



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

May 5, 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 006-07



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: May 16, 2008

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya/phone

FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

APR 28 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

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 1-07**

Date of Adoption: **4/22/2008**

Date Mailed: **4/25/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/29/2007

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".

Adoption of an ordinance establishing design and maintenance requirements for large commercial buildings.

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

A few of the proposed standards were adopted as guidelines. Provisions to encourage energy conservation and efficiency were added. Other elements remain largely as originally proposed.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **City of McMinnville**

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 # 006-07 (16494)

DLCD file No. _____

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 5th Street

Fax Number: 503-472-4104

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. 4891

An Ordinance amending the McMinnville Zoning Ordinance (No. 3380), by adding a new chapter (17.56) to said ordinance to create standards for large format commercial structures.

RECITALS:

At its meeting of September 20, 2007, the McMinnville Planning Commission discussed materials provided by Commissioner Wendy Stassens and Chair Sid Winfield relative to adopting local design standards for large format commercial development. Following that discussion, the Commission directed the Chair to share their thoughts regarding such standards with the City Council and to request that they direct staff to initiate a legislative review of this issue.

At the October 9, 2007, City Council meeting, Chair Winfield shared the Commission's interest with the Council and discussed the idea of initiating an effort to adopt such commercial design standards. The Council then directed staff to prepare a draft ordinance for review and discussion at a joint Council/Commission work session.

The first draft large format commercial design standards were presented to the Council and Commission at a joint public work session held on November 27, 2007. This work session provided additional clarification and direction as regard the intent of this process. Subsequently, four Commission hearings were held to receive public testimony, and review and modify the draft; December 20, 2007, and January 17th, February 21st, and March 20th, 2008. Notice of these hearings was provided in the News Register, consistent with the requirements of the McMinnville Zoning Ordinance. At its March 20th meeting, following the close of the public hearing, the Commission unanimously recommended that the proposed ordinance be approved by the Council. Now, therefore:

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That McMinnville Ordinance No. 3380 (the Zoning Ordinance) is amended by adding a new Chapter, 17.56, entitled "Large Format Commercial Design Standards," as described in Exhibit "A," 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 22nd day of April 2008, by the following votes:

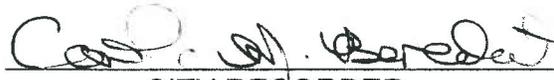
Ayes: Hill, May, Menke, Olson, Yoder

Nays: _____

Approved this 22nd day of April 2008.


MAYOR

Attest:


CITY RECORDER

Approved as to form:


CITY ATTORNEY

EXHIBIT "A"

Chapter 17.56

LARGE FORMAT COMMERCIAL DEVELOPMENT

Sections:

- 17.56.010 Purpose.
- 17.56.020 Definitions.
- 17.56.030 Applicability.
- 17.56.040 Review process.
- 17.56.050 Development Standards.
- 17.56.060 Energy Efficiency.
- 17.56.070 Maintenance of Vacant Buildings.

17.56.010 Purpose. While McMinnville recognizes the inevitable commercial growth taking place within the City and the ensuing change to the cityscape, it is committed to preserving the character and values of the City, thus continuing to make McMinnville an inviting place to live and work. This ordinance aims to diminish the negative aesthetic impacts of large-scale commercial development on the City.

Large commercial establishments typically locate at highly visible locations on major public streets. As a result of this, their design and layout determines much of the character and attractiveness of major streetscapes in the City. This ordinance is a response to concerns about the impact of large-format commercial establishments on McMinnville's landscape. To date, much of the built commercial environment in McMinnville is largely defined by typical small-town characteristics: architectural variety, pedestrian scale and accessibility, substantial façade articulation, extensive glazing, and landscaping. The goals and standards of this chapter are intended to encourage large-scale commercial development that reflects McMinnville's traditional design elements.

Specifically, the goal of this ordinance is to:

- A. Establish standards which will ensure that large-scale commercial development in McMinnville is compatible with surrounding commercial and residential development.
- B. Permit commercial development which is visually appealing with regard to site and building design.
- C. Encourage large-scale commercial development to use energy-efficient building and layout designs.
- D. Create a pedestrian-friendly environment within large-scale commercial developments.

