



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/22/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of McMinnville Plan Amendment  
DLCD File Number 004-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, April 05, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jennifer Lynagh, City of McMinnville  
Angela Lazarean, DLCD Urban Planner  
Steve Oulman, DLCD Regional Representative

<paa> YA



Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of McMinnville

Local file number: G2-11

Date of Adoption: 3/13/2012

Date Mailed: 3/15/2012

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 9/6/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City of McMinnville adopted amendments to Chapters 17.06 (Definitions), 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), 17.48 (Flood Area Zone), 17.52 (Airport Overlay Zone), 17.55 (Wireless Communication Facilities), 17.56 (Large Format Commercial Development), 17.57 (Landscaping), 17.58 (Trees), 17.62 (Signs).

Does the Adoption differ from proposal? Yes, Please explain below:

Definitions currently contained within Chapters 17.57 (Landscaping), and 17.58 (Trees) were also relocated to Chapter 17.06 (Definitions). For consistency with the above amended definitions, certain sections of Residential Chapters 17.12 through 17.21 were also amended.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: City of McMinnville

Acres Involved: City-wide

Specify Density: Previous:

New:

Applicable statewide planning goals:

- Goals 1 through 19 with checkboxes, goal 1 is checked.

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...



45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

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**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Jennifer Lynagh**

Phone: (503) 434-7311 Extension:

Address: **231 NE Fifth Stret**

Fax Number: **503-474-4955**

City: **McMinnville**

Zip: **97128-**

E-mail Address:

**jennifer.lynagh@ci.mcminnville.or.u**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

ORDINANCE NO. 4952

An Ordinance amending certain chapters of the McMinnville Zoning Ordinance to incorporate new, revised, or relocated definitions.

RECITALS:

As part of the City's ongoing update of McMinnville's comprehensive plan and implementing ordinances, staff has proposed revisions to several chapters in order to accommodate new, revised, or relocated definitions. Currently within this chapter, necessary definitions are absent, and several of the existing definitions are unclear or outdated and in certain cases conflict with state/federal requirements. In addition, the current zoning ordinance structure provides definitions in a number of different chapters. As proposed, all definitions would be relocated to Chapter 17.06, thus making the Zoning Ordinance more user-friendly.

Draft amendments to Chapter 17.06 were presented to the Planning Commission at public hearings held on October 20, 2011, and January 19, 2012, after due notice had been published in the "News Register" for each hearing. In response to the proposed changes, testimony was submitted from the public. This testimony was considered by the Planning Commission, some of which was incorporated into a revised draft.

Following the close of the public hearings, the Commission voted to forward a recommendation to the City Council for approval of the proposed amendments to Chapter 17.06 (Definitions) and accompanying chapters as presented by staff and amended by public input.

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Chapters 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.48 (Flood Area Zone), Chapter 17.52 (Airport Overlay Zone), Chapter 17.55 (Wireless Communication Facilities), Chapter 17.56 (Large Format Commercial Development), Chapter 17.57 (Landscaping), Chapter 17.58 (Trees) and Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance (No. 3380) are amended as described in Exhibit A and attached hereto.

Section 2. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of 30 (thirty) days.

Passed by the Council this 13<sup>th</sup> day of March, 2012, by the following votes:

Ayes: Hill, Jeffries, May, Menke, Ruden, Yoder

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

Approved this 13<sup>th</sup> day of March, 2012.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
CITY RECORDER

Approved as to Form:

  
\_\_\_\_\_  
CITY ATTORNEY

## EXHIBIT A

The amendments contained in this document have been divided into four (4) sections as follows:

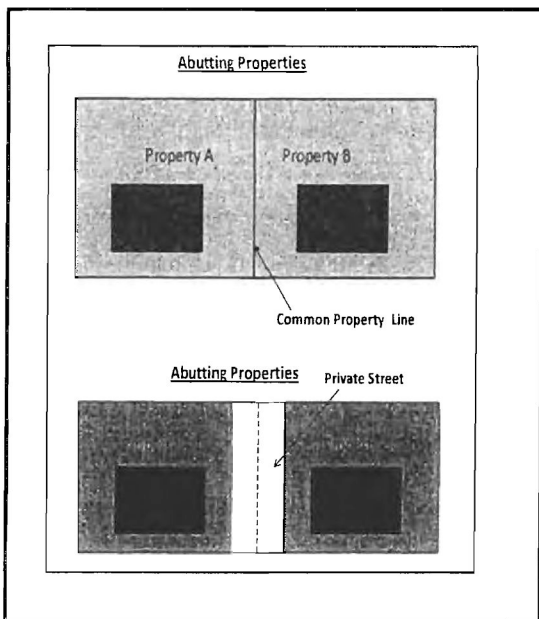
- Section A:** Comprises new definitions that do not currently exist in the Zoning Ordinance;
- Section B:** Lists existing definitions proposed for modification;
- Section C:** Includes existing definitions to be moved from one section of the Zoning Ordinance to Chapter 17.06;
- Section D:** Outlines necessary amendments to other sections of the Zoning Ordinance as a result of the above proposed changes.

