



**City of
McMinnville**

• PLANNING Division

G 1-24: Accessory Structures and Yards

Ord. No. 5149

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October 22, 2024

Agenda

1. Overview
2. Background
3. What was done before?
4. What is proposed?
5. Summary
6. Next Steps

Overview



Why are we here?

- **Consider Legislative Amendment to Zoning Ordinance.**
- **Amendment to Zoning Ordinance Chapter 17.54 General Provisions.**
 1. Return to pre-AV 1-23 interpretation regarding:
 - a) Attached patios and decks encroachment into rear yard/interior side yard behind the back building line
 - b) Number of detached accessory structures allowed to encroach into rear yard/interior side yard behind the back building line
 2. Remove the limitation of one detached accessory structure allowed to these encroachments.

Background



How did we get here?

1. Legal determination (AV 1-23) revised how residential accessory structures are regulated.
2. The Planning Commission (PC) requested staff to bring a code revision to codify the historical implementation of standards.
3. Staff presented a draft zoning ordinance amendment at a Planning Commission work session on August 15, 2024.
4. PC unanimously recommended the adoption of the proposed amendment at a public hearing on September 19, 2024.

Testimony Received

- No public testimony was received as part of the public process.

What was done before?

Before AV 1-23

Historically the City of McMinnville interpreted the code to:

- Allow detached **and attached** covered patios, covered decks, or uncovered decks to extend into certain required yards.
- Allow **more than one** accessory structure (attached + detached) in certain required yards.

Before AV 1-23

Detached structure in yards:

- Encroachment allowed behind the back building line
- **Maximum of 1 detached structure**
- Less than 10 feet tall
- Less than 100 square feet in area
- Behind the back building line
- No property line setback requirement

Attached structures in yards:

- **Encroachment allowed in certain yards**
- **More than one attached and detached structure allowed in certain yards.**
- No height limit, match base zoning requirements.
- No area limit
- Covered patios and decks at least 10 feet from the rear property line
- Uncovered decks at least 5 feet from the property line when behind the rear building line

Before AV 1-23

Detached Accessory Structure

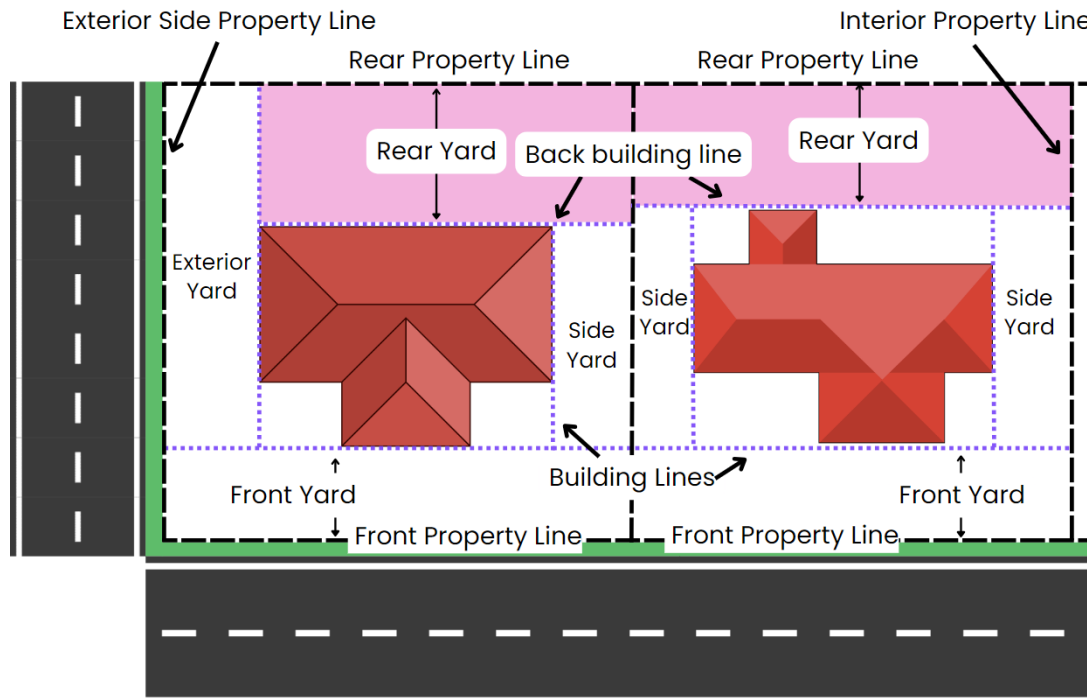
- No setback
- Behind the back building line.
- Under 10 feet tall
- Under 100 sf in area

Attached and Detached covered patio and deck

- 10' from the rear property line.

Attached and Detached uncovered deck

- 5' from the property line.
- Behind the back building line.



Before v. After AV 1-23

The map displays the **rear yard** highlighted as yellow with **non-conforming unenclosed covered patios** in red and non-conforming accessory structures (that exceed maximum size requirements, setback requirements, or the number of permitted accessory structures) in yellow. As shown on the map, eleven (11) of the fourteen (14) properties on the subject property block are non-compliant with the new interpretation.



