ 62,184	\$ 5,900	\$ 19,742	\$ 81,690	\$ 9,042	\$ -	\$ 57,694	\$ -	\$ 68,349	\$ 16,781	\$ 14,468	\$ 62,042	\$ 24,589	\$ 42,987	\$ 39,481	\$ 28,537	\$ 38,056	\$ -	\$ 49,341	\$ 94,533	\$ 35,628	\$ 36,043	\$ 23,680	\$ 32,951	\$ 23,515	\$ 20,799	\$ -	\$ -	\$ 38,914	
2.1	60% Design	116	110	10	33	183	20		103	0	101	45	40	147	86	103	123	43	94	0	100	290	146	100	44	125	91	80	0	0	153	
2.2	90% Design	126	120	10	33	183	16	0	103	0	121	54	40	170	86	123	123	43	163	0	120	290	169	120	53	125	160	80	0	0	163	
2.3	100% Design	46	40	0	20	100	12	0	50	0	60	26	0	82	45	103	80	30	68	0	60	180	82	60	26	58	68	40	0	0	71	
2.4	Site Visits	16	0	0	0	0	0	0	0	0	0	0	0	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Task Hours	304	270	20	86	466	48	0	256	0	282	125	80	399	217	345	326	116	325	0	280	760	397	280	123	308	319	200	0	0	387	
3.0	Bid Services	\$ 3,685	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,990	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,413	
	Task Hours	16	0	0	0	0	0	0	0	0	0	0	0	0	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	24	
4.0	Geotechnical	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,433	\$ 11,002	\$ -	\$ 8,487	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,207	
	Task Hours	0	0	0	0	0	66	93	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	
5.0	Quality Management	\$ 2,764	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 84,282	\$ -	\$ 1,207
	Task Hours	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	300	0	12	
6.0	Cost Estimate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 37,904	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Task Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	150	0	0	0	0	0	0	0	0	0	0	0	
7.0	Additional Services	\$ 11,055	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Task Hours	48	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	TOTAL																															
	Cost	\$ 90,742	\$ 62,184	\$ 5,900	\$ 19,742	\$ 81,690	\$ 21,475	\$ 11,002	\$ 57,694	\$ 8,487	\$ 68,349	\$ 16,781	\$ 14,468	\$ 62,042	\$ 24,589	\$ 42,987	\$ 39,481	\$ 28,537	\$ 38,056	\$ 37,904	\$ 49,341	\$ 94,533	\$ 35,628	\$ 36,043	\$ 23,680	\$ 32,951	\$ 23,515	\$ 20,799	\$ 84,282	\$ 4,863	\$ 41,327	
	Hours	410	270	20	86	466	114	93	256	30	282	125	80	399	217	369	326	116	325	150	280	760	397	280	123	308	319	200	300	36	435	

Estimated Level of Effort
 McMinnville WRF Solids Treatment Capacity Improvements Project
 Final Design Phase

						Subconsultants																															
		Jacobs Labor		Mileage and	Total Jacobs	Total Sub	Total Sub																														
		Hours	\$	Additional	Labor	Hours	Labor																														
1.0	Project Management		\$11,772	\$500	\$12,272		\$ -																														
	Task Hours	66				0																															
2.0	Final Design		\$996,962	\$8,000	\$1,004,962		\$ 35,240																														
2.1	60% Design	2486				0																															
2.2	90% Design	2794				0																															
2.3	100% Design	1407				0																															
2.4	Site Visits	32				0																															
	Task Hours	6719				208																															
3.0	Bid Services		\$9,089	\$500	\$9,589																																
	Task Hours	64				0																															
4.0	Geotechnical		\$33,129	\$0	\$33,129																																
	Task Hours	201				0																															
5.0	Quality Management		\$88,252	\$0	\$88,252		\$ -																														
	Task Hours	324				0																															
6.0	Cost Estimate		\$37,904	\$0	\$37,904		\$ -																														
	Task Hours	150				0																															
7.0	Additional Services		\$11,055	\$0	\$11,055		\$ -																														
	Task Hours	48				0																															
	TOTAL	7572	\$1,188,163	\$9,000	\$1,197,163	208	\$ 35,240																														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Cost</td> <td colspan="6"></td> </tr> <tr> <td style="text-align: center;">Hours</td> <td colspan="6"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$1,197,163</td> <td>TOTAL</td> <td>\$ 35,240</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>TOTAL</td> <td>\$ 1,232,403</td> </tr> </table>							Cost							Hours												\$1,197,163	TOTAL	\$ 35,240							TOTAL	\$ 1,232,403
Cost																																					
Hours																																					
					\$1,197,163	TOTAL	\$ 35,240																														
						TOTAL	\$ 1,232,403																														

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Declan Wine Company LLC dba: Harper Voit
BUSINESS LOCATION ADDRESS: 1400 NE Alpha Dr
LIQUOR LICENSE TYPE: Winery 2nd location

Is the business at this location currently licensed by OLCC

Yes No

If yes, what is the name of the existing business:

Hours of operation: Sunday-Saturday 8 am to 5 pm
Entertainment: N/A
Hours of Music: N/A
Seating Count: N/A

EXEMPTIONS:
(list any exemptions)

Tritech Records Management System Check: Yes No

Criminal Records Check: Yes No

Recommended Action: Approve Disapprove



Chief of Police / Designee

City Manager / Designee

Cooper



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: <u>4/21/2022</u>
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Name of City or County:
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Distillery	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	By: _____
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	Date: _____
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	OLCC USE ONLY
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Date application received: <u>02/17/2022</u>
<input type="checkbox"/> Limited On-Premises	Date application accepted: <u>02/17/2022</u>
<input type="checkbox"/> Off-Premises	License Action(s): <u>New Outlet</u>
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input checked="" type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

DECLAN WINE COMPANY LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See) HARPER VOIT		
4. Business Address (Number and Street Address of the Location that will have the liquor license) 1400 NE ALPHA DRIVE		
City MCMINNVILLE	County YAMHILL	Zip Code 97128

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.

STAFF REPORT

DATE: April 26, 2022
TO: Planning Commissioners
FROM: Heather Richards, Planning Director
SUBJECT: Ordinance No. 5113, (Docket G 6-21), Adopting Chapter 17.11, “Residential Design and Development Standards” to the McMinnville Municipal Code and adopting housekeeping McMinnville Municipal Code amendments and housekeeping McMinnville Comprehensive Plan amendments to support the new proposed Residential Design and Development Standards.

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.</p>	 <p>HOUSING OPPORTUNITIES <small>(ACROSS THE INCOME SPECTRUM)</small> Create diverse housing opportunities that support great neighborhoods.</p>
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OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is the consideration of Ordinance No. 5113, reflecting the Planning Commission’s recommendation to the City Council to adopt Docket G 6-21, proposed amendments to the McMinnville Municipal Code and Comprehensive Plan, supporting new residential design and development standards that staff has been working on with consultants and the planning commission for the past four years. The proposed code amendments will satisfy the requirements of HB 2001 (commonly known as the “Missing Middle Housing” bill from the 2019 legislative session), and community interest in housing design and development standards that allow for a greater variety of housing types to serve the housing needs of McMinnville, built in such a way that it reflects the aesthetic values and sense of place of McMinnville.

Background:

Background on Legislative and State Processes

In 2019, the Oregon Legislature passed House Bill 2001 (HB 2001), a bill that results in changes to the types of housing that are allowed to be constructed in residential areas in cities across the state of Oregon (Please see Attachment 1). HB 2001 requires cities of certain sizes to allow “middle housing” in areas and properties that allow for the development of detached single-family dwellings. Middle housing is defined in HB 2001 as including duplexes, triplexes, quadplexes

(fourplexes), cottage clusters, and townhouses. More specifically, HB 2001 requires that large cities, or those with a population over 25,000 (which includes McMinnville), shall allow the development of the following:

- “All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings” and
- “A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.”

Cities that fall within the large city category are required to adopt land use regulations and Comprehensive Plan amendments to address HB 2001 by June 30, 2022. Understanding that infrastructure capacity may result in difficulties with allowing an expanded range of housing types in areas of cities that historically only allowed for single-family dwellings, HB 2001 was drafted to include a process to allow cities to identify infrastructure deficiency issues and request extensions to address those issues. Extension requests to address infrastructure deficiency issues were required to be submitted to the Department of Land Conservation and Development (DLCD) by June 30, 2021. The City evaluated its infrastructure for deficiencies, but determined that any infrastructure deficiencies were not significant enough under the parameters set out in OAR 660-046-0300 *et seq* to request an extension from DLCD.

As part of the state-wide implementation of HB 2001, the Department of Land Conservation and Development (DLCD) led a rulemaking process that resulted in clarifications to the HB 2001 language and more specifically prescribes the requirements that cities must follow relative to the allowance of the middle housing types. The rules were adopted by the Land Conservation and Development Commission (LCDC) on December 9, 2020. These rules were adopted as Oregon Administrative Rules (OAR) Chapter 660, Division 46. (Please see Attachment 2). The adopted rules, as well as a copy of HB 2001, are attached to this staff report.

The rulemaking process resulted in the creation of minimum standards that medium and large cities must follow to allow middle housing types. The rules also created a “model code”, which would apply directly in cities that do not implement their own development code and Comprehensive Plan amendments prior to the deadlines established in HB 2001.

Background on Local Work in Support of HB 2001

In preparation for the implementation of HB 2001, the McMinnville Planning Department began work on the creation of development and design standards for the housing types that are described in HB 2001 and commonly referred to as middle housing types. This work was included on the Planning Department and Planning Commission work plans beginning in 2018 through the current fiscal year, and was generally referred to as the Residential Development and Design Standards project.

The McMinnville Planning Department began the Residential Development and Design Standards project with a focus on the implementation of McMinnville’s Great Neighborhood Principles (GNP). As stated in McMinnville Comprehensive Plan Policy 187.10, the GNP are intended to “...guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value...”. The GNPs include two principles that are specific to housing, which are as follows:

11. 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.
12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

The GNP section of the McMinnville Comprehensive Plan also includes Proposal 46.00, which states that “The City shall develop development codes that allow for a variety of housing types and forms, and shall develop site and design requirements for those housing types and form.” The development of the Residential Development and Design Standards will assist the City in implementing Proposal 46.00.

From May 2019 to December 2019, the Planning Department worked with a consultant to develop an initial first draft of potential Residential Development and Design Standards, which again were intended to provide development and design standards for middle housing types. The scope of this work was also to begin work on the creation of standards that would allow for the middle housing types that were eventually to be required in HB 2001, but to do so in a manner that would be consistent and compatible with McMinnville’s existing neighborhoods and development characteristics.

The Planning Commission reviewed and provided comments on the draft Residential Development and Design Standards over the course of five work session meetings from January 2020 to July 2020. The Planning Commission reviewed the draft document in great detail, and provided comments and direction to Planning Department staff on amendments and edits to make to the draft standards within the document.

In 2020, the Planning Department also applied for and was successfully awarded two Technical Assistance Grants from DLCD to provide funding for work related to the implementation of HB 2001. One of the grants was awarded for work on the local code amendments necessary to bring the City’s development code into compliance. The second grant was awarded for an analysis of infrastructure capacity throughout the City to identify whether there were any infrastructure deficiencies that would result in a request for an extension on the implementation of HB 2001 to address those infrastructure deficiencies. The City contracted with Jacobs Engineering Group in February 2021 to undertake a review of the City’s infrastructure to determine whether the deficiencies met the parameters and thresholds established in OAR 660-046-0300 *et seq.* to request an extension from DLCD. The review concluded that the City did not meet those requirements to justify a request for an extension from DLCD. Staff presented this information to City Council on June 8, 2021.

The City’s work on code amendments to come into compliance with HB 2001 was put on hold for a short amount of time to allow time for the rulemaking process to be completed, primarily to ensure that the eventual code amendment work would not be in direct conflict with the final, adopted Oregon Administrative Rules (OARs). Once the OARs were adopted, the Planning Commission held a work session in January 2021 to review the adopted rules. Next, the Planning Department worked with the same consultant that developed the initial draft Residential Development and Design Standards to analyze that document against the adopted missing middle OARs, and provide recommendations for any updates that would be necessary to bring the draft Residential Development and Design Standards into compliance with the adopted OARs.

Overview of HB 2001 Rules (OARs)

- Duplexes and middle housing must be allowed in “areas zoned for residential use that allow for the development of detached single-family dwellings”. “Zoned for Residential Use” is defined in the OARs as “a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.”
 - In McMinnville, this includes the R-1, R-2, R-3, and R-4 zones
- Established that density maximums cannot be applied to middle housing types.
- Minimum thresholds were established for “siting standards” that can be applied to middle housing types. These siting standards include things like minimum lot size, setbacks, height, lot coverage, and Floor Area Ratios (note that McMinnville does not currently have minimum lot coverage or Floor Area Ratios). In general, the siting standards are required to be the same as those that are applied to single family dwellings in the same zone.
- Established maximum numbers of off-street parking spaces that cities may require for middle housing types
 - In general, the maximum number of off-street parking spaces that may be required is one space per dwelling unit.
 - Triplexes and quadplexes include off-street parking space maximums that are based on the size of the lot in question, not based on the total number of dwelling units.
 - For triplexes, one (1) total off-street parking space may be required for lots less than 3,000 square feet, two (2) total off-street parking spaces may be required for lots between 3,000 and 4,999 square feet, and three (3) total off-street parking spaces may be required for lots 5,000 square feet or larger.
 - For quadplexes, one (1) total off-street parking space may be required for lots less than 3,000 square feet, two (2) total off-street parking spaces may be required for lots between 3,000 and 4,999 square feet, three (3) total off-street parking spaces may be required for lots between 5,000 and 6,999 square feet, and four (4) total off-street parking spaces may be required for lots 7,000 square feet or larger.
- Middle housing must be allowed to follow the same off-street parking surfacing, dimensional, access, and circulation standards that apply to detached single-family dwellings in the same zone.
- OARs require that large cities apply the same approval and review process to middle housing as is applied to detached single-family dwellings in the same zone. In McMinnville, detached single-family dwellings are reviewed and approved through a standard building permit review process, where basic zoning and other development standards are reviewed.

The consultant’s analysis of the draft document and their recommendations for potential updates were shared with and reviewed in detail by the Planning Commission during a work session discussion in April 2021. In addition, the Planning Department held three open house webinars to share information on the adopted missing middle OARs and the draft development standards that the City was in the process of developing. Those open house webinars were held April 27, 2021 through April 29, 2021. Feedback and direction on the consultant’s recommendations were provided by the Planning Commission, and incorporated into an updated draft of the Residential Development and Design Standards document. Work sessions were then conducted with the City Council and Planning Commission in August, 2021 to review the final recommendations. And a

joint work session with the City Council and Planning Commission was conducted on February 22, 2022 to review the final recommended code amendments.

The Planning Commission hosted a public hearing on March 17, 2022 to consider the proposed code amendments. On the same night, they closed the public hearing and then voted to recommend the proposed code amendments to the McMinnville City Council.

Discussion:

Planning Commission is recommending to maintain the existing residential zones, amending the allowed housing types in each zone to be compliant with HB 2001 and adopting a new chapter, 17.11 to Title 17, "Zoning Ordinance", of the McMinnville Municipal Code, entitled "Residential Design and Development Standards.

Staff is also adding Tiny Homes, Accessory Dwelling Units, Single Room Occupancy and Multi-Family Dwellings to this package of amendments to allow for more variety of housing types and consistency of design and development standards.

And finally, staff is recommending removing all references to "family" in the McMinnville Municipal Code and the McMinnville Comprehensive Plan as it pertains to identifying housing types.

- 17.11 Residential Design and Development Standards (New Proposed Chapter)
- 17.12 R-1 Low-Density 9000 SF Lot Residential Zone (New Chapter Title)
- 17.15 R-2 Low-Density 7000 SF Lot Residential Zone (New Chapter Title)
- 17.18 R-3 Medium Density 6000 SF Lot Residential Zone (New Chapter Title)
- 17.21 R-4 Medium High-Density 5000 SF Lot Residential Zone (New Chapter Title)
- 17.22 R-5 High-Density Multiple Dwelling Residential Zone (New Chapter Title)

Overview of Residential Development and Design Standards

The Residential Development and Design Standards have been drafted to include standards for all housing types allowed in McMinnville. The housing types included in the Residential Development and Design Standards include:

- Tiny Houses
- Cottage Clusters
- Plexes (including duplex, triplex, and quadplex)
- Single Dwellings
- Townhouses
- Accessory Dwelling Units (ADU)
- Single Room Occupancy
- Apartments

In an effort to address the Great Neighborhood Principles, particularly those of Pedestrian Friendly, Accessibility, Human Scale Design, and Housing Variety, the residential development and design standards were developed with a holistic approach that focuses on a combination of site design, building form, and architectural features. These components were also considered to allow for the development of these potentially new housing types in a manner that is compatible with existing neighborhoods and housing in McMinnville. To achieve this, basic development standards are proposed for each housing type, including basic site standards such as lot size, lot

width, lot depth, building setbacks, and building height. In addition to these basic development standards, more detailed design standards are proposed to be applied to all of the housing types, which are referred to as Universal Design Standards. The intent is that the application of both the Universal Design Standards and the basic site development standards will combine to result in building forms that are compatible with the existing development pattern and character of McMinnville, while still allowing the new housing types that are required by HB 2001.

The development standards are divided into two applications – subdivision and infill, and planned development. The subdivision and infill standards are compliant with the underlying zone and will provide the most consistency of development design in a neighborhood. The planned development standards are specific to each housing type individually to be used in a master-planned community. The planned development standards allow for more flexibility and diversity in terms of lot sizes, setbacks, etc. for each housing type.

Universal Design Standards Overview

The Universal Design Standards include standards related to the following:

- Façade
- Street Frontage
- Front Yard
- Alleys
- Garages
- Common Open Space
- Private Open Space
- Compatibility
- Planned Development Standards, including:
 - Partial Alleys
 - Usable Side Yard Setbacks

As discussed above, the Universal Design Standards are proposed to be applied to all of the housing types. Some of the Universal Design Standards are proposed to only apply to certain housing types, such as Private Open Space, which would apply only to Apartments. A table summarizing which Universal Design Standards would be applicable to each housing type is provided below:

Universal Design Standards Summary Table

Universal design standards apply to each housing type marked with an "X", except where indicated as optional.

	Tiny House	Cottage Cluster	Plex	Single Dwelling	Town-house	ADU	Apartment
Façade	X	X	X	X	X	X	X
Street Frontage	X	X	X	X	X	X	X
Front Yard	X	X	X	X	X	X	X
Alleys	X	X	X	X	X	X	X
Parking	X	X	X	X	X		X
Common OS							X
Private OS							X
Compatibility	X	X	X	X	X	X	X
Partial alley (optional)	X		X		X	X	X
Usable Site Yard Setback (optional)	X		X	X		X	X
Common Green (optional)	X	X	X	X	X	X	X

Attachments:

- Attachment 1: House Bill 2001
- Attachment 2: Middle Housing Rules – OAR Chapter 660 Division 46 – Adopted December 9, 2020
- Attachment 3: Public Testimony Received
- Attachment 4: Draft Minutes from March 17, 2022 Planning Commission Meeting
- Attachment 5: Ordinance No. 5113
 - Exhibit A to Ordinance No. 5113: Proposed Chapter 17.11 of the McMinnville Municipal Code
 - Exhibit B to Ordinance No. 5113: Proposed Housekeeping Amendments to the McMinnville Municipal Code
 - Exhibit C to Ordinance No. 5113: Proposed Housekeeping Amendments to the McMinnville Comprehensive Plan
 - Exhibit D to Ordinance No. 5113: Decision Document for Docket G 6-21

Recommendation:

Staff recommends that the City Council adopt the Planning Commission recommendation.

"I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5113"

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

Enrolled
House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH,
MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) “Middle housing” means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) **December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.**
- (b) **June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.**
- (5) **The department shall grant or deny a request for an extension under this section:**
 - (a) **Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.**
 - (b) **Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.**
- (6) **The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:**
 - (a) **Defining the affected areas;**
 - (b) **Calculating deficiencies of water, sewer, storm drainage or transportation services;**
 - (c) **Service deficiency levels required to qualify for the extension;**
 - (d) **The components and timing of a remediation plan necessary to qualify for an extension;**
 - (e) **Standards for evaluating applications; and**
 - (f) **Establishing deadlines and components for the approval of a plan of action.**

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

(A) Vacant lands planned or zoned for residential use;

(B) Partially vacant lands planned or zoned for residential use;

(C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and

(D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development;**
and

[(C) Demographic and population trends;]

[(D) Economic trends and cycles; and]

[(E)] **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]

(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
- (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
- (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

(c) For the purpose of the inventory described in this subsection, “buildable lands” includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;**
- (b) Household demographics in terms of age, gender, race or other established demographic category;**
- (c) Household incomes;**
- (d) Vacancy rates; and**
- (e) Housing costs.**

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[2] **(5)** Subsection (1)(a) and (d) of this section does not apply to:

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

[3] **(6)** A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "**Reasonable local regulations relating to siting and design**" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) **Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.**

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

- (a) Residential units.
- (b) Regulated affordable residential units.
- (c) Multifamily residential units.
- (d) Regulated affordable multifamily residential units.
- (e) Single-family *[units]* **homes**.
- (f) Regulated affordable single-family *[units]* **homes**.
- (g) Accessory dwelling units.**
- (h) Regulated affordable accessory dwelling units.**
- (i) Units of middle housing, as defined in section 2 of this 2019 Act.**
- (j) Regulated affordable units of middle housing.**

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

- (a) Required by geographic or climatic conditions unique to Oregon;
- (b) Necessary to be compatible with other statutory provisions;
- (c) Changes to the national codes are adopted in Oregon; or
- (d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 12. A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

SECTION 16. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

.....
Bev Clarno, Secretary of State

Division 46 Middle Housing in Medium and Large Cities

Rules as adopted by the Land Conservation and Development Commission December 9, 2020

660-046-0000 Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0235 establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and the review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure deficiencies.

660-046-0010 Applicability

1. A local government that is a Medium City or Large City must comply with this division.
2. Notwithstanding section (1), a Medium or Large City need not comply with this division for:
 - a. Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;
 - b. Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and
 - c. Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.
3. A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.
 - a. Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.
 - A. Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.
 - i. Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;
 - ii. Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and
 - iii. If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.
 - B. Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective

measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

- i. Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and
 - ii. Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.
- b. Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.
- c. Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:
 - A. Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and
 - B. Other hazard areas identified in an adopted comprehensive plan or development code; provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:
 - i. Increasing the number of people exposed to a hazard;
 - ii. Increasing risk of damage to property, built, or natural infrastructure; and
 - iii. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
- d. Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.
- e. Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.
- f. Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.
- g. Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to

- protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-family dwellings to protect estuarine resources under Goal 16.
- h. Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.
 - i. Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:
 - A. Increasing the number of people exposed to a hazard;
 - B. Increasing risk of damage to property, built or natural infrastructure; and
 - C. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
4. For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities’ development codes that conflict with the Model Code. The Land Conservation and Development Commission adopts the following Middle Housing Model Codes:
 - a. The Medium City Model Code as provided in Exhibit A; and
 - b. The Large City Model Code as provided in Exhibit B.
 5. This division does not prohibit Medium or Large Cities from allowing:
 - a. Single-family dwellings in areas zoned to allow for single-family dwellings; or
 - b. Middle Housing in areas not required under this division.

660-046-0020 Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 et seq. apply, unless the context requires otherwise. In addition, the following definitions apply:

1. “A Local Government That Has Not Acted” means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.
2. “Cottage Cluster” means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.
3. “Department” means the Department of Land Conservation and Development.
4. “Design Standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.
5. “Detached single-family dwelling” means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.
6. “Duplex” means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.
7. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
 - a. Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;

- b. Goal 6 Air, Water and Land Resource Quality;
 - c. Goal 7 Areas Subject to Natural Hazards;
 - d. Goal 9 Economic Development;
 - e. Goal 15 Willamette River Greenway;
 - f. Goal 16 Estuarine Resources;
 - g. Goal 17 Coastal Shorelands; and
 - h. Goal 18 Beaches and Dunes.
8. "Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more or a city with a population over 1,000 within a metropolitan service district. A Large City includes unincorporated areas of counties within a metropolitan service district that are provided with sufficient urban services as defined in ORS 195.065. Sufficient urban services means areas that are within an urban service district boundary.
 9. "Lot or Parcel" means any legally created unit of land.
 10. "Master Planned Community" means a site that is any one of the following:
 - a. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;
 - b. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or
 - c. Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.
 11. "Medium City" means a city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.
 12. "Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.
 13. "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).
 14. "Quadplex" means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.
 15. "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.
 16. "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
 - a. Connection to a public sewer system capable of meeting established service levels.
 - b. Connection to a public water system capable of meeting established service levels.
 - c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 - d. Storm drainage facilities capable of meeting established service levels for storm drainage.
 17. "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.
 18. "Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.
 19. "Triplex" means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.

20. “Zoned for Residential Use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

660-046-0030 Implementation of Middle Housing Ordinances

1. Before a Medium or Large City amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the Medium or Large City must submit the proposed change to the Department for review and comment pursuant to OAR chapter 660, division 18.
2. In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a Medium or Large City must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:
 - a. Waiving or deferring system development charges;
 - b. Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and
 - c. Assessing a construction tax under ORS 320.192 and ORS 320.195.
3. When a Medium or Large City amends its comprehensive plan or land use regulations to allow Middle Housing, the Medium or Large City is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

660-046-0040 Compliance

1. A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 et seq. and the provisions of this division.
2. A Medium or Large City may request from the Department an extension of the time allowed to complete the action under subsection (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.
3. A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).
4. A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1).
5. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:
 - a. The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or
 - b. 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).
6. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large city’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an

appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).

7. If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.
8. Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

660-046-0050 Eligible Local Governments

1. If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies it as a Medium City, the local government must comply with this division within one year of its qualification as a Medium City.
2. If a local government was not previously a Large City and a certified Portland State University Population Research Center population estimate qualifies it as a Large City, the local government must comply with this division within two years of its qualification as a Large City.

660-046-0100 Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq. and Goal 10 Housing for Medium Cities.

660-046-0105 Applicability of Middle Housing in Medium Cities

1. A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.
2. OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

660-046-0110 Provisions Applicable to Duplexes in Medium Cities

1. Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Medium Cities may regulate siting and design of Duplexes, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.
3. Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.
4. Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval process provided in OAR 660-046-0115;
 - c. Siting standards provided in OAR 660-046-0120;
 - d. Design standards in Medium Cities provided in OAR 660-046-0125;
 - e. Duplex Conversions provided in OAR 660-046-0130; and
 - f. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0115 Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0120 Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

1. Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.
2. Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.
3. Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.
4. Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.
5. Parking:
 - a. A Medium City may not require more than a total of two off-street parking spaces for a Duplex.
 - b. Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.
6. Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.
7. A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

660-046-0125 Duplex Design Standards in Medium Cities

1. Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.
2. A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

660-046-0130 Duplex Conversions

Additions to or conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code.

660-046-0200 Purpose of Middle Housing in Large Cities

OAR 660-046-0205 through OAR 660-046-0235 are intended to measure compliance with ORS 197.758 et seq. and Goal 10 Housing for Large Cities.

660-046-0205 Applicability of Middle Housing in Large Cities

1. A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.

2. A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:
 - a. Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3);
 - b. Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing in Master Planned Communities as follows:
 - A. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan after January 1, 2021, it must allow the development of all Middle Housing types as provided in OAR 660-046-0205 through OAR 660-046-0235.
 - i. A Large City must plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 20 dwelling units per net acre if located within a metropolitan service district boundary, and 15 dwelling units per net acre if located outside of a metropolitan service district boundary.
 - ii. If a proposed Middle Housing development exceeds the planned public service capacity of a Master Plan, the Large City may require the applicant demonstrate, through an amended public facility plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development.
 - iii. A Large City may require a mix of two or more Middle Housing types within a Master Plan or portions of a Master Plan.
 - iv. A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five dwelling units or more or manufactured home parks.
 - B. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-family dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-family residential structures and manufactured home parks.
 - c. Impacted by State or Federal Law: A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes are necessary to implement or comply with an established state or federal law or regulation on these types of lands.
3. A Large City may:
 - a. Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or
 - b. Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):
 - A. Triplexes – Must be allowed on 80% of Lots and Parcels;
 - B. Quadplexes - Must be allowed on 70% of Lots and Parcels;
 - C. Townhouses - Must be allowed on 60% of Lots and Parcels; and
 - D. Cottage Clusters – Must be allowed on 70% of Lots and Parcels.