### SECTION A – NEW DEFINITIONS

The following new definitions are proposed to be added to Chapter 17.06.015 (General Definitions) unless otherwise noted.

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

Figure 1





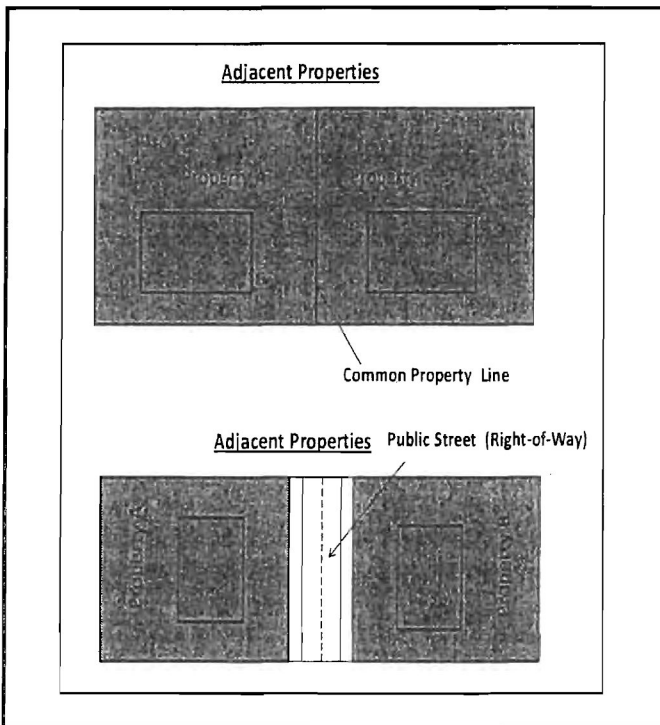
**Accessory Dwelling Unit** - A secondary, self-contained single-family dwelling unit that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached family dwelling. An accessory dwelling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

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

**Acre** - A unit of land area equal to 43,560 square feet.

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

**Figure 2**



**Annexation** - An extension of the boundary of the City which involves a land use process that evaluates if a property meets the criteria for incorporation into the City limits and a vote by the electorate of McMinnville.

**Appeal** - A formal challenge to a land use decision.

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

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

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

**Boundary Line Adjustment** – See Property line Adjustment.

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

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

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

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

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

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

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

**Change of Use** - Change of the primary type of activity on a site.

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

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

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

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

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

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



**Contiguous** – See definition for “abutting.”

**Criteria** - General rules or tests on which a judgment or decision is based.

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

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

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

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

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

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

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

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

**Dwelling, Common-Wall** - See common wall construction.

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

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

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

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

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

**Flood Insurance Rate Map (FIRM)** -The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to McMinnville. *{This definition will be added to Chapter 17.06, Section 2 (Special Definitions) under the heading of Flood Related definitions.}*

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

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

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

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

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

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

**Neighborhood Activity Center (NAC)** - An area of land that incorporates a mix of land uses, (commercial, office-residential, and various residential densities) and some amount of outdoor space for public use. The goal of the NAC is to provide recreational and shopping opportunities within close proximity to those living within the NAC, thus promoting walkable neighborhoods.

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

- (1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots; or
- (2) An adjustment of a property line by the relocation of a common boundary where no additional unit of land is created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or

- (3) The division of land resulting from the recording of a subdivision or condominium plat;  
or
- (4) A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
- (5) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.
- (6) Divisions of land as decreed by federal or state courts.

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

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

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

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

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

**Property Line** - The line(s) delineating a property or the division line between two (2) units of land (**Figure 7**).

