



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

04/08/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of McMinnville Plan Amendment
DLCD File Number 002-08A

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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, April 20, 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/

FORM 2

DEPT OF

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

APR 01 2009

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of McMinnville Local File No.: G 2-08
(If no number, use none)

Date of Adoption: March 24, 2009 Date Mailed: March 30, 2009
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: July 2, 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 revised Chapter 17.54 (General Regulations) of the Zoning Ordinance
(No. 3380) for clarity and consistency. Revised sections within this chapter include (but are not
limited to) accessory structures, temporary living units, clear vision areas, fences, and the keeping of
animals in residential 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."

Same.

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.: 002-08A(16986) [15459]

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. 4912

An Ordinance amending Chapter 17.54 (General Regulations) and Chapter 17.66 (Conditional Uses) of the McMinnville Zoning Ordinance (No. 3380) to provide new or revised standards related to fencing, accessory structures, temporary living units, and the keeping of animals in residential zones.

RECITALS:

As part of the City Council-directed task of updating the McMinnville comprehensive plan and implementing ordinances, the Planning Department has prepared draft amendments to Chapter 17.54 (General Regulations) and Chapter 17.66 (Conditional Uses) of the McMinnville Zoning Ordinance. This former chapter is used often by the public and staff and includes standards for fencing, accessory structures, height and setback exceptions, temporary living units, clear vision areas, to name but a few. As proposed, amendments to Chapter 17.66 would relocate standards for the keeping of animals in residential zones to Chapter 17.54.

Staff's draft amendments were presented to the Planning Commission at five public hearings held August 21, 2008, September 18, 2008, November 20, 2008, January 15, 2009, and February 19, 2009, after due notice had been published in the "News Register" for each hearing.

Following the close of the public hearings, the Commission voted unanimously to forward a recommendation to the City Council for approval of certain amendments to Chapter 17.54 (General Regulations) and Chapter 17.66 (Conditional Uses). Now, therefore:

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Chapter 17.54 (General Regulations) of McMinnville Ordinance No. 3380 (the Zoning Ordinance) is amended as described in Exhibit "A," attached hereto.

Section 2. That Chapter 17.66 (Conditional Uses) of McMinnville Ordinance No. 3380 (the Zoning Ordinance) is amended by deleting in its entirety Section 17.66.065 (relocated to Section 17.54.140, Keeping of Animals in Residential Zones).

Section 3. That the McMinnville Zoning Ordinance (No. 3380) is further amended as necessary to incorporate the appropriate references to new or revised sections or chapters as described in Exhibit "B," attached hereto.

Section 4. 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 24th day of March, 2009 by the following votes:

Ayes: _____

Nays: _____

Approved this 24th day of March, 2009.

MAYOR

Approved as to Form:

CITY ATTORNEY

Exhibit "A"

Chapter 17.54

GENERAL REGULATIONS

Sections:

- 17.54.010 Classification of an unlisted use.
- 17.54.020 Residential accessory structure and use.
- 17.54.030 Buildings-number per lot.
- 17.54.040 Exceptions to building height.
- 17.54.050 Yards.
- 17.54.060 Model homes.
- 17.54.070 Temporary living units.
- 17.54.080 Clear vision area.
- 17.54.090 Fences.
- 17.54.100 Swimming pools.
- 17.54.110 Use of required open space.
- 17.54.120 Minimum requirement maintenance.
- 17.54.130 Address assignment.
- 17.54.140 Keeping of animals in a residential zone.

17.54.010 Classification of an unlisted use.

- A. Purpose. When a specific use is not listed as permitted or conditionally permitted the procedure for determining the permissibility of that use in a particular zoning district and whether that use is compatible with the listed uses is provided in this section.
- B. Review procedure/standards. Upon receipt of a request for classification of an unlisted use, the Planning Director shall provide notice of the request which shall be published in the newspaper. The notice shall:
 - 1. Provide a 14-day period for submission of written comments prior to the decision by the Planning Director;
 - 2. State that issues which may provide the basis for an appeal to the Planning Commission shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision-maker to respond to the issue;
 - 3. List the applicable criteria for the decision;
 - 4. State the place, date, and time that comments are due;
 - 5. State that copies of all documentation submitted by the applicant are available for review, and that copies can be obtained at cost;
 - 6. Include the name and phone number of a staff person to contact for information pertaining to the application.