- E. A Middle Housing type is “allowed” on a Lot or Parcel when the following criteria are met:
 - i. The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-family dwelling in the same zone;
 - ii. The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;
 - iii. Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and
 - iv. The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).
 - F. A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in subsection (3)(b)(E) above, at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all lots and parcels zoned for residential use that allow for the development of detached single-family dwellings within each census block group, with at least four eligible Lots and Parcels as described in subsection (2) of this section, within a Large City.
 - G. Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:
 - i. At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR Chapter 660, Division 18;
 - ii. At any future Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and
 - iii. With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR Chapter 660, Division 18, for Large Cities that are not subject to the Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once every six years after initial adoption of acknowledged land use regulations in compliance with this division.
4. Pursuant to OAR 660-046-0205 through OAR 660-046-0230, the following numerical standards related to Middle Housing types apply:
- a. Duplexes – Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.
 - b. Triplexes and Quadplexes – Large Cities may allow more than four dwelling units on a lot, including any accessory dwelling units.
 - c. Townhouses – Large Cities must require at least two attached Townhouse dwelling units and must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.
 - d. Cottage Clusters –
 - A. A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.
 - B. A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.

660-046-0210 Provisions Applicable to Middle Housing in Large Cities

1. Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Large Cities may regulate siting and design of Middle Housing, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.
3. Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval processes provided in OAR 660-046-0215;
 - c. Siting standards provided in OAR 660-046-0220;
 - d. Design standards in Large Cities provided in OAR 660-046-0225;
 - e. Middle Housing Conversions provided in OAR 660-046-0230;
 - f. Alternative siting or design standards provided in OAR 660-046-0235; and
 - g. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0215 Permitted Uses and Approval Process

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0220 Middle Housing Siting Standards in Large Cities

1. Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.
2. The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:
 - a. Minimum Lot or Parcel Size:
 - A. For Triplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - B. For Quadplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - C. A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs A. or B.

- b. Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.
 - c. Setbacks: A Large City may not require setbacks greater than those applicable to detached single-family dwellings in the same zone.
 - d. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.
 - e. Parking:
 - A. For Triplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.
 - B. For Quadplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and
 - iv. For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.
 - C. A Large City may allow on-street parking credits to satisfy off-street parking requirements.
 - D. A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.
 - E. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - F. A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.
 - f. Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.
 - g. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Triplex or Quadplex development application.
3. The following governs Large Cities' regulation of siting standards related to Townhouses:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.
 - b. Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.
 - c. Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

- d. Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.
 - e. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories.
 - f. Parking:
 - A. A Large City may not require more than one off-street parking space per Townhouse dwelling unit.
 - B. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
 - C. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - g. Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse Project greater than that of a single-family detached dwelling.
 - h. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application.
4. The following governs Large Cities' regulation of siting standards related to Cottage Clusters:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:
 - A. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.
 - B. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - b. Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for to Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-family detached dwelling in the same zone.
 - c. Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.
 - d. Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.
 - e. Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.
 - f. Parking:

- A. A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.
 - B. A Large City may allow but may not require off-street parking to be provided as a garage or carport.
 - C. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
- g. Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.
 - h. Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.
 - i. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application.

660-046-0225 Middle Housing Design Standards in Large Cities

1. A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:
 - a. Design standards in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - b. Design standards that are less restrictive than those in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - c. The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or
 - d. Alternative design standards as provided in OAR 660-046-0235.
2. A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

660-046-0230 Middle Housing Conversions

1. Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in Large Cities pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.
2. If Middle Housing is created through the addition to, or conversion of, an existing single-family detached dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.
3. A preexisting detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:
 - a. The preexisting single-family dwelling may be nonconforming with respect to the requirements of the applicable code;
 - b. The preexisting single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single-family dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
 - c. The preexisting single-family dwelling shall count as a unit in the Cottage Cluster;
 - d. The floor area of the preexisting single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits; or
 - e. A Large City may apply a time limit on the conversion of a single-family dwelling to a Cottage Cluster not to exceed five years.

660-046-0235 Alternative Siting or Design Standards

A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed under subsection (1) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) below. Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements.

1. A Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:
 - a. The total time and cost of construction, including design, labor, and materials;
 - b. The total cost of land;
 - c. The availability and acquisition of land, including areas with existing development;
 - d. The total time and cost of permitting and fees required to make land suitable for development;
 - e. The cumulative livable floor area that can be produced; and
 - f. The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.

March 17th, 2022

McMinnville Planning Commission
Heather Richards, Planning Director
231 NE 5th Street
McMinnville, OR 97128

RE: HB 2001 Implementation

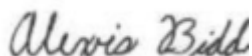
Dear Commissioners:

1000 Friends of Oregon is a non-profit, charitable organization dedicated to working with Oregonians to support livable communities. Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents. Our organizations' memberships include McMinnville residents who support the mission and values of the Oregon land use program.

Both 1000 Friends of Oregon and FYC are pleased to see the proposed code amendments to implement HB 2001. In particular, we are supportive of the proposed amendments that go above the minimum requirements of implementing middle housing options. Allowing detached configurations for middle housing types will increase the housing choices for McMinnville residents. Additionally, allowing Single Room Occupancy and Tiny Homes as housing types in your residential zones will improve the affordability of the infill housing.

Our only recommendations are that you consider reducing the parking requirements for middle housing types, or count street parking on a lot's frontage as a credit towards parking requirements. Both Bend and Milwaukie have implemented or are in the process of implementing HB 2001 with reduced or zero parking requirements for duplexes, triplexes, and townhomes. Parking requirements significantly increase both the cost of housing and the impermeable surface area of a lot. In some cases, requiring parking will cause a driveway to be wider and take away street parking – causing a needless and expensive increase in paved surface. While this is not a required standard of HB 2001, it is the right thing to for McMinnville.

Sincerely,



Alexis Biddle
Great Communities Program Director and Staff Attorney
10000 Friends of Oregon
454 Willamette St, Ste 213
Eugene, OR 97401



Sid Friedman
Friends of Yamhill County
PO Box 1083
McMinnville, OR 97128



Planning Department
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MINUTES

March 17, 2022
Planning Commission
Work Session Meeting

5:30 pm
Zoom Online Meeting
McMinnville, Oregon

Members Present: Robert Banagay, Lori Schanche, Gary Landenwalter, Brian Randall, Beth Rankin, Dan Tucholsky, Sidonie Winfield, Matt Deppe, and Sylla McClellan

Members Absent:

Staff Present: Heather Richards – Planning Director, Tom Schauer – Senior Planner, and Amanda Guile-Hinman – City Attorney

WORK SESSION

Chair Winfield called the Work Session to order at 5:30 p.m.

- **Planning Commission Agreement**

Planning Director Richards said this was an agreement among the Commission for how they would conduct themselves. There were no comments about the agreement.

- **Planning Commission Meeting Calendar**

Planning Director Richards reviewed the Commission's work plan and meeting calendar.

There was discussion regarding items on the calendar and options for affordable housing.

- **Planning Commission Work Plan – Short Term Rentals**

Planning Director Richards said the Commission wanted to re-evaluate the code regarding short term rentals, and she suggested requesting a moratorium while they were re-evaluating. They would have to provide one month's notice of the moratorium, and the City Council would have to approve it. She discussed how it could be included in the work calendar.

There was discussion regarding inquiries about rentals, moratorium timeframe, and proportion of owner occupancy and rentals in the community.

There was consensus for staff to take the moratorium request to Council.

Planning Director Richards said they planned to offer in-person meetings starting in April.

Chair Winfield adjourned the Work Session at 6:20 p.m.

1. Call to Order

Chair Winfield called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Minutes

- **April 1, 2021**

Commissioner McClellan moved to approve the April 1, 2021 minutes. The motion was seconded by Commissioner Tucholsky and passed unanimously.

4. Public Hearing:

A. Legislative Hearing: Proposed Comprehensive Plan Amendments (G 7-21)

(Continued from February 17, 2022, PC Meeting)

Request: This is a legislative action initiated by the City of McMinnville to amend the McMinnville Comprehensive Plan by adopting the Three Mile Lane Area Plan as a supplemental document and to amend the Comprehensive Plan, Volume II, Chapter VI, Transportation System, to add a proposal to amend the Comprehensive Plan Map and Transportation System Plan consistent with the Three Mile Lane Area Plan.

Applicant: City of McMinnville

Chair Winfield said the Planning Commission heard public testimony on this item at both the January and February meetings and closed the hearing on February 17, postponing deliberation to tonight.

Staff Presentation: Planning Director Richards said this was a request to adopt the Three Mile Lane Area Plan and appendices as a supplemental document to the Comprehensive Plan and to amend Volume II of the Comprehensive Plan, Goals, Policies and Proposals, Chapter VI (Transportation) to add a proposal to amend the Comprehensive Plan Map and Transportation System Plan consistent with the adopted Three Mile Lane Area Plan. The draft plan was from January 20, 2022. She discussed the study area, what an area plan was, project goals, land use plan, transportation plan, community vision and Comprehensive Plan Map amendments, and where they were at in the process. She explained the recommended language for a potential bike/pedestrian overpass and reviewed the design principles and policies and design specific to major developments as well as the implementation recommendations. The design principles were put in a booklet for clarity and it was entered into the record. There had been a request to reopen the hearing by Sid Friedman on the basis that the booklet was new information. It was not new information as everything in the booklet was included in the plan document. Staff recommended adopting the booklet as an appendix to the Three Mile Lane

Area Plan. However, if it was an issue, staff recommended not adopting it as an appendix and using the booklet for informational purposes only.

There was discussion regarding moving forward with the process, whether or not to adopt the booklet as an appendix, adding a bullet point under housing for diverse incomes to allow for a mix of housing types that served a variety of household incomes, encouraging a grocery store into the area, future planning of the land around the Evergreen campus, road connectivity around Chemeketa Community College, trails and bridges, and how this was a conceptual plan.

There was consensus not to include the booklet as an appendix and to add the bullet point about variety of incomes.

Commissioner Schanche MOVED to RECOMMEND APPROVAL of G 7-21 to the City Council, amending the McMinnville Comprehensive Plan by adopting the Three Mile Lane Area Plan as a supplemental document to the McMinnville Comprehensive Plan and to amend the McMinnville Comprehensive Plan, Volume II, Chapter VI, Transportation System, as presented in Docket G 7-21 and to add a bullet point about variety of incomes; SECONDED by Commissioner Tucholsky. The motion PASSED unanimously.

B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20)

(Continued from February 17, 2022, PC Meeting)

Applicant has requested a continuance to April 21, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.

The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future frontage road. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at 3310 SE Three Mile Lane, more specifically described at Tax Lot 700, Section 26, T.4S., R 4 W., W.M.

Application: Kimco McMinnville LLC, c/o Michael Strahs

Commissioner McClellan MOVED to CONTINUE the hearing for CPA 2-20 and ZC 3-20 to April 21, 2022. The motion was seconded by Commissioner Schanche and PASSED unanimously.

C. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-21) and Zone Change, including Planned Development Overlay Designation (ZC 2-21)

(Continued from February 17, 2022, PC Meeting)

Applicant has requested a continuance to April 21, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for a property of approximately 8 acres.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at 3330 SE Three Mile Lane, more specifically described at Tax Lot 600, Section 26, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. Representing property owner 3330 TML, c/o Bryan Hays

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Staff recommended continuance of this hearing.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 1-21 and ZC 2-21 to April 21, 2022. The motion was seconded by Commissioner Schanche and PASSED unanimously.

D. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-21) and Zone Change, including Planned Development Overlay Designation (ZC 3-21)

(Continued from February 17, 2022, PC Meeting)

Applicant has requested a continuance to April 21, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 21.1 acres of an 89.9-acre property, plus an additional 1.5 acres of the 89.9-acre property proposed to be dedicated for right-of-way at the time of development.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however,

if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at Three Mile Lane and Cumulus Avenue, more specifically described at Tax Lot 100, Section 27, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc.
representing property owner DRS Land, LLC c/o Dan Bansen

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Staff recommended continuance of this hearing.

Commissioner Langenwalter MOVED to CONTINUE the hearing for CPA 2-21 and ZC 3-21 to April 21, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

E. Legislative Hearing: Proposed Comprehensive Plan Amendments (G 6-21)

Request: This is a legislative action initiated by the City of McMinnville to amend the McMinnville Municipal Code and the McMinnville Comprehensive Plan by adding Chapter 17.11, "Residential Design and Development Standards" to Title 17, Zoning Ordinance, and to amend the McMinnville Municipal Code and the McMinnville Comprehensive Plan to support Chapter 17.11. The proposed code amendments will satisfy the requirements of HB 2001 (2019 legislative session), and community interest in housing design and development standards that allow for a greater variety of housing types to serve the housing needs of McMinnville, built in such a way that it reflects the aesthetic values and sense of place of McMinnville.

Applicant: City of McMinnville

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Planning Director Richards said this was a request to add a new chapter on residential design and development standards to the zoning ordinance and amend the Municipal Code and Comprehensive Plan to support the new chapter. Included in the changes was changing the term "single family dwelling" to "single dwelling." She explained the reasons for the additional chapter, meeting the Great Neighborhood Principles, Housing Needs Analysis and Housing Strategy work, HB 2001 requirements, and what was included in the new chapter. The residential development and design standards would include standards for tiny homes, cottage clusters, plexes, single dwellings, townhouses, ADUs, single room occupancy, and apartments. The development standards were divided into two applications—subdivision and infill, and planned development.

Planning Director Richards then described the development and design standards for all the different housing types as well as the universal design standards and additional amendments proposed. She discussed the public engagement and proposed amendments suggested by Planning Commissioners and staff. Testimony was received today by Friends of Yamhill County and 1,000 Friends of Oregon which was generally supportive, but suggested changes to the parking requirements. She explained the next steps and timeframe.

Public Testimony:

Proponents: Alexis Biddle, representing 1,000 Friends of Oregon, said they were in support of the amendments. They suggested reducing parking requirements or counting street parking on lot frontages as a credit towards parking requirements. He gave reasons for this suggestion.

Commissioner Tucholsky asked if cost was the only concern.

Mr. Biddle said cost was their largest concern. Impervious surface creating more stormwater runoff was also a concern.

Commissioner Deppe asked about possible conflicts with the parking requirements.

Mr. Biddle did not think less parking would result in higher density.

Commissioner Rankin was concerned about reducing parking too much, especially for streets that already had a problem with on street parking.

Mr. Biddle thought many developers would build parking to meet expectations for developments.

Commissioner Tucholsky asked for an example of what he was proposing.

Mr. Biddle said the city of Bend had no parking requirements for duplexes or triplexes and for quadplexes, they required half parking spaces per unit. This was recently adopted, and nothing had been built to these standards yet.

Sid Friedman, representing Friends of Yamhill County, urged the Commission to consider reduced parking requirements which could lead to more efficient land use.

Opponents: None

Rebuttal: Planning Director Richards said regarding the parking, the data showed that over 50% of households in McMinnville had two or more cars. She saw it as an equity issue for people to have the ability to park their cars in a convenient spot instead of searching for places to park their cars, especially since they did not have the transit infrastructure to support people getting to work and amenities without a car. There were also instances of extended family living together and that affected the parking opportunities as well.

Chair Winfield closed the public hearing.

Discussion: Commissioner Tucholsky discussed current parking issues where there was a lack of parking in higher density developments. He was not in support of reducing the parking.

Commissioner Deppe asked what the cost would be for applicants who wanted to reduce the parking in their development.

Planning Director Richards said it was unclear who would apply for a variance and how it would be incorporated on the lot if there was no more land to put the parking on. Currently the requirement was two parking stalls per unit. Smaller lots did not have the length and sometimes vehicles parked in the driveway hung over the sidewalk. The cost for a variance was \$2,200 and the process took about three months. They did have the ability to allow for reduced parking based on data the applicant provided if they were deed restricted for low income and were on a transit corridor.

Chair Winfield clarified that could apply to the infill concerns in areas like the downtown corridor where there was easier access to work and amenities. However, outside of that corridor they did not have the transportation that other cities had to reduce parking. She was comfortable with the parking as proposed.

Planning Director Richards noted in the new chapter, one parking space per dwelling unit was required for middle housing developments, but for units two bedrooms or less serving 80% AMI or less, half a space per dwelling unit was required.

Commissioner Tucholsky MOVED to RECOMMEND APPROVAL of G 6-21 to the City Council, proposed Municipal Code and Comprehensive Plan amendments, with the additional amendments proposed by staff; SECONDED by Commissioner Langenwalter. The motion PASSED unanimously.

5. Commissioner Comments

None

6. Staff Comments

None

7. Adjournment

Chair Winfield adjourned the meeting at 8:30 p.m.

Heather Richards
Secretary

ORDINANCE NO. 5113

AN ORDINANCE AMENDING TITLE 17 OF THE MCMINNVILLE CITY CODE, ADOPTING A NEW CHAPTER 17.11, RESIDENTIAL DESIGN AND DEVELOPMENT STANDARDS FOR COMPLIANCE WITH HB 2001 (2019 OREGON LEGISLATIVE SESSION), AND AMENDMENTS TO THE REST OF TITLE 17 AND THE COMPREHENSIVE PLAN TO SUPPORT THE NEW RESIDENTIAL DESIGN AND DEVELOPMENT STANDARDS.

RECITALS:

WHEREAS, the 2019 Oregon Legislature adopted HB 2001; and

WHEREAS, the City of McMinnville developed new Residential Design and Development standards (Docket G 6-21) to respond to HB 2001; and

WHEREAS, the Planning Commission hosted 8 work sessions over three years developing the draft Residential Design and Development Standards; and

WHEREAS, the McMinnville City Council hosted three work sessions over three years reviewing and providing feedback on the draft Residential Design and Development Standards; and

WHEREAS, six public information sessions were conducted on the draft Residential Design and Development Standards; and

WHEREAS, the Planning Commission hosted a public hearing on March 17, 2022 to collect public testimony on the draft Residential Design and Development Standards; and

WHEREAS, after they closed the public hearing on March 17, 2022, the Planning Commission voted to recommend the draft Residential Design and Development Standards to the City Council for adoption; and

WHEREAS, the City Council having received the Planning Commission recommendation, being fully informed about the proposed amendments, and having deliberated;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That Title 17 of the McMinnville Municipal Code is amended as provided in Exhibit 'A' and Exhibit 'B', adding a new Chapter 17.11 and amending several chapters and sections of Title 17.
2. That the McMinnville Comprehensive Plan is amended as provided in Exhibit 'C'.

3. That the adoption is based upon the findings in Exhibit 'D'.
4. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 26th day of April, 2022 by the following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Proposed New Chapter 17.11 of the McMinnville Municipal Code.
- B. Proposed Housekeeping Amendments to Title 17 of the McMinnville Municipal Code to Support Chapter 17.11 and Compliance with HB 2001 (2019 Legislative Session)..
- C. Proposed Housekeeping Amendments to the McMinnville Comprehensive Plan to Support Chapter 17.11 and Compliance with HB 2001 (2019 Legislative Session).
- D. Findings of Fact and Conclusionary Findings for Docket G 6-21

Proposed Amendments to the McMinnville Municipal Code – New Chapter

Chapter 17.11
RESIDENTIAL DESIGN AND DEVELOPMENT STANDARDS
(as adopted per Ordinance 5113, April 26, 2022)

Sections:

17.11.010	Purpose
17.11.011	Applicability
17.11.012	Introduction to Housing Types
17.11.013	Zoning Table of Allowed Housing Types
17.11.014	Definition of Housing Types
17.11.015	Introduction to Development Standards Tables
17.11.020	Tiny Houses
17.11.030	Cottage Clusters
17.11.040	Accessory Dwelling Units
17.11.050	Single Detached Houses
17.11.060	Plexes
17.11.070	Townhouses
17.11.080	Single Room Occupancy
17.11.090	Apartments
17.11.100	Residential Universal Design Standards
17.11.110	Planned Development Residential Design and Development Standards

17.11.010 Purpose. This chapter provides residential development and design standards for all housing types permitted in McMinnville’s residential and commercial zones.

The purpose of this chapter is to permit a wide variety of housing types while maintaining the character and values of McMinnville. These housing types provide greater options for the community and help implement the City’s vision for housing, including the Great Neighborhood Principles.

The proposed housing types range in size, affordability, and configurations, including attached and detached dwellings. The development standards for each housing type were calibrated specifically for McMinnville.

This chapter is divided into individual housing types with their associated development standards and universal design standards that apply to all housing types.

17.11.011 Applicability. The residential design and development standards in this chapter are applicable to all new housing construction, residential conversions, and new additions that comprise 50% or more of the structure.

17.11.012 Introduction to Housing Types

- A. A housing type is not a use category. It describes a type of development that can contain a residential use.
- B. A list of allowed, limited, and prohibited housing types in residential and commercial zones is provided in 17.11.013. Terms and abbreviations used are defined as follows:
 - 1. Yes, allowed (Y). Housing types that are allowed.
 - 2. Limited (L). Housing types that require a conditional use approval or are allowed subject to specific limitations.
 - 3. No, prohibited (N). Housing types that are not allowed under any circumstance.
- C. Housing types that are allowed or allowed on a limited basis are subject to the standards and provisions of the applicable development standards chapter, which is indicated in parentheses in the first column of the Housing Types Table in 17.11.013.
- D. All allowed housing types may be built on-site or brought to the site as a manufactured home.

17.11.013 Zoning Table of Allowed Housing Types. The table below depicts what housing type is allowed in each zone.

Housing Types	R-1	R-2	R-3	R-4	R-5	O-R	C-1	C-2	C-3
Tiny Houses (17.11.020)	Y	Y	Y	Y	N	Y	N	N	N
Cottage Clusters (17.11.030)	Y	Y	Y	Y	N	Y	N	N	N
Accessory Dwelling Units (17.11.040)	Y	Y	Y	Y	N	Y	N	N	L
Single Detached Houses (17.11.050)	Y	Y	Y	Y	N	Y	N	N	L
Plexes (17.11.060)	Y	Y	Y	Y	N	Y	N	N	L
Townhouse (17.11.070)	Y	Y	Y	Y	N	Y	N	N	L
Single Room Occupancy - Small Housing (17.11.080)	Y	Y	Y	Y	N	Y	N	N	L
Single Room Occupancy - Large Housing (17.11.080)	N	N	N	Y	Y	Y	N	N	Y
Apartments (All Apartment Types) (17.11.090)	N	N	N	L	Y	L	N	N	Y

Y = Yes, Allowed

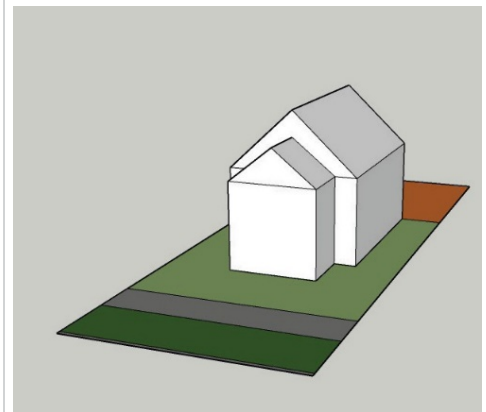
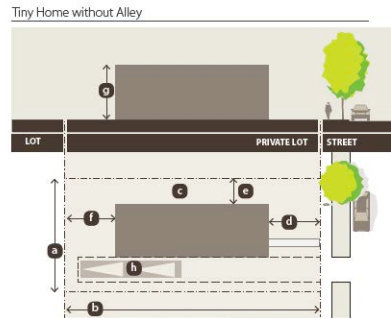
L = Limited, (see footnotes in housing types development standards tables)

N = No, Prohibited

17.11.014 Definition of Housing Types

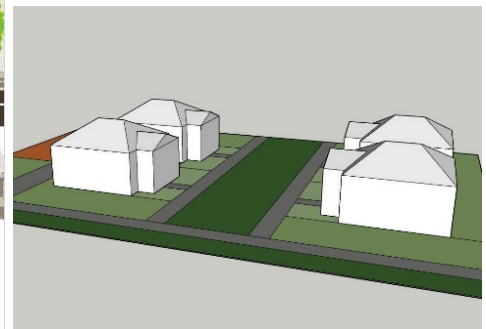
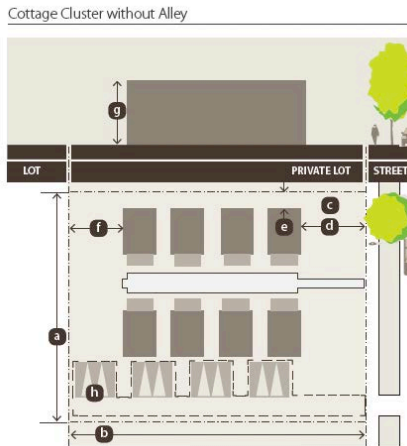
Tiny House

A Tiny House is a small permanent detached unit no more than 400 square feet.



Cottage Clusters

A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard; Cottage Cluster units may be located on a single Lot or Parcel, or on individual Lots or Parcels.



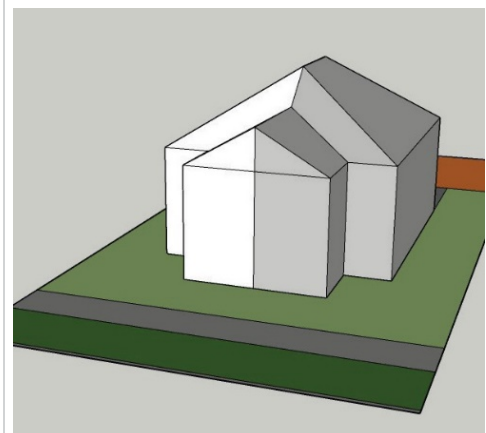
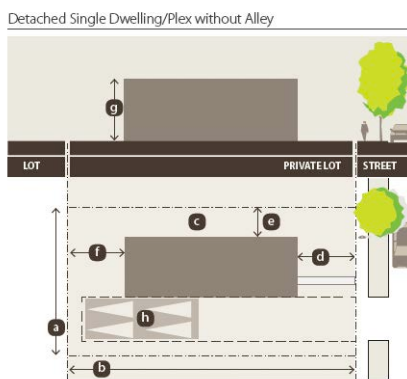
Plexes

Plexes include duplexes (two units), triplexes (three units), and quadplexes (four units).

Duplex: Two dwelling units on a single lot, may be attached or detached.

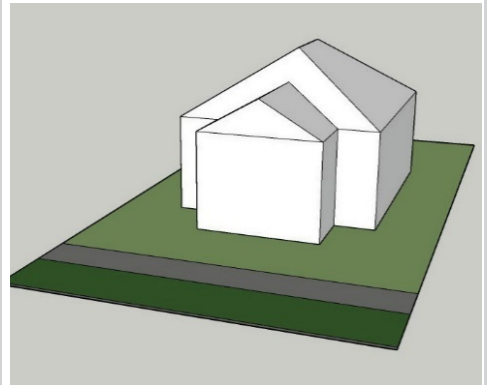
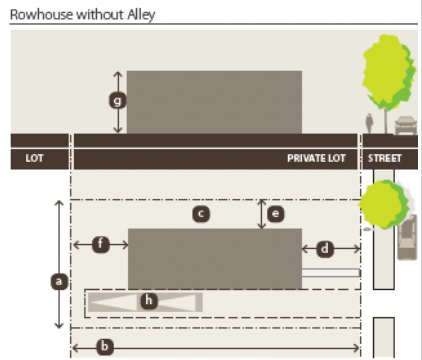
Triplex: Three dwelling units on a single lot, may be attached or detached, or a mix.

Quadplex: Four dwelling units on a single lot, may be attached or detached, or a mix.