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

**Property Line, Exterior Side** - For corner properties fronting two streets, the exterior side property line refers to the property line abutting a public or private street that is not considered the front property line (**Figure 7**).

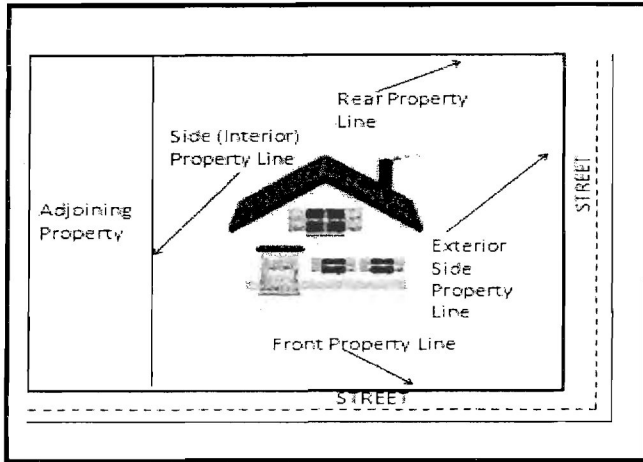
**Property Line, Front** - A property line or segment of a property line that abuts a public or private street and is opposite the rear property line (**Figure 7**).

**Property Line, Interior** - A property line that is not a front, exterior side or rear property line (**Figure 7**).



**Property Line, Rear** - The line that is opposite to and most distant from the front lot line (Figure 7).

**Figure 7**



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

**Residential Facility** - A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals (excluding staff) who need not be related.

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

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

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

**Sidewalk** – A pedestrian walkway with permanent surfacing.

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

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

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

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

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

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

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

**Vacate** - Release of interest in a piece of publicly owned property.

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

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

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

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

## SECTION B – AMENDED DEFINITIONS

The following existing definitions are proposed for modification. ~~Strikethrough~~ text indicates language that is proposed for deletion and **bold, underline text** indicates new language.

Also not noted in this section (given the extent of the repetition it would involve), a consistent modification throughout Chapter 17.06 is to remove the definition title being repeated in the body of the definition. For example;

**Access** – “Access” means the way or means by which pedestrians enter and leave property will be modified to read:

**Access** - The way or means by which pedestrians.....

Additionally, all current numerical references to the list of definition (17.06.010- 17.06.670) are proposed for elimination.

**17.06.010 Generally.** For the purpose of this title, the following terms shall be defined as set forth in this chapter, **which is divided into two sections. The first section contains “general definitions” (17.06.015), which are those universal to all areas of zoning and development. The second section contains “special definitions” (17.06.020) and includes definitions that are specific to unique areas of development.**

### **17.06.015 General Definitions.**

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

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

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

**Basement** - Any floor level below the first story in a building. ~~, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.~~ (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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

**Building** - A structure **having a base on, or connection to the ground or other structure**, built for the support, shelter or enclosure of persons, animals, ~~chattels~~ or property of any kind. ~~A mobile home with or without wheels shall not be considered a building.~~ (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).



**Building Height of building** - The vertical distance from the grade to the highest point of a roof (Figure 3). ~~the coping of a flat roof to the deck lines of a mansard roof, or to the highest gable of a pitch or hip roof.~~ In the case of a naturally sloping property (Figure 4) the height of the building shall be measured from the highest grade to the highest point of a roof. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Figure 3