- E. Achieve reasonably sized parking areas enhanced with substantial landscaping and parking lot trees.

17.56.020 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

- A. Architectural projection: Portions of a building wall that are extended forward so as to create articulation of the exterior building wall.
- B. Architectural recess: Portions of a building wall that are set back so as to create articulation of the exterior building wall.
- C. Awning: A secondary covering attached to the exterior wall of a building. The location of an awning on a building may be above a window, a door, or over a sidewalk. An awning is often painted with information as to the name of the business, thereby acting as a sign, in addition to providing protection from weather.
- D. Building façade: Any exterior wall of a building.
- E. Business: Commercial establishment.
- F. Canopy: An awning supported by at least two columns. A canopy is able to extend further from a building than an awning, as in the case of an entrance to a restaurant or retail store. Canopies can be attached to a building and can also stand alone, such as a fabric-covered gazebo.
- G. Cornice: A horizontal decorative molding which crowns a building element. Examples are the cornice over a door or window, along the top of exterior walls, or around the edge of a pedestal.
- H. Large Commercial Structure: A commercial structure whose footprint exceeds 25,000 square feet of gross floor area.
- I. LEED: Leadership in Energy and Environmental Design standard for Green Building Rating System developed by the U.S. Green Building Council.
- J. Main Façade: The building façade which includes the main store entrance.
- K. Parapet: A short wall along the edge of a roof to provide a protected edge, and to increase fire safety in some cases.
- L. Planning Director: The Planning Director or the Director's designee.

- M. Portico: A porch leading to the entrance of a building with a roof structure over a walkway, supported by columns or enclosed by walls.
- N. Superficially applied: Design elements applied, attached, or otherwise affixed to the exterior of a structure intended to give the appearance of specific architectural features without actually being integral to the building fabric.
- O. Transparent windows: Clear or lightly tinted windows that allow views into the structure or into display windows from the outside.

17.56.030 Applicability.

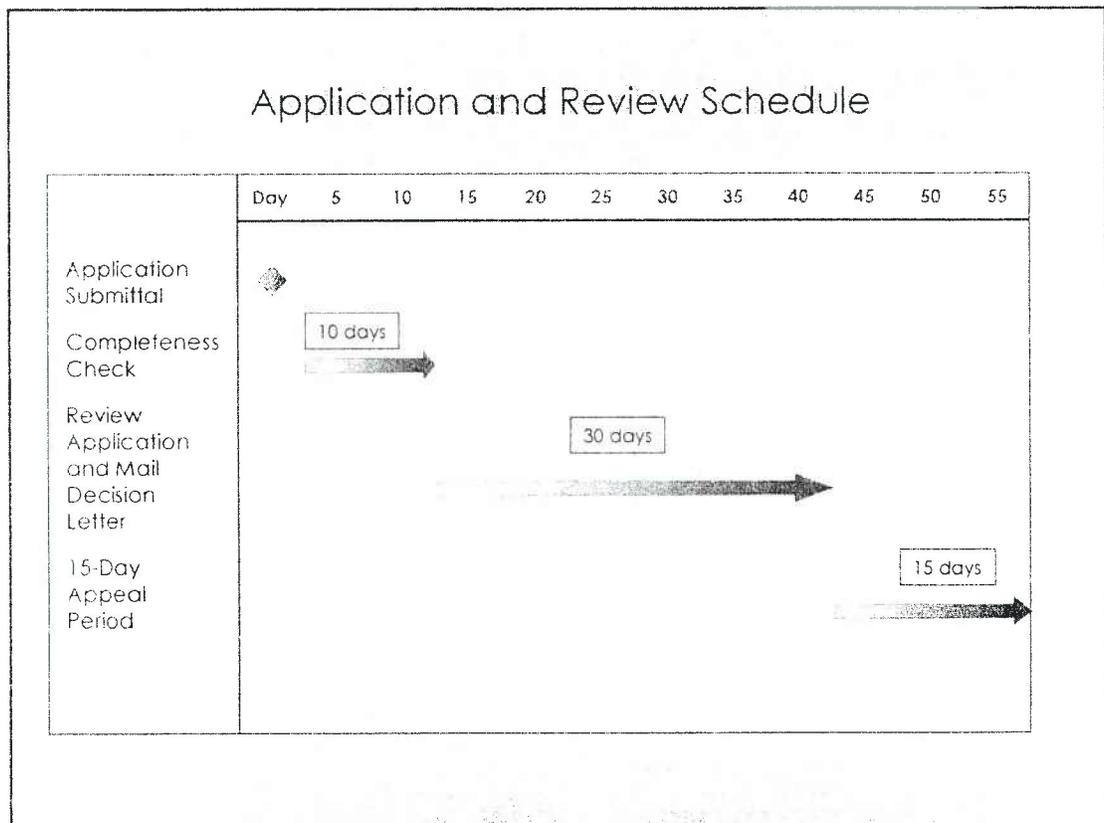
- A. The requirements of this Chapter shall apply to:
 - 1. New commercial structures, the footprint of which exceeds 25,000 square feet of gross floor area;
 - 2. Additions to commercial structures that result in a combined total footprint exceeding 25,000 square feet of gross floor area, and that represent more than a 20 percent increase in building gross floor area. In those cases, the building's entire façade shall be brought into compliance with the standards of this chapter to the extent practicable.
 - 3. Buildings less than 25,000 square feet in size that share appurtenant facilities, such as driveways, parking and pedestrian walkways, with developments otherwise subject to the requirements of this chapter. Examples include restaurants, banks, gas stations and convenience stores constructed on building pads or separate lots located within a larger development site that is otherwise subject to the requirements of this chapter.
- B. Where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence.