- C. Review criteria. Approval or denial of an unlisted use classification request shall be based on the following findings:
 - 1. The use is consistent with the intent and purpose of the applicable zoning district;
 - 2. The use has similar intensity, density, and off-site impacts as the uses permitted or conditionally permitted in the applicable zoning district; and
 - 3. The use has similar impacts on community facilities and services as the listed uses.
- D. Limitation/appeal. The Planning Director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted or conditional use. The decision of the Planning Director shall be mailed to the applicant and any person who submits comments within the stated review period. The notice of decision shall include an explanation of appeal rights and briefly summarize the decision-making process for the decision being made. The decision of the Planning Director may be appealed to the Planning Commission if notice of intent to appeal is received by the Planning Department within 15 days of the Director's decision. The decision of the Planning Director shall be entered in a registry to be kept on file in the Planning Department office. The decision, as noted in the registry, shall include:
 - 1. The street address or understood geographic reference.
 - 2. The date of the decision; and
 - 3. A written summary of the decision made. (Ord. 4522 §2, 1992; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.020 Residential accessory structure and use. An accessory structure refers to a detached, non-habitable building (such as a shed or greenhouse) generally used for storage or other non-commercial use. An accessory structure is permitted in addition to an attached or detached garage and shall comply with the following limitations:

- A. One accessory structure may be located within a required rear yard or a required interior side yard behind the back building line, and shall not contain more than 100 square feet in area or be greater than 10 (ten) feet in height. An accessory structure exceeding one or both of these requirements must comply with the setback requirements of the zone. In addition, if the accessory structure is more than 10 (ten) feet in height or greater than 200 square feet in floor area, a building permit shall be obtained prior to construction.
- B. No accessory structure may be constructed on any lot prior to the issuance of a building permit for the principle structure. A permit for a detached garage may be issued simultaneously with the issuance of a permit for a principle dwelling on the subject property.
- C. An accessory structure placed within six (6) feet of a residence must comply with the Oregon State Building Code fire safety requirements.

- D. An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback. An uncovered deck may be located within the required rear yard or the required side yard behind the back building line provided that it may not be closer than five feet to a property line. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
- E. The placement of a temporary storage structure (such as a "POD") for non-commercial use is permitted in a required yard for a period not exceeding 10 (ten) days in a calendar year. This does not apply to construction trailers (typically erected for the duration of the construction period of a home, subdivision, commercial or industrial site) which must be removed within two (2) weeks of the date that a final certificate of occupancy is issued for the particular development.
- F. Play structures may be placed along rear and/or interior side yard property lines except that any portion of the structure that is six (6) feet or more in height must be a minimum of five (5) feet from the interior side and/or rear property line.

17.54.030 Buildings—number per lot. In an R-1, R-2, and R-3 zone there shall be only one main building on a lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.040 Exceptions to building height. The following exceptions to building height are permitted.

- A. Public Buildings. Public, quasi-public or public-service buildings, hospitals, educational institutions or schools may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when permitted in a zone with lower height regulations, provided that required yards are increased one foot for each foot of additional building height above the height regulations for the zone (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
- B. Chimneys, Domes, Towers, Flagpoles and Similar Structures. Projections such as chimneys, spires, steeples, domes, elevator shaft housings, antennas, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.050 Yards

- A. Measurement. The measurement of a yard shall be made perpendicular from the property line to the nearest portion of the building.
- B. Requirement exceptions. The following exceptions to the front-yard requirements for a dwelling are authorized for a lot in any zone:

1. If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
 2. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front-yard depth.
 3. Whether attached to a residence or as a separate structure, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 (twenty) feet from the property line bordering the street.
- C. Projections into yards. Architectural features such as cornices, canopies, sunshades, windows, chimneys, and flues shall not project more than 18 (eighteen) inches into a required yard. Eaves may extend a distance not to exceed 30 (thirty) inches into a required yard. Stairs may encroach up to five (5) feet into a required front yard provided that the stairs are not covered or enclosed, except for an eave not exceeding the 30 (thirty) inch encroachment as noted above.
- D. In a district where automobile service stations are permitted or conditionally permitted, freestanding gasoline pumps and pump islands shall not be closer than 10 (ten) feet to a street property line.
- E. In a commercial or industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the center of the alley. (Ord. 4128 (part), 1981; Ord 3380 (part), 1968).
- F. Yards required along arterial streets. Except in zones where greater setbacks are required, a minimum five (5) foot yard shall be provided where a lot or parcel abuts an arterial street, as those streets are defined in the City's Transportation Master Plan. The required five (5) foot yard shall be maintained as a clear vision area as defined in Section 17.54.080 except that the following uses may be allowed when alternatives are unavailable:
1. The exceptions described in 17.54.080.
 2. Signs and signposts provided that the body of the sign is below three (3) feet in height or above eight (8) feet in height when measured from the top of the curb, or where no curb exists, eight and one-half (8.5) feet from the edge of the pavement or top of asphalt measured at the property line.
- G. A building may be constructed with a cantilever which extends up to two (2) feet over the setback at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half (8.5) feet above the edge of the pavement, or top of asphalt measured at the property line.

- H. Setback variance requests shall be processed under the provisions of Chapters 17.69 and 17.72, except that:
 - 1. The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance:
 - 2. Variances to the requirements of this section which do not involve building setbacks must comply with subsection 17.54.060(H)(1) above, but need not comply with Section 17.69.030;

17.54.060 Model Home. A "model home" means the building(s) and/or property incorporating unique or innovative architectural design or construction techniques and intended for use as an example to promote similar development, and also means the building(s) and/or property intended for use as an example in attracting potential buyers to a specific subdivision. A permit for a model home may be obtained from the Planning Director, subject to the following conditions:

- A. The applicant requesting a model home permit must supply the Planning Director with a plot plan of the proposed model home and a narrative explaining any unique or innovative architectural design or construction techniques intended to be used in the model home. If the permit is being requested for a home which is simply to be used as an example in attracting buyers to a specific subdivision, the applicant must supply the Planning Director with a plot plan of the model home and a copy of the approved plat of the subdivision clearly showing the lot on which the model home is to be located. If the Planning Director finds that approval of the permit would create no adverse impact on the immediate neighborhood or the surrounding area he will issue a renewable and revocable permit, upon payment of the appropriate fee, for a one-year period. Approval by the Planning Director of a renewable request is contingent on the absence of formal complaints or changes in circumstances. If there are formal complaints or changes in circumstances, the request for renewal must be approved by the Planning Commission. Formal complaints or changes in circumstances may be cause for revocation of an approved permit by the Planning Director. All decisions of the Planning Director may be appealed to the Planning Commission provided that the appropriate fees have been paid and notice of intent to appeal is received by the Planning Department within 15 (fifteen) days of the Director's decision.
- B. The Planning Director may permit the temporary use of a sales office within a designated model home, subject to the condition that the sales office is used to conduct sales of homes within the subdivision in which the model home is located. Sales of real properties outside of the subdivision may not be conducted out of said office.
- C. A permit for such use may be granted in the form of a temporary and revocable permit, the fee for which will be set by the City Council.