What is proposed?

Summary/Purpose

1. Return to pre-AV 1-23 interpretation regarding:
 - a) Attached patios and decks encroachment into rear yard/interior side yard behind the back building line
 - b) Number of detached accessory structures allowed to encroach into rear yard/interior side yard behind the back building line
2. Remove the limitation of one detached accessory structure allowed to these encroachments.

Key Amendments

1. Restore interpretation to allow encroachment of attached requirements for patios and decks.
2. Remove the restriction of a maximum of one accessory structure in certain setbacks.
3. Provide additional examples of types of detached accessory structures.
4. Increase the permitted area of accessory structures allowed within certain setbacks from 100 to 200 square feet.
5. Make those residential accessory structures placed prior to the adoption of the proposed amendment legally non-conforming if compliant with the proposed standards.

What is proposed?

1. Restore interpretation to allow encroachment of **attached** requirements for patios and decks.
 - I. Adds **Section 17.54.050(C)(3)**
 - II. Allows for attached covered patios and decks and uncovered decks in setbacks.
 - III. Matches setbacks reductions of detached covered patios, decks, and uncovered decks.

“When attached to a dwelling, unenclosed covered patios and covered decks 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. When attached to a dwelling, uncovered decks 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.”

What is proposed?

2. Remove the restriction of a maximum of one accessory structure in certain setbacks.
 - I. Modifies **Section 17.54.020**
 - II. Changes singular language to plural language

*17.54.020 Residential Accessory Structure and Use. An accessory structure refers to a detached, non-habitable building (such as a shed, ~~or~~ greenhouse, detached covered deck, garage, detached unenclosed covered patio, and similar structure) generally used for storage or other non-commercial use. ~~An a~~**Accessory structure**~~s~~ **is** **are** permitted in addition to an attached or detached garage and shall comply with the following limitations:*

*A. ~~One accessory~~ **Accessory** structures...*

*B. ~~An u~~**Unenclosed** covered patios and covered decks **s** enclosed only by railings... ~~An u~~**Uncovered decks** **s**...*

What is proposed?

3. Provide additional examples of types of detached accessory structures.
 - I. Modifies **Section 17.54.020**.
 - II. Adds examples of detached accessory
 - III. Makes easier for the public to understand

17.54.020 Residential Accessory Structure and Use. An accessory structure refers to a detached, non-habitable building (such as a shed, ~~or~~ greenhouse, detached covered deck, garage, detached unenclosed covered patio, and similar structure) generally used for storage or other non-commercial use.

What is proposed?

4. Increase the permitted area of accessory structures in setbacks from 100 to 200 square feet.
 - I. Modifies **Section 17.54.020(A)**.
 - II. Increases permitted size from 100 to 200 square feet.
 - III. Recommendation by the Planning Commission.
 - IV. More closely aligns with building code permit exemptions.

17.54.020 Residential Accessory Structure and Use

*A. ~~One accessory~~ **Accessory** structures 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~~ **200** square feet in area or be greater than 10 (ten) feet in height.
[...]*

What is proposed?

5. Make those residential accessory structures placed prior to the adoption of the proposed amendment legally non-conforming if compliant with the proposed standards.
 - I. Adds **Section 17.54.020(G)** and **Section 17.54.050(C)(4)**.
 - II. Recommendation by the Planning Commission.
 - III. Make sure that rules are applied uniformly and fairly.

17.54.020 Residential Accessory Structure and Use

G. Accessory structures placed prior to the adoption of Ordinance XX on XX date and compliant with the standards of Section 17.54.020 are legally non-conforming as per the requirements of Chapter 17.63 (Nonconforming Uses).

17.54.050 Yards.

C. Projections into yards.

4. When attached to a dwelling, unenclosed covered patios and covered decks enclosed only by railings placed prior to the adoption of Ordinance XX on XX date and compliant with the standards of Section 17.54.050(C)(3) are legally non-conforming as per the requirements of Chapter 17.63 (Nonconforming Uses).

Fiscal Impacts and Findings

Fiscal Impact:

- No fiscal impact is anticipated.

Findings:

- Consistent with the Comprehensive Plan.
- Consistent with the purpose of the Zoning Ordinance.

Summary

Summary

- Amendment to Chapter 17.54 General Regulations of the Zoning Ordinance.
- Initiated by the Planning Commission.
- Unanimously recommended for approval by the Planning Commission.
- Complies with applicable review criteria.
- No expected Financial Impact.
- Staff recommends approval of Ordinance No. 5149, consistent with the Planning Commission's recommendation for approval.

Thank you!

City Council Options:

- Adopt Ordinance No. 5149
- Adopt Ordinance No. 5149 in an amended form
- Call for a Public Hearing
- Refuse to adopt the Ordinance

Recommendation:

- Staff recommends approval of Ordinance No. 5149, consistent with the Planning Commission recommendation for the proposed Zoning Ordinance amendments (Docket G 1-24).

Thank you!

- Questions for Staff?

Recommend Motion

“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS RECOMMENDED BY THE PLANNING COMMISSION AND SUBMITTED BY STAFF, I MOVE TO ADOPT ORDINANCE NO. 5149.”