



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

12/26/2008

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 002-08

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: Tuesday, January 06, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jennifer Lynagh, City of McMinnville
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA/

DLCD NOTICE OF ADOPTION

DEC 18 2008

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

**LAND CONSERVATION
AND DEVELOPMENT**

(See reverse side for submittal requirements)

Jurisdiction: City of McMinnville

Local File No.: G 1-08
(If no number, use none)

Date of Adoption: December 09, 2008
(Must be filled in)

Date Mailed: December 11, 2008
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: July 1, 2008

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____
(Please Specify Type of Action)

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

The City of McMinnville has created a vacation home rental ordinance which establishes guidelines for the operation of vacation home rental businesses in residential and commercial zones.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

That a vacation home rental shall not be located within a one-eighth mile radius (660 feet) of another residence that is being used for the same purpose.

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: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 002-08 (16986)
(Part G 1-08 only)

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Jennifer Lynagh Area Code + Phone Number: 503-434-7311

Address: 231 NE 5th Street City: McMinnville

Zip Code+4: 97128 Email Address: jennifer.lynagh@ci.mcminnville.or.us

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only ; or 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. 4902

An Ordinance amending Sections 17.06, 17.12.020, 17.15.020, 17.18.020, 17.21.020, 17.24.030, 17.30.010, 17.60.060 of the McMinnville Zoning Ordinance (No. 3380), by providing standards and procedures for the location and operation of vacation home rental establishments in residential and commercial zones.

RECITALS:

As the wine industry continues to grow in Yamhill County and McMinnville becomes an established tourist destination area, the trend towards vacation home rentals and wine cottages is gaining momentum. Currently there are no guidelines for operating a vacation home rental in a residential or commercial zone. The standards and procedures created to regulate bed and breakfast establishments are not applicable to the operation of a vacation home rental as the latter is not owner occupied. While the City is supportive of the tourist industry and the concept of wine cottages and vacation home rentals, it is essential that this type of business is regulated and held to similar standards of operation as bed and breakfast establishments are currently held.

A public hearing was held on August 21, 2008, for the purpose of considering the draft ordinance after due notice had been given in the local newspaper on August 16, 2008. At the conclusion of this hearing and based upon the testimony received, the Planning Commission recommended that the vacation home rental ordinance as recommended by staff be approved; now, therefore,

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the McMinnville Zoning Ordinance (No. 3380) shall be amended as follows:

(a) That Chapter 17.06 be amended by adding the following:

"17.06.582 Vacation Home Rental. A vacation home rental refers to the use of a dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 21 (twenty-one) consecutive days."

(b) That section 17.12.020 of Chapter 17.12 be amended by adding the following:

"S. Vacation home rental, provided:

1. That the structure be designed for and occupied as a single-family residence. The structure shall retain the characteristics of a single-family residence.
2. That a minimum of one off-street parking space be provided for each guest room.
3. That the vacation home rental shall not be located within a one-eighth-mile radius (660 feet) of another residence that is being used for the same purpose.
4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.

5. That the duration of each guest's stay at the residence be limited to less than 21 (twenty-one) consecutive days.
6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3397.
7. That the property owner shall live within the city limits or shall provide contact information of a person living within the city limits who shall be available to respond immediately to any emergency or complaint related to the vacation home rental.
8. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.020 (S) 9 below.
9. Complaints on conditions 1 through 7 above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.66.010 and 17.66.015 of the zoning ordinance. If the vacation home rental is found to be in violation of the criteria, the Planning Commission may terminate the use."

(c) That Section 17.15.020 of Chapter 17.15 be amended by adding the following:

"Q. Vacation home rentals, subject to the provisions of Section 17.12.020 (S)."

(d) That Section 17.18.020 of Chapter 17.18 be amended by adding the following:

"Q. Vacation home rentals, subject to the provisions of Section 17.12.020 (S)."

(e) That Section 17.21.020 of Chapter 17.21 be amended by adding the following:

"S. Vacation home rental, subject to the provisions of Section 17.12.020 (S)."

(f) That Section 17.24.020 of Chapter 17.24 be amended by adding the following:

"H. Vacation home rental, subject to the provisions of Section 17.12.020 (S)."

(g) That Section 17.30.010 of Chapter 17.30 be amended by adding the following:

"K. Vacation home rental, subject to the provisions of Section 17.12.020 (S) excluding (3)."

(h) That Section 17.60.060 of Chapter 17.60 be amended by adding the following:

"17.60.060 Spaces—Number Required."

A. Residential Land Use Category...

6. Vacation home rental One space for each guest room.

C. Commercial Land Use Category...

22. Vacation home rental One space for each guest room."

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 9th day of December 2008, by the following votes:

Ayes: Hansen, May, Menke, Olson, Yoder

Nays: _____

Approved this 9th day of December 2008


MAYOR

Attest:


CITY RECORDER

Approved as to Form:


CITY ATTORNEY

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 2-08**

Date of Adoption: **12/9/2008**

Date Mailed: **12/12/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/1/2008

- 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".
An amendment to the Comprehensive Plan (Volume II), Goals and Policies, to address sustainability.

Does the Adoption differ from proposal? Please select one
No

Plan Map Changed from: _____ to: _____
 Zone Map Changed from: _____ to: _____
 Location: _____ Acres Involved: _____
 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

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

DLCD file No. 002-08 (16986)
(Part G 208 only)

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

Local Contact: **Ron Pomeroy**

Phone: (503) 434-7311 Extension:

Address: **231 NE Fifth Street**

Fax Number: **503-474-4995**

City: **McMinnville**

Zip: **97128-**

E-mail Address: **pomeror@ci.mcminnville.or.us**

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. 4903

An Ordinance amending the McMinnville Comprehensive Plan (Volume II), by adding a new policy (180.50) to Chapter VIII (Energy) to endorse sustainability and energy efficient design.

RECITALS:

In May of 2008, the McMinnville Planning Commission directed Planning Department staff to prepare a policy in support of local sustainability in regard to energy efficient design and construction standards. This request was made to complement the adoption of large format commercial development standards which supports the vision of local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce building heat-gain, lower energy consumption, and lessen pollutant output.

The Planning Commission held a public hearing on August 21, 2008, at 6:30 p.m. on the proposed amendment after due notice had been given in the local newspaper on August 16, 2008. At the conclusion of this hearing, and based upon the testimony received, the Planning Commission recommended that the Comprehensive Plan policy as recommended by staff be approved; now, therefore,

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the McMinnville Comprehensive Plan-Volume II shall be amended as follows:

That Chapter VIII (Energy) shall be amended by adding the following policy:

180.50 The City of McMinnville supports local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce building heat-gain, lower energy consumption, and lessen pollutant output.

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 9th day of December 2008 by the following votes:

Ayes: Hansen, May, Menke, Olson, Yoder

Nays: _____

Approved this 9th day of December 2008


MAYOR

Attest:


CITY RECORDER

Approved as to Form:


CITY ATTORNEY

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



230 NE Second Street • McMinnville, OR 97128

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