

ORDINANCE NO. 5040

**AN ORDINANCE AMENDING THE MCMINNVILLE ZONING ORDINANCE SPECIFIC TO SECTION 17.12.010(D) ACCESSORY DWELLING UNIT (ADU) TO HELP REMOVE LOCAL BARRIERS TO AFFORDABLE HOUSING AND TO ENCOURAGE ADDITIONAL RESIDENTIAL OPPORTUNITIES.**

RECITALS:

The City of McMinnville has adopted a FY 2017-2018 Goal to Promote Sustainable Growth and Development supported by the Objective of "Working with partners e.g. the County, COG, and others, identify economic opportunities for addressing affordable housing, homelessness, and growth."; and

As part of their efforts to remove barriers for affordable housing in McMinnville, the McMinnville Affordable Housing Task Force (MAHTF) reviewed the Zoning Ordinance to identify opportunities for increased affordable housing efficiencies. This effort resulted, in part, in a recommendation to amend the portion of the McMinnville Zoning Ordinance governing Accessory Dwelling Units (ADUs) to allow for additional zoning flexibility and reduced infrastructure cost; and

The recommended text amendments were reviewed by the McMinnville Planning Commission at a work session held on August 17, 2017 and at a public hearing held on September 21, 2017, where the Commission unanimously recommended that the Council approve the following amendments to Chapter 17.12.010(D) of the McMinnville Zoning Ordinance.

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

Section 1: That the Council adopts the Findings of Fact, Conclusionary Findings and Decision as documented in Exhibit A for G 6-17; and

Section 2: That Chapter 17.12.010(D) (Accessory Dwelling Units (ADU) subject to the following standards:) is amended as provided below. Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font. The specific adopted amendments are as follows:

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; ~~or~~
  - 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 **4050** percent of the primary dwelling exclusive of the garage, or ~~8001,000~~ square feet, whichever is less. **The minimum area shall be as determined by the State of Oregon Building Codes Division.** ~~The minimum area shall not be less than 300 square feet.~~
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).
- ~~6. The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.~~
- ~~7. The property owner shall reside on site within the primary dwelling unit.~~
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 are 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).**

Section 3: That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 24<sup>th</sup> day of October 2017, by the following votes:

Ayes: Drabkin, Garvin, Menke, Ruden, Stassens

Nays: \_\_\_\_\_

  
MAYOR

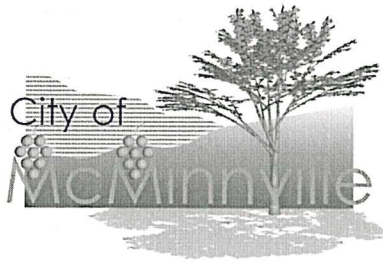
Attest:

Approved as to form:

  
CITY ATTORNEY

  
CITY RECORDER

**EXHIBIT A**



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128**

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**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.12.010(D) (ACCESSORY DWELLING UNITS)**

**DOCKET:** G 6-17

**REQUEST:** The City of McMinnville is proposing to amend Chapter 17.12 (Single-Family Residential Zone) of the McMinnville Zoning Ordinance to update provisions relative to Accessory Dwelling Units to reduce some identified barriers to affordable housing opportunities in McMinnville.

**LOCATION:** N/A

**ZONING:** N/A

**APPLICANT:** City of McMinnville

**STAFF:** Ron Pomeroy, Principal Planner

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** September 21, 2017. Meeting held at 6:30 p.m. at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**DECISION MAKING BODY:** McMinnville City Council

**DATE & TIME:** October 10, 2017. Meeting held at 7:00 p.m. at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Wastewater Services, Parks Department, McMinnville Public Works, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas; and the Oregon Department of Land Conservation and Development. Their comments are provided in this exhibit. No comments in opposition have been provided.



## Application Summary:

The City of McMinnville is proposing to amend Chapter 17.12 (Single-Family Residential Zone) of the McMinnville Zoning Ordinance to update provisions relative to Accessory Dwelling Units to reduce some identified barriers to affordable housing opportunities in McMinnville.

The McMinnville Affordable Housing Task Force (MAHTF) reviewed the proposed amendments to Chapter 17.12 at a meeting on January 25, 2017, provided feedback and forwarded a recommendation for adoption to the Planning Commission. At the August 17, 2017 Planning Commission work session, the Commission reviewed the recommended amendments and indicated additional interest in the possibility of additionally allowing modular buildings to be used as ADUs as well as limiting the height of ADUs under certain circumstances. Following discussion, the Planning Commission directed staff to bring the proposed amendments, and information and recommendations relative to the new items, forward as a hearing item for public review, comment and consideration.

## Proposed Amendments:

The amendments being proposed are as follows. As the requirements for ADU's are found in the R-1 (Single-Family Residential) chapter of the zoning ordinance (Chapter 17.12) and referenced by the other residential zones, the proposed amendments are specific to Chapter 17.12. Text to be deleted is identified with a **bold-strikeout**-font and text to be added is identified with a **bold underlined** font.