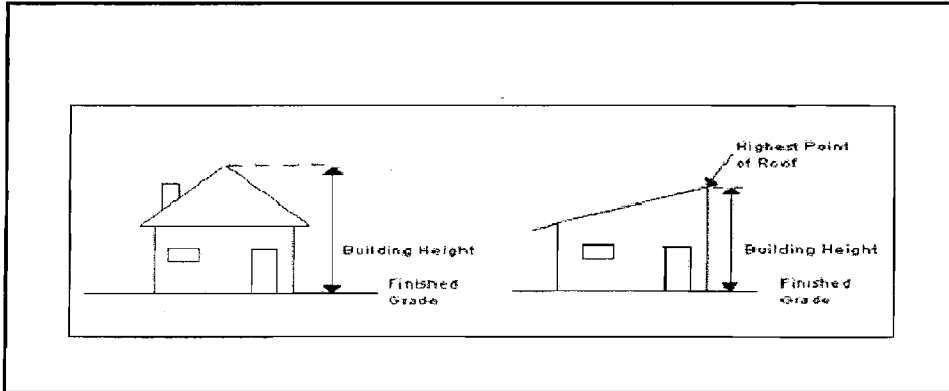
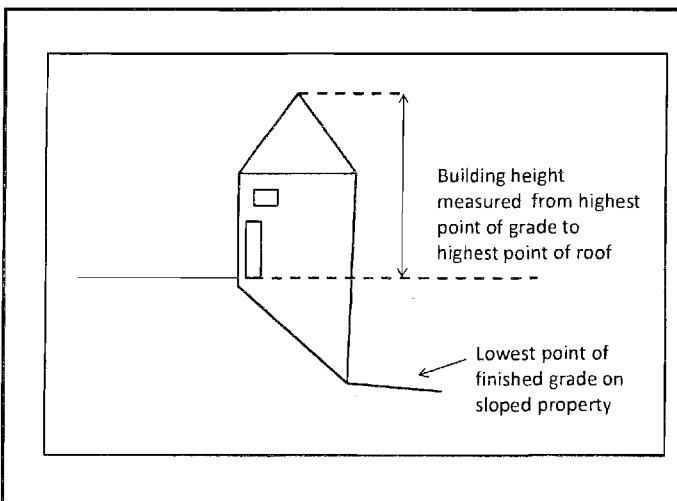
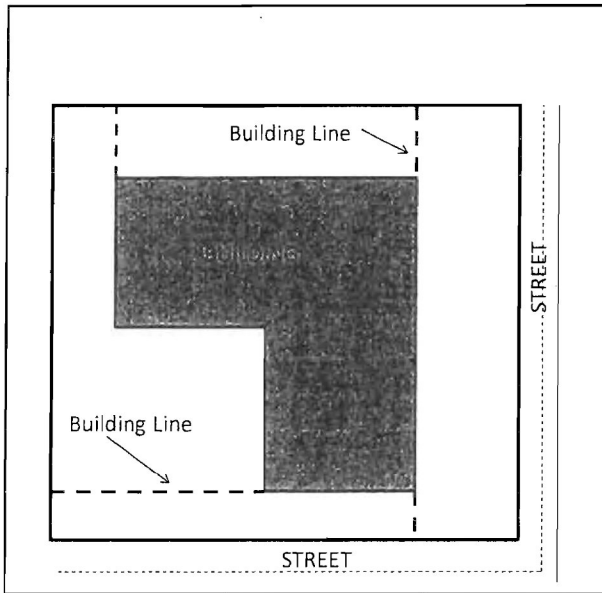


Figure 4



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

Figure 5



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

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

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

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

**Common Wall Construction** - A single family dwelling building having one or more walls attached to and in common with one or more other single family dwellings buildings; can sometimes be referred to as "zero lot line construction." (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Condominium** - The land, whether fee simple, leasehold, easement or other interest or combination thereof, whether contiguous or noncontiguous, all buildings, improvements, and structures thereon, and all easements, rights, and appurtenances belonging thereto, which are submitted to the provisions of ORS 91.500 to 91.671 and 91.990. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). Ownership of a single unit in a multi-unit structure that includes common areas and facilities; includes residential, commercial, and industrial condominiums and regulated, in part, by Oregon State Law (ORS Chapter 100).

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

**Day Care Facility** - Any facility that provides care to three or more children (~~outside the family~~) persons exclusive of family members during a limited portion of a 24-hour period, including a day nursery, family day care center, adult day care, or similar unit operating under any name or as may be licensed by the State of Oregon. ~~but~~ This does not including include educational or health care facilities, residential (~~overnight~~) group care facilities or those offering overnight care, or detention facilities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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

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

**Family** - For the purpose of this Zoning Ordinance, "family" refers to:

- (1) 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 ~~or~~ 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.
- (2) An individual or two or more related or unrelated physically or mentally handicapped, or drug or alcohol-dependent persons receiving treatment, and any number of resident staff persons engaged in their care who are living as a single housekeeping unit using one kitchen. Such a residential unit is considered a residential home or residential facility as defined in the Oregon State Statute ORS 197.660(2) and ORS 197.665, as amended. ~~Family shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, as well as staff persons required to meet the Department of Human Resources licensing requirement, who are living as a single housekeeping unit using one kitchen.~~ (Ord 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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

~~**Guesthouse, Servants' Quarters** - An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

