



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

December 21, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of McMinnville Plan Amendment
DLCD File Number 005-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 8, 2008

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 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 DATE SPECIFIED ABOVE.**

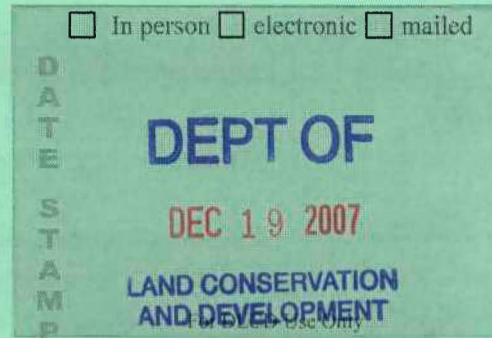
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Jennifer Lynagh, City Of McMinnville

<paa> ya/

FORM **2**

DLCD 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: **G 1-06**

Date of Adoption: **12/11/2007**

Date Mailed: **12/18/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/01/2007

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input checked="" type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

The City of McMinnville has created a solid waste enclosure ordinance which establishes guidelines for the location and construction of solid waste enclosures for commercial, industrial and multi-family development.

Does the Adoption differ from proposal? No, no explanation is necessary

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:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

005-07(16453)

DLCD file No. _____

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

Local Contact: **Jennifer Lynagh**

Phone: (503) 434-7311 Extension:

Address: 231 NE Fifth Street

Fax Number: 503-474-4955

City: McMinnville Zip: 97128-
jennifer.lynagh@ci.mcminnville.or.u

E-mail Address:

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.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4883

An Ordinance amending the McMinnville Zoning Ordinance (No. 3380), by adding a new chapter (17.61) to said ordinance to create standards for solid waste and recycling enclosures for all new commercial, industrial and multi-family development.

RECITALS:

At a City Council meeting held January, 2006, staff from Western Oregon Waste (WOW) requested that the City consider the adoption of standards for waste and recycling enclosures. In so doing, WOW suggested that the location and aesthetics of such facilities could be improved, as could the manner in which they are serviced. Following the conclusion of the presentation by WOW, the Council directed staff to initiate the drafting of amendments to the McMinnville Zoning Ordinance specific to waste and recycling enclosures.

In February, 2006, the Planning Commission conducted a work session with WOW staff to discuss this issue further. Recognizing the level of development activity in the city, and other higher priority project assignments, staff was directed to work with WOW to draft a solid waste and recycling enclosure ordinance as time allowed, and to schedule the draft for public hearing when complete.

In September of 2007, the McMinnville Planning Commission held a second work session for the purpose of reviewing the draft ordinance prepared by City and WOW staff. Subsequent to that meeting, a public hearing was held on November 15, 2007 at 6:30 p.m. on the draft ordinance after due notice had been given in the local newspaper on November 6, 2007. At the conclusion of this hearing, and based upon the testimony received, the Planning Commission recommended that the solid waste and recycling enclosure plan ordinance as recommended by staff be approved; now, therefore,

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Chapter 17.61, Solid Waste and Recycling Enclosure Plan, is added to the McMinnville Zoning Ordinance to read as follows:

Chapter 17.61

SOLID WASTE AND RECYCLING ENCLOSURE PLAN

Sections:

- 17.61.010 Purpose and Intent
- 17.61.020 Applicability and Exemptions
- 17.61.030 Guidelines and Standards
- 17.61.040 Procedure

17.61.010 Purpose and Intent.

The purpose and intent of this chapter is to provide efficient, safe and convenient locations for solid waste and recycling containers, to provide adequate on-site

maneuvering for collection vehicles and to ensure that solid waste enclosures for all commercial, industrial and multi-family development are in compliance with the solid waste and recycling pick-up standards of the service provider while contributing to the overall appearance and attractiveness of the City of McMinnville.

17.61.020 Applicability and Exemptions

- A. The requirements of this chapter shall apply to all new commercial, industrial and multi-family developments of three (3) or more dwelling units.
- B. Existing development is exempt from the above requirements. Change-of-use and tenant improvement applications will be assessed on an individual basis for their conformity to the enclosure requirements based on intensity of use and recommendations of the service provider.
- C. When unique physical constraints exist on a property, the Planning Director has the authority to work with the property owner to establish an alternative trash and recycling enclosure plan while still preserving the intent of the requirements of this chapter. Additionally, the Planning Director, in consultation with the service provider, has the authority to grant an exception to the requirement for a solid waste and recycling enclosure if it is determined that the proposed use will not generate enough trash and recycling to necessitate the use of trash receptacles which require screening or if the receptacles are to be maintained inside the building.

17.61.030 Guidelines and Standards

- A. The location of an enclosure must allow for collection agency drive-in access. A fifty-foot (50) access approach is recommended. In addition to the approach, either an exit that allows the truck to move forward or a turn area with a minimum radius of 46.5 feet is preferred. Both approach and location shall be unobstructed and free of over head wires and low hanging trees. An eighteen-foot (18) minimum height clearance above the enclosure approach is required and a thirty-two-foot (32) vertical clearance is required above the container itself. The enclosure shall be of sufficient size to store trash and recycling receptacles, the size of which shall be determined by the collection agency and will be based on proposed use. A minimum distance of two-feet (2) is required between the container and existing or proposed structures. The enclosure shall be a minimum of six-feet (6) tall or six inches (6) higher than the top of the tallest container.
- B. Solid waste enclosures shall not be located within twenty-feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee.
- C. Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.
- D. Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty-feet (30) from any residential structure or as otherwise approved by the Planning Director.

- E. Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight-feet (8) beyond the gates.
- F. Gates that screen the containers are required and must remain closed at all times except at times of service.
- G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A "No Parking" sign must be visibly placed on the gates of the enclosure.
- H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville's Fire Code.

17.61.040 Procedure.

The applicant is responsible for contacting the collection agency for information regarding the size of containers required relative to proposed use *prior* to submittal of building plans. Two (2) copies of a Solid Waste and Recycling Enclosure plan shall be included in the submitted site (plot) plan or as a separate plan to allow for Planning Department review. At a minimum, the Enclosure Plan will illustrate the location, size and height of the proposed trash enclosure in addition to listing construction materials and any required landscaping. The structure must conform to the approved site plan at the time of final inspection.

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 thirty (30) days.

Passed by the Council this 11th day of December 2007, by the following votes:

Ayes: Hansen, May, Menke, Yoder

Nays: _____

Approved this 11th day of December 2007.


MAYOR

Attest:


CITY RECORDER

Approved as to form:


CITY ATTORNEY

UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 97128

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DEC 18 2007



230 N.E. Second Street - McMinnville, OR 97128

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