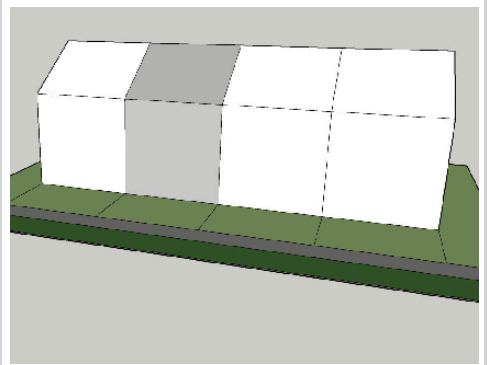
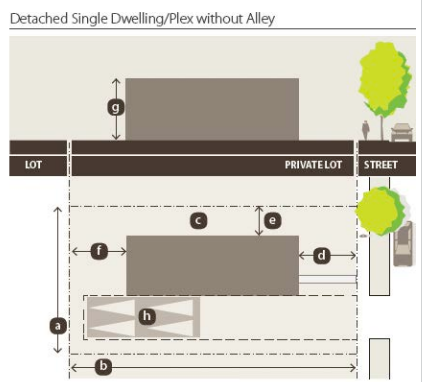
Single Dwelling

A detached building containing one dwelling unit. Single dwelling standards apply to units that are larger than 400 square feet.



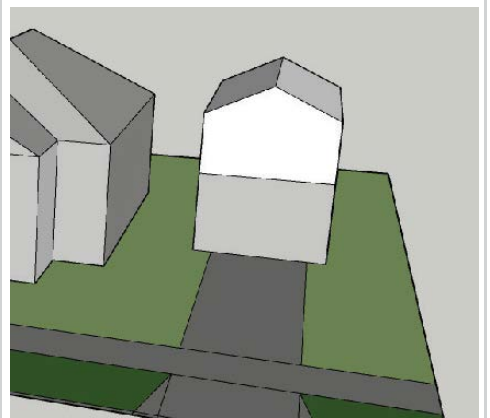
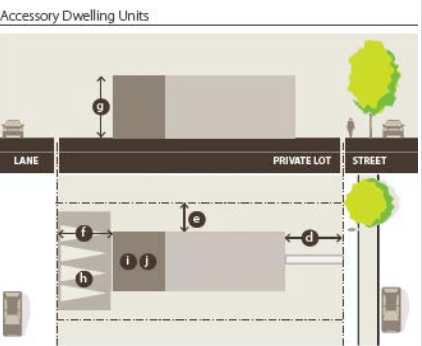
Townhouse

A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. Each dwelling unit has its own external entrance.



Accessory Dwelling Unit (ADU)

An ADU is a secondary, self-contained single-dwelling unit that may be allowed only in conjunction with a single-dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary single-dwelling. An accessory dwelling unit may be located within, attached to or detached from the primary single dwelling.



Single Resident Occupancy (SRO)

An SRO Housing Development is development of a site with two or more SRO Living Units and shared common areas and common facilities, including sanitary and/or food preparation areas, in one or more buildings on the site. All of the facilities for daily housekeeping, including living, sleeping, sanitation (toilet and bathing), dining, and food preparation are provided for the SRO Housing Development as a whole, subject to the standards provided in the Zoning Ordinance.



Apartments

(In order of density: Most dense to least dense)

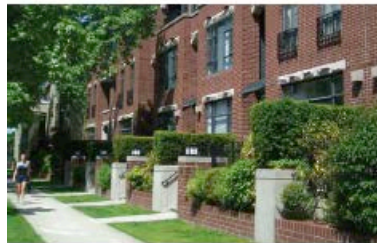
Apartment Block

Stacked dwelling units in a single building or groups of buildings on a single lot. Parking is shared, and entrance to units is typically accessed through a shared lobby.



Apartment Block

Density Range:
Context: City center



Medium Apartment Block

Density Range:
Context: City center and along major streets served by transit

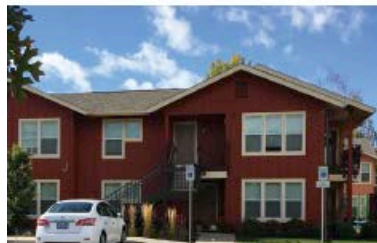


Small Apartment Block

Density Range:
Context: At the edges of low and medium density residential neighborhoods

Walk-Up Apartment

Buildings are limited to three stories, and consist of about four to 12 dwelling units each, accessible from a single open air stair. Individual apartment buildings are arranged around common open space and shared parking areas.



Single Walk-up

Density Range:
Context: At the edges of low density residential neighborhoods and along major streets

Courtyard Apartment

Attached dwelling units arranged around a courtyard, each with its own entry or other access off of the courtyard.



2-3 Story Courtyard

Density Range:

Context: City center, low and mid-density residential neighborhoods



Single Story Courtyard

Density Range:

Context: May be integrated into low density residential neighborhoods

17.11.015 Introduction to Development Standards Tables

- A. Each housing type has a development standards table. The table has information about minimum lot sizes, setbacks, height limitations, parking, and other relevant standards.
- B. The tables are set up to provide development standards for the housing type if used as part of a planned development, with alleys and without alleys, as well as part of a subdivision or infill in a subdivision.
- C. Development standards vary depending on the above conditions, mostly due to parking. Lot widths for homes without an alley tend to be wider to accommodate space for a driveway. Lots for homes with an alley can be narrower in width because parking is permitted directly off of the alley.
- D. The development standards for lots with or without an alley are applicable to planned developments per Chapter 17.51 of the McMinnville Municipal Code.
- E. The development standards for infill are required to match those of the existing zoning and adjacent lots.

17.11.020 Tiny Houses

- A. Characteristics. A Tiny House is a small permanent detached dwelling unit no more than 400 square feet. Because tiny houses are substantially smaller than a typical single dwelling, they may provide a less expensive homeownership product than a larger single dwelling house.
- B. Guiding Principles. Tiny houses should each have their own private open space and be situated similarly to single dwellings by facing the primary adjacent street. Tiny houses grouped in a cluster on a single lot should follow the standards and guidelines of a Cottage Cluster.
- C. Development Standards. Please see Table 1 below.

TABLE 1. TINY HOUSE DEVELOPMENT STANDARDS

	PLANNED DEVELOPMENT		SUBDIVISION
	WITH ALLEY	WITHOUT ALLEY	SUBDIVISION / INFILL ⁽⁴⁾
a) Lot width (feet)	Min. 25	Min. 40	Match existing zone, subdivision, or Planned Development overlay district.
b) Lot depth (feet)	Min. 55	Min. 60	
c) Lot size (square feet)	Min. 1,400	Min. 2,100	
d) Front setback (feet)	Min. 10 ⁽¹⁾ or 15	Min. 15	
e) Side setback (feet)	Interior: Min. 3 ⁽²⁾ or 5 Exterior: 10	Interior: Min. 3 ⁽²⁾ or 5 Exterior: 10	
f) Rear setback (feet)	0 with garage, 20 without garage ⁽³⁾	Min. 20	
g) Building height (feet)	Max. 25	Max. 25	
h) Parking Zone	For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.		
i) Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
j) Minimum Off-Street Parking	One parking space per dwelling unit		
k) Universal Design Standards and Planned Development Standards that apply	Street frontage Front yard Alleys Compatibility Façade Parking Planned Development Standards: Usable Side Yard, Through Block, and Corner Common Greens		

⁽¹⁾ Must meet all requirements of Universal Design Standards: Front Yard (Type2) Urban Type

⁽²⁾ Must meet all requirements of Usable Side Yard Subdivision standards.

⁽³⁾ From alley property or easement line.

⁽⁴⁾ Infill is defined as lots less than 14,000 square feet or less than double the minimum lot size of the underlying zone, whichever is less.

Figure 1. Tiny House without Alley

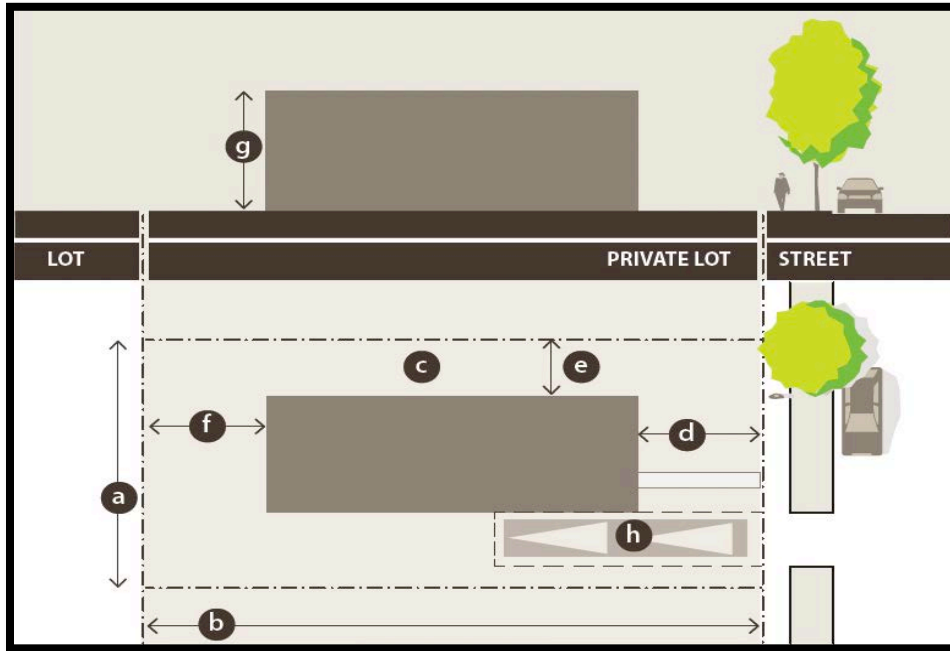
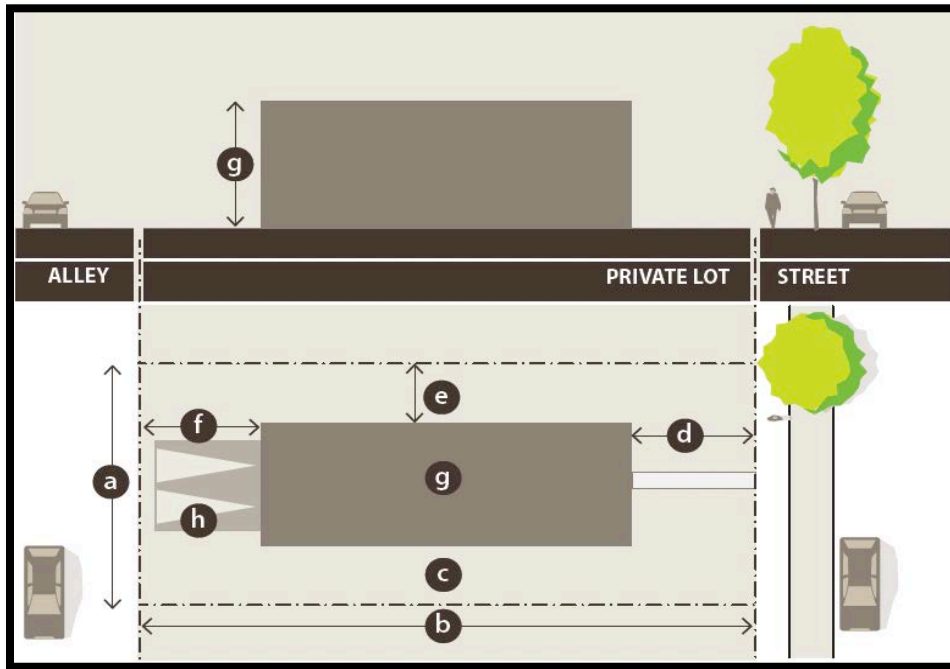


Figure 2. Tiny House with Alley



17.11.030 Cottage Cluster

- A. **Characteristics.** Cottage clusters are groups of four to eighteen detached dwelling units that are of smaller size than the typical single detached house. A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard; Cottage cluster units may be located on a single Lot or Parcel, or on individual Lots or Parcels. Given their small footprint and low profile, cottages may provide an alternative housing option that fits seamlessly into detached low density residential neighborhoods.
- B. **Guiding Principles.**
1. Shared open space should be provided and located so that it serves as a central feature of the cluster of dwellings.
 2. Layer zones of landscaping to create a gradual transition from the commonly owned green to the privately-owned garden and porch of individual dwellings.
 3. Spacing between cottage cluster housing units shall meet applicable building code requirements.
- C. **Development Standards.** Please see Table 1 below.

Table 1. COTTAGE CLUSTER DEVELOPMENT STANDARDS			
	PLANNED DEVELOPMENT		SUBDIVISION
	WITH ALLEY	WITHOUT ALLEY	SUBDIVISION / INFILL⁽⁴⁾
a) Lot width (feet)	Min. 35	Min. 45	Match existing zone, subdivision, or Planned Development overlay district.
b) Lot depth (feet)	Min. 65	Min. 65	
c) Lot size (square feet)	Min. 7,000	Min. 7,000	
d) Front setback (feet)	Min. 10	Min. 10	Min. 10
e) Side setback (feet)	Interior: Min. 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 10
f) Rear setback (feet)	0 with garage, 10 without garage. ⁽¹⁾	Min. 10	Min. 10
g) Building height (feet)	Max. 25 or two stories, whichever is greater	Max. 25 or two stories, whichever is greater	Max. 25 or two stories, whichever is greater
h) Building separation	6	6	10
i) Building footprint, maximum ⁽²⁾	900	900	900
j) Unit size, average (square feet) ⁽³⁾	1,400	1,400	1,400

k)	Parking Zone	For lots with an alley: Parking is required to be located accessed off adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.		
l)	Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
m)	Minimum Off-Street Parking	One off-street parking space per dwelling unit. Cottage Cluster developments utilize shared parking areas and a shared driveway limited to one driveway per street frontage.		
n)	Minimum number of units	4	4	4
o)	Maximum number of units	18	12	12
p)	Density, minimum	Four units per acre	Four units per acre	Four units per acre
q)	Universal Design Standards and Planned Development Standards that apply	Street frontage Front yard Alleys Private open space Common open space Compatibility Façade Parking Planned Development Standards: Usable Side Yard, Through Block, and Corner Common Greens		

(1) From alley property or easement line.

(2) May exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. May not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.

(3) Maximum average floor area per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

(4) Infill is defined as lots less than 14,000 square feet or less than double the minimum lot size of the underlying zone, whichever is less.

Figure 1. Cottage Cluster without Alley

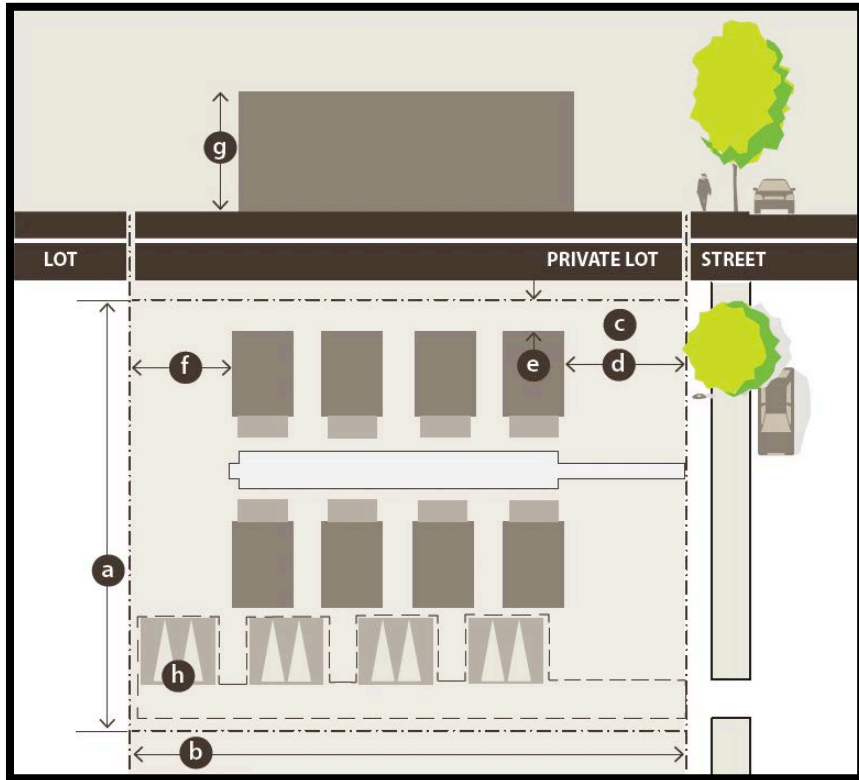
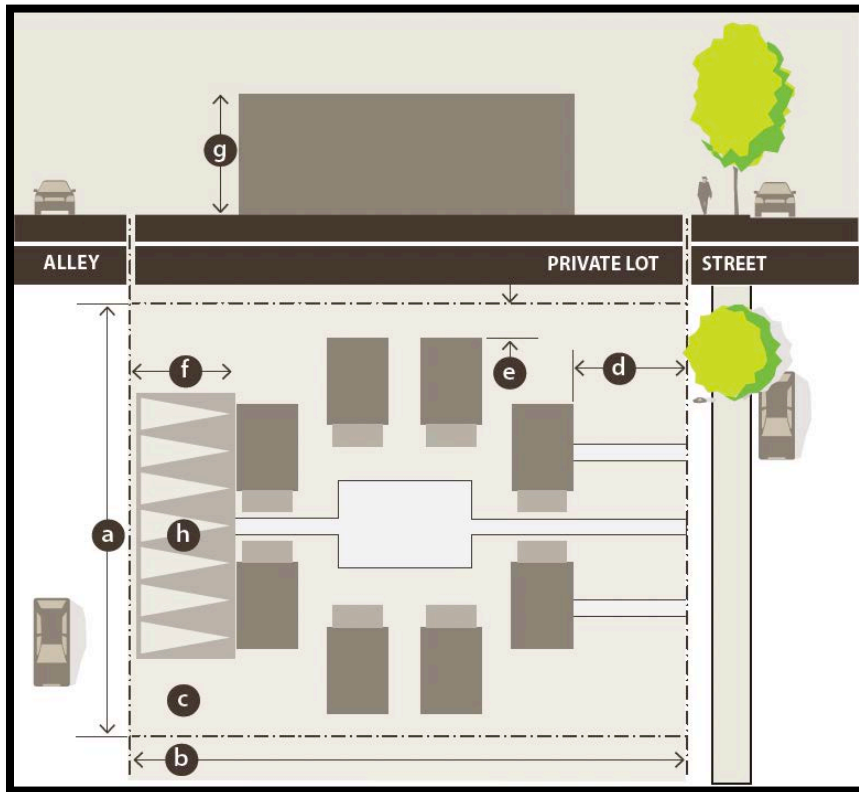


Figure 2. Cottage Cluster with Alley



D. Design Standards. Please see Table (2) below.

TABLE 2: COTTAGE CLUSTER DESIGN STANDARDS

	WITH ALLEY	WITHOUT ALLEY	SUBDIVISION / INFILL
a) Cottage orientation	<p>Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.</p> <p>A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:</p> <ul style="list-style-type: none"> ❖ Have a main entrance facing the common courtyard; ❖ Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and ❖ Be connected to the common courtyard by a pedestrian path. ❖ Cottages within 20 feet of a street property line may have their entrances facing the street. <p>Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.</p>		
b) Common courtyard design	<p>Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:</p> <ul style="list-style-type: none"> ❖ Common courtyard must be a single, contiguous piece ❖ Cottages must abut the common courtyard on at least two sides of the courtyard ❖ The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area. ❖ Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard. ❖ Up to 25% of the courtyard can be in a constrained area (e.g.; wetlands, forested areas, or steep slopes). 		
c) Common courtyard width, minimum (feet)	15	20	24
d) Common courtyard frontage on a street	Not required	required	Not required
e) Common courtyard square footage per unit	150	300	400

f) Common buildings	<p>Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, daycare, or community eating areas. Community buildings must meet the following standards:</p> <p>Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area.</p> <p>A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.</p>
g) Pedestrian access	<p>An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:</p> <ul style="list-style-type: none"> ❖ The common courtyard; ❖ Shared parking areas; ❖ Community buildings; and ❖ Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks. <p>The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.</p>
h) Windows	<p>Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single dwellings in the same zone</p>
i) Parking design: clustered parking	<p>Off-street parking may be arranged in clusters, subject to the following standards:</p> <ul style="list-style-type: none"> ❖ Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces. ❖ Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces. ❖ Parking clusters must be separated from other spaces by at least four (4) feet of landscaping. <p>Clustered parking areas may be covered.</p>
j) Parking location and access	<p>Off-street parking spaces and vehicle maneuvering areas shall not be located:</p> <ul style="list-style-type: none"> ❖ Within of 20 feet from any street property line, except alley property lines; ❖ Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys. <p>Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.</p>

k) Screening	Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.		
l) Garages and carports	<p>Garages and carports (whether shared or individual) must not abut common courtyards.</p> <p>Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.</p> <p>Individual detached garages must not exceed 400 square feet in floor area.</p> <p>Garage doors for attached and detached individual garages must not exceed 20 feet in width.</p>		
m) Accessory structures, maximum area	400	400	400
n) Existing structures	<p>On a lot or parcel to be used for a cottage cluster project, an existing detached single dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:</p> <ul style="list-style-type: none"> ❖ The existing dwelling may be nonconforming with respect to the requirements of this code. ❖ The existing dwelling may be expanded up to the maximum height or the maximum building footprint; however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded. ❖ The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster. <p>The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard.</p>		
o) Conversions	<p>A preexisting detached single dwelling may remain on a lot or parcel with a Cottage Cluster as described below:</p> <ul style="list-style-type: none"> ❖ The preexisting single dwelling may be nonconforming with respect to the requirements of the applicable code; ❖ The preexisting single dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded; ❖ The preexisting single dwelling shall count as a unit in the Cottage Cluster; ❖ The floor area of the preexisting single dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits. 		

17.11.040 Accessory Dwelling Units

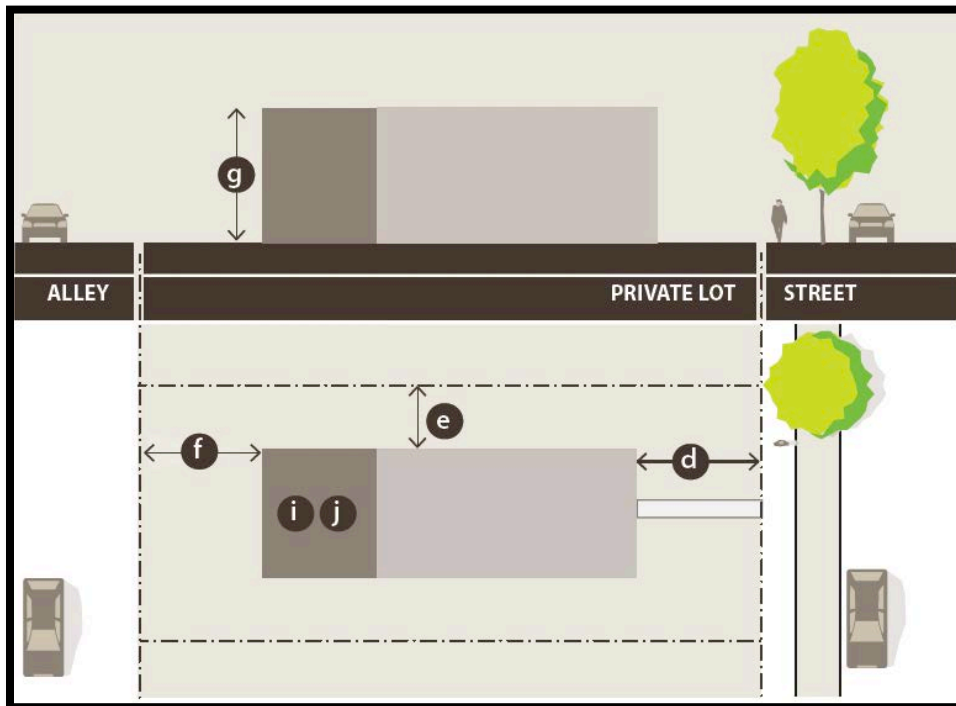
- A. Characteristics. An ADU is a secondary, self-contained single dwelling that may be allowed only in conjunction with a detached single dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single dwelling. An accessory dwelling unit generally 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 dwelling.
- B. Guiding Principles. 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;
 3. Construction of a detached accessory dwelling unit on a lot with a primary single dwelling; or
 4. Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.
 5. 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.
 6. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
 7. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that is completely independent from the primary dwelling.
 8. 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.
- C. Development Standards. - Please see Table 1 below.

TABLE 1. ACCESSORY DWELLING UNITS DEVELOPMENT STANDARDS

a)	Lot width (feet)	N/A
b)	Lot depth (feet)	N/A
c)	Lot size (square feet)	N/A
d)	Front setback (feet)	Match existing zone, subdivision, or Planned Development overlay district.
e)	Side setback (feet)	Match existing zone, subdivision, or Planned Development overlay district.
f)	Rear setback (feet)	Match existing zone, subdivision, or Planned Development overlay district.
g)	Building height (feet)	Height of primary building or 25 feet, whichever is less. ⁽¹⁾
h)	Building size	Not more than 50% of main dwelling or not more than 1,000 square feet (whichever is smaller).
i)	Lot coverage	Not larger than the coverage of the primary dwelling.
j)	Universal Design Standards and Subdivision Standards that apply	Universal Design Standards that apply to the main dwelling apply to the accessory dwelling unit.
k)	Minimum Off-Street Parking	No additional off-street parking is required for accessory dwelling units.

(1) Applicable to detached ADUs.

Figure 1. Accessory Dwelling Units



- D. Design Standards. 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.

17.11.050 Single Detached Houses

- A. Characteristics. Single dwellings are one home on a single lot, separated from adjacent dwellings by private open space in the form of side yards and backyards, and often set back from the public street with a front yard. Single dwelling standards apply to units that are larger than 400 square feet.
- B. Guiding Principles.
1. Avoid cookie-cutter appearance across multiple single dwellings in the same neighborhood by creating a variety of color, form, and façade details.
 2. Space driveways to allow for street trees and on-street parking.
 3. Garages facing the front should be recessed to reduce their prominence on the front façade.
- C. Development Standards. Please see Table 1 below.

TABLE 1. SINGLE DWELLING DEVELOPMENT STANDARDS

		PLANNED DEVELOPMENT		SUBDIVISION
		WITH ALLEY	WITHOUT ALLEY	SUBDIVISION / INFILL ⁽¹⁾
a)	Lot width (feet)	Min. 35	Min. 45	Match existing zone, subdivision, or Planned Development overlay district.
b)	Lot depth (feet)	Min. 65	Min. 65	
c)	Lot size (square feet)	Min. 2,300	Min. 3,000	
d)	Front setback (feet)	Min. 15	Min. 15	
e)	Side setback (feet)	Interior: Min. 3 ⁽²⁾ or 7.5 Exterior: 10	Interior: Min. 3 ⁽²⁾ or 7.5 Exterior: 10	
f)	Rear setback (feet)	0 with garage, 20 without garage. ⁽³⁾	Min. 20	
g)	Building height (feet)	Max. 35	Max. 35	
h)	Parking Zone	For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.		
i)	Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
j)	Minimum Off-Street Parking	Two parking spaces per dwelling unit.		
	Universal Design Standards and Planned Development Standards that apply	Street frontage Front yard Alleys Private open space Compatibility Façade Parking Planned Development Standards: Usable Side Yard, Through Block, and Corner Common Greens		

(1) Infill is defined as lots less than 14,000 square feet or less than double the minimum lot size of the underlying zone, whichever is less.

(2) Must meet all requirements of Usable Side Yard Subdivision standards.

(3) From alley property or easement line.