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

**Hotel** - A building which is designed, intended, or used for the accommodation of tourists, transients, ~~and permanent guests~~ on a temporary basis for compensation ~~and in which no~~



provision is made for cooking in individual rooms or suites of rooms. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

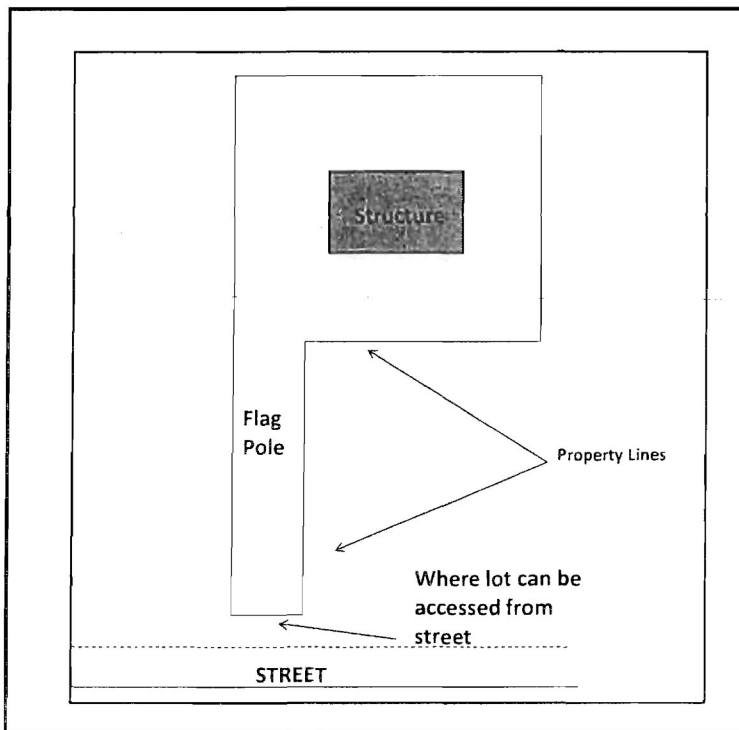
**Large Commercial Structure** - A commercial structure whose footprint exceeds 25,000 square feet of gross floor area, further regulated in Chapter 17.56 (Large Format Commercial Development) of this Ordinance.

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

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

**Lot, Flag** - A lot which takes access on a street and has the main body of the lot away from the street. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). A lot by which access to the nearest public or private street is gained by means of a narrow strip of land not less than 25 feet in width (Figure 6).

Figure 6



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

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

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

~~Manufactured Home/house and Class A mobile home~~ A mobile home conforming to HUD construction codes, transportable in one or more factory-built sections, and designed to be used for permanent occupancy as a dwelling. (Ord. 4564 §1, 1994; Ord. 4481 §3, 1991) - A structure constructed to U.S. Department of Housing and Urban Development (HUD) standards on or after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For purposes of zoning, this definition applies to Class A and Class B homes.

~~Mobile Home~~ - A structure transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling, which was designed and built to comply with the Oregon State Department of Commerce Rules and Regulations for Mobile Homes. Mobile home does not mean recreation vehicle or modular home. (Ord. 4481 §3, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 14, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. [Per ORS 446] For purposes of zoning, this definition applies to Class C and Class D homes.

~~Mobile Home Park~~ - any place where four or more mobile home spaces are located within five hundred feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. (Ord. 4536 §1, 1993; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). (See Manufactured Dwelling Park)

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

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

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

**Recreation Vehicle** - A vacation trailer or other vehicle or portable unit which is either self-propelled or towed or is carried by a motor vehicle; which is intended for human occupancy and is designed for vacation or recreation purposes ~~but not~~ and certain

residential use, and is equipped with plumbing, sink, or toilet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

~~Residential child care facility. "Residential child care facility" means any facility which has a primary purpose of the provision of overnight housing, boarding, and care including foster and shelter care, for children under the age of eighteen. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

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

~~Structure - Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. **See "Building."** (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