McMinnville Zoning Ordinance (Ordinance 3380)

"Chapter 17.12.010 (Permitted Uses) – (D) Accessory dwelling unit (ADU) subject to the following standards."

5. The accessory dwelling unit may be established by:
  - e. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
  - f. Adding floor area to the primary dwelling, including a second story; ~~or~~
  - g. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; or
  - h. Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.
6. The square footage of the accessory dwelling shall not exceed ~~4050~~ percent of the primary dwelling exclusive of the garage, or ~~8001,000~~ square feet, whichever is less. The minimum area shall be as determined by the State of Oregon Building Codes Division. ~~The minimum area shall not be less than 300 square feet.~~
7. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
8. 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).
- ~~10. The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.~~
- ~~11. The property owner shall reside on-site within the primary dwelling unit.~~

7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
  12. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
  13. 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 legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).**

### **CONDITIONS OF APPROVAL**

None.

### **ATTACHMENTS**

- Attachment 1: Affordable Housing Efficiency Measures
- Attachment 2: Accessory Dwelling Units Comparable Matrix
- Attachment 3: Email received from Patty O'Leary on August 17, 2017
- Attachment 4: Email received from the McMinnville Building Official on August 24, 2017
- Attachment 5: Email received from DLCDC Regional Representative Angela Carnahan on September 8, 2017
- Attachment 6: Letter received from Kathryn Jernstedt, Friends of Yamhill County, on September 21, 2017

### **COMMENTS**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Wastewater Services, Parks Department, McMinnville Public Works, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas; and the Oregon Department of Land Conservation and Development. Their comments are provided in this exhibit. No comments in opposition have been provided.

### **FINDINGS OF FACT**

- A. The City of McMinnville is proposing to amend Chapter 17.12 (Single-Family Residential Zone) of the McMinnville Zoning Ordinance to update provisions relative to Accessory Dwelling Units to reduce some identified barriers to affordable housing opportunities in McMinnville.
- B. The McMinnville Affordable Housing Task Force (MAHTF) reviewed the proposed amendments to Chapter 17.12 at a meeting on January 25, 2017, provided feedback and forwarded a recommendation for adoption to the Planning Commission. At the August 17, 2017 Planning Commission work session, the Commission reviewed the recommended amendments and indicated additional interest in the possibility of additionally allowing modular buildings to be used as ADUs as well as limiting the height of ADUs under certain circumstances. Following discussion, the Planning Commission directed staff to bring the proposed amendments, and information and recommendations relative to the new items, forward as a hearing item for public review, comment and consideration.

- C. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Wastewater Services, Parks Department, McMinnville Public Works, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas; and the Oregon Department of Land Conservation and Development. Their comments are provided in this exhibit. No comments in opposition have been provided.
- D. Public notification of the public hearing held by the Planning Commission was published in the September 12, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

### **CONCLUSIONARY FINDINGS**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

**GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.**

*Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that approval of the proposed legislative amendments to ADU standards will promote additional flexibility in the provision and design of accessory dwelling units and reduce the cost of connecting ADUs to the public sanitary sewer system

**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.**

*Policy 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: Goal V 2 and Policy 70.00 are met by this proposal in that the proposed legislative amendments to ADU standards will help to encourage innovative approaches to residential development and encourage a more land intensive residential development pattern. In addition, updating the zoning ordinance to allow an increasing variety of housing types at various densities is encouraged by the McMinnville Comprehensive Plan.

*Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
2. *Storm sewer and drainage facilities (as required).*

3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
5. *Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply will be required in order to adequately serve each ADU. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of ADUs within the McMinnville city limits. Required street improvements shall be required at the time of development as may be necessary.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

*Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*

*Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.*

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that the addition of off-street parking sufficient to support an ADU is currently required by Section 17.12.010(D(5) of the McMinnville Zoning Ordinance.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

*Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*

*Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:*

1. *Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*
2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized*
4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

*Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*



*Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

*Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

*Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

- 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as ADUs can only be established where single-family residences currently exist demonstrating adequate provision of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities. Adequate service levels will continue to be assessed by the appropriate service providers at the time an ADU is proposed. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of ADUs within the city. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

*Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

*Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

Finding: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this legislative amendment request and no concerns were raised.

**GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.**

*Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.*

*Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

Finding: Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal to modify language relative to ADUs and no concerns were raised.

*Policy 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.*

Finding: Policy 178.00 is satisfied in that the proposed legislative amendments to the zoning ordinance would allow a greater opportunity for establishment of an additional dwelling unit on some already developed single-family residential lots thereby conserving energy and development cost while encouraging a more compact form of residential development.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

Finding: Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertized public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

E. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

General Provisions:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

RP:sjs