Figure 1. Detached Single Dwelling without Alley

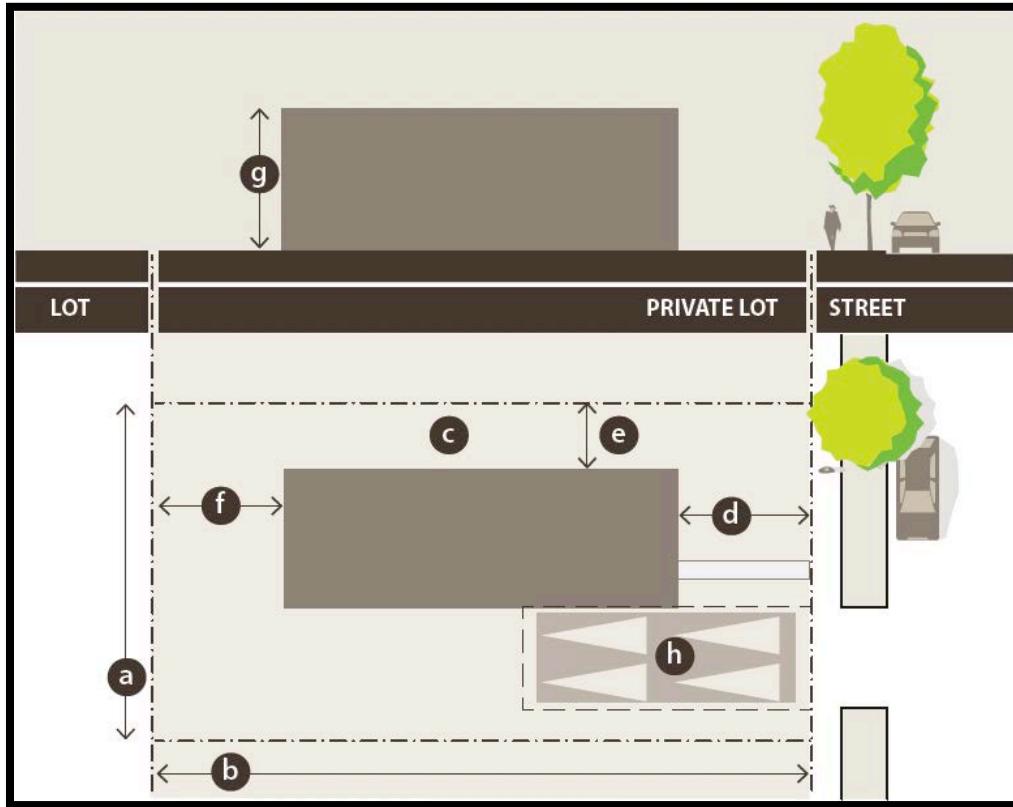
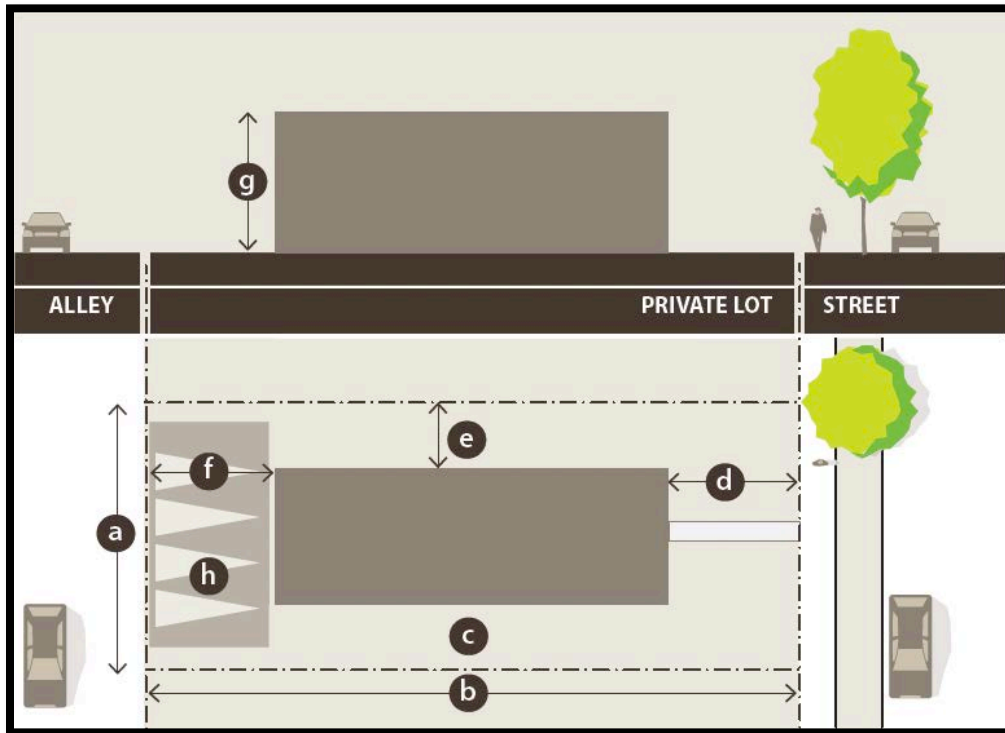


Figure 2. Detached Single Dwelling with Alley



17.11.060 Plexes

- A. **Characteristics.** A Plex is multiple dwellings on one lot (limited to four) stacked and/or side-by-side in a single structure, detached in separate structures, or a combination thereof. Plexes include duplexes (two units), triplexes (three units), and quadplexes (four units) on a single lot.
- B. **Guiding Principles.**
 - 1. Plex designs should be similar in size, scale and appearance when integrated into an existing single dwelling neighborhood.
 - 2. When situated on a corner lot, orient each entrance to a different street for privacy and neighborhood compatibility.
- C. **Development Standards.** Please see Table 1 below.

TABLE 1 PLEX DEVELOPMENT STANDARDS				
PLANNED DEVELOPMENT			SUBDIVISION	
	WITH ALLEY	WITHOUT ALLEY	SUBDIVISION / INFILL⁽⁴⁾	
a) Lot width (feet)	Min. 35	Min. 45	Duplex and Triplex match existing zone, subdivision, or Planned Development overlay district.	
b) Lot depth (feet)	Min. 65	Min. 65		
c) Lot size (square feet)	Duplex Min. 2,300 Triplex Min. 5,000 Quadplex Min. 7,000	Duplex Min. 3000 Triplex Min. 5,000 Quadplex Min. 7,000		
d) Front setback (feet)	Min. 10 ⁽¹⁾ or 15	Min. 15		
e) Side setback (feet)	Interior: Min. 3 ⁽²⁾ or 7.5 Exterior: 10	Interior: Min. 3 ⁽²⁾ or 7.5 Exterior: 10		Quadplex Min. 7,000
f) Rear setback (feet)	0 with garage, 20 without garage. ⁽³⁾	Min. 20		
g) Building height (feet)	Max. 35	Max. 35	Max. 35	
h) Parking Zone	For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.			
i) Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.			
j) Minimum Off-Street Parking	One parking space per dwelling unit.			

<p>k)</p> <p>Universal Design Standards and Planned Development Standards that apply</p>	<p>Street frontage Front yard Alleys Private open space Compatibility Façade Parking Planned Development Standards: Usable Side Yard, Through Block, and Corner Common Greens</p>
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- (1) Must meet all requirements of Universal Design Standards: Front Yard (Type2) Urban Type
- (2) Must meet all requirements of Usable Side Yard Subdivision standards.
- (3) From alley property or easement line.
- (4) Infill is defined as lots less than 14,000 square feet or less than double the minimum lot size of the underlying zone, whichever is less.

Figure 1. Plex without Alley

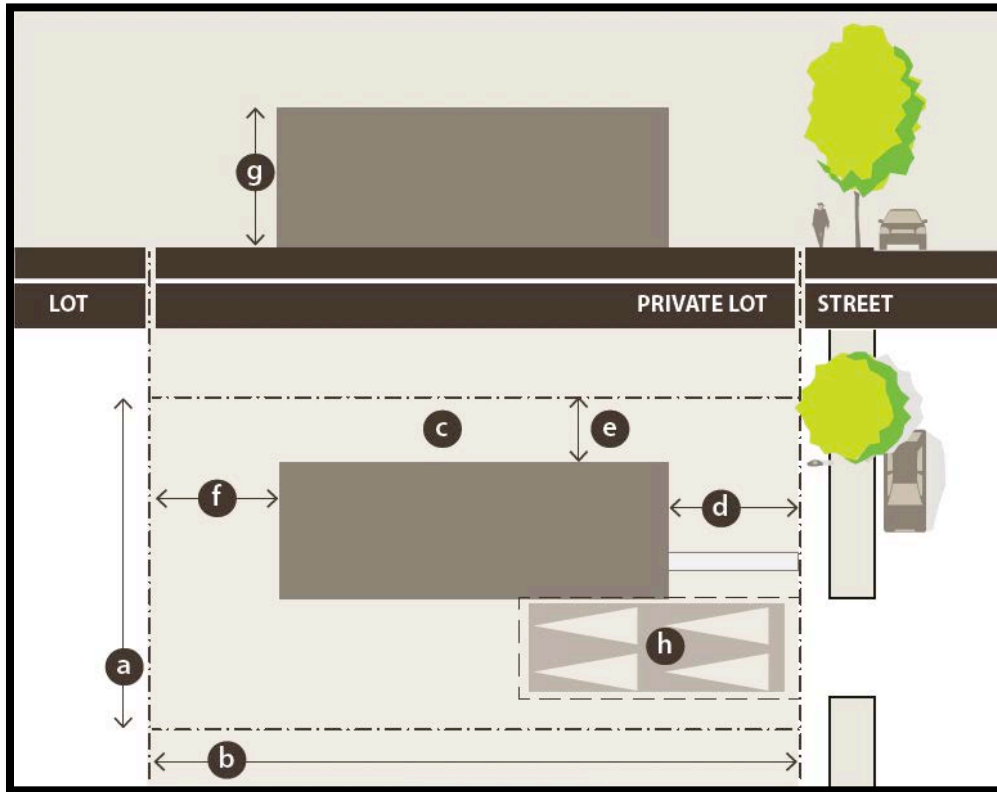
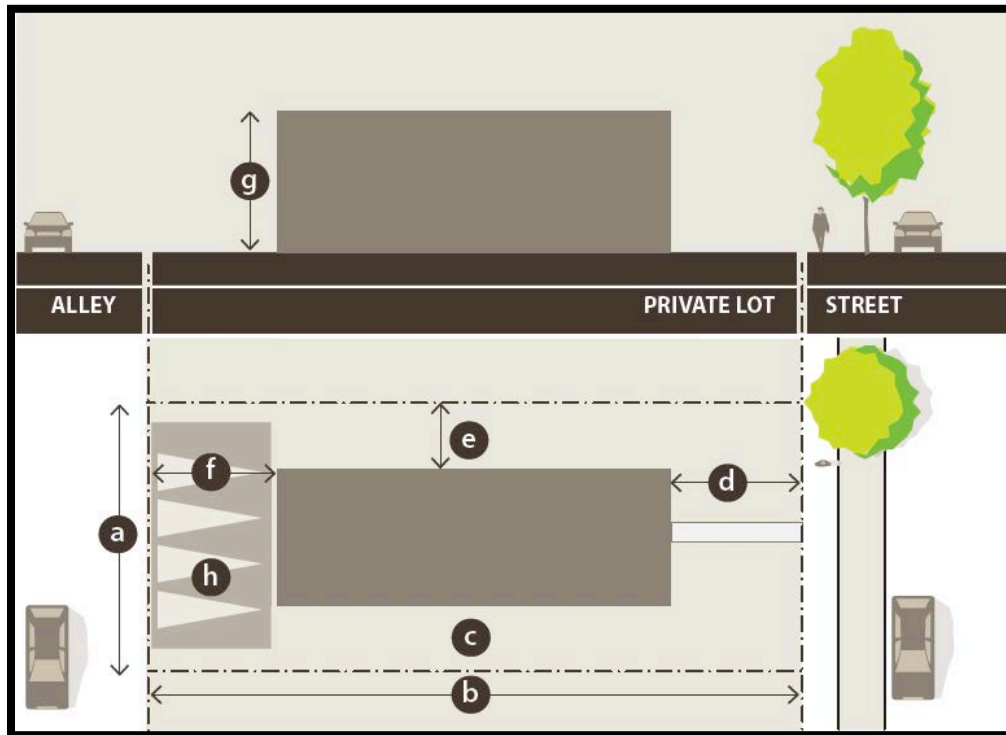


Figure 2. Plex with Alley



17.11.070 Townhouses

- A. Characteristics. Townhouses are attached units with common wall construction, each on a separate lot, and each with its own entry from a public or shared street or common area. Townhouse variation includes live/work units, typically with the “work” portion on the ground floor.
- B. Guiding Principles.
1. When fitting into existing single dwelling neighborhoods, group townhouses in smaller clusters, so that they are a compatible scale with surrounding development
 2. Design townhouses with a shared roof form, rather than a sawtooth shape with each unit having its own roof ridge. A shared roof form is more compatible with existing single dwelling neighborhoods.
 3. Provide alley-accessed parking, when possible, to minimize driveways and preserve the tree-lined street frontage.
- C. Development Standards. Please see Table 1 below.

TABLE 1. TOWNHOUSE DEVELOPMENT STANDARDS

	PLANNED DEVELOPMENT		SUBDIVISION
	WITH ALLEY	WITHOUT ALLEY	SUBDIVISION / INFILL ⁽⁴⁾
a) Lot width (feet) ⁽²⁾	Min. 20	Min. 22	Min. 22
b) Lot depth (feet)	Min. 60	Min. 60	Min. 60
c) Lot size (square feet)	Min. 1,500 ⁽³⁾	Min. 1,500	Min. 1,500
d) Front setback (feet)	Min. 15	Min. 15	Min. 15
e) Side setback (feet) ⁽⁴⁾	Interior: Min. 0 or 7.5 ⁽¹⁾ Exterior: Min. 10	Interior: Min. 0 or 7.5 ⁽¹⁾ Exterior: Min. 10	Match existing zone, subdivision, or Planned Development overlay district
f) Rear setback (feet)	0 (zero) with garage, 20 without garage.	Min. 10	
g) Building height (feet)	Max. 35	Max. 35	
h) Parking Zone	For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.		
i) Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
j) Minimum Off-Street Parking	One parking space per dwelling unit.		
k) Number of adjoining units and arrangement	Min. 2 Max. 8	Min. 2 Max. 4	Min. 2 Max. 4
l) Universal Design Standards and Planned Development Standards that apply	Street frontage Front yard Alleys Private open space Compatibility Façade Parking Planned Development Standards: Through Block, and Corner Common Greens		

⁽¹⁾ Interior side setback of 7.5 feet and exterior setbacks only apply to end units.

⁽²⁾ May allow frontage on public and private streets or alleys; and on shared or common drives.

⁽³⁾ Lot sizes for internal, external, and corner lots may be different as long as the townhouse project averages 1,500 sq ft or less.

⁽⁴⁾ Infill is defined as lots less than 14,000 square feet or less than double the minimum lot size of the underlying zone, whichever is less.

Figure 1. Townhouse without Alley

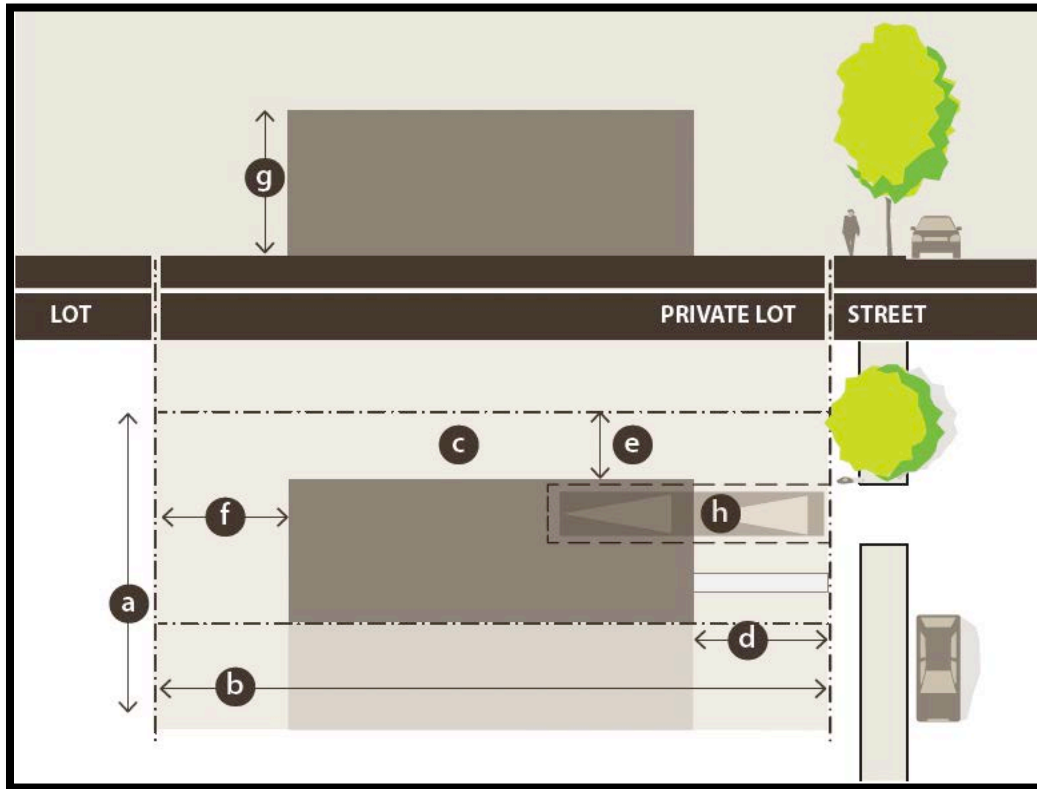
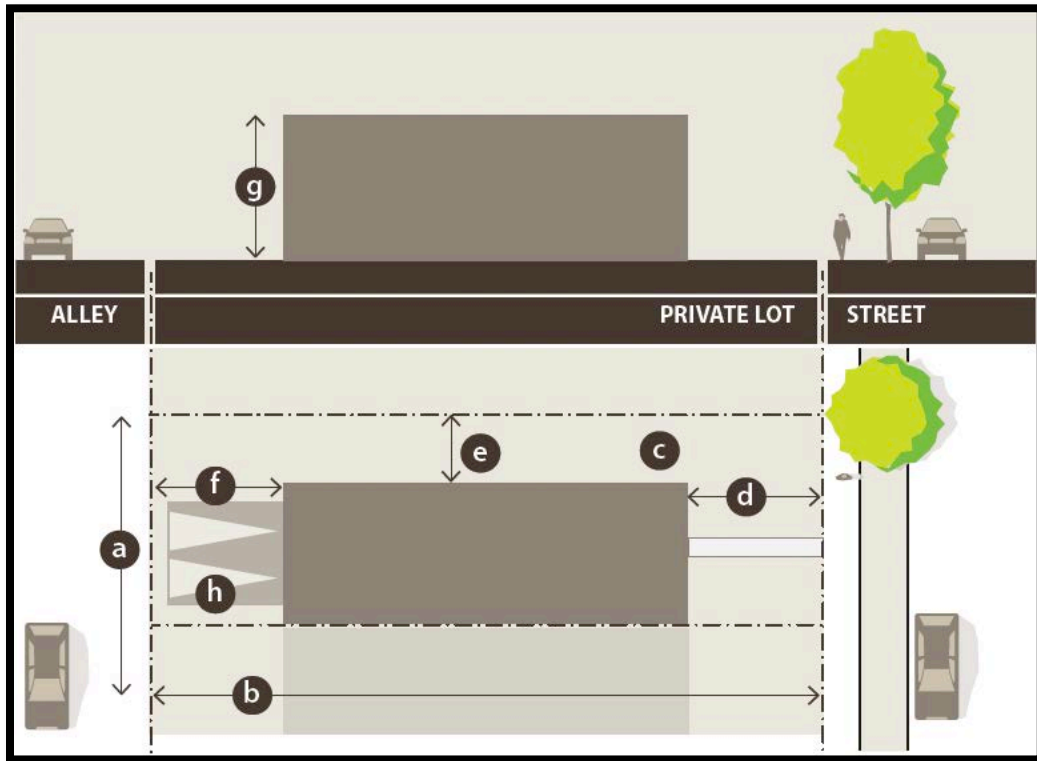


Figure 2. Townhouse with Alley



17.11.080 Single Room Occupancy

- A. Characteristics. Single Room Occupancy (SRO) housing is housing with single-room dwelling units which are the occupants' primary residence
- B. Guiding Principles. These SRO regulations are in addition to the regulations of the underlying zoning districts where SRO housing development is permitted.
1. An SRO Housing Development shall comply with all of the applicable standards of this Chapter.
 2. An SRO Housing Development shall comply with the standards of the applicable zoning district including height, setbacks, and other standards of the zoning district.
 3. An SRO Housing Development shall comply with the standards of the respective Chapters of the Zoning Ordinance for landscaping, signs, fences, solid waste enclosures, and other applicable general provisions.
 4. An SRO Housing Development may include SRO living units and common facilities in one building or multiple buildings on the site, subject to the provisions of this Chapter.
 5. An SRO Housing Development shall comply with residential architectural and site design requirements. For purposes of determining the residential design standards applicable to SROs, the following shall apply:
 - a. Small SRO Housing Development in one building with primary exterior entrance to a common/shared interior area: Single-dwelling Residential Design Standards
 - b. Small SRO Housing Development in one building with separate exterior entrances to the individual private SRO units:
 1. Two private SRO units with exterior entrances = Duplex standards
 2. Three private SRO units with exterior entrances = Triplex standards
 3. Four private SRO units with exterior entrances = Fourplex standards
 4. Five or Six private SRO units with exterior entrances = Multi-dwelling standards
 - c. Small SRO Housing Development in multiple buildings: Shall be based on the most applicable standards based on the number of buildings and the number of SRO living units within each building that have individual exterior entrances; however:
 1. A Small SRO development in two buildings may use the standards for a single detached dwelling with an accessory dwelling unit (ADU), provided the second structure complies with the size limitations and standards for an ADU.
 2. A Small SRO development in multiple buildings may use the cottage cluster standards, provided any separate structure

containing more than one SRO living unit has the primary exterior entrance to a common/shared interior area.

- d. Large SRO Housing Development, whether in one building or multiple buildings: Multi-dwelling residential standards.
 6. Accessory uses and structures. An SRO Housing Development may include accessory uses and structures which are customary to residential development subject to the regulations of the Zoning Ordinance. Home occupations shall be subject to the provisions of the Zoning Ordinance, and home occupations involving on-site customers or use of common areas shall only be conducted in accordance with the approved management plan.
 7. Mixed-Use Development. In zoning districts that are not limited to more than one main building per lot, as provided in Section 17.54.030, SRO housing development may be included as part of a mixed-use development, provided all uses separately meet the applicable design and development standards in total.
 8. Buildings – Number Per Lot. For purposes of applying Section 17.54.030, a Small SRO Housing Development may be considered to be “a main building,” whether in one building or more than one building.
- C. Standards for Private SRO Living Units within an SRO Housing Development
1. Minimum and Maximum Size. There is no minimum or maximum size for an SRO living unit.
 2. Maximum Number of Rooms in an SRO Living Unit. There is no maximum number of rooms in an SRO living unit.
 3. Private Bathrooms, Kitchen/Food Preparation Area, and Closets.
 - a. An SRO living unit is not required to have a private bathroom facility or private kitchen/food preparation area. It may have one or the other but may not have both. A living unit with both is regulated as a “dwelling unit.”
 - b. Bathroom. There is no limit on the number of private bathroom facilities an SRO living unit may have. If an SRO living unit does not have a private bathroom or has only a private half bathroom, then common/shared bathroom facilities shall also be provided as required by this Chapter. A full bathroom contains at least one sink, a toilet, and a bathing facility (shower, bathtub, or combination unit). A half bathroom contains one sink and a toilet, but no bathing facility.
 - c. Kitchen/Food Preparation Area. An SRO Living Unit shall not have more than one private kitchen/food preparation area. An SRO living unit is considered to include a private kitchen/food preparation area if it includes, at minimum, a sink separate from the sink(s) for any private bathroom. If a separate sink is provided, then the food preparation area shall also include, at a minimum, all of the following: space for an under-counter or full-size refrigerator with a

dedicated outlet, the contiguous countertop work area of not less than four square feet, and a 20-amp small appliance branch circuit located above the countertop work area.

1. If any SRO Living Unit does not have a private kitchen/food preparation area, then complete common/shared kitchen/food preparation facilities shall be provided as part of the SRO Housing Development as required by this Chapter.
- d. Closet. Each SRO living unit must have a closet, with at least four-square feet of closet space with an unobstructed height of at least five feet. The Planning Director may waive this requirement if equivalent storage space is provided or furnished in the unit in excess of the area required to meet minimum occupancy standards.

D. Common Spaces and Facilities

1. Usable Open Space. All SRO housing developments shall have at least 10 square feet of common usable open space per SRO living unit; however, no SRO housing development shall provide less than 200 square feet of common outdoor open space and 200 square feet of common indoor open space.
 - a. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight feet wide shall not be included as outdoor common space.
 - b. Usable open space in smaller SRO Housing Developments may be located to serve all units. However, in larger SRO Housing Developments, and those with private SRO units on multiple floors or in multiple buildings, common open spaces and facilities should additionally be distributed for the use of those units on the respective floors and in the respective buildings.
2. Furnishings. Common open spaces shall be designed to accommodate appropriate furnishings and shall be furnished for use by residents.
 - a. Appropriate furnishings for indoor spaces may include such items as lounge chair(s) and/or couch(es), table(s) with chairs, writing desk(s), and television(s).
 - b. Outdoor furnishings may include such items as outdoor bench(es), table(s) with chairs, barbecue(s), and shade umbrella(s).
3. Laundry Facilities.
 - a. A minimum of two washers and two dryers shall be provided for an SRO housing development. Additional washers and dryers must be provided for any development that has more than 20 units at the ratio of one washer and one dryer for every additional 20 units.
 - b. If two or more washers and dryers are provided in the same location, they must be provided in a separate room.
4. Bathrooms.
 - a. Any provisions of the Building Code which provide more restrictive provisions shall apply.

- b. If any SRO unit within an SRO housing development lacks a full private bathroom, then common bathroom facilities shall be provided for the SRO housing development. Common bathrooms shall be either single-occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. A minimum of one lavatory basin and one toilet shall be provided for each two living units which lack private bathrooms.
 - c. Common bathrooms shall have bathing facilities (shower, bathtub, or combination unit) at a ratio of one for every six people based on maximum occupancy as specified in Subsection 17.67.240(C), or fraction thereof, for units which lack full private bathrooms. Each shared/common shower or bathtub facility shall be single-occupant and provided with an interior lockable door.
 - d. Common bathrooms must be located on any floor that has any SRO units which lack full private bathrooms. However, if a two-story Small SRO Development has only one SRO unit without a full private bathroom on the second floor, the full common bathroom facilities may be provided on the main floor.
 - e. If SRO living units are located in separate buildings, common bathrooms shall be provided in any building where any SRO unit in that building lacks a full private bathroom. The number of lavatory basins, toilets, and bathing facilities in each building shall be calculated as specified in this Section based on the number of units lacking private bathroom facilities in that building.
5. Common Kitchen/Food Preparation Areas. Complete common kitchens/food preparation areas must be provided as part of an SRO Housing Development if any SRO living unit within the project does not have a private kitchen/food preparation area. A complete common kitchen/food preparation area contains equipment and facilities for a refrigerator/freezer, food storage, cooking and heating food, washing and preparing food, and washing dishes.
- a. Number
 - 1. One complete common kitchen/food preparation area shall be provided within the project for every 10 units, or portion thereof, which lack a private kitchen/food preparation area.
 - 2. The Director may reduce the requirement provided the management plan provides for meals provided at one or more congregate dining areas as part of the room and board.
 - 3. The Director may reduce the requirement for the number of separate common kitchen/food preparation areas provided the application demonstrates the common kitchen/food preparation areas contain multiple workstations and appliances comparably equivalent to separate common kitchen/food preparation areas.
 - b. Location
 - 1. For a Small SRO Development with multiple buildings, common kitchen/food preparation areas, and dining facilities may be

located in a separate shared/common building, or in a building that contains some of the SRO living units within the SRO Housing Development. Each separate building with SRO living units need not contain separate common kitchen/food preparation areas.