~~Tourist home. (Repealed by Ord. 4292 July 24, 1984).~~

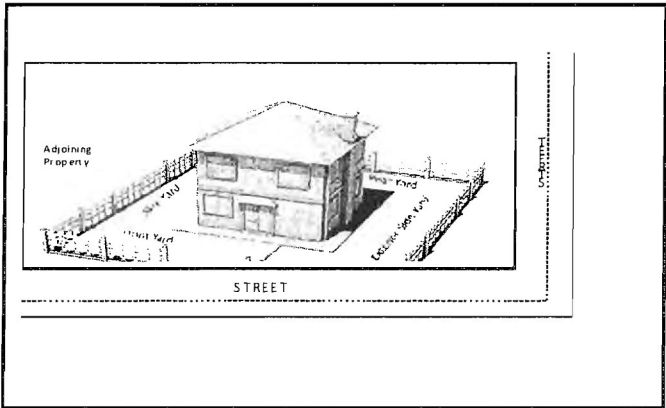
**Yard** - An open space on a lot which is unobstructed from the ground upward except as otherwise provided in Sections 17.54.020 and 17.54.060 **17.54.050(c)**. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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

**Yard, Front** - A yard extending the full width of the lot, the depth of which is the minimum distance from the lot front **property line to the nearest point of** the building (**Figure 8**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Yard, Rear** - A yard extending the full width of the lot, or in the case of a corner lot, to the exterior side yard, the depth of which is the minimum distance from the lot rear **property line** to the building (**Figure 8**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Figure 8**



**Yard, Side** - A yard extending from the front yard to the rear yard along the side of the main building, the width of such yard being the minimum distance from the lot side property line to the building (**Figure 8**). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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

## SECTION C – RELOCATED DEFINITIONS

The following definitions are proposed to be moved from their current sections of the Zoning Ordinance (as noted) to Chapter 17.06.

### **Flood Area Zone**

1. Relocate Section 17.48.025 (A-C) to Section 17.06.030;
2. Amend Section 17.48.025 to read as follows:

**“17.48.025 Definitions.** For the purpose of this chapter, the following special definitions are established: **section refer to Section 17.06.030 for Flood Area related definitions.**”

### **Airport Overlay Zone**

1. Relocate Section 17.52.020 (A) – (N), to Section 17.06.025;
2. Relocate Section 17.52.020 (P), (Q), and (R) to Section 17.06.015. These are definitions for “County,” “MUAMC,” and “Place of Public Assembly” which are “general” definitions.
3. Delete Sections 17.52.020 (O), (S), and (T). These are definitions for “City,” “Structure,” and “Nonconforming Use” which appear elsewhere in Section 17.06.015.
4. Amend the following Airport Overlay Zone related definitions.

- a. Amend 17.52.020 (B) to read as follows:

“B. Airport Approach Surfaces:

1. Runway 22: A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the primary surface at a ~~50:1~~ **40:1** slope.....
3. Runway ~~16/34~~ **17/35.**”

- b. Amend 17.52.052 (D) to read as follows;

“D. Airport Elevation: For the purpose of determining the height limits in all zones set forth in this ordinance, elevations supplied on the Airport Imaginary Surfaces Map (~~Wilsey & Ham, 1989~~) **(Century West ALP 2004)** shall be used to calculate height limitations.”

- c. Amend 17.52.052 (E) to read as follows:

“E. Airport Conical Surface: Extends horizontally and vertically from the airport horizontal surface and extends outward and upward at a slope of 20:1 for a horizontal distance of 4,000 feet, terminating at an elevation of ~~509~~ **508** feet above sea level.”



d. Amend 17.52.052 (J) to read as follows:

"J. Airport Imaginary Surfaces - Those imaginary areas in space which constitute the Airport Overlay Zone and are defined by the approach surface, the horizontal surface, and the conical surface as identified on the Airport Imaginary Surfaces Map (~~Wilsey & Ham, 1989~~). **(Century West ALP 2004)**. Any structure extending above these imaginary surfaces is a hazard."

e. Amend 17.52.052 (L) to read as follows:

"L. Airport Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 1,000 feet for runway 4/22 and 500 feet for runway 16/34 **17/35**."

f. Amend 17.52.052 (N) to read as follows:

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

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

5. Amend 17.52.020 to read as follows:

**"17.52.020 Definitions.** For the purpose of this chapter the following special definitions are established: **section, refer to Section 17.06.025 for Airport Overlay Zone related definitions.**

## **Wireless Communication Facilities**

1. Relocate Section 17.55.020 (A) –(J) to Section 17.06.050

2. Amend the following Wireless Communication Facilities related definitions.

a. Amend 17.55.020 (B) to read as follows:

"B. Antenna - A specific device used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other

antennas. Antennas regulated by this Chapter **17.55** include omnidirectional (or “whip”) antennas, directional (or “panel”) antennas, parabolic (or “dish”) antennas, and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.”