17.56.040 Review Process.

- A. An application for design review of commercial development subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (D) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness. The application shall include:
 - 1. Two (2) copies of the following information:
 - a. Detailed plans for the proposed commercial development showing topography, site layout, massing (i.e., isometric), parking, and site circulation.
 - b. Building elevations that include building colors and materials (texture and relief), building height, vertical and horizontal

- articulation, voids to solids (window to wall) relationships, window treatment, and other elements as appropriate.
- c. General landscape plan indicating the percentage of site landscaping, and the number, species, and placement of all proposed plant material; a complete landscaping and irrigation plan is required prior to or at the time of building permit submittal.
 2. A narrative describing how the proposal meets or exceeds the guidelines and standards of this chapter.
 3. Other information deemed necessary by the Planning Director to allow review of the applicant's proposal. The Director may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. A guideline or standard contained in this ordinance may be waived as a part of the design review process. If a waiver is requested, the applicant must explain in their application how the proposed design meets or exceeds the guidelines and standards of this chapter. A request for a waiver shall be reviewed by the Planning Director. The Director shall base a decision to approve, approve with conditions, or deny a waiver request based on the following criteria:
1. There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site;
 2. There is demonstrable evidence that the alternative design shall accomplish the purpose of this chapter in a manner that is equal to or superior to a project designed consistent with the guidelines standards contained herein; and,
 3. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.
- D. Schedule:
1. Applications shall be reviewed for completeness within 10 (ten) working days of their submittal.
 2. Applications determined to be incomplete will be returned (postmarked, if mailed) to the applicant within 20 (twenty) calendar days of their submittal, accompanied by a letter detailing the items that must accompany any resubmitted application
 3. Within 25 (twenty-five) calendar days of the date the application was determined to be complete, the Planning Director shall review the application to determine if the proposal complies with the guidelines and standards set forth in this chapter.
 4. Unless extended by the applicant or Director, the Director shall notify the applicant of his decision in writing within 30 (thirty) calendar days from the date the application was deemed complete. A copy of the Director's letter shall be provided to the Building Official.

5. An appeal of a decision by the Planning Director may be made to the Planning Commission within 15 (fifteen) calendar days of the Planning Director's decision. If an appeal is filed, the Planning Commission shall receive a report and a recommendation from the Planning Director and shall hold a public hearing on the appeal at their next available meeting. Notice of an appeal hearing shall be published in a newspaper of general circulation in the City not less than five calendar days or more than 15 calendar days prior to the date of the public hearing.