2. For a Large SRO Development, a minimum of one complete common kitchen/food preparation area must be provided on any floor where any SRO living units without private kitchens/food preparations areas are located.
 3. The Director may reduce this requirement for a two-story building with 20 units or less, or if the management plan provides for meals provided at a congregate dining area as part of the room and board.
6. Parking. Parking shall be provided at the rate of one off-street parking space per three SRO living units plus one space per two employees on the largest shift, but not less than two spaces plus one space per vehicle used in the operation of the SRO.
 7. Storage Space. All SRO units must have access to separate usable storage space within the project.
 8. Bicycle Storage. With the exception of projects that allow only senior residents, projects that have less than one automobile parking space per unit shall provide one easily accessible space for storing and locking a bicycle per unit. For projects that provide one parking space per unit, at least one bicycle storage space for every two units shall be provided.
 9. Garbage Disposal. Garbage disposal service must be included for the SRO development. Solid waste and recycling receptacles and enclosures shall be provided as required by Chapter 17.61 of the Zoning Ordinance. They must be located on property in a manner that does not hinder access to any required off-street parking or loading spaces and complies with the solid waste enclosure requirements unless individual wheeled receptacles are stored in a dedicated location inside a building.
- E. Management of SRO Housing Development
1. Management Plan. All SRO projects must have a management plan approved by the Planning Director. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.
 2. 24-Hour Contact for Large SROs. Large SRO Housing Developments shall have a manager available on call 24 hours per day and shall provide contact information to residents.

17.11.090 Apartments. Apartments are a type of attached housing within single-story or multi-story buildings. Apartment dwelling units may share common walls, ceilings, or floors.

- A. Characteristics.

1. Site Sizes: Single walk-ups, block apartments, and many courtyard apartments can fit on a 100 x 100 foot lot. Bigger developments with multiple walk-up buildings may be as large as 250,000 square feet, or 500 x 500 foot lots.



2. Height Range: Apartment heights vary depending on the type and the location.



3. Density Ranges: Apartment densities vary depending on building type and site design layout.

B. Types of Apartments.

1. Courtyard Apartments

- a. Description: Attached housing units arranged around a courtyard, each with its own entry or other access from the courtyard.
- b. Appropriate Context: Courtyard apartments have large footprints and therefore fit in well to the edges of single dwelling neighborhoods and on major streets. They can be designed to be low in profile and to fit seamlessly into most detached single-dwelling neighborhoods. Like cottage clusters, they lend themselves to sensitive sites where preserving trees and open space is a priority.
- c. Also Named: Garden apartments
- d. Variations: Stacked (like townhouses) and oriented to a courtyard or open space; single level and oriented to a courtyard; bar-shaped or L-shaped instead of C-shaped; with separate garages from an alley or tucked under the development.
- e. Lot Sizes: Vary widely, from 10,000 to 80,000 square feet
- f. Density Range: 10-30 units per acre. (Note, maximum density will be governed by McMinnville's municipal code.)

- g. Building Height: Typically 2-3 stories. (Note, maximum height will be governed by McMinnville's Municipal Code.)
 - h. Construction Type and Building Code Issues: Typically Type V frame construction. Sprinklers for fire suppression are required if not common wall construction. Elevators needed if over 3 stories.
2. Walk-Up Apartments
- a. Description: Buildings are limited to three stories, and consist of about four to 12 units each, accessible from a single open-air stairwell. Dwelling units are typically constructed in Type V frame construction with fire sprinklers. Individual apartment buildings are arranged around common open space and shared parking areas.
 - b. Appropriate Context: Walk-up apartments are appropriate adjacent to or within a single dwelling neighborhood depending on site design, orientation to the street, location of parking, and the massing and scale of buildings.
 - c. Also Named: Woody Walk-Ups, Single Stair Walk-Ups
 - d. Variations: May have an internal stair. Generally, in this case, the maximum number of units per floor are four. They can be designed with front and back windows for cross ventilation. Buildings can be separated to offer access to light and air on three sides.
 - e. Lot Sizes: Vary widely, from 10,000 to 250,000 square feet
 - f. Density Range: 15 - 30 units per acre. (Note, maximum density will be governed by McMinnville's municipal code.)
 - g. Building Height: Usually 3 stories; can be 2 stories. (Note, maximum height will be governed by McMinnville's Municipal Code.)
 - h. Construction Type and Building Code Issues: Typically Type V frame construction. Sprinklers for fire suppression are required.
2. Apartment Block
- a. Description: Stacked dwelling units in a single building or groups of buildings on a single lot. Parking is shared, and entrance to units is typically accessed through a shared lobby.
 - b. Appropriate Context: Apartments vary widely in size and design but typically have large footprints and fit in well to the edges of single dwelling neighborhoods and on major streets.
 - c. Also Named: Flats, multifamily, apartments
 - d. Variations: Flats, lofts, two-level flats, split-level flats, through-building flats.
 - e. Lot Sizes: Vary widely, from 7,200 to 320,000 square feet.
 - f. Density Range: 10 - 200 units per acre. (Note, maximum density will be governed by McMinnville's municipal code.)
 - g. Building Height: 2-5 stories, if adjacent to or within a single dwelling neighborhood context. Can be much taller in central city

areas. (Note, maximum height will be governed by McMinnville’s Municipal Code.)

- h. Construction Type and Building Code Issues: Type V frame construction for buildings under 5 stories. Type V frame construction over Type I, for 6 or 8 stories, or Type I for taller buildings. Sprinklers for fire suppression are required. Elevators needed if over 3 stories.

C. Development Standards. Please see Table 1 below.

TABLE 1. MULTI-DWELLING DEVELOPMENT STANDARDS

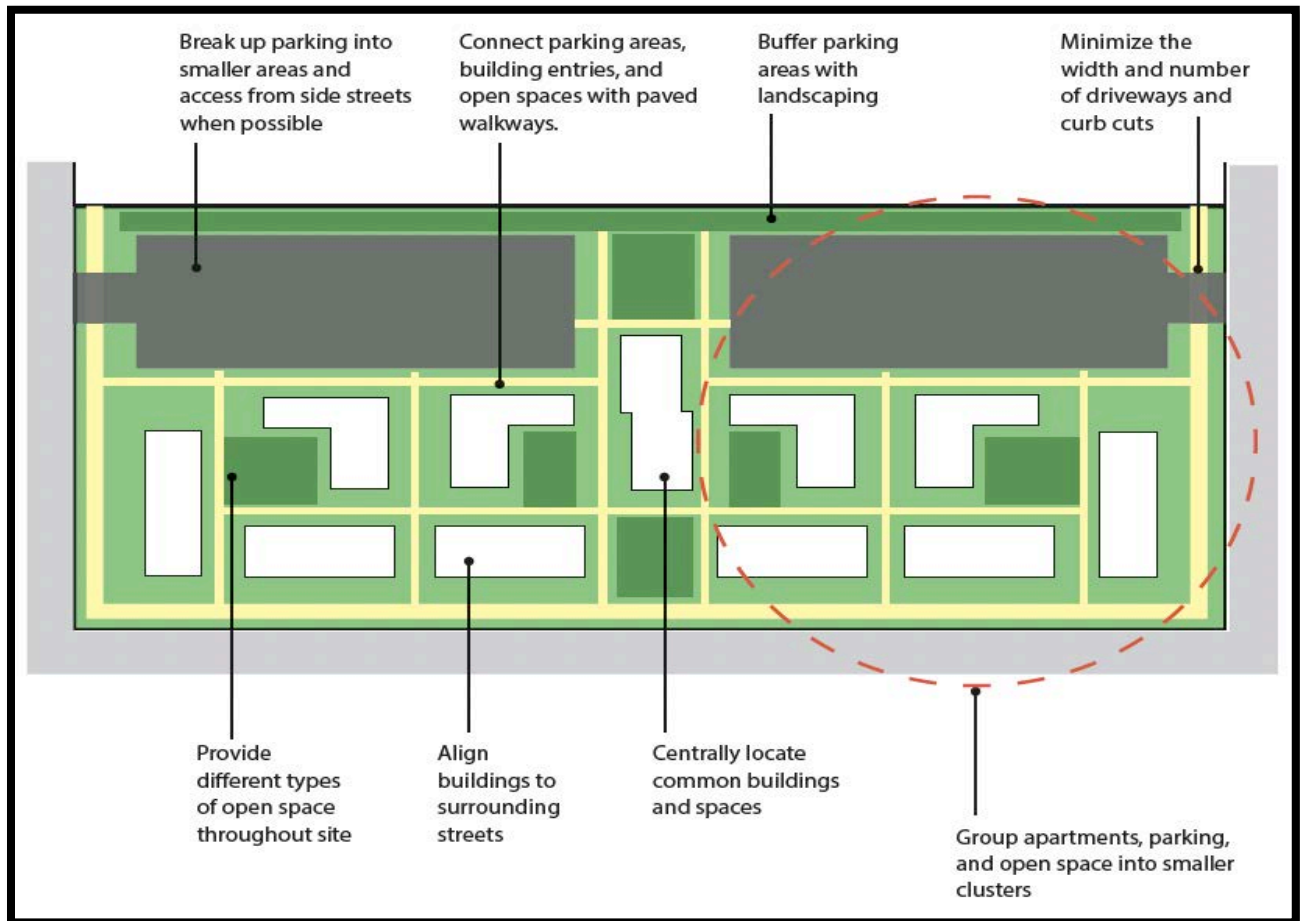
LOTS OVER 14,000 SQUARE FEET			
	WITH ALLEY	WITHOUT ALLEY	INFILL ⁽⁴⁾
a) Lot width (feet)	Min. 50	Min. 50	Match existing zone, subdivision, or Planned Development overlay district.
b) Lot depth (feet)	Min. 100	Min. 100	
c) Lot size (square feet)	Min.5,000	Min. 5,000	
d) Front setback (feet)	Min. 10 ⁽¹⁾ or 15	Min. 15	
e) Side setback (feet)	Interior: Min. 3 ⁽²⁾ or 5 Exterior: 10	Interior: Min. 3 or 5 Exterior: 10	
f) Rear setback (feet)	0 with garage, 20 without garage. ⁽³⁾	Min. 20	
g) Building height (feet)	Varies, See underlying zone	Varies, See underlying zone	
h) Parking Zone	For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.		
i) Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
j) Off-street Parking	See McMinnville Municipal Code Chapter 17.60		

(1) Must meet all requirements of Universal Design Standards: Front Yard (Type2) Urban Type
(2) Must meet all requirements of Usable Side Yard Subdivision standards.
(3) From alley property or easement line.
(4) Infill is defined as lots less than 14,000 square feet or less than double the minimum lot size of the underlying zone, whichever is less.

- D. Design Standards. The Apartment Design Standards for multi-dwelling housing are standards that apply to apartment housing types. These standards are related to site design and building frontage, parking, compatibility with neighboring homes, open space, and private space.
1. Context and Site Design. Site design standards are intended to facilitate the development of attractive multi-dwelling housing. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community, and fosters a quality environment for residents and neighbors.
 - a. Mirror the scale of blocks and the block-like structure of the surrounding neighborhood.
 - b. Connect the internal network of streets and paths to those of the surrounding area where possible.
 - c. Configure apartments, parking areas, and common open space in clusters that mirror the scale of blocks of the surrounding neighborhood or are no more than 10,000 square feet in area per cluster.
 - d. Residential units must be oriented to a common open space, including a common green, a plaza, or a pocket park.
 - e. Orient all buildings around a shared open space that meets the requirements of a Common Open Space.
 - f. Align buildings to surrounding streets.
 - g. Connect to surrounding neighborhoods, schools, parks, and other neighborhood destinations.
 2. Large Site Design Requirements.
 - a. Break up parking into smaller areas and access from side streets when possible
 - b. Connect parking areas, building entries, and open spaces with paved walkways.
 - c. Buffer parking areas with landscaping
 - d. Minimize the width and number of driveways and curb cuts
 - e. Provide different types of open space throughout site, both active and passive, including playgrounds, trails, volleyball courts, bocce ball courts, community gardens, etc.
 - f. Align buildings to surrounding streets
 - g. Centrally locate common buildings and spaces
 - h. Group apartments, parking, and open space into smaller clusters
 3. Pedestrian Access. On-site pedestrian circulation system shall include the following:
 - a. Continuous connections between the primary buildings, streets abutting the site, ground-level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
 - b. At least one pedestrian connection to an abutting street frontage for every 200 linear feet of street frontage.

- c. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways shall be constructed with the hard surface material, shall be permeable for stormwater, and shall be no less than 3 feet to 5 feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.
- e. Spacing requirement: No further than 200 feet apart, on center. At least 1 pedestrian connection to an abutting street frontage for every 200 linear feet of street frontage.
- f. May be co-located with a common green.

Figure 1. Pedestrian Access.



4. Parking Lot Location and Design.

a. Characteristics.

- 1. A parking lot is a storage space for cars and should provide secure storage.

2. It is also a place where everyone is a pedestrian while getting to or from their car. Therefore, it should be designed primarily for the ease, safety and comfort of a person rolling or on foot.
 3. Clearly defined pathways through parking lots and garages to building entrances, surrounding sidewalks, and transit stops enhance pedestrian safety. These pathways also provide an opportunity to improve the appearance of parking lots.
 4. Design parking lots and garages so that vehicles are not the dominant feature.
 5. To encourage bicycling as a mode choice, bike parking areas should include bike repair, maintenance, and cleaning stations.
- b. Universal Design Standards for Nine Parking Spaces or More
1. Parking lot pathways should be designed as part of the seamless accessibility network described in Apartment Standards, particularly the required Through Connection.
 2. Driveways to shared parking areas are:
 - A. Limited to one driveway per street frontage.
 - B. Parallel parking is permitted on a driveway that crosses a front, side or rear yard abutting a street, but not within the required yard setback.
- c. Parking Lots For Small Multi-Dwelling Sites - Containing More Than Nine Parking Spaces but Fewer Than 16 Parking Spaces. Off-street parking may be arranged in clusters, subject to the following standards:
1. Residential developments with fewer than 16 dwellings are permitted parking clusters of not more than five contiguous spaces.
 2. Residential developments with 16 dwellings or more are permitted parking clusters of not more than eight contiguous spaces.
 3. Parking clusters must be separated from other spaces by at least four feet of landscaping.
 4. Clustered parking areas may be covered.
- d. Parking Lots For Medium-to-Large Multi-Dwelling Sites - Containing More Than 16 Parking Spaces.
1. Interior landscaping, minimum area
 2. Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.
 3. For parking lots less than 50,000 square feet, the minimum landscaped area is 5 percent.
 4. For parking lots 50,000 square feet and greater, the minimum landscaped area is 8 percent.
 5. Planted areas may take the form of landscape areas and planter bays.
 6. Landscaped areas along a through connection count toward required interior landscaping.

7. Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands 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 and have root systems that form deep before spreading to decrease the episodes of buckled pavement.
8. Trees may line the required Through Connection, and/or be clustered within landscape islands or planter bays, and/or shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.
9. When a parking area abuts 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.
- e. Parking Lot Setbacks Adjacent to Buildings and Structures. Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be set back from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, or by a minimum five-foot-wide paved pedestrian walkway.
- f. Parking Lot Location. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 1. Within of 20 feet from any street property line, except alley property lines;
 2. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 3. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
 4. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 5. Garages and carports (whether shared or individual) must not abut common courtyards.
 6. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 7. Individual detached garages must not exceed 400 square feet in floor area.
 8. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

- g. Parking Lot Required Through Connections. Through Connections may be multi-modal or used exclusively for bicycle and pedestrian access and need to meet the standards in Table 1 below.

Table 1. Through Connection required components and options

Walkway	Planted area
<p>Walkway must be paved, and 10 feet wide minimum. Paved area may be:</p> <ul style="list-style-type: none"> a. 5 feet wide, minimum, each side of a drive aisle. b. 10 feet wide, minimum, one side of a drive aisle. c. 10 feet wide, minimum, if no drive aisle. <p>(Drive aisle minimum width 12 feet) Walkway surface must be clearly marked and differentiated from the surface parking area. Marking treatment maybe paint or paving material.</p>	<p>A planted area is required on one or both sides of the through connection walkway. Planted area must be a minimum of 6 feet wide. Planted areas may be:</p> <ul style="list-style-type: none"> d. 3 feet minimum, each side of the through connection walkway. e. 6 feet minimum, one side of the through connection walkway. <p>Landscaped areas along a through connection may be interrupted by vehicular crossings. Landscaped areas along a through connection count toward required interior landscaping.</p>

5. Common Open Space

a. Characteristics.

1. Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sports fields, play structures, bike tracks, courts, swimming pool, or other options.
2. Provide tall deciduous trees for summer shade and winter solar access. When possible, preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.
3. Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.
4. Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.
5. Provide opportunities for food cultivation including a community garden and/or incorporating cultivated species into the landscaping.
6. A maximum of 50 percent of common open space may be provided in a rooftop deck that includes shared amenities, weather protection, and landscaping, and is accessible to all residents.
7. A shared outdoor courtyard or shared street/woonerf that is fronted by individual entrances, windows, and balconies There

should be a combination of hardscape and landscaped space and/or planters.

b. Required Elements, General.

1. A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open spaces shall be accessible to all residents.
2. Common open space shall be a minimum of 15 percent of the site.

c. Required Elements, Clustered Housing. Clustered housing, including cottage clusters and garden apartments, must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

1. The common courtyard must be a single, contiguous piece.
2. Cottages must abut the common courtyard on at least two sides of the courtyard.
3. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
4. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
5. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
6. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

6. Private Open Space

a. Characteristics.

1. Every dwelling needs private open space for relief from indoors and to provide access to fresh air, light, and nature. Private open space may take many forms based on the size of unit.
2. They should translate into a perception of an increase in living space and the ability to invite the outdoors in. Additionally, these open spaces can provide environmental benefits with plants that consume carbon dioxide and help reduce stormwater runoff. Spaces should be adequate to be usable, allowing space for a

- chair to sit in, a place to barbecue or hang clothes to dry, or for a pet to curl up.
3. Private open space should enhance the residential function of the building while also improving the appearance of the building. They should be integrated into the overall architectural form and add detail to the façade.
 4. Placement can vary based on privacy concerns. It can be combined across multiple floors.
- b. Required Elements.
1. All units shall have a minimum of 36 square feet of private open space that allows for personalization and private use of the space and contributes to the livability and function of the dwelling. Any exterior private open spaces shall be supplemented with operable windows to allow for cross-ventilation, increase airflow and provide the ability to control access to the outdoors.
 2. At least 50 percent of upper units shall have a balcony that is accessible from the interior of the unit that is a minimum of 60 square feet with no dimension less than 6 feet. These balconies can be designed to be up to the full width of the apartment in order to provide adequate space for use and allow greater indoor/outdoor flow. Balconies can be cantilevered, semi-recessed, or fully recessed. They should be located based on privacy and environmental concerns. If balconies are transparent, adequate storage should be provided within the unit or the larger building so that balconies do not become informal storage spaces.
 3. Private outdoor space at the ground level must meet the requirements of Universal Standards: Front Yard regardless of whether the private outdoor space is in the front, side, or rear of a building.
- c. Supplemental Elements. In addition to meeting the required elements above, projects must provide private open space in the form of one of the options listed below.
1. A “Juliet-style” balcony of 12-inch dimension that allows residents to bring a sense of the outdoors into the unit. Must have doors that can open inwards or full-height sliding glass doors to allow the introduction of fresh air and sunlight. If this item is selected, units must also include operable windows to increase airflow/ability to control access to the outdoors.
 2. An upper story rooftop deck or terrace that may include space for outdoor seating, dining, and planters for cultivation. This terrace may be stepped back on structures over two stories so as to reduce the visual impact of upper floors.
 3. Alternative option that meets the concept and guiding principles.

7. Alleys

a. Characteristics.

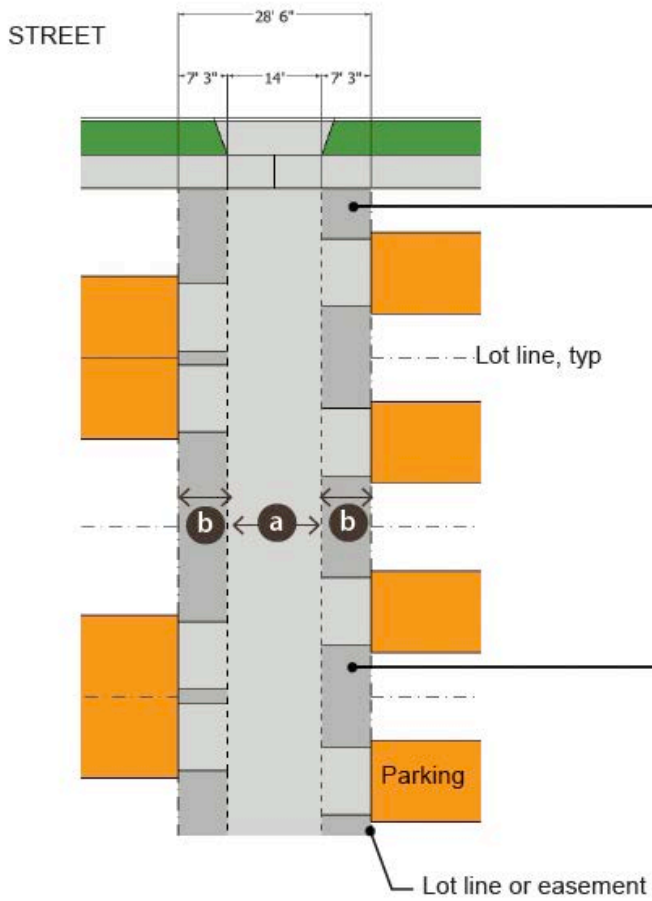
1. Alleys are critical in limiting the number of driveways accessing parking lots from the street edge. They can be used to access parking in the center of a block for middle housing or multi-dwelling housing arrangements.
2. Alleys vary in width and can be a public right of way or private easement. Visually narrowing the perceived width of alleys through landscaping, paving, and placement of garages or Accessory Dwelling Units ensures that they are not used for traffic. If well designed, they can be part of a total pedestrian pathway system through the neighborhood.
3. Provide alleys wherever possible, especially in new development. In existing neighborhoods, partial alleys can be provided.



b. Required Elements. Multi-dwelling development must meet the requirements of either:

1. Alley Type 1 (please see figure below)
2. Alley Type 2 (please see figure below)

Figure1. Alley Types



Examples of low landscape buffer treatments for an alley.

Alley Standards Type 1		
a	Travel Way Width	14 feet
b	Low Landscape Buffer	7.25 feet, each side

Alley Standards Type 2		
a	Travel Way Width	20 feet, minimum

8. Landscaping

a. Characteristics.

1. Use landscape elements, particularly plant materials, in an organized and harmonious manner that will enhance, protect and promote the economic, ecological, and aesthetic environment of McMinnville.
2. 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. Reduce soil erosion and the volume and rate of discharge of stormwater runoff.
 - b. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
 - c. Mitigate the loss of natural resources.
 - d. Provide parking lot landscaping to reduce the harmful effects of heat, noise, and glare associated with motor vehicle use.
 - e. Create safe, attractively landscaped areas adjacent to public streets.
 - f. Require the planting of street trees along the City's rights-of-way.
 - g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character, and value of existing neighborhoods.
 - h. Provide shade, and seasonal color.
 - i. Reduce glare, noise, and heat.
 - j. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
 - k. Unify development and enhance and define public and private places.
 - l. Preserve existing mature trees.
 - m. Enhance the urban forest and tree canopy.
 - n. 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.
 - o. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
 - p. 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.

- b. Required Elements.
 - 1. All areas of the site not occupied by the structures or paved areas shall be landscaped in an attractive and functional manner.
 - 2. A minimum of 20 percent of the net site shall be landscaped. Paved pedestrian paths, when integrated within the landscaped area, may satisfy up to 5 percent of this requirement. Landscaped setback areas, landscaped common open spaces, eco-roofs, vegetated stormwater facilities, preserved natural areas, and planter areas can be credited toward the minimum landscape standard.
- 9. Privacy and Screening
 - a. Characteristics. Low walls or fences are encouraged to provide separation between private open space and common open space, streets, or internal circulation paths. Fences should be designed to integrate with the architecture of the building and add visual interest through the use of materials, color, and detail.
 - b. Required Elements.
 - 1. All fences on the interior of the development shall be no more than 3 feet high. Fences along the rear or side property lines of the development may be up to 6 feet high. Chain-link fences are prohibited.
 - 2. Mechanical and communication equipment and outdoor garbage and recycling areas shall be screened so they are not visible from streets and common open spaces.
 - 3. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment shall not be located within 5 feet of a front entrance and shall be screened with sight-obscuring materials.
 - 4. The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties.
- 10. Front Yard.
 - a. Characteristics.
 - 1. For all housing types the front setback—even when it is small or zero, should be designed to provide a transition from the public realm of the street to the private realm of the dwelling.
 - 2. The front setback provides a vital transition between the public area of the street and the private spaces within the dwelling. The smaller the front setback is, the more important the concept of layering public to private spaces becomes. When multi-dwelling units are on the ground floor of the building and face the perimeter of the site and surrounding streets, they must meet the standards of this section.

b. Required Elements.