The permit shall be valid for not more than one year or until 90 percent of the building permits for the subdivision have been issued, whichever occurs first. If 90 percent of the building permits have not been issued in one year's time, the permit may be renewed, upon reapplication to the Planning Director and payment of the appropriate fee. Renewal of a permit shall be for periods of not more than six months or until the 90 percent requirement is met. Approval by the Planning Director of a renewal request is contingent on the absence of formal complaints or changes in circumstances. If there are formal complaints or changes in circumstances, the request for renewal must be approved by the Planning Commission. Formal complaints or changes in circumstances may be cause for revocation of an approved permit by the Planning Director. All decisions of the Planning Director may be appealed to the Planning Commission provided that the appropriate fees have been paid and notice of intent to appeal is received by the Planning Department within 15 (fifteen) days of the Director's decision.

17.54.070 Temporary Living Units.

- A. This section is enacted to meet the requirements of McMinnville citizens who have a need for a temporary living unit in which they will provide "special care" to a relative. This section is not enacted to provide additional living space for family members unless the hardship conditions listed below are met. The City envisions the use of a temporary living unit approved under this section on a lot which either has an occupied residence or on a lot which is immediately adjacent to the residence of the family member making application for this special permit. The temporary living unit, if approved, must meet all the yard and setback requirements of this title. When granting a permit, the Planning Director will take into consideration the lot on which the unit will be placed, the type of temporary living unit being proposed, and the visual impact of the unit upon the surrounding neighborhood.
1. The definition of the term "special care" shall include providing medical attention (either physical or mental) and/or providing living accommodations for a relative who needs to be in close physical proximity to family members for assistance in housekeeping, shopping, etc., and for emotional support;
 2. The definitions of the term "temporary living unit" includes, but is not limited to, manufactured home, trailer, camper, and recreational vehicle (RV);

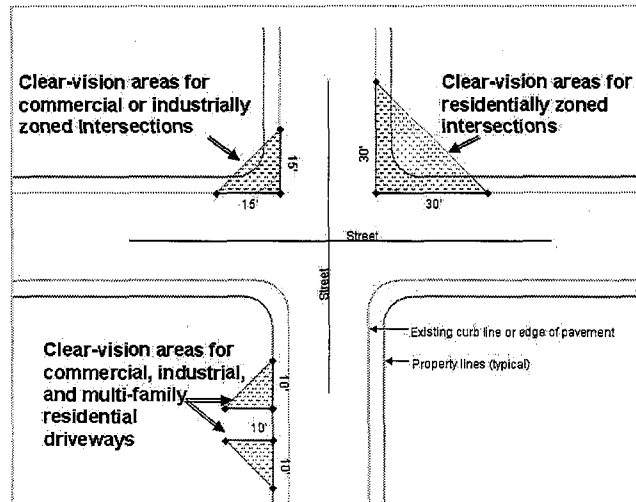
- B. The Planning Director may permit the temporary use of a temporary living unit in any zoning district (subject to the unit meeting yard and setback requirements of the zoning ordinance) in the following situation: Temporary residence for relative requiring special care;
- C. The Planning Director shall make a decision within 20 (twenty) days of the date that the application for the temporary living unit is received and notice of the Director's decision shall be sent to abutting property owners. An appeal of the decision may be filed with the Planning Department within 15 (fifteen) calendar days of the date the written notice of the decision is mailed.
- D. A permit for such use may be granted in the form of a temporary and revocable permit, for not more than a six (6) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Such permit shall be renewable upon reapplication to the Planning Director in the absence of any formal complaints or changes in circumstances and payment of semi-annual renewal fee. Such structures shall be removed after they are no longer required for their initial use. Application for a temporary permit shall be on forms provided by the Planning Director. The Planning Director shall review the initial temporary permit request, subject to the requirements of this ordinance.