b. Amend 17.55.020 (C) to read as follows:

“C. Antenna Array - Two or more antenna as defined in ~~17.55.020 (B)~~ **above.**”

3. Amend Section 17.52.020 to read as follows:

**“17.55.020 Definitions.** For the purpose of this chapter, ~~the following signs shall have the following meanings~~ **section, refer to Section 17.06.050 for Wireless Communication Facility related definitions.**”

### **Large Format Commercial Development (Chapter 17.56)**

1. Relocate Section 17.56.020 (A) – (O) to Section 17.06.015

2. Amend Section 17.56.020 to read as follows:

**“17.56.020 Definitions.** For the purpose of this chapter ~~the following terms shall have the following meanings:~~ **section, refer to Section 17.06.015 for Large Format Commercial Development related definitions.**”

### **Landscaping**

1. Relocate Section 17.57.020 (A) and (B) to Section 17.06.035

2. Amend Section 17.57.020 to read as follows:

**“17.57.020 Definitions.** For the purpose of this chapter ~~the following terms shall have the following meanings:~~ **section, refer to Section 17.06.035 for Landscaping related definitions.**”

### **Trees**

1. Relocate Section 17.58.030 to Section 17.06.045.

2. Delete definition for “Planning Director” as it appears elsewhere in general definitions of Chapter 17.06.

3. Add new Section 17.58.030 that reads as follows:

**“17.58.030 Definitions.** **For the purpose of this section, refer to Section 17.06.045 for Tree-related definitions.**”

## Signs

1. Relocate Section 17.62.030 (A) – (D), (F) – (G), and (I) - (JJ) to Section 17.06.040 except that 17.62.030 (R) “Frontage” will be relocated for inclusion into Section 17.06.015 (general definitions).
2. Delete Section 17.62.030 (E) and (H), for “Awning,” and “Canopy” as they already appear elsewhere in general definitions of Chapter 17.06.
3. Amend the following Sign-related definitions.
  - a. Amend 17.62.030 (X) to read as follows:

“X. Maintenance For the purposes of this Chapter 17.62, the cleaning, painting, repair, or replacement of defective parts of a sign, or to achieve a change in sign face, in a manner that does not alter the basic design or structure of the sign.”
  - b. Amend 17.62.030 (CC.) to read as follows:

“CC. Nonconforming Sign - An existing sign, lawful before enactment of this chapter, which does not conform to the requirements of this Chapter 17.62.”
  - c. Amend Section 17.62.030 to read as follows:

17.62.030 Definitions. For the purpose of this chapter ~~certain terms and words are defined as follows: words used in the present tense include the future; the word “shall” is mandatory; the word “may” is discretionary; the phrase “used for” shall include the phrases “arranged for,” “designed for,” “maintained for,” and “occupied for”; and the word “business” shall be associated with the zoning terms and activities of “permitted use” and “conditional use”. The following terms shall mean~~ section, refer to Section 17.06.040 for Sign-related definitions.

## SECTION D – AMENDMENTS TO OTHER CHAPTERS

As a complement to some of the amended definitions described above, certain other amendments to uses that are permitted or conditionally permitted in residential zones are proposed in order to maintain consistency throughout the Zoning Ordinance.

1. Remove “Residential child care facility” where that use appears as a permitted use in the R-1, R-2, R-3, and R-4 zones and replace it with the following:

Residential Home as defined in Chapter 17.06.015.

2. Remove "Residential child care facility" where that use appears as a conditional use in the R-1, R-2, R-3, and R-4 zones and replace it with the following as a permitted use in R-1 through R-4 zones

Residential Facility as defined in Chapter 17.06.015.

3. Amend Sections 17.12.010 (D), 17.15.010 (D), 17.18.010 (D), and 17.21.010 (G) to read as follows:

Day care 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. Twelve or fewer ~~children~~ **people** are present at any one time at the center.
  3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
  4. That a certificate of approval be obtained for facilities with seven or more ~~children~~ **people** as required by ORS 418.810.
4. Amend Sections 17.12.020 (E), 17.15.020 (D), 17.18.020 (D), and 17.21.020 (E) to read as follows:

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~~ **people** are present at any one time,
3. That a certificate of approval be obtained for facilities with seven or more ~~children~~ **people** as required by ORS 418.810.



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ATTN: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540