1. Dwelling units located on the ground floor of the building and facing the perimeter of the site and surrounding streets must meet the requirements of either:

- a. Front Yard Type 1: Neighborhood (please see figure below)
- b. Front Yard Type 2: Urban (please see figure below)

Figure 1. Neighborhood Front Yard

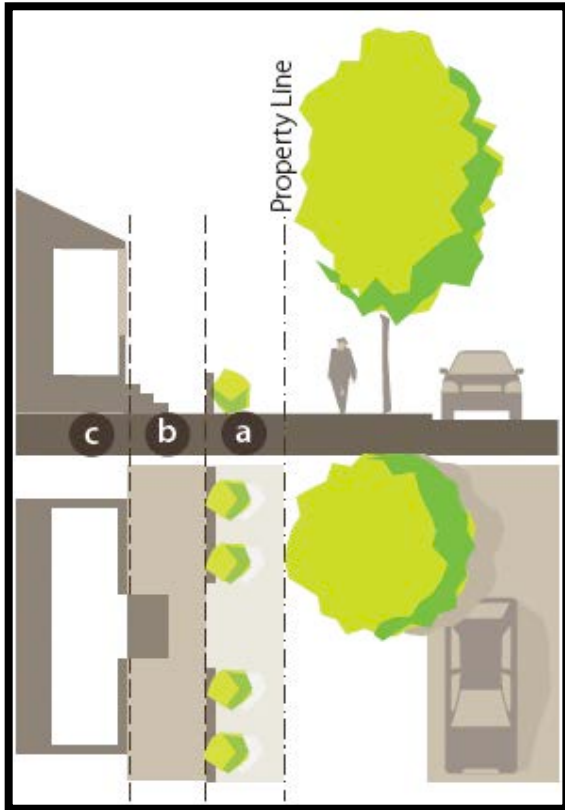
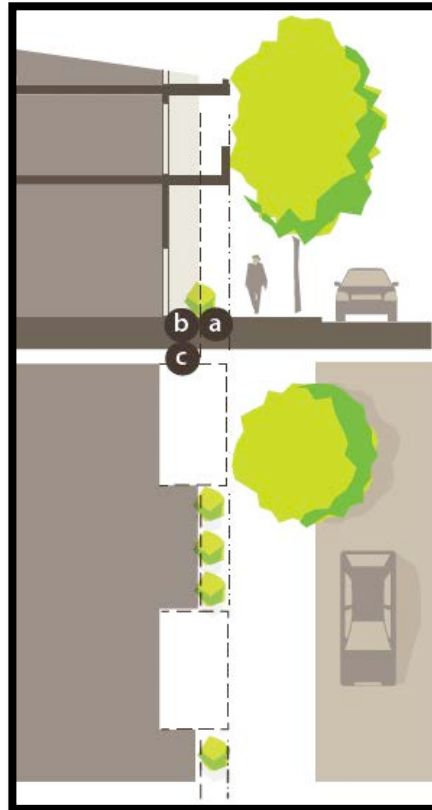


Figure 2. Urban Front Yard



Type 1 Front Yard (Neighborhood Type)

Zone	Requirement	Intent and purpose	Ways to meet the requirement
a	Gateway	Marks the threshold between the public zone of the sidewalk and the private dwelling zone. May provide a location for address identification.	Must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Low fence <input type="checkbox"/> Low planting—shrubs, grasses
b	Front Yard, Forecourt or Dooryard	Provides habitable and personalize-able outdoor space for the resident.	Fundamental requirements: <ul style="list-style-type: none"> <input type="checkbox"/> A minimum of 5-feet distance between inside edge of Gateway and edge of Porch-Stoop-Terrace <input type="checkbox"/> A paved walkway between sidewalk and entrance, which may be combined with a driveway Must provide one of the following or a combination: <ul style="list-style-type: none"> <input type="checkbox"/> Pedestrian-oriented hardscaped outdoor space <input type="checkbox"/> Lawn or planted area <input type="checkbox"/> Alternative option that meets the intent and purpose
c	Porch, Stoop or Terrace	Provides an outdoor living area that is physically and visually connected to the public realm of the street. Provides opportunities for community interaction. May provide a location for address identification.	Fundamental requirements: The porch, stoop, or terrace must be at least 36 square feet in area and have minimum dimensions of 6 feet by 6 feet; and the porch must have a solid roof. In addition, must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof

Type 2 Front Yard (Urban Type)

Zone	Requirement	Intent and purpose	Ways to meet the requirement
a	Gateway	Marks the threshold between the public zone of the sidewalk and the private dwelling zone. May provide a location for address identification.	Must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Low wall <input type="checkbox"/> Change in paving material <input type="checkbox"/> Low fence <input type="checkbox"/> Low planting—shrubs, grasses
b	Front Yard, Forecourt or Dooryard	At a minimum, provides a transitional zone between the domestic realm of the dwelling and the public realm of the street. If larger, it provides a habitable and personalize-able outdoor space for the resident.	Fundamental requirements: Minimum of ten feet in depth.* Must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof <input type="checkbox"/> Planted area <input type="checkbox"/> Wood decking
c	Porch, Stoop or Terrace	At a minimum, provides an outdoor entry vestibule. If larger, it provides an outdoor living area that is physically and visually connected to the public realm of the street. Provides opportunities for community interaction. May provide a location for address identification.	Fundamental requirements: Minimum of ten feet in depth.* Must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof <input type="checkbox"/> Recessed area <input type="checkbox"/> Overhanging balcony <input type="checkbox"/> Canopy

*Items b and c may be combined into a single ten foot depth, provided the intent and purpose of each one is met.

11. Compatibility

- a. Characteristics. New multi-dwelling housing should be compatible with its surrounding context while introducing new shape, size, and detail variation, enabling different housing styles and types to sit side-by-side harmoniously.
- b. Required Elements.
 - 1. On a site with multiple buildings of varying scales (or that vary from the surrounding context), provide a gradual transition between scales. For example, locate dwellings that are similar in scale and density along the street frontage and transition to lower scale and density buildings toward the rear of the site. Use rear driveways and landscaping as a buffer backing up to adjacent properties of a different scale.
 - 2. Arrange building volumes and setbacks in a way that reflects neighborhood patterns along street frontages and contributes to the desired character.
 - 3. Arrange courtyard apartments so that end units reflect a neighborhood context of detached units along the street frontage.
 - 4. Step down taller buildings next to smaller buildings to enable buildings of larger-scale but similar proportions to blend in with surroundings.
 - 5. Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.
- c. Supplemental Elements. In addition to meeting the required elements above, projects must respond to the compatibility requirement in the form of three of the options listed below.
 - 1. Use roof forms and bays to break up the overall mass of larger residential structures.
 - 2. Walls incorporate vertical wall offsets, projections, or recesses to reduce building façades into smaller volumes and define visually distinct living unit modules.
 - 3. Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.
 - 4. Mark a distinct physical transition between the base and upper floors of a building through a change in brick pattern, change in materials and/or wall surface pattern, articulation of a floor line, or change in window types.
 - 5. Use horizontal elements the entire width of the front façade to mark a break between floors or along the roofline including band course, band molding, bellyband, or belt course.
 - 6. Use a variation in roof forms on all four elevations of a structure to visually break up monotony including pitched or sloping roof

elements, variations in pitch and height of roof planes, dormers, eaves, gable, or dormer end brackets, corbels, or decorative wood timbers.

7. Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.
8. Step down taller buildings next to smaller buildings to enable buildings of larger-scale but similar proportions to blend in with surroundings.

12. Wall and Roof Design

a. Characteristics.

1. For buildings that front the street, avoid long, monotonous, uninterrupted walls. Modulate buildings walls and roofs to prevent large, uninterrupted walls and building mass.
2. Differentiate between the base of the building and the top of the building to enhance the pedestrian realm. Make base treatment cohesive across façades and integrate with the architectural character of the building.
3. Multi-dwelling development must address the following design objectives:
 - A. Articulation – All street-facing buildings shall incorporate design elements that break up façades into smaller planes.
 - B. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
 - C. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
 - D. Detailed Design – All street-facing buildings shall include several features.

b. Required Elements.

1. Articulation

- A. For multi-dwelling buildings with 30 to 60 feet of street frontage, a minimum of one of the following elements shall be provided along the street-facing façades.
- B. For buildings with over 60 feet of street frontage, at least one element below shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.
 1. A porch at least 5 feet deep.
 2. A balcony that is at least 2 feet deep and is accessible from an interior room.
 3. A bay window that extends at least 2 feet.
 4. A section of the façade that is recessed by at least 2 feet deep and 6 feet long.
 5. A gabled dormer.

- C. Buildings under 30 feet in length are exempt from these requirements.
- 2. Eyes on The Street
 - A. At least 15 percent of the area of each street-facing façade must be windows or entrance doors. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
 - B. Window area is considered the entire area within the outer window frame, including any interior window grid.
 - C. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- 3. Main Entrances. Main entrances must meet both of the following standards.
 - A. Be no further than 8 feet behind the longest street-facing wall of the building.
 - B. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
 - 1. Be at least 25 square feet in area with a minimum 4 feet depth.
 - 2. Have at least one porch entry facing the street.
 - 3. Have a roof that is no more than 12 feet above the floor of the porch.
 - 4. Have a roof that covers at least 30 percent of the porch area.
- 4. Detailed Design.
 - A. For multi-dwelling buildings with up to 30 feet or more of street frontage, a minimum of two of the elements shall be provided along the street-facing façade or façades.
 - B. For buildings with over 30 feet of street frontage, at least one element shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.
 - 1. Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide.
 - 2. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.
 - 3. Offset on the building face of at least 16 inches from one exterior wall surface to the other.
 - 4. Dormer that is at least 4 feet wide and integrated into the roof form.

5. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
6. Roofline offsets of at least 2 feet from the top surface of one roof to the top surface of the other.
7. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
8. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.
9. Gable roof, hip roof, or gambrel roof design.
10. Window trim around all windows at least 3 inches wide and 5/8 inches deep.
11. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
12. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
13. Bay window at least 2 feet deep and 5 feet long.
14. One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line-oriented within 30 degrees of the true north/ south axis.

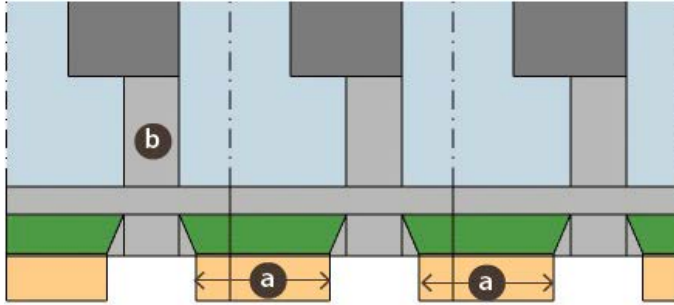
17.11.110 Universal Design Standards. The universal design standards are standards that apply to the following housing types: Tiny Houses, Cottage Clusters, Plexes, Single Dwellings, Townhouses and ADUs. These standards are related to site design, street frontage, architectural design, parking, compatibility with neighboring homes, open space, and private space requirements.

<u>Universal Design Standard</u>	Tiny House	Cottage Cluster	Plex	Single Dwelling	Town-house	ADU
Façade	X	X	X	X	X	X
Street Frontage	X	X	X	X	X	X
Front Yard	X	X	X	X	X	X
Alleys	X	X	X	X	X	X
Garages	X	X	X	X	X	X
Compatibility	X	X	X	X	X	X

- A. Façade. Welcoming facades contribute to the overall character of the neighborhood, promoting a safe, walkable, and bikable place.
1. Characteristics. The façade faces the street, or common greens, courtyards, or other common open spaces. It should be inviting with entry structures, such as porches, front doors and windows and other human-scaled elements. When dwellings have car access from the street, paved areas and garages should not dominate.
 2. Guiding Principles.
 - a. Garages that do not dominate. Entrances should be more prominent than garages.
 - b. Pair garages where possible to maximize planting strip and potential for street trees.
 - c. Entrances and windows that face the street, avoid blank walls. Emphasize private, ground-level entries to individual units when appropriate to the housing types, such as townhouses and plexes.
 - d. Building elements (lighting, repeating projects, bay windows, etc.) and private open space projections (balconies, porches, terraces, etc.) provide functional living space for residents and break up large façades.
 3. Fundamental Requirements.
 - a. Windows utilizing clear glass and/or doors, excluding garage doors, shall occupy a minimum of 25 percent of the overall area of the street-facing facade.
 - b. Except for dwellings on the flag portion of flag lots or on private access easements with no street frontage, the primary entrance shall be oriented toward the street which the dwelling faces.
 - c. At least one primary entrance for each structure must either:
 1. Directly face onto the street right-of-way.
 2. Be at an angle of up to 45 degrees from the street.
 3. Open onto a porch. The porch must be at least 25 square feet in area and have one entrance facing the street or have a roof.
 4. Face a central courtyard space or common open space that is adjacent to the street and abutted by dwellings on at least two sides.
 - d. Where a building is on a corner lot and fronts on two abutting streets, a dwelling unit on the corner of the building needs to be oriented to only one of the streets.
- B. Street Frontage. A common characteristic of McMinnville’s residential neighborhoods is a green leafy street edge that is created by street trees, and the planted strip between the sidewalk and the curb. When trees are given enough room for their roots to mature successfully, their branches shade the sidewalk and may even form a canopy over the street.

1. Characteristics.
 - a. Minimizing driveway curb cuts maximizes the value of the planter strip.
 - b. Uninterrupted curb space also provides a safer pedestrian environment and room for parking on the street.
2. Guiding Principles.
 - a. Even while introducing a variety of housing types and lot sizes (and widths), maintain the maximum amount of uninterrupted and generous plant strip for street trees.
 - b. Promote a healthy canopy of street trees in McMinnville's residential neighborhoods.
 - c. Provide parking space at the rear of the lot via an alley.
 - d. Space street-facing driveways far enough apart for street trees to be planted at frequent intervals.
 - e. Pair street-facing driveways to create more space for trees
 - f. Coordinate the spacing of street trees with the spacing of utilities' access across the plant strip
3. Fundamental Requirements.
 - a. Dwelling units with alley access must provide access off the alley to attached garages located behind the dwelling.
 - b. Choose from the following Frontage Types:
 1. Frontage Type 1: Front-Loaded Parking (See figure below)
 2. Frontage Type 2: Front-Loaded Parking with Paired Driveways (See figure below)
 3. Frontage Type 3: Alley-Loaded Parking (See figure below)

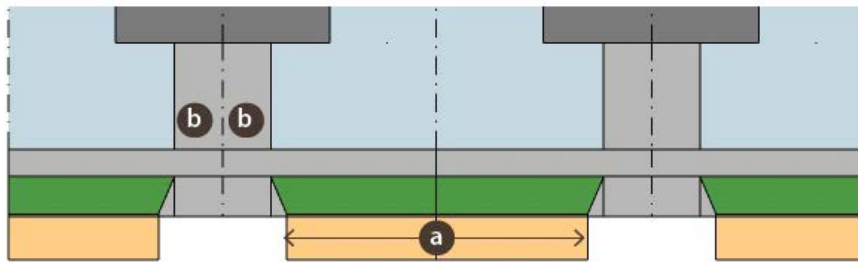
Frontage Type 1: Front-Loaded Parking



Frontage Type 1: Front-Loaded Parking

a	Minimum distance between driveways	24 feet
b	Maximum driveway width	40 percent of frontage

Frontage Type 2: Front-Loaded Parking with Paired Driveways

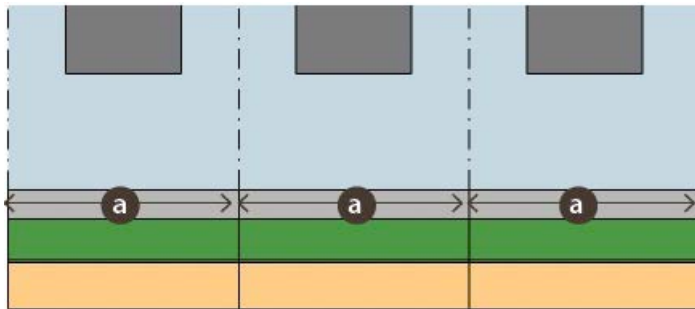


Frontage Type 2: Front-Loaded Paired Parking

a	Minimum distance between driveways	30 feet
b	Maximum driveway width	20 feet*

*Excludes the driveway approach width

Frontage Type 3: Alley-Loaded Parking



Frontage Type 3: Alley-Loaded Parking

a	Minimum street frontage width	Refer to development standards by housing type
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- C. Front Yard. The front setback provides a vital transition between the public area of the street and the private spaces within the dwelling. The smaller the front setback is, the more important the concept of layering public to private spaces becomes
1. Characteristics.
 - a. A typical three-part approach to layering is a low-fence at the back of the sidewalk, a landscaped paved dooryard, and before the entrance to the dwelling – a porch, a stoop or a terrace.
 - b. For very small front setbacks, vertical distance can make up for the lack of horizontal separation.
 2. Guiding Principle. For all housing types the front setback—even when it is small or zero, should be designed to provide a transition from the public realm of the street to the private realm of the dwelling.
 3. Fundamental Requirements.
 - a. Must choose from the following Front Yard Types:
 1. Front Yard Type 1: Neighborhood (see figure below)
 2. Front Yard Type 2: Urban (see figure below)

Figure 1. Neighborhood Front Yard

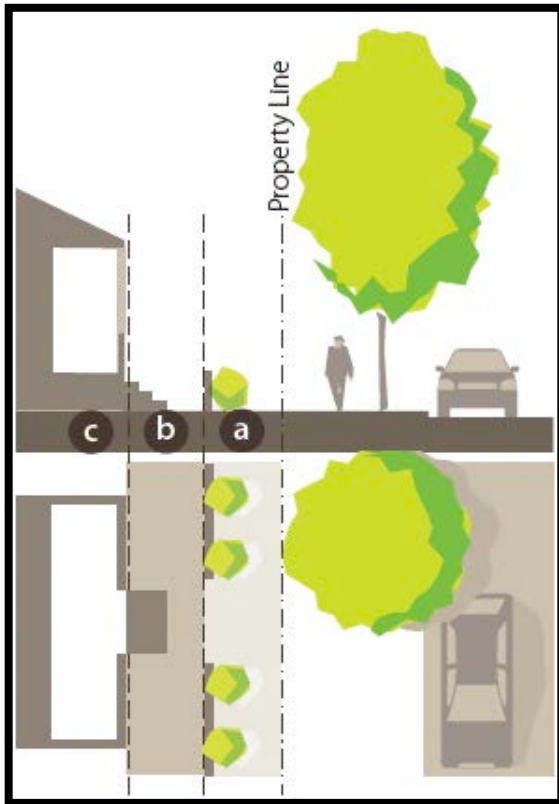
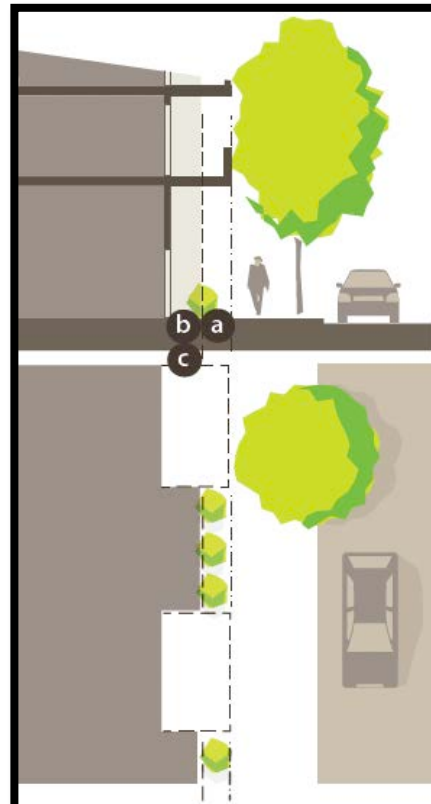


Figure 2. Urban Front Yard



Type 1 Front Yard (Neighborhood Type)			
Zone	Requirement	Intent and purpose	Ways to meet the requirement
a	Gateway	Marks the threshold between the public zone of the sidewalk and the private dwelling zone. May provide a location for address identification.	Must provide one of the following: <input type="checkbox"/> Low fence <input type="checkbox"/> Low planting—shrubs, grasses
b	Front Yard, Forecourt or Dooryard	Provides habitable and personalize-able outdoor space for the resident.	Fundamental requirements: <input type="checkbox"/> A minimum of 5-feet distance between inside edge of Gateway and edge of Porch-Stoop-Terrace <input type="checkbox"/> A paved walkway between sidewalk and entrance, which may be combined with a driveway Must provide one of the following or a combination: <input type="checkbox"/> Pedestrian-oriented hardscaped outdoor space <input type="checkbox"/> Lawn or planted area <input type="checkbox"/> Alternative option that meets the intent and purpose
c	Porch, Stoop or Terrace	Provides an outdoor living area that is physically and visually connected to the public realm of the street. Provides opportunities for community interaction. May provide a location for address identification.	Fundamental requirements: The porch, stoop, or terrace must be at least 36 square feet in area and have minimum dimensions of 6 feet by 6 feet; and the porch must have a solid roof. In addition, must provide one of the following: <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof

Type 2 Front Yard (Urban Type)			
Zone	Requirement	Intent and purpose	Ways to meet the requirement
a	Gateway	Marks the threshold between the public zone of the sidewalk and the private dwelling zone. May provide a location for address identification.	Must provide one of the following: <input type="checkbox"/> Low wall <input type="checkbox"/> Change in paving material <input type="checkbox"/> Low fence <input type="checkbox"/> Low planting—shrubs, grasses
b	Front Yard, Forecourt or Dooryard	At a minimum, provides a transitional zone between the domestic realm of the dwelling and the public realm of the street. If larger, it provides a habitable and personalize-able outdoor space for the resident.	Fundamental requirements: Minimum of ten feet in depth.* Must provide one of the following: <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof <input type="checkbox"/> Planted area <input type="checkbox"/> Wood decking
c	Porch, Stoop or Terrace	At a minimum, provides an outdoor entry vestibule. If larger, it provides an outdoor living area that is physically and visually connected to the public realm of the street. Provides opportunities for community interaction. May provide a location for address identification.	Fundamental requirements: Minimum of ten feet in depth.* Must provide one of the following: <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof <input type="checkbox"/> Recessed area <input type="checkbox"/> Overhanging balcony <input type="checkbox"/> Canopy

*Items b and c may be combined into a single ten foot depth, provided the intent and purpose of each one is met.

D. Alleys. Alleys are critical in limiting the number of driveways accessing lots from the street edge. They also allow for housing types, especially those that occupy narrow lots, such as townhouses or tiny houses, to sit alongside more conventional lot widths.

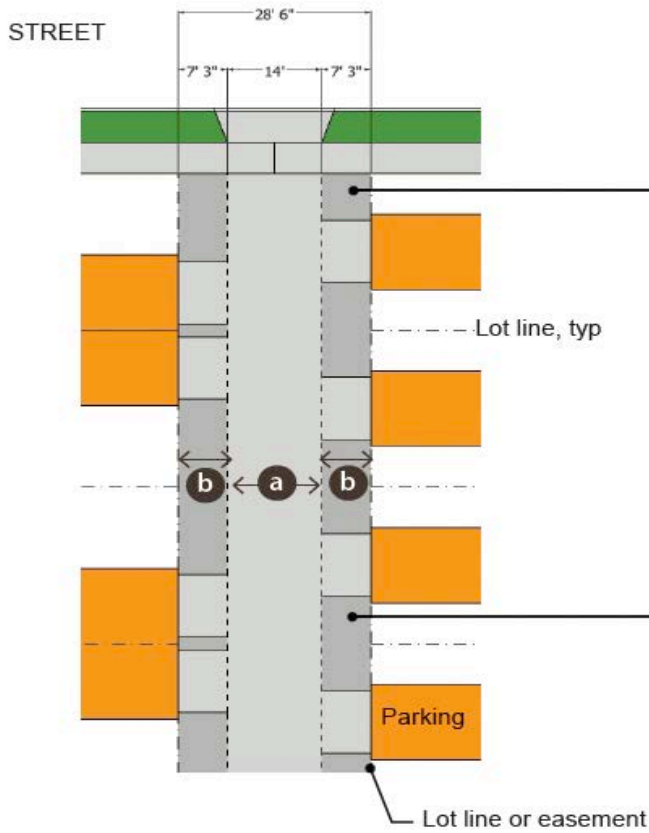
1. Characteristics.

- a. Alleys vary in width and can be public right of way or private easement.
- b. Visually narrowing the perceived width of alleys through landscaping, paving, and placement of garages or Accessory Dwelling Units ensures that they are not used for traffic.
- c. If well designed, they can be part of a total pedestrian pathway system through the neighborhood
- d. The design, paving, maintenance, and lighting of alleys is important to ensure they function properly and are safe and attractive.



2. Guiding Principle. Provide alleys wherever possible, especially in new subdivisions. In existing neighborhoods, partial alleys can be provided.
3. Fundamental Requirements. Must choose from the following Alley Types:
 - a. Alley Type 1 (see figure below)
 - b. Alley Type 2 (see figure below)

Figure: Alley Types



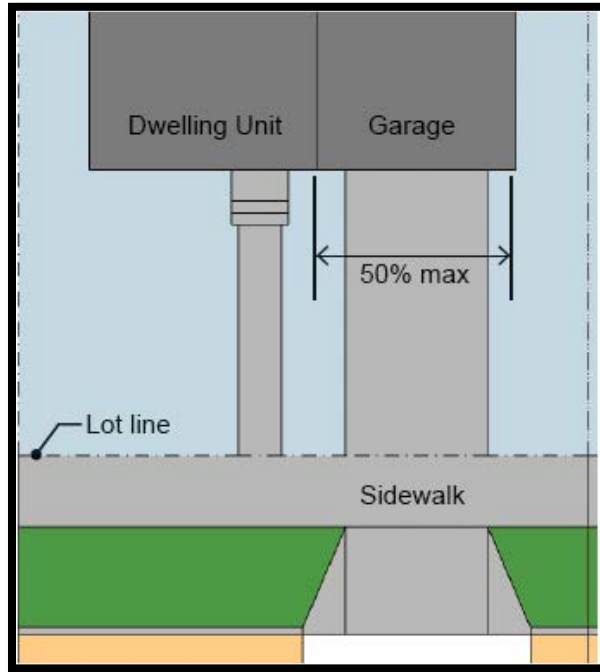
Examples of low landscape buffer treatments for an alley.

Alley Standards Type 1		
a	Travel Way Width	14 feet
b	Low Landscape Buffer	7.25 feet, each side

Alley Standards Type 2		
a	Travel Way Width	20 feet, minimum

- E. Garages. These standards apply to all garages that are accessory to a dwelling whether they are attached or detached to the primary dwelling.
 - 1. Length of Street Facing Garage Wall.
 - a. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure below.

Figure 1. Garage Percentage



- b. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following.
- c. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or a covered balcony above the garage that is:
 1. At least the same length as the street-facing garage wall;
 2. At least 6 feet deep; and
 3. Accessible from the interior living area of the dwelling unit.
2. Garage setback.
 - a. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.
 - b. 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 feet from the property line bordering the street.
3. Exceptions.
 - a. Garage that is less than half the façade width and flush with porch façade.
 1. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - A. The street-facing garage wall is 40 percent or less of the length of the building façade; and
 - B. There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch.

The porch must meet the standards for porches as set out in Universal Standards: Front Yard. (17.11.110(C))

- b. Sideways-Facing Garages. The garage may extend in front of the house when:
 - 1. It is oriented perpendicular to the street and fronts on a paved court. The sidewall of the garage must meet the requirements of the Length of the street-facing garage wall.
 - 2. The sidewall of the garage - which in this case is the street-facing façade - must meet the requirements of Façade Universal Standards.
 - 3. In addition, the garage must meet the front setback requirements of the underlying zone.
- c. Garages Adjacent to Alleys. A garage adjacent to an alley may have a zero-foot setback from the alley if allowed in the Development Standards table for the applicable housing type.

F. Compatibility

- 1. Guiding Principle. New housing should be compatible with its surrounding context while introducing new shape, size and detail variation, enabling different housing styles and types to sit side-by-side harmoniously.
- 2. Fundamental Requirements - Siting.
 - a. Single dwellings, duplexes, triplexes, quadplexes, tiny houses, and dwellings within cottage clusters that are of the same or very similar design must be separated by at least two lots and may not be directly across from one another. Similar design consists of exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes and orientation.
 - b. On a site with multiple buildings of varying scales (or that vary from the surrounding context), provide a gradual transition between scales. For example, locate dwellings that are similar in scale and density along the street frontage and transition to lower scale and density buildings toward the rear of the site. Use rear driveways and landscaping as a buffer backing up to adjacent properties of a different scale.
 - c. Arrange building volumes and setbacks in a way that reflects neighborhood patterns along street frontages and contributes to the desired character.
 - d. Arrange courtyard apartments so that end units reflect a neighborhood context of detached units along the street frontage.
- 3. Fundamental Requirements – Human Scale Design. Front and public-facing building facades must meet all of the following requirements:
 - a. Facades shall provide vertical offsets, projections, or recesses to break up the building façade. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.

- b. Elevations shall include horizontal elements the width of the façade. The horizontal elements shall mark the break between floors or be located along rooflines, and may include fascia, band course, band molding, bellyband, or belt course.
 - c. A minimum of two types of building materials shall be used on the front elevations.
 - d. Trim with a minimum size of 3 inches on all windows.
 - e. In addition, front and public-facing building facades must provide at least four of the following options:
 - 1. Windows
 - 2. Gables
 - 3. Dormers
 - 4. Architectural Bays
 - 5. Awnings made of fabric, metal or wood framed
 - 6. Change in wall planes
 - 7. Ground floor wall lights/sconces
 - 8. Transom windows
 - 9. Balconies or decks
 - 10. Columns or pilasters – not decorative
4. Supplemental Requirements. Project must provide a minimum of three of the following elements.
- a. Use roof forms and bays to break up the overall mass of larger dwellings and reflect the building forms and scale of single dwellings.
 - b. Pair units under a single roof form and distinct building volume to provide massing reflective of detached dwellings.
 - c. Walls incorporate vertical wall offsets, projections, or recesses to reduce building façades into smaller volumes and define visually distinct living unit modules.
 - d. Step back upper floors so that first two stories frame the street and relate to the human scale and reduce visual impact of the third and higher floor.
 - e. Mark a distinct physical transition between the base and upper floors of a building through a change in brick pattern, change in materials and/or wall surface pattern, articulation of a floor line, or change in window types.
 - f. Use horizontal elements the entire width of the front façade to mark break between floors or along roofline including band course, band molding, bellyband, or belt course.
 - g. Use a variation in roof forms on all four elevations of a structure to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gable, or dormer end brackets, corbels, or decorative wood timbers.
 - h. Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.