17.54.080 Clear Vision Area

- A. Clear vision area requirement. A clear vision area shall be maintained on the corners of all properties at the intersection of two streets, a street and an alley, or a street and a railroad. Clear vision area requirements shall also apply to the first 10 (ten) feet of commercial and industrial access driveways when the driveway intersects with a street or alley. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.
 - 1. Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;
 - 2. Telephone, power, and cable television pole, electrical junction boxes.
 - 3. Government issued traffic safety signs.
 - 4. Telephone switch boxes provided that they are less than 10 inches wide at the widest dimension. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
- B. Clear Vision Area Measurement. The following measurements used in conjunction with the formula established in subsection 17.06.080 shall be used to establish clear vision areas:

1. In a residential zone the minimum length of the triangle legs shall be 30 (thirty) feet at street intersections and 10 (ten) feet where a street and an alley intersect;
2. In all other zones the minimum length of the triangle legs shall be 15 (fifteen) feet at street intersections and 10 (ten) feet where a street and an alley or street and access drive intersect, except that when the angle of intersection between two streets, is less than 30 (thirty) degrees, the length of the triangle legs shall be 25 (twenty-five) feet;
3. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half feet above the edge of the pavement, or top of asphalt measured at the property line;

Clear Vision Area



17.54.090 Fences. Fence limitations shall be as follows:

- A. A fence placed along an interior side or rear property line shall not exceed the height of seven (7) feet. The construction of a fence greater than six (6) feet in height requires a building permit.
- B. A fence located in a required front yard shall not exceed the height of three (3) feet measured from grade. Fences greater than three (3) feet in height must conform to the front-yard setback requirements of that zone or must be set back to the front building line of the existing residence (whichever is less).
- C. On a corner lot, a fence located in a required exterior side yard shall not exceed the height of three (3) feet measured from grade; except when adequate vision clearance exists, the Planning Director may permit a fence up to six (6) feet in height.

- D. In the case of a sloping property, the height of a fence shall be measured from the uphill side, but in no case shall the height exceed 10 (ten) feet when measured from the downhill side of the fence.
- E. Fence height restrictions do not apply to public utility fences or to chain link fences enclosing schools and public playgrounds.

17.54.100 Swimming pools. An uncovered swimming pool may be located within a required rear yard or interior side yard behind the rear building line, provided it is no closer than five feet to a property line. Pool installation and fencing shall be provided consistent with the State Uniform Building Code.

17.54.110 Use of required open space. No lot area, yard, other open space, or off-street parking or loading area which is required by this title for one use shall be used as a required lot area, yard, or other open space or off-street parking or loading area for another use except as provided in section 17.60.120 (joint use of space permitted) of this Ordinance.

17.54.120 Minimum requirement maintenance. No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimums required for it by this title, except when the provisions of either the variance or the planned development overlay processes are utilized. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.130 Address assignments. The Building Official shall be responsible for assigning addresses to new structures. Addresses shall conform to the established numbering system for the City and to the requirements of McMinnville Ordinance No. 1770 and shall be assigned at the time the building permit is issued or before final occupancy is granted. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.140 Keeping of animals in a residential zone. It is not permissible to keep exotic, dangerous or wild animals as domestic pets. This includes any mammal, fowl, fish or any other species not commonly considered as pets or commonly raised for food or agricultural purposes which would be a possible threat to the life or health of humans as determined by the Yamhill County Animal Control Officer and the Planning Director. The slaughtering of animals is not permissible in residential zones.

- A. The keeping of the following animals is permitted in residential zones:
 - 1. Domestic dogs.
 - 2. Domestic cats.
 - 3. Gerbils, hamsters, rats or similar rodents kept in cages.
 - 4. Non carnivorous fish kept in tanks and ponds.
 - 5. Non venomous reptiles.

