



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/05/2014

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 004-13

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: Friday, March 21, 2014

This amendment was submitted to DLCD for review prior to adoption 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: Ron Pomeroy, City of McMinnville  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative  
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 004-13 (20128)  
[17788]  
Received: 2/28/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of McMinnville

Local file no.: **G 4-13**

Date of adoption: 2/25/2014

Date sent: 2/28/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/10/2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Ron Pomeroy, Principal Planner

Phone: 503-434-7311

E-mail: ron.pomeroy@ci.mcminnville.or.us

Street address: 231 NE 5<sup>th</sup> Street

City: McMinnville

Zip: 97128

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary



Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 4977

An Ordinance amending certain chapters of the McMinnville Zoning Ordinance to comply with recently passed State legislation, and to add Tasting Rooms as a permitted use in the M-L (Limited Light Industrial) zone.

RECITALS:

WHEREAS, Oregon's 2013 legislative session passed into law SB 462 (related to composting) and SB 465 (related to the federal flood insurance program) that affect McMinnville's Planning Department procedures and the City's zoning ordinance (ORD No 3380). To address these bills, staff has proposed revisions to Chapters 17.06 and 17.42 of the McMinnville zoning ordinance; and

WHEREAS, the Planning Department has received numerous inquiries from wine industry representatives regarding an interest in operating tasting rooms as an ancillary use to wine processing, storage, and distribution facilities located on industrially zoned land within the city. While this is currently not permitted, McMinnville is aware that wine tasting rooms permitted as incidental uses to wineries located in industrial zones have become more prevalent in nearby cities. McMinnville also recognizes the similarity between tasting rooms for wineries, breweries, distilleries, and other food production facilities. Given McMinnville's commitment to supporting the evolving needs of the business community, the Planning Commission directed staff to prepare amendments that would add Tasting Rooms as a permitted use in the M-L (Limited Light Industrial) zone; and

WHEREAS, draft amendments to Chapters 17.06, 17.36, and 17.42 were presented to the Planning Commission at a public hearing held on January 16, 2014, after due notice had been published in the "News Register" and after due notice was provided to the Oregon Department of Land Conservation and Development (DLCD) not less than 35 days prior to the public hearing. No public testimony was offered at the hearing in response to the proposed changes; and

WHEREAS, following the close of the public hearing and subsequent deliberation, the Commission voted unanimously to forward a recommendation to the City Council for approval of the proposed amendments to Chapters 17.06, 17.36, and 17.42 of the McMinnville zoning ordinance as presented by staff; Now, therefore

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Section 17.42.020 (Conditional Uses) of the McMinnville Zoning Ordinance (No. 3380) is amended as follows: [New text is identified as underlined text.]

17.42.020 Conditional Uses:

- C Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600.

Section 2. That the following definition is added to Section 17.06.030 (Flood Area Related Definitions) of the McMinnville Zoning Ordinance (No. 3380) as follows: [New text is identified as underlined text.]

17.06.030 Flood Area Zone Related Definitions:

"Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."

Section 3. That the following definition is added to Section 17.06.015 (General Definitions) of the McMinnville Zoning Ordinance (No. 3380) as follows: [New text is identified as underlined text.]

17.06.015 General Definitions

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

Section 4. That Chapter 17.36 (M-L Limited Light Industrial Zone) of the McMinnville Zoning Ordinance (No. 3380) is amended as follows: [New text is identified as underlined text.]

Section 17.36.020 Permitted Uses

"28. Tasting rooms. The floor area of the tasting room shall not exceed 400 square feet or 10 percent of the facility's onsite floor area, whichever is greater. In no instance shall a tasting room exceed 1,000 square feet in size. Tasting rooms do not include taverns, restaurants, or breweries, which are defined elsewhere."

Section 5. 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 25<sup>th</sup> day of February 2014, by the following votes:

Ayes: Hill, May, Menke, Yoder

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

Approved this 25<sup>th</sup> day of February 2014.

Effective Date: March 27, 2014.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
RECORDER

Approved as to Form:

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