- i. Step down taller buildings next to smaller buildings to enable buildings of larger-scale but similar proportions to blend in with surroundings.

17.11.120 Planned Development Residential Design and Development Standards. Chapter 17.51 of the McMinnville Municipal Code allows for planned development overlays in McMinnville as a means of providing 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. McMinnville encourages residential planned developments as a means of achieving the City’s adopted Great Neighborhood Principles.

A. Guiding Principles.

- 1. Appropriate site size and scale. Small to medium sites (10,000 square feet to 40,000 square feet) should act as infill sites and respond to the surrounding neighborhood in scale, character, building design, details and materials. Large sites (over 40,000 square feet) should provide a variety of housing types, centralized common open space, and an interconnected system of streets and pathways that connect to the surrounding neighborhood.
- 2. Livability. Residential Planned Developments should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
- 3. Compatibility. Residential Developments should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of McMinnville.
- 4. Safety and Functionality. Developments should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
- 5. Enduring quality. Residential Planned Developments should incorporate design and building practices that promote the economic, ecological, and aesthetic environment of McMinnville, such as energy conservation, preservation of trees and open space, and quality building materials.

B. Required Elements, Great Neighborhood Principles. All residential planned developments shall meet the Great Neighborhood Principles as identified below.

- 1. Natural Feature Preservation. 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.
- 2. Scenic Views. 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.
3. Parks and Open Spaces.
 - a. 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.
 - b. Central parks and plazas shall be used to create public gathering spaces where appropriate.
 - c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.
 4. Pedestrian Friendly.
 - a. 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.
 - b. 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).
 5. Bike Friendly.
 - a. 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.
 - b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.
 6. Connected Streets.
 - a. 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.
 - b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.
 7. Accessibility.
 - a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.
 - b. Design practices should strive for best practices and not minimum practices.
 8. Human Scale Design.
 - a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.

- b. 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.
 - c. 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).
 - 9. Mix of Activities.
 - a. 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.
 - b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.
 - c. Neighborhoods are designed such that owning a vehicle can be optional.
 - 10. Urban-Rural Interface. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.
 - 11. Housing for Diverse Incomes and Generations. 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.
 - 12. Housing Variety.
 - a. Neighborhoods shall have several different housing types.
 - b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.
 - 13. Unique and Integrated Design Elements. Residential Planned Developments shall be encouraged to have:
 - a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.
 - b. Opportunities for public art provided in private and public spaces.
 - c. 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.
- C. Required Elements, Common Open Space. All Residential Planned Developments over four units shall meet the fundamental and supplemental requirements for Common Open Space.
 - 1. Characteristics.
 - a. Common open spaces offer residents social and health benefits while also defining and bringing character to a development.
 - b. Common open spaces may include shared recreational facilities such as play areas, sports fields or swimming pools; rooftop decks

- that prompt interaction and include shared amenities such as grills, play space, or seating.
2. Guiding Principles.
 - a. Common open space should be appropriately located so users feel safe and residents take ownership and responsibility for the shared space.
 - b. The design should take into account its relationship to units, entries, and windows, as well as how landscaping or other barriers may impact sight corridors.
 - c. Common open spaces should have clear intended uses with visual cues to inform users as to the desired function.
 - d. Avoid large, hard-surfaced or landscaped areas that lack furnishings or other design elements suggesting specific activities.
 - e. Break down large spaces into smaller, comfortable outdoor rooms through the use of fencing or low walls, furnishings and lighting, building placement, and plantings.
 - f. Sensitive design will produce greater benefits than expensive materials or furnishings and certainly more options for use than large undefined open areas
 3. Fundamental Requirements.
 - a. A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents in the planned development. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open space shall be accessible to all residents.
 - b. Common open space shall be a minimum of 15 percent of the planned development. Passive open space shall not be more than 5 percent of the planned development.
 - c. When vehicular areas are located between dwellings and common open space, clearly defined pathways shall be provided to enhance pedestrian safety.
 - d. Pathway surface shall be clearly marked and differentiated from the vehicular area with paint or alternative paving material.
 - e. Common open space shall have a minimum dimension of 20 feet at the narrowest part.
 - f. Walkways are required between dwellings and common open space.
 4. Supplemental Requirements. Provide at least four of the options listed below.
 - a. Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility

including sport fields, play structure, bike track, courts, swimming pool, or other options.

- b. Provide tall deciduous trees for summer shade and winter solar access. When possible preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.
- c. Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.
- d. Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.
- e. Provide opportunities for food cultivation. Include a community garden and/or incorporate cultivated species into the landscaping.

D. Supplemental Elements, Consideration

1. Modular Block Layouts.

- a. An intermix of housing types is possible if blocks are platted with a lot width module that can be aggregated. If lots are increments of 25 to 30 feet wide and can be aggregated into lots that are 50 or 60 feet wide (or 75 or 90 feet wide), a wide variety of dwelling types can occupy the same block.
 - 1. For example, narrow lot dwellings such as townhouses or tiny houses on 25 foot lots may sit next to larger lot dwellings such as courtyard apartments or cottage clusters on a 50- or 75-foot lot.
- b. In a new planned development, the greatest flexibility for lot variety is provided by having an alley serve as parking and driveway to each lot (see Figure “Block with Alley”).
- c. When parking is accessed via a driveway from the front of the lot, the lot width is governed by frontage requirements of Universal Design Standards – Street Frontage, and the minimum lot width will be 40 feet (see Figure “Block without Alley”).

Figure. Block with Alley.

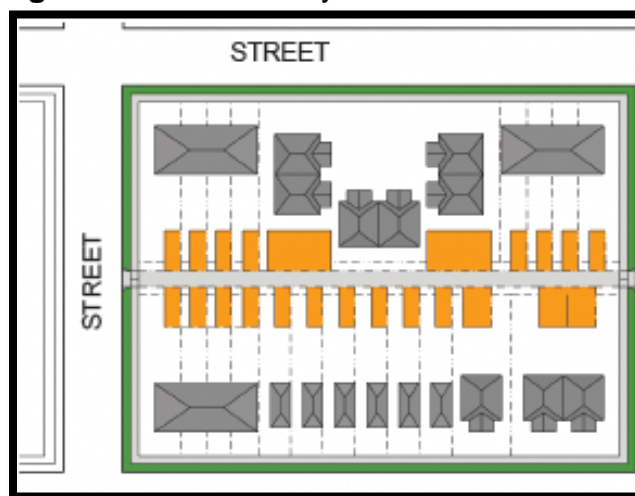
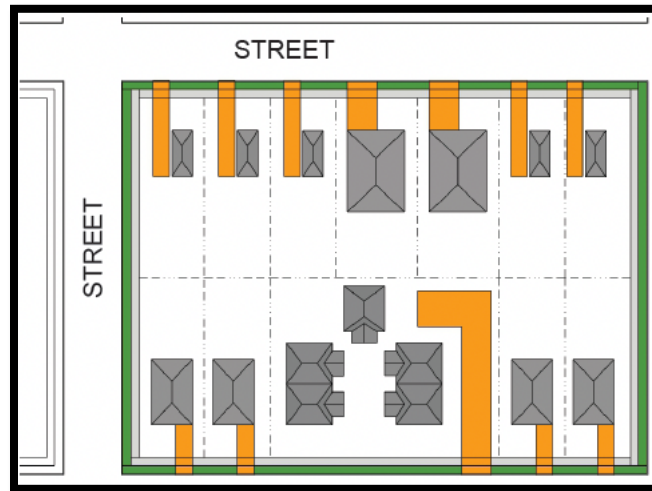
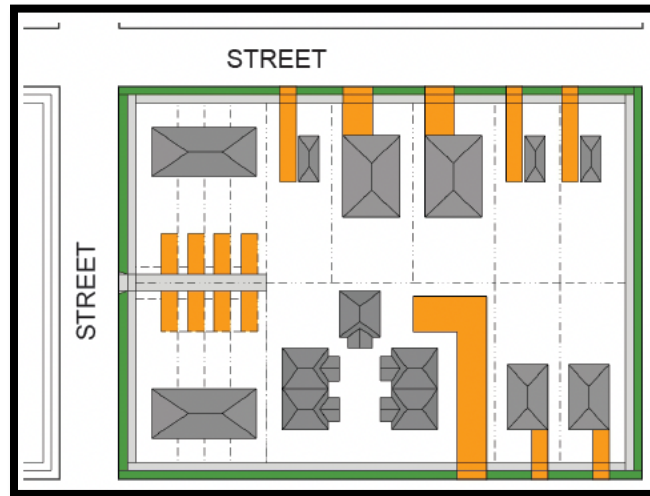


Figure. Block without Alley



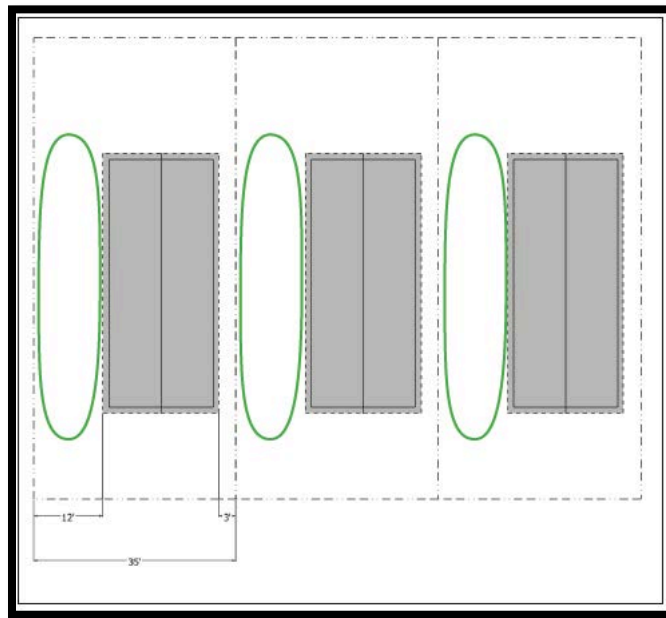
2. Block lengths.
 - a. Most housing types can be accommodated on blocks that are 200 to 220 feet deep and 200 to 350 feet wide, with an alley easement or dedicated right of way.
 - b. In an infill setting, narrow lot housing types may be “infilled” between more conventional larger-lot detached homes. The intermixing of lot widths ensures that affordable compact housing types can sit side-by-side with detached single dwellings. Cottage clusters and smaller-scale apartments, such as garden apartments or walk-up apartments, can be intermixed on lots that have been aggregated. Such apartments buildings need to be sized and designed to fit into the neighborhood context.
3. Partial alley at the end of a block. A partial alley is where an alley is used to provide access to parking at the rear of lots, in lieu of driveways located at the front of the lot (see Figure, Partial Alley Block). Turnarounds are not required for partial alleys.
 - a. Option 1: The total number of lots and units served by a partial alley shall be [six lots], but no more than [six units].
 - b. Option 2: The total number of lots and units served by a partial alley, if more than [six lots] or [six units], shall be approved by the Fire Marshal.

Figure. Hybrid Block Layout with Partial Alley



5. Usable Side Yard Setback. Optional for Tiny Homes, Plexes, and Single Dwellings in Residential Planned Developments. A usable side yard setback development is where dwelling units sharing street frontage are shifted to one side of their lot, to within 3 feet of the property line. This provides for greater usable yard space on each lot. These developments require that the planning for all of the house locations be done at the same time
 - a. Building setbacks. The side yard setback on one side of the house may be reduced to 3 feet. This reduction does not apply to the side yard setback adjacent to a street, or to the side yard setback adjacent to lots that are not part of the usable side yard setback project.
 - b. All other development standards that apply to the housing type must be met, (e.g., distance between driveways).
 - c. A deed restriction must be recorded on the deed of each applicable lot to ensure the continued fulfillment of this setback.
 - d. Eaves on the side of a house with a reduced setback must comply with proper fire separation requirements.
 - e. Consider the privacy of neighboring properties by designing homes with higher windows on the narrow setback side.

Figure. Usable side yard setbacks provide more space for each home.



PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE –
TITLE 17, ZONING ORDINANCE

New proposed language is represented by ***bold italic font***, deleted language is represented by ~~strikethrough font~~.

ZONING*

Chapters:

- 17.03 General Provisions
- 17.06 Definitions
- 17.09 Zone Classifications, Boundaries, and Maps
- 17.10 Area and Master Planning Process
- 17.11 ***Residential Design and Development Standards***
- 17.12 ***R-1 Low-Density, 9000SF Lot Residential Zone***
- 17.15 ***R-2 Low-Density, 7000SF Lot Residential Zone***
- 17.18 ***R-3 Medium-Density, 6000SF Lot Residential Zone***
- 17.21 ***R-4 Medium, High-Density, 5000SF Lot Residential Zone***
- 17.22 ***R-5 High-Density, Multiple-Dwelling Residential Zone***
- ~~17.12 R-1 Single-Family Residential Zone~~
- ~~17.15 R-2 Single-Family Residential Zone~~
- ~~17.18 R-3 Two-Family Residential Zone~~
- ~~17.21 R-4 Multiple-Family Residential Zone~~
- ~~17.22 R-5 Multiple-Family Residential Zone~~
- 17.24 O-R Office/Residential Zone
- 17.27 C-1 Neighborhood Business Zone
- 17.30 C-2 Travel Commercial Zone
- 17.33 C-3 General Commercial Zone
- 17.36 M-L Limited Light Industrial Zone
- 17.39 M-1 Light Industrial Zone
- 17.42 M-2 General Industrial Zone
- 17.45 AH Agricultural Holding
- 17.48 F-P Flood Plain Zone
- 17.50 Neighborhood Activity Center Overlay District
- 17.51 Planned Development Overlay
- 17.52 Airport Overlay Zone
- 17.53 Land Division Standards
- 17.54 General Regulations
- 17.55 Wireless Communication Facilities
- 17.56 Large Format Commercial Development
- 17.57 Landscaping
- 17.58 Trees
- 17.59 Downtown Design Standards and Guidelines

* 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.

<u>17.60</u>	<u>Off-Street Parking and Loading</u>
<u>17.61</u>	<u>Solid Waste and Recycling Enclosure Plan</u>
<u>17.62</u>	<u>Signs</u>
<u>17.63</u>	<u>Nonconforming Uses</u>
<u>17.64</u>	<u>Marijuana Related Activities</u>
<u>17.65</u>	<u>Historic Preservation</u>
<u>17.66</u>	<u>City Center Housing Overlay Zone</u>
<u>17.67</u>	<u>Home Occupations</u>
<u>17.72</u>	<u>Applications and Review Process</u>
<u>17.74</u>	<u>Review Criteria</u>

Chapter 17.06

DEFINITIONS

[...]

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.

[...]

Cottage Cluster – *A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard; A city may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.*

[...]

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

Dwelling, Multiple Family – A building containing ~~three~~ **five** or more dwelling units.

Dwelling, Single Detached Family – A detached building containing one dwelling unit.

Dwelling, Single Attached – *A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings,*

including the walls of attached garages. Each dwelling unit has its own external entrance.

~~**Dwelling, Two-Family Duplex** – A detached building containing two dwelling units and commonly known as a duplex. *Two dwelling units on a single lot, may be attached or detached.*~~

~~**Dwelling, Triplex** – *Three dwelling units on a single lot, may be attached or detached.*~~

~~**Dwelling, Quadplex** – *Four dwelling units on a single lot, may be attached or detached.*~~

Dwelling Unit – A residence containing one or more rooms designed for occupancy by one family ***residential dwelling*** and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes.

[...]

~~**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).~~

[...]

~~**Guesthouse, Servants’ Quarters** – (Repealed by Ord. 4952, March 13, 2012).~~

[...]

Single Room Occupancy (SRO)

SRO Housing Development - *An SRO Housing Development is development of a site with two or more SRO Living Units and shared common areas and common facilities, including sanitary and/or food preparation areas, in one or more buildings on the site. All of the facilities for daily housekeeping, including living, sleeping, sanitation (toilet and bathing), dining, and food preparation are provided for the SRO Housing Development as a whole, subject to the standards provided in the Zoning Ordinance.*

Small SRO Housing Development - *An SRO Housing Development with six or fewer SRO Living Units.*

Large SRO Housing Development - An SRO Housing Development with seven or more SRO Living Units.

SRO Living Unit - A single room occupancy living unit provides living and sleeping space for the exclusive use of the occupant, but requires that the unit share common sanitation (toilet and bathing) and/or food preparation facilities with other units within an SRO Housing Development.

[...]

Townhouse – A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. Each dwelling unit has its own external entrance.

Chapter 17.09

ZONE CLASSIFICATION, BOUNDARIES AND MAPS

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

Abbreviated Zone	<u>Designation</u>
Single Family Low-Density 9000 SF Lot Residential zone	R-1
Two Family Low-Density 7000 SF Lot Residential zone	R-2
Multiple Family Medium-Density 6000 SF Lot Residential zone	R-3
Multiple Family Medium, High-Density 5000 SF Lot Residential zone	R-4
Multiple Family High-Density 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).

Chapter 17.12

R-1 SINGLE-FAMILY **LOW-DENSITY 9000 SF LOT** RESIDENTIAL ZONE

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

A. ***Tiny Houses***, Site built single-***detached*** 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. ***Middle Housing***

1. ***Plexes: Duplex Dwelling; Triplex Dwelling; and Quadplex Dwelling.***
2. ***Cottage Clusters***
3. ***Townhouses***

~~Two-family dwelling on a corner lot with nine thousand square foot minimum area provided the subdivision plat designates the lot as duplex;~~

C. ***Single Room Occupancy – Small Housing.*** 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 dwelling 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 **dwelling** 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, 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;~~
- A. Cemetery.
- B. 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.
- 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. 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;~~
- O. Windmill, for generation of electricity or pumping water;
- P. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities).
- Q. Fire Station Substation.
- R. 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(C), and 17.12.020(O), and~~ **Section 17.11.070(C), Table 1(C), Townhouses**, 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, **except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.**
- B. A rear yard shall not be less than twenty feet, **except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.**
- C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet, **except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.** (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 maximum density for single attached dwellings may not exceed four dwelling units per 9,000 square feet. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.*** ~~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~~

Chapter 17.15

R-2 SINGLE-FAMILY **LOW-DENSITY 7000 SF LOT** RESIDENTIAL ZONE

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

- A. **Tiny Houses,** Site built single-family **detached** 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. Middle Housing

1. **Plexes: Duplex Dwelling; Triplex Dwelling; Quadplex Dwelling**
2. **Cottage Clusters**
3. **Townhouses**

~~Two-family dwelling on a corner lot with eight thousand square feet minimum area;~~

C. Single Room Occupancy – Small Housing. A single-family dwelling having a common wall with one other single-family dwelling, provided:

- ~~8. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.~~
- ~~9. The two dwellings shall have a common wall at the "zero" lot line.~~
- ~~10. 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:~~
 - c. ~~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.~~
 - d. ~~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~~
 - e. ~~Each lot shall comprise not less than nine thousand square feet in area.~~
 - f. ~~The setback requirements will apply to each dwelling unit independently, except that the setbacks for the "zero" lot line shall be waived.~~

- ~~11. Each dwelling unit must have independent services which include but are not limited to sewer, water, and electricity.~~
 - ~~12. 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.~~
 - ~~13. 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.~~
 - ~~14. Existing duplexes will be allowed to be converted to common wall, single-family dwelling 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).~~
- 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. 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.
- F. 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.
- G. Residential Home as defined in Chapter 17.06 (Definitions)
- 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 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.
- I. Home occupation subject to the provisions of Chapter 17.67 (Home Occupations);
- J. Model home, subject to the provisions of Section 17.54.060 of this ordinance;
- K. Public park and recreation area;
- L. Sewage pump station;
- M. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.

- N. Resident occupied short term rentals, subject to the provisions of Section 17.12.010(N);
- O. 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 17.11.070(C), Table 1(C), Townhouses**, of this title (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, **except as provided in Section 17.11.030(C) Table 1(d), Cottage Clusters.**
- B. A rear yard shall not be less than twenty feet, **except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.**
- 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, **except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.** (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 maximum density for single attached dwellings may not exceed four dwelling units per 7,000 square feet. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.*** ~~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.]~~

Chapter 17.18

R-3 TWO-FAMILY MEDIUM-DENSITY 6000 SF LOT RESIDENTIAL ZONE

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

- A. **Tiny Houses**, Single-family **detached** dwelling;
- B. **Middle Housing**
 - 1. **Plexes: Duplex Dwelling, Triplex Dwelling, Quadplex Dwelling (minimum lot size of seven thousand square feet)**
 - 2. **Cottage Clusters**
 - 3. **Townhouses**Two-family dwelling;
- C. **Single Room Occupancy – Small Housing.** ~~An attached single 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 **three thousand** 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 **dwelling** 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 17.11.070(C), Table 1(C), Townhouses.** (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, **except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.**
- B. A rear yard shall not be less than twenty feet, **except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.**
- C. A side yard shall not be less than seven and one-half feet. An exterior side yard on the street side of a corner lot shall be not less than fifteen feet, **except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.** (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 maximum density for single attached dwellings may not exceed four dwelling units per 6,000 square feet, whichever is less. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.** ~~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.]~~

Chapter 17.21

R-4 MULTIPLE-FAMILY **MEDIUM, HIGH-DENSITY 5000 SF LOT** RESIDENTIAL ZONE

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

- A. **Tiny Houses**, Single-family **detached** dwelling;
- B. **Middle Housing**
 - 1. **Plexes: Duplex Dwelling; Triplex Dwelling; Quadplex Dwelling (minimum lot size of seven thousand square feet)**
 - 2. **Cottage Clusters**
 - 3. **Townhouses**
Two-Family Dwelling
- C. **Apartments**; Multiple-family dwelling subject to the following:
 - 1. **Developments with five or more units.**
 - 2. 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
 - 3. The property is located within one-half mile of a planned or existing transit route; or
 - 4. 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. ***Single Room Occupancy – Small Housing;***

Single Room Occupancy – Large Housing ~~A single-family dwelling An attached single dwelling, having a common wall with one or more other single-family dwellings, 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 average comprise not less than one thousand five hundred seven thousand square feet in area, or less.~~
- ~~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 dwelling 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~~ **dwelling** 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 **attached single dwelling** ~~common wall, single-family~~ lots shall **average one thousand-five hundred square feet in area.** ~~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, **except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.**
- B. A side yard shall not be less than six feet. ~~except~~ An exterior side yard shall not be less than fifteen feet, **except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.**
- C. A rear yard shall not be less than twenty feet, **except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.**
- 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 maximum density for single attached dwelling may not exceed four dwelling units per 5,000 square feet. Density maximum may not apply to any other permitted housing types, including accessory dwelling units.** ~~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 **HIGH-DENSITY, MULTIPLE-DWELLING** 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. **Apartments;** ~~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 **dwelling** development constructed to a higher density than normally allowed in the R-5 multiple-family **dwelling** 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. 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(I) 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.

Chapter 17.24

O-R OFFICE/RESIDENTIAL ZONE

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. **Tiny Houses**
 2. Single-family **detached** dwelling.
 3. **Townhouses** ~~Common wall, single-family dwelling.~~
 4. ~~Two-family dwelling (duplex).~~ **Plexes: Duplex Building; Triplex Building; Quadplex Building**
 5. **Apartments**; Multiple-family dwelling.
 6. Condominium.
 7. Boarding, lodging or rooming house;
 8. **Cottage Clusters**
 9. **Single Room Occupancy – Small Housing**
 10. **Single Room Occupancy – Large Housing**
- 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 ~~detached or attached~~, 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, **except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.**
- 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 setback requirements of the R-4 zone, **except as provided in Section 17.11.030(C), Table 1(e), Cottage Clusters;**
- C. Exterior side yards shall be a minimum of fifteen feet, **except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.**
- D. There shall be a rear yard of ~~not~~ **no** 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, **except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters..** (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 **17.11 (housing) and** 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).

Chapter 17.33

C-3 GENERAL COMMERCIAL ZONE

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 **detached** dwellings built and occupied prior to November 25, 2021.
 - a. Lots for these uses will be limited to their current sizes and cannot be expanded.
 - b. If the single-family **detached** 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 **unit** dwellings built and occupied prior to November 25, 2021;
 - a. Lots for these uses will be limited to their current sizes and cannot be expanded.
 - b. If the two-family **unit** dwelling is not occupied for more than a year as a two-family **unit** 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 November 25, 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. **Apartments**, 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. **Single-Room Occupancy – Large Housing**

[...]

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 **dwelling** 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).

Chapter 17.45

AH AGRICULTURAL HOLDING ZONE

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 **detached** 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 **detached** 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 **detached** 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 ***detached*** 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 17.53

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

[...]

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 **detached** 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~~ **detached** dwellings or one-hundred multi-family **dwelling** 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)

[...]

17.53.075 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, **and** 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).

[...]

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 **detached** residential development of four or more lots or parcels, multi-family **dwelling** 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.

[...]

U. Gates. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-family **detached** residential development of four or more lots or parcels, multi-family **dwelling** 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.)

[...]

17.53.105 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 **detached**, 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.

[...]

Chapter 17.54

GENERAL REGULATIONS

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

[...]

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 17.57

LANDSCAPING

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 **Dwelling** Residential zone, except the construction of a ~~Single-Family or Two-Family~~ **detached or plex** residential unit **units**);
- 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 **dwelling** 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 **dwelling** development;
- D. Multiple-family **dwelling**, 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).

[...]

17.57.070 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 **dwelling**, 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.
$$\frac{\text{ALC (additional lot coverage)}}{\text{ELC (existing lot coverage)}} \times \% \text{ of landscaping required} \times \text{Total lot area}$$

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).

[...]

Chapter 17.58

TREES

(as adopted by Ord. 4654B Dec. 9, 1997)

[...]

17.58.080 Street Tree Planting—When Required. All new multi-family **dwelling** 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).

[...]

17.58.100 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 **dwelling** 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 **dwelling**, Parking Lot Development.
 1. Planting Schedule: Street trees required of a commercial, industrial, multi-family **dwelling**, 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).

Chapter 17.59

DOWNTOWN DESIGN STANDARDS AND GUIDELINES

(as adopted Ord. 4797, Oct. 23, 2003)

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** 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).

[...]

Chapter 17.60

OFF—STREET PARKING AND LOADING

[...]

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 detached 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. | Short Term Rental = One space for each guest room; Resident Occupied Short-Term Rental = one space per two permitted guest rooms.
One space per dwelling unit. |
| 7. Middle Housing – Duplexes, Triplexes, Quadplexes, Cottage Clusters, Townhomes, Tiny Homes | |
| 8. Single Room Occupany Housing (SRO) | One space per three SRO living units plus one space per two employee on the largest shift, but not less than two spaces plus one space per vehicle used in the operation of the SRO. |
| 8. Affordable Housing – Two-bedroom or less, serving households of 80% Area Median Income (AMI) or less (AMI is calculated per Yamhill County as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.) Income levels will need to be certified. | 0.5 spaces per dwelling unit. Property owner must agree to have the units identified that are serving households of 80% AMI or less to be deed restricted for that type of housing for at least 20 years. The deed restriction must be recorded on the property at the expense of the property owner. Language of the recorded document to be approved by the Planning Director. |

[...]

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 **detached dwellings** and ~~two-family residential~~ and **plexes**, 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.

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:

[...]

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 **dwelling** residential uses shall be 0.5 space per dwelling unit for studio and 1-bedroom dwellings. (Ord 5105 §2, 2021)

[...]

Chapter 17.61

SOLID WASTE AND RECYCLING ENCLOSURE PLAN

(as adopted by Ord. 4883, December 11, 2007)

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 **dwelling** 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 **dwelling** 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)

[...]

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 **dwelling** 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)

[...]