17.56.050 Development Standards. Large-dimensioned, plain, building facades are typically perceived as architecturally monotonous and do not reflect the existing or desired character of the McMinnville community. Toward reducing the visual scale of such buildings, McMinnville supports architectural designs that relate to both the pedestrian as well as to those traveling within adjacent rights-of-way.

To implement that vision, McMinnville requires that large commercial structures, as defined in this chapter, provide architectural features that “break up” or articulate the building’s horizontal plane, and that provide visual interest. Examples of elements supportive to this design include, but are not limited to, the

use of vertical columns, gables, a variety of compatible and complementary building materials, the provision of openings in the building façade, and landscaping, both around the perimeter and throughout the site.

This vision for development is addressed through the following four sections of this chapter identified as: Building facades, roof features; site design; and, energy efficiency.

A. Building Facades. Buildings shall have architectural features and patterns that provide visual interest relating to both the pedestrian as well as to those traveling within adjacent rights-of-way. The following elements shall be integral parts of the building fabric, and not superficially applied trim, graphics, or paint.

1. Architectural Projections or Recesses.

Features such as projections and recesses can create an interplay of sun and shadow along the façade and provide the building a sense of depth and substance. Additionally, projections and recesses can also provide strong visual focal points and are often used to emphasize specific aspects of the design such as an entry or adjacent plaza.

Standard: Building facades shall include architectural projections and/or recesses incorporated into each exterior wall design. The proposed design shall be of such dimension to relate significantly to both the pedestrian as well as to those traveling within adjacent rights-of-way.

2. Design Features.

Large structures that provide a combination of design features add visual interest to the building, and help it relate the pedestrian scale. Further, the provision of customer amenities such as covered walkways also help to create a more inviting atmosphere for the community at-large. In an effort to avoid the construction of large, architecturally plain commercial facilities, McMinnville encourages architectural variety and character in its building design and the provision of pedestrian amenities to create a more livable and enjoyable outdoor environment for the community.

Standard: Buildings shall include at least two design features along the majority of the main façade such as canopies, awnings, porticos, covered walkways, or transparent display windows.

3. Loading Facilities.

To aid in mitigating negative visual impacts commonly associated with off-street loading facilities, such facilities shall be visually screened by either a wall designed to architecturally complement the building exterior, an evergreen vegetative screen, or a combination of these two options. Solid waste and

recycling enclosures shall be designed as required by Chapter 17.61 of the McMinnville Zoning Ordinance.

4. Entrances.

To provide architectural interest to the building and to provide meaningful focal point(s), the customer entrance(s) of each large commercial structure shall be clearly visible and architecturally prominent.

5. Repeating Elements.

All building facades shall include a repeating pattern that includes at least three of the following four elements, one of which shall repeat horizontally:

- a. Color change
- b. Texture change
- c. Material change
- d. Architectural or structural bays provided through a change in plane of at least 12 inches in width, such as a reveal, projecting rib, or offset.

6. Exterior Building Materials.

a. At least 75% of exterior building materials shall include:

- i. Brick
- ii. Rock
- iii. Stone,
- iv. Tile, and/or
- v. Tinted and textured concrete masonry units
- vi. Other materials as approved by the Planning Director

b. Exterior building materials may include the following architectural and design elements as approved by the Planning Director; the applicant shall demonstrate compliance of the design guideline goals and standards of this chapter:

- i. Smooth-faced concrete masonry units
- ii. Metal siding
- iii. Smooth-faced tilt-up concrete panels

c. Exterior building materials shall not include:

- i. T-111 siding
- ii. Plain plywood, and
- iii. Sheet Pressboard

7. Multiple-Tenant Buildings.

When large commercial structures contain multiple tenants, each business that occupies less than 15,000 square feet of gross ground-floor area, and with separate exterior entrance(s), shall have transparent windows along at least 50 percent of the horizontal length of its storefront. The bottom of the ground floor windows shall be no more than three (3) feet above the adjacent exterior grade. These requirements are in addition to all other requirements of this Chapter.