6. Domestic rabbits, consistent with the requirements of Section 17.54.140 B (3). (Rabbits kept for commercial purposes or for food production are prohibited.)
 7. Vietnamese pot bellied pigs (one per residence).
 8. Domestic fowl or birds for non-commercial purposes excluding roosters and peacocks, consistent with the requirements of Sections 17.54.140 B (3).
 9. Livestock, consistent with the requirements of Section 17.54.140 (B) (2)
- B. The following conditions shall apply in a zone when animals are permitted:
1. A dog kennel or dog facility exists when four (4) or more dogs of licensable age (six months or older) are kept for commercial reasons such as breeding, buying, selling or boarding. Such facilities are prohibited in a residential zone.
 2. In addition to the minimum lot area per family requirement for the zone, a minimum area of one-half acre of land (exclusive of buildings) shall be provided for accommodation of the animals listed in Subsections (a) and (b) below. The following animals are permitted in residential zones and shall not exceed the following density requirements:
 - a) One horse or one cow over six months of age for each additional half acre (21,780 square feet) over the minimum lot size.
 - b) Two sheep or two goats (or similar size livestock) over six months of age per each additional half acre over the minimum lot size.
 3. A minimum of 5,000 square feet of lot area is required to maintain up to two (2) fowl (excluding roosters and peacocks) or two (2) rabbits, or combination thereof. Each rabbit or fowl in excess of this number shall require an additional 1,000 square feet of lot area.
 4. No enclosure or pen for animals shall be placed in front of the residence nor shall it be closer than 70 feet to a front property line, 15 feet to a side property line or 10 feet to a rear property line.

Exhibit "B"
Amendments to McMinnville Zoning Ordinance

Text to be deleted is shown in strike-out font; new text is in bold, underlined font.

17.12 R-1 Single-Family Residential

17.12.010 shall be amended to read:

H. Model home, subject to the provisions of Section ~~17.54.100~~ **17.54.060** of this ordinance.

17.12.040 shall be amended to read:

In an R-1 zone, each lot shall have yards of the following size unless otherwise provided for in Section ~~17.54.090~~ **17.54.050**:

17.15 R-2 Single Family Residential

17.15.010 shall be amended to read:

H. Model home, subject to the provisions of Section ~~17.54.100~~ **17.54.060** of this ordinance.

17.15.040 shall read:

In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section ~~17.54.090~~ **17.54.050**:

17.18 R-3 Two-Family Residential

17.18.010 shall be amended to read:

I. Model home, subject to the provisions of Section ~~17.54.100~~ **17.54.060** of this ordinance.

17.18.040 shall be amended to read:

In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section ~~17.54.090~~ **17.54.050**:

17.21 R-4 Multiple Family Residential

17.21.010 shall be amended to read:

L. Model home, subject to the provisions of Section ~~17.54.100~~ **17.54.060** of this ordinance.

17.21.040 shall be amended to read:

In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section ~~17.54.090~~ **17.54.050**:

17.33 C-3 Commercial Zone

17.33.030 shall be amended to read:

Except as provided in Section ~~17.54.100~~ **17.54.050**, and "A" and "B" below, there shall be no required yards in a C-3 zone.

17.39 M-1 Light Industrial Zone

17.39.040 shall be amended to read:

E. Clear Vision (see Section ~~17.54.120~~ and ~~17.54.130~~ **17.54.080 A and B**)

Section 17.39.040 (F) shall be removed in its entirety and sections that follow shall be renumbered accordingly.

17.62 Signs

17.62.050 shall be amended to read:

A. clear vision areas as defined in sections ~~17.54.120, 17.54.130, 17.54.135~~ **17.54.080 (A) and (B)**.

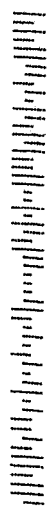
17.62.070 shall be amended to read:

D.all signs shall meet the clear vision requirements of Sections ~~17.54.095, 17.54.120, 17.54.130, 17.54.135~~**17.54.050 (F) and 17.54.080 (A) and (B)** and 17.60.080 (c).

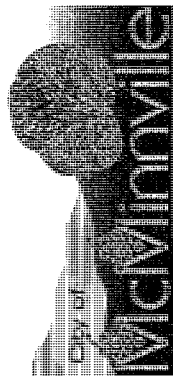
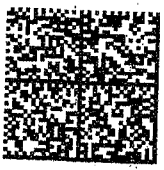
17.63 Nonconforming Uses

17.63.030 shall be amended to read:

A. Dwellings may be altered or extended subject to the provisions of ~~17.54.090~~ **17.54.050;**



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230 NE Second Street • McMinnville, OR 97128

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