Chapter 17.63

NONCONFORMING USES

Sections:

- 17.63.010 Purpose.
- 17.63.020 Lots of record—Single-family **detached** 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 **detached** dwelling construction permitted. In a residential district, one single-family **detached** 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 **dwelling** 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 **dwelling** 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 17.67

HOME OCCUPATIONS

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 occupants** 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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PROPOSED AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN,
VOLUME ii, GOAL AND POLICIES

New proposed language is represented by **bold italic font**, deleted language is represented by ~~strikethrough font~~.

CHAPTER V
HOUSING AND RESIDENTIAL
DEVELOPMENT

[...]

Policies:

- 59.00 *Opportunities for multiple-family **dwelling** and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*
- 60.00 *Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.*

[...]

- 71.09 *Medium and **Medium-High Density Residential (R-3 and R-4)** - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family **dwelling** detached uses, single family **dwelling** attached units, duplexes, ~~and triplexes~~, **quadplexes**, ~~and townhouses~~, **and cottage clusters**. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:*

[...]

- 84.00 *Multiple-family **dwelling**, low-cost housing (subsidized) shall be dispersed throughout the community by appropriate zoning to avoid inundating any one area with a concentration of this type of housing.*

[...]

*Multiple-family **Dwelling** Development Policies:*

- 86.00 *Dispersal of new-multi-family **dwelling** housing development will be encouraged throughout the City in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the*

*community and to avoid an undue concentration of multi-family **dwelling** development in specific areas of the community leading to a segregation of multi-family **dwelling** development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles*

*In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-family **dwelling** development, and the area is commensurate with a higher concentration of multi-family **dwelling** development without creating an unintended segregation of multi-family **dwelling** development, such as McMinnville's downtown, the area surrounding Linfield University and Neighborhood Activity Centers, a higher concentration of multi-family **dwelling** development will be encouraged. (Ord. 5098, December 8, 2020)*

87.00 *Residential developments at densities beyond that normally allowed in the multiple-family **dwelling** zone shall be allowed in the core area subject to review by the City. These developments will be encouraged for (but not limited to) the provision of housing for the elderly.*

[...]

89.00 *Zoning standards shall require that all multiple-family **dwelling** housing developments provide landscaped grounds. (Ord. 4796, October 14, 2003)*

[...]

91.00 *Multiple-family **dwelling** housing developments, including condominiums, ~~boarding houses, lodging houses, rooming houses~~ but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)*

CHAPTER VIII ENERGY

Proposals:

37.00 The City of McMinnville should encourage the development of community gardens on vacant city lands and within multi-family **dwelling** housing developments as an energy saving device.

CHAPTER IX URBANIZATION

[...]

Policies:

- 187.95.06 *Residential densities in the focus area or portions of the support area adjacent to it should be between 8 to 20 dwelling units per net acre. These density ranges are generally appropriate for attached single-family **dwelling** housing or apartments. (Ord. 5098, December 8, 2020)*
- 187.95.07 *Densities in the support area should transition to between 4 - 10 dwelling units per net acre at the outer edge of the support area -- appropriate for commonwall homes, duplexes, and small lot single-family **dwelling** detached homes. (Ord. 5098, December 8, 2020)*



CITY OF MCMINNVILLE
PLANNING DEPARTMENT

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE CITY CODE, TITLE 17, ADDITION OF CHAPTER 17.11 RESIDENTIAL DESIGN AND DEVELOPMENT STANDARDS. AMENDMENTS TO THE REST OF TITLE 17 ARE HOUSEKEEPING CONSISTANACY WITH CHAPTER 17.11.

DOCKET: G 6-21

REQUEST: The City of McMinnville is proposing amendments to the McMinnville Municipal Code and the McMinnville Comprehensive Plan to remove regulatory barriers for Middle Housing as defined by HB 2001; to meet City of McMinnville goals and policies related to housing; and to bring the City’s Municipal Code into compliance with the two HB 2001 components: OAR 660-046-0000 through 660-046-0235 (Division 46). Proposed Municipal Code amendments include the addition of a new Chapter 17.11, Residential Design and Development Standards, housekeeping amendments to, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Low-Density Residential Zone), Chapter 17.15 (R-2 Low-Density Residential Zone), Chapter 17.18 (R-3 Medium Density Residential Zone), Chapter 17.21 (R-4 Medium High-Density Residential Zone) and Chapter 17.22 (R-5 High-Density Residential Zone), Chapter 17.60 (Off-Street Parking and Loading), and clean up of references throughout the code.

LOCATION: N/A

ZONING: R1, R2, R3, R4 and R5

APPLICANT: City of McMinnville

STAFF: Heather Richards, Planning Director

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 17, 2022, 6:30 p.m.
<https://mcminnvilleoregon.zoom.us/j/89271957372?pwd=OVF1ZFRxVGo3b3NlCWVdPVTB0SHRJdz09>

Meeting ID: 892 7195 7372 Passcode: 910656

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

Phone: +1 253 215 8782 Meeting ID: 892 7195 7372

DECISION-MAKING BODY: McMinnville City Council

I. Application Summary:

The City of McMinnville is proposing amendments to the McMinnville Municipal Code and the McMinnville Comprehensive Plan to remove regulatory barriers for Middle Housing as defined by HB 2001; to meet City of McMinnville goals and policies related to housing; and to bring the City's Municipal Code into compliance with the two HB 2001 components: OAR 660-046-0000 through 660-046-0235 (Division 46). Proposed Municipal Code amendments include the addition of a new Chapter 17.11, Residential Design and Development Standards, housekeeping amendments to, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Low-Density Residential Zone), Chapter 17.15 (R-2 Low-Density Residential Zone), Chapter 17.18 (R-3 Medium Density Residential Zone), Chapter 17.21 (R-4 Medium High-Density Residential Zone) and Chapter 17.22 (R-5 High-Density Residential Zone), Chapter 17.60 (Off-Street Parking and Loading), and clean up of references throughout the code.

II. CONDITIONS OF APPROVAL

None.

III. FINDINGS OF FACT

1. The City of McMinnville must comply with HB 2001.
2. On May 3, 2021, city staff hosted a work session with the Planning Commission to discuss options regarding HB 2001 amendments to the McMinnville City Code. At that time, Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to remove regulatory barriers for middle housing as deemed appropriate.
3. On February 22, 2022, a joint work session was held with Planning Commission and City Council.
4. Notice of the application and the Planning Commission public hearing was published in the News Register on Friday, March 11, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
5. On March 17, 2022, the Planning Commission held a duly noticed public hearing to consider the request and voted to recommend approval to the McMinnville City Council.
6. On April 26, 2022, the McMinnville City Council considered the Planning Commission recommendation and voted to adopt Ordinance No. 5113 approving the proposed zoning and comprehensive plan text amendments in Docket G 6-21.
7. Title 17 of the MMC provides the code provisions for zoning and development regulations for the City of McMinnville.

IV. COMMENTS RECEIVED

The following comments were received in support of the plan and are on file with the City of McMinnville Planning Department.

- Letter from 1000 Friends of Oregon and Friends of Yamhill County dated March 17, 2022

V. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

Alignment with Oregon’s Statewide Planning Goals and Administrative Rules:

Oregon Statewide Planning Goal #1, Citizen Involvement (OAR 660-015-0000(1)) – To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the ongoing land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process. The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement. If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

FINDING: SATISFIED. Chapter X of the McMinnville Comprehensive Plan outlines compliance with Oregon State Land-Use Goal #1. The Planning Commission has been identified as the Committee for Citizen Involvement for the City of McMinnville per McMinnville Comprehensive Plan Policy #190.00. The Planning Commission hosted a public hearing to consider this proposed amendment on March 17, 2022.

Oregon Statewide Planning Goal #2, Land Use Planning (OAR 660-015-0000(2)) – To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

FINDING: SATISFIED. The City of McMinnville has an acknowledged adopted Comprehensive Plan that provides a land use planning process and policy framework for all decisions and actions related to the use of land. The Comprehensive Plan is implemented through the McMinnville Municipal Code.

Oregon Statewide Planning Goals #3 – 9 do not apply to this action.

Oregon Statewide Planning Goal #10, Housing (OAR 660-015-0000(10)). To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

Buildable Lands -- refers to lands in urban and urbanizable areas that are suitable, available, and necessary for residential use. **Government-Assisted Housing** -- means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

Household -- refers to one or more persons occupying a single housing unit.

Manufactured Homes – means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

Needed Housing Units – means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

FINDING: SATISFIED. The amendments are intended to provide for McMinnville's housing needs and citizens, helping address its share of "the housing needs of citizens of the state."

The amendments are intended to help better "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density."

There are no conflicts created by the proposed amendments related to Goal 10: Housing.

GUIDELINES

A. PLANNING

1. *In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.*
2. *Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.*

3. *Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.*
4. *Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

FINDING: NOT APPLICABLE. The proposed amendments do not amend the adopted and acknowledged Housing Element of the City’s Comprehensive Plan. The proposal amends the Zoning Ordinance consistent with the Goals and Policies of the adopted and acknowledged Comprehensive Plan.

McMinnville’s most recent acknowledged Housing Needs Analysis and Buildable Lands Inventory was conducted in 2001 and amended in 2003. A resulting UGB amendment to meet the needs identified in the HNA was only just acknowledged in 2021. The City of McMinnville will be updating its Housing Needs Analysis and Buildable Lands Inventory in 2022 and 2023 in compliance with HB 2003 (2019 Legislative Session). At that time these proposed amendments will be considered as part of the Buildable Lands Inventory and Housing Needs Analysis per the direction of HB 2001 (2019 Legislative Session).

B. IMPLEMENTATION

1. *Plans should provide for a continuing review of housing need projections and should establish a process for accommodating needed revisions.*

FINDING: NOT APPLICABLE. The proposed amendments update standards and provisions governing residential development. The scope of work doesn’t pertain to updating housing needs projections.

2. *Plans should take into account the effects of utilizing financial incentives and resources to (a) stimulate the rehabilitation of substandard housing without regard to the financial capacity of the owner so long as benefits accrue to the occupants; and (b) bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes.*

FINDING: SATISFIED. The proposed amendments include the addition of Tiny Houses and Single Room Occupancy housing products as a means of providing more opportunities and options for home ownership and rental at different income levels.

3. *Decisions on housing development proposals should be expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans.*

FINDING: SATISFIED. The proposed amendments provide for a variety of housing types as outright permitted uses in four of McMinnville’s five residential zones with clear and objective design and development standards that are reviewed upon a building permit submittal.

4. *Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.*

FINDING: NOT APPLICABLE. The proposed amendments allow for more efficient land utilization and opportunities for residential density as a permitted use within all of McMinnville’s currently zoned residential property.

5. *Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.*

FINDING: SATISFIED. The proposed amendments amend zoning and land use controls to remove regulatory barriers to provide greater opportunities for households of all income levels within the City residential zones.

In addition, per HB 2001 and OAR 660-046-0030.660-046-0030 (Section 3, Chapter 639, Oregon Laws 2019). Implementation of Middle Housing Ordinances (2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges. The City of McMinnville approved Ordinance No 5012, waiving system development charges for transportation and wastewater for qualifying affordable housing projects (McMinnville Municipal Code, 3.10.060.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481. The City of McMinnville's draft June 2020 Housing Production Strategy recommends exploring property tax exemptions for affordable housing. Exploring a Multiple Unit Limited Tax Exemption Program and an Affordable Housing Property Tax Abatement was adopted as part of the McMinnville Affordable Housing Action Plan by the McMinnville City Council per Resolution No. 2020-08.

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195. The McMinnville City Council adopted Resolution No. 2020-08 on February 11, 2020. This resolution adopted an action plan for the McMinnville Affordable Housing Committee. Part of that action plan includes the evaluation of a Construction Excise Tax for Affordable Housing. On April 26, 2022, the McMinnville City Council will consider Ordinance No. 5112, adopting a 1% Construction Excise Tax for Affordable Housing effective July 1, 2022.

6. *Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.*

FINDING: NOT APPLICABLE. The proposed amendments update standards and provisions governing residential development. The scope of work doesn't pertain to updating housing needs projections.

Oregon Statewide Planning Goals #11 – 19 do not apply to this action.

Oregon Administrative Rules (OAR) 660-046-0000 to OAR 660-046-0235 govern middle housing in medium and large cities in the state of Oregon. McMinnville is categorized as a large city in the rule, and the requirements relevant to large cities are addressed below.

660-046-0010 Applicability

1. *A local government that is a Medium City or Large City must comply with this division.*
2. *Notwithstanding section (1), a Medium or Large City need not comply with this division*

for:

- a. *Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;*
 - b. *Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and*
 - c. *Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.*
3. *A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.*
- a. *Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.*
 - A. *Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.*
 - i. *Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;*
 - ii. *Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and*
 - iii. *If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.*
 - B. *Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200.*

Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

 - i. *Use, density, and occupancy restrictions that prohibit*

- the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and*
- ii. Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.*
- b. Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.*
 - c. Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:

 - A. Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and*
 - B. Other hazard areas identified in an adopted comprehensive plan or development code; provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:

 - i. Increasing the number of people exposed to a hazard;*
 - ii. Increasing risk of damage to property, built, or natural infrastructure; and*
 - iii. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.***
 - d. Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.*
 - e. Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.*

FINDING: SATISFIED.

1. OAR 660-046-0010 Applicability (2) requires that the city's code be amended to comply with Oregon Administrative Rules (OAR) 660-046-0000 to OAR 660-046-0235 governing middle housing in medium and large cities in the state of Oregon.
2. Proposed amendments satisfy these requirements because they will apply to the five zones which currently permit single detached dwellings, R-1, R-2, R-3, R,4 and R-5. These zones cover a majority of land area within the city and will allow for development of middle housing types on a wide range of lot sizes and neighborhood contexts.
3. The city will continue to apply protections to statewide land use planning goals 5, 6, 7, 9, 11, and 16 as applicable.

660-046-0030 Implementation of Middle Housing Ordinances

1. *Before a Medium or Large City amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the Medium or Large City must submit the proposed change to the Department for review and comment pursuant to OAR chapter 660, division 18.*
2. *In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a Medium or Large City must include findings demonstrating consideration, as part of the post- acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:*
 - a. *Waiving or deferring system development charges;*
 - b. *Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and*
 - c. *Assessing a construction tax under ORS 320.192 and ORS 320.195.*
3. *When a Medium or Large City amends its comprehensive plan or land use regulations to allow Middle Housing, the Medium or Large City is not required to consider whether the amendments significantly affect an existing or planned transportation facility.*

FINDING: SATISFIED.

1. The city provided notice of the proposed amendments to DLCD on February 10, 2022.
2. The proposed amendments increase affordability through the elimination of regulatory barriers to middle housing in single dwelling residential zones but do not include consideration of methods to increase affordability through modifying system development charges, tax exemptions, or through assessing a construction tax.
3. The proposed amendments do not include any consideration of the impact of middle housing on the transportation system.

660-046-0040 Compliance

4. *A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has*

adopted provisions under section (1).

FINDING: SATISFIED.

The city will comply with the state requirement to adopt middle housing code amendments prior to June 30, 2022.

660-046-0205 Applicability of Middle Housing in Large Cities

1. *A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.*
2. *A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:*
 - a. *Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3);*
 - b. *Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing in Master Planned Communities as follows:*
 - A. *If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan after January 1, 2021, it must allow the development of all Middle Housing types as provided in OAR 660-046-0205 through OAR 660-046-0235.*
 - i. *A Large City must plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 20 dwelling units per net acre if located within a metropolitan service district boundary, and 15 dwelling units per net acre if located outside of a metropolitan service district boundary.*
 - ii. *If a proposed Middle Housing development exceeds the planned public service capacity of a Master Plan, the Large City may require the applicant demonstrate, through an amended public facility plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development.*
 - iii. *A Large City may require a mix of two or more Middle Housing types within a Master Plan or portions of a Master Plan.*
 - iv. *A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five dwelling units or more or manufactured home parks.*
 - B. *If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-family dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-family residential structures and manufactured home parks.*
 - c. *Impacted by State or Federal Law: A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes are necessary to implement or comply with an established state or federal law or regulation on these types of lands.*

3.A Large City may:

- a. Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or
- b. Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):
 - A. Triplexes – Must be allowed on 80% of Lots and Parcels;
 - B. Quadplexes - Must be allowed on 70% of Lots and Parcels;
 - C. Townhouses - Must be allowed on 60% of Lots and Parcels; and
 - D. Cottage Clusters – Must be allowed on 70% of Lots and Parcels.
- E. A Middle Housing type is “allowed” on a Lot or Parcel when the following criteria are met:
 - i. The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-family dwelling in the same zone;
 - ii. The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;
 - iii. Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and
 - iv. The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).
- F. A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in subsection (3)(b)(E) above, at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all lots and parcels zoned for residential use that allow for the development of detached single-family dwellings within each census block group, with at least four eligible Lots and Parcels as described in subsection (2) of this section, within a Large City.
- G. Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:
 - i. At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR Chapter 660, Division 18;
 - ii. At any future Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and
 - iii. With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR Chapter 660, Division 18, for Large Cities that are not subject to the Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once every six years after initial adoption of acknowledged land use regulations in compliance with this division.

4. Pursuant to OAR 660-046-0205 through OAR 660-046-0230, the following numerical standards related to Middle Housing types apply:

- a. Duplexes – Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.
- b. Triplexes and Quadplexes – Large Cities may allow more than four dwelling units on a lot, including any accessory dwelling units.
- c. Townhouses – Large Cities must require at least two attached Townhouse dwelling units and must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.
- d. Cottage Clusters –
 - A. A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.
 - B. A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.

FINDING: SATISFIED. Proposed amendments satisfy these requirements because:

1. Duplexes are permitted on all lots which permit detached single dwellings.
2. Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-dwellings, are permitted in areas zoned for residential use that allow for the development of single detached dwellings. The city will continue to apply protections to statewide land use planning goals 5, 6, 7, 9, 11, and 16 as applicable.
3. This section is not applicable because McMinnville has opted for the “minimum compliance” pathway.
4. Amendments comply with the numerical standards for each of the middle housing types.

660-046-0210 Provisions Applicable to Middle Housing in Large Cities

1. Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Large Cities may regulate siting and design of Middle Housing, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.
3. Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval processes provided in OAR 660-046-0215;
 - c. Siting standards provided in OAR 660-046-0220;
 - d. Design standards in Large Cities provided in OAR 660-046-0225;
 - e. Middle Housing Conversions provided in OAR 660-046-0230;
 - f. Alternative siting or design standards provided in OAR 660-046-0235; and
 - g. Any siting and design standards contained in the Model Code referenced in

section OAR 660-046- 0010(4).

FINDING: SATISFIED. Proposed amendments satisfy these requirements because:

1. The city will continue to apply protections to statewide land use planning goals 5, 6, 7, 9, 11, and 16 as applicable.
2. The Residential Development and Design Standards (RDDS) use clear and objective siting standards, and applies those standards equally to detached single dwellings, duplexes, triplexes, and quadplexes.
3. Code amendments consists of siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay and include only the following:
 - a. Protections that are consistent with statewide land use planning goals 5, 6, 7, 9, 11, and 16.
 - b. All middle housing types are permitted land uses and are governed by the same approval processes and procedures as single detached dwellings.
 - c. The Residential Development and Design Standards (RDDS) use clear and objective siting standards, applies those standards equally to detached single dwellings, duplexes, triplexes, and quadplexes, or includes siting standards for attached single dwellings and cottage clusters that are based on the design standards in the Large City Model Code (LCMC), or are less restrictive.
 - d. The RDDS design standards, called Universal Design Standards, use clear and objective, quantitative criteria.
 - e. The RDDS standards address conversions of existing detached single dwellings to any of the middle housing types or have adopted language from the Large City Model Code (LCMC) or the less restrictive OAR benchmarks.
 - f. Code amendments do not rely on nor provide alternative siting or design standards as described in OAR 660-046-0235.
 - g. Code amendments use a number of siting and design standards that are contained in the Model Code section OAR 660-046- 0010(4).

660-046-0215 Permitted Uses and Approval Process

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

FINDING: SATISFIED. Proposed amendments satisfy these requirements because:

- Code amendments ensure that all HB-required middle housing types are permitted land uses, governed by the same approval processes and procedures as single detached dwellings.

660-046-0220 Middle Housing Siting Standards in Large Cities

1. *Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.*
2. *The following governs Large Cities' regulation of siting standards related to Triplexes and*

Quadplexes:

- a. **Minimum Lot or Parcel Size:**
 - A. **For Triplexes:**
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - B. **For Quadplexes:**
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - C. A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs A. or B.
- b. **Density:** If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.
- c. **Setbacks:** A Large City may not require setbacks greater than those applicable to detached single-family dwellings in the same zone.
- d. **Height:** A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.
- e. **Parking:**
 - A. **For Triplexes,** a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.
 - B. **For Quadplexes,** a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and
 - iv. For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.
 - C. A Large City may allow on-street parking credits to satisfy off-street parking requirements.
 - D. A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.

- E. *A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.*
 - F. *A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.*
 - f. *Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.*
 - g. *A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Triplex or Quadplex development application.*
- 3. *The following governs Large Cities' regulation of siting standards related to Townhouses:*
 - a. *Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.*
 - b. *Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.*
 - c. *Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.*
 - d. *Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.*
 - e. *Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories.*
 - f. *Parking:*
 - A. *A Large City may not require more than one off-street parking space per Townhouse dwelling unit.*
 - B. *Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.*
 - C. *A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.*
 - g. *Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or*

individually limit the bulk and scale of the cumulative Townhouse Project greater than that of a single-family detached dwelling.

- h. *A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application.*
- 4. *The following governs Large Cities' regulation of siting standards related to Cottage Clusters:*
 - a. *Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:*
 - A. *If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.*
 - B. *If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.*
 - b. *Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for to Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-family detached dwelling in the same zone.*
 - c. *Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.*
 - d. *Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.*
 - e. *Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.*
 - f. *Parking:*
 - A. *A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.*
 - B. *A Large City may allow but may not require off-street parking to be provided as a garage or carport.*
 - C. *Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.*
 - g. *Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.*
 - h. *Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.*
 - i. *A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application.*

660-046-0225 Middle Housing Design Standards in Large Cities

1. *A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:*
 - a. *Design standards in the Model Code for Large Cities in OAR 660-046-0010(4)(b);*
 - b. *Design standards that are less restrictive than those in the Model Code for Large Cities in OAR 660-046-0010(4)(b);*
 - c. *The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or*
 - d. *Alternative design standards as provided in OAR 660-046-0235.*
2. *A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.*

FINDING: SATISFIED. The proposed amendments satisfy these requirements because:

- The Residential Development and Design Standards (RDDS) use clear and objective siting standards, and applies those standards equally to detached single dwellings, duplexes, triplexes, and quadplexes, and
- The RDDS includes siting standards for attached single dwellings and cottage clusters that are based on the design standards in the Large City Model Code (LCMC), or it applies design standards that are less restrictive, and
- The RDDS design standards, called Universal Design Standards, use clear and objective, quantitative criteria, and
- Are specifically designed to comply with OAR 660-046-0225(1)(c), by using the same design standards that are applied to single detached dwellings in the same zone,.

660-046-0230 Middle Housing Conversions

1. *Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in Large Cities pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.*
2. *If Middle Housing is created through the addition to, or conversion of, an existing single-family detached dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.*
3. *A preexisting detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:*
 - a. *The preexisting single-family dwelling may be nonconforming with respect to the requirements of the applicable code;*
 - b. *The preexisting single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single-family dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;*
 - c. *The preexisting single-family dwelling shall count as a unit in the Cottage Cluster;*

- d. *The floor area of the preexisting single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits; or*
- e. *A Large City may apply a time limit on the conversion of a single-family dwelling to a Cottage Cluster not to exceed five years.*

FINDING: SATISFIED. The proposed amendments satisfy these requirements because:

- The RDDS standards address conversions of existing detached single dwellings to any of the middle housing types, and
- The RDDS standards have adopted language from the Large City Model Code (LCMC) or the less restrictive OAR benchmarks.

660-046-0235 Alternative Siting or Design Standards

A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed under subsection (1) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) below. Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements.

1. *A Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:*
 - a. *The total time and cost of construction, including design, labor, and materials;*
 - b. *The total cost of land;*
 - c. *The availability and acquisition of land, including areas with existing development;*
 - d. *The total time and cost of permitting and fees required to make land suitable for development;*
 - e. *The cumulative livable floor area that can be produced; and*
 - f. *The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.*

FINDING: SATISFIED. The proposed amendments do not rely on alternative siting or design standards as described in OAR 660-046-0235.

Comprehensive Plan

As described in the Comprehensive Plan, the Goals and Policies of the Comprehensive Plan serve as criteria for land use decisions. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

GOAL V 1 TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

General Housing Policies:

58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

60.00 Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

Housing Rehabilitation Policies:

62.00 The maintenance, rehabilitation, and restoration of existing housing in residentially designated areas shall be encouraged to provide affordable housing.

FINDING: SATISFIED. Goal V 1 and the relevant policies to middle housing are satisfied by this proposal because the code amendments will remove regulatory barriers to housing of all types, sizes and levels of affordability. Code amendments also encourage existing single detached dwellings to be converted to multiple units. Conversion of existing residential structures is an important complement to new construction affordable housing.

GOAL V 2 TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policies:

68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use. (Ord. 5098, December 8, 2020)

69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

FINDING: SATISFIED. Code amendments to allow middle housing will support these policies. Code amendments also encourage existing single detached dwellings to be converted to multiple units. Conversion of existing residential structures is an energy-efficient and less land intensive alternative to new housing construction.

CHAPTER VIII. ENERGY

GOAL VIII 2 TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policies:

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

179.00 The City of McMinnville shall amend pertinent ordinances to allow for design techniques which increase the efficient utilization of land and energy. Areas to examine shall include, but not be limited to:

- 1. The zoning ordinance requirements, including density, lot areas, and setbacks to increase utilizable space in lots, while maintaining health and safety standards.*
- 2. The geographic placement of various uses (commercial, industrial, residential) on the Comprehensive Plan Map to encourage energy-efficient locations.*
- 3. The zoning ordinance and planned development provisions to allow for cluster developments, individually owned, common-wall dwellings, and other design techniques that increase utilizable space and offer energy savings.*

FINDING: SATISFIED. Goal VIII 2 and relevant policies are satisfied because the proposed code amendments will encourage more efficient utilization of existing residential areas by allowing middle housing that includes more energy-efficient housing types.

CHAPTER IX. URBANIZATION

GOAL IX 1 TO PROVIDE ADEQUATE LAND TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

GOAL IX 2 TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN.

Great Neighborhood Principles – several policies are relevant to the middle housing amendments:

Policies:

187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.

187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.

8. *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.*
 - a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
 - b. *Buildings included 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.*
 - c. *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).*

11. *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.*
 - a. *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.*

12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
 - a. *Neighborhoods shall have several different housing types.*
 - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

FINDING: SATISFIED. Goals IX 1 and IX 2, along with the relevant policies, are satisfied. The objective of these updates is to further expand the range of middle housing types, including tiny houses, duplexes, triplexes, quadplexes, townhouses, cottage clusters, and apartments, which are allowed and encouraged by the city. A related objective is HB 2001 compliance for the housing types required by the legislation (duplexes, triplexes, quadplexes, townhouses, cottage clusters). Updates resulting from this project will reflect recommendations from the earlier citywide Housing Types project, called RDDS – Residential Development and Design Standards, which was directly related to implementing the McMinnville Great Neighborhood Principles.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

GOAL X 1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

FINDING: SATISFIED. The consultant’s analysis of the draft document and their recommendations for potential updates were shared with and reviewed in detail by the Planning Commission during a work session discussion in April 2021. In addition, the Planning Department held three open house webinars to share information on the adopted missing middle OARs and the draft development standards that the City was in the process of developing. Those open house webinars were held April 27, 2021 through April 29, 2021. Feedback and direction on the consultant’s recommendations were provided by the Planning Commission and incorporated into an updated draft of the Residential Development and Design Standards document. Work sessions were then conducted with the City Council and Planning Commission in August, 2021 to review the final recommendations.

On February 22, 2022 a joint work session was held with Planning Commission and City Council. Additionally, there were four public work sessions held on February 28th, March 1st, 2nd, and 3rd.

The public hearing process provides further opportunity for consideration of citizen involvement and input and associated deliberation.