B. Roof Features. Rooftops and rooflines have the ability to define the skyline and become symbols of the building. Architectural variability in the roof design can enhance the character of the development and can add to its positive relationship to the neighborhood around it. McMinnville encourages roof designs that provide architectural variation and visual interest to complement the community at-large. Toward this end, roof features shall incorporate no less than two of the following features:

1. Parapets with cornices;
2. Overhanging eaves or cornices;
3. Prominent portions of the roof design exhibiting slopes with a plane of between 4/12 (33 degrees) and 6/12 (45 degrees).

C. Site Design.

1. Buffering.

Where a property containing a large commercial structure(s) abuts land zoned for residential use, and no public street separates the residential-zoned land from the commercially zoned property, the proposed use shall provide screening in the form of sight-obscuring, evergreen plantings, shade trees, fences, walls, or combinations of plantings and screens. Where plant material is used, emphasis shall be placed on achieving an effective year-round vegetative screen as approved by the Landscape Review Committee. Chain-link fencing shall not be permitted.

2. Pedestrian Walkways.

- a. Continuous 10-foot-wide pedestrian walkways shall be provided along the full length of any building facade featuring a customer entrance, and along any other building facade abutting customer parking areas for the distance that the parking lot abuts the building.
- b. Continuous 10-foot-wide pedestrian walkways may be allowed to be separated from the building façade with planting beds for foundation landscaping except where features such as covered entrances, awnings or canopies are part of the building façade, wherein the walkway must abut the building façade. Such walkways shall include weather-protection features, such as awnings, within 30 feet of all customer entrances and connecting to the entrance(s).
- c. Continuous six-foot-wide pedestrian walkways shall be provided from the sidewalk along the adjacent public or private street(s) to the principal customer entrance(s) of all large commercial structures. These pedestrian walkways shall feature abutting landscaped areas of no less than five-feet in width for no less than 50 percent of the length from the building to the adjacent street.

- d. Pedestrian walkways shall be distinguished from driving surfaces through use of durable, low maintenance surface materials such as pavers, bricks, or scored or dyed concrete.
- e. Walkways within a site with multiple structures shall be located and aligned to directly and continuously connect all commercial buildings, and shall not be located and aligned solely based on the outline of a parking lot configuration. Walkways within parking lots shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on each side of the drive aisle.
- f. Where it is necessary for the primary pedestrian access to cross drive aisles or other internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, or other design elements as may be approved.

3. Parking.

Parking spaces shall be provided at no more than 120 percent of the minimum required by Chapter 17.60, Off-Street Parking and Loading. Additionally, all parking areas shall be designed in a manner that is attractive, easy to maintain, and minimizes the visual impact of off-street parking. Bicycle parking accommodations shall be provided as required by Chapter 17.60.140 of the McMinnville Zoning Ordinance.

4. Parking Lot Landscaping.

- a. All parking facilities shall include landscaping to equal not less than ten percent (10%) of the gross site area supporting the proposed commercial development; exclusive of building footprint(s).
- b. Landscaped peninsulas and islands shall be evenly distributed throughout all parking areas, and separated by no more than 60 feet, one from another. Such landscaped areas shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar in form or as may be approved by the Landscape Review Committee.

5. Dark Skies Lighting.

Exterior lighting often creates a substantial amount of unintended sky-directed glare (sky glow). "Dark skies" lighting aims to protect the night sky from light pollution by use of

partially and fully shielded lighting, and by more careful selection of lighting options for the application. These efforts help to ensure that the majority of the light reaches its intended target and reduces both vertical and lateral glare. Additionally, as energy prices increase, the city encourages the use of more efficient lighting.

Standard. Lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/ or shielded to place light on the intended target, and not result in skyward glare.

17.56.060 Energy Efficiency. Locally and nationally, energy costs have continued to rise as has the desire to lessen the volume and severity of pollutants released into the environment. McMinnville 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 such as:

- A. Energy-efficient windows
- B. LEED level construction
- C. White reflective cool-roof technology to reduce heat absorption
- D. Use of other energy-efficient technologies as approved through the review process outlined in this chapter.

17.56.060 Maintenance of Vacant Buildings. In the event of the vacancy of a large commercial structure, the owner shall maintain the facilities and grounds, including the structure(s), landscaping, parking lots and storm water facilities, to ensure the development does not become a public nuisance.

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

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635 Capitol Street NE, Suite 150
Salem, OR 97301-2540