

ORDINANCE NO. 5175

An Ordinance memorializing the City Council's decision for the EMPWR appeal of the Planning Commission's denial of SE 1-25.

RECITALS:

WHEREAS, on November 6, 2025, EMPWR applied for a Sign Standards Exception at 750 SW Booth Bend Road, tax lot R4429 02600; and

WHEREAS, on January 15, 2026, the Planning Commission took public testimony, closed the public hearing, and left the record open for an additional 7 days (Docket SE 1-25); and

WHEREAS, on February 5, 2026, the Planning Commission denied the application; and

WHEREAS, on February 13, 2026, the Planning Division received a notice of appeal of SE 1-25 and on February 14, 2026, the Planning Division received an appeal application for SE 1-25 (AP 2-26); and

WHEREAS, on March 12, 2026, the applicant requested an extension of the 120-day period with a tentative hearing date on April 28th, and the decision-making period out to May 29, 2026; and

WHEREAS, after conducting a public hearing on April 28, 2026, the McMinnville City Council considered all of the information in the public record and voted to affirm the Planning Commission decision, with a second reading of Ordinance No. 5175 occurring on May 12, 2026.

NOW, THEREFORE, THE CITY OF MCMINNVILLE ORDAINS, as follows:

1. That the appeal in Docket AP 2-26 is denied, and the Planning Commission's decision for SE 1-25 remain as the final decision of the City of McMinnville for SE 1-25.
2. That the Council votes to adopt the decision document in Exhibit A as the final decision for the City of McMinnville; and
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 12th day of May, 2026, by the following votes:

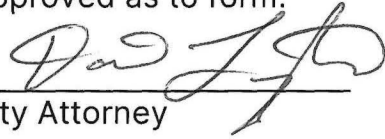
Ayes: Chenoweth, Benner, Geary, Peralta, Cunningham, Tucholsky

Nays: _____



MAYOR

Approved as to form:



City Attorney

Attest:



City Recorder

EXHIBITS:

A. Decision Document for Docket AP 2-26

Exhibit A to Ordinance No. 5175



**City of
McMinnville**

PLANNING

**City of McMinnville
Community Development**

231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS OF THE McMINNVILLE CITY COUNCIL REVIEW OF AN APPEAL OF THE PLANNING COMMISSION'S DECISION ON AP 2-26, APPEAL OF THE PLANNING COMMISSION'S DECISION OF DOCKET SE 1-25.

DOCKET: AP 2-26

REQUEST: An appeal of the Planning Commission's decision for a Sign Standards Exception application for EMPWR (SE 1-25). The applicant is appealing the Planning Commission's denial.

The applicant is requesting an exception to the sign standards to install a 300 square foot electronic video sign.

LOCATION: 750 SW Booth Bend Road (Tax Lot R4429 02600)

ZONING: M-2, General Industrial

APPLICANT: EMPWR c/o Sheyla Wulf-Howell

STAFF: Matthew Deppe, Associate Planner

DATE DEEMED COMPLETE: December 5, 2025 (120-day decision deadline extended by the applicant via email to May 29, 2026)

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 28, 2026 and May 12, 2026. A hybrid meeting, in person at McMinnville Civic Hall, 200 NE 2nd St and online via Zoom.

PROCEDURE: An appeal of a decision by the Planning Commission may be made within 15 days of the date the written notice of the decision was mailed. If an appeal is filed, the McMinnville City Council shall receive a report of the Planning Commission decision and shall hold a public hearing on the appeal, subject to the procedure stated in Section 17.72.130. .

CRITERIA: The applicable criteria for the appeal are the same criteria used in the original application review. The applicable criteria for a Zoning Variance are as follows: Zoning Ordinance (Title 17 of the McMinnville Code): MMC Section 17.62.120 Exceptions - Planning Commission Authority; In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan

I. APPLICATION SUMMARY & BACKGROUND:

This is an appeal of the Planning Commission's decision for a Sign Standards Exception application.

The Planning Commission denied the application with findings that the applicant did not meet the criterion for a sign standards exception.

The applicant requested an exception from the maximum size allowed for an electronic changeable copy sign, which per the MMC is 24 sf, to install a 300 sf electronic changeable copy sign, 12.5 times larger than the maximum allowed in the code.

The Planning Commission denied the application finding that the 300 sf sign (30 feet by 10 feet) met the definition of a video sign, which is a type of electronic changeable copy sign that is prohibited within the City of McMinnville.

The Planning Commission found that the applicant's sign proposal was a video sign as it was able to project electronically both horizontally and vertically, and did not feel that the applicant provided findings showing how they needed a sign standard exception allowing for a 300 sf video sign that is generally prohibited within the City, per 17.62.120(A- C).

Definition of a Video Sign (MMC Section 17.06.040)

Video Sign - An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

The Planning Commission also found that the sign was not an electronic changeable copy sign as described by the applicant. The MMC allows one electronic changeable copy sign per site, and it is only allowed if it does not meet the definition of a video sign, is linear in design and part of a larger permanent sign. MMC 17.62.070(E)(1) states that "one electronic changeable copy sign is permitted per site" but states that "it shall only be allowed as part of a permanent freestanding or wall sign". The applicant has requested a standalone electronic changeable copy sign. The sign is not part of a greater wall sign, and the electronic changeable copy applies to the whole sign face both vertically and horizontally. .

Subject Property & Request

Applicant EMPWR c/o Sheyla Wulf-Howell, on behalf of property owner Big Step Properties, LLC, is requesting approval of an application for an exception to the sign standards of the McMinnville Zoning Ordinance.

Per the applicant, the proposed sign is designed as a digital wall sign integrated into the building façade, oriented toward Highway 18. According to the application, the sign will measure 30 feet in width by 10 feet in height, for a total display area of 300 square feet.

The applicant is requesting an exception to the McMinnville Municipal Sign Code governing the size of an electronic changeable copy of a sign to 24 square feet (Section 17.62.070(E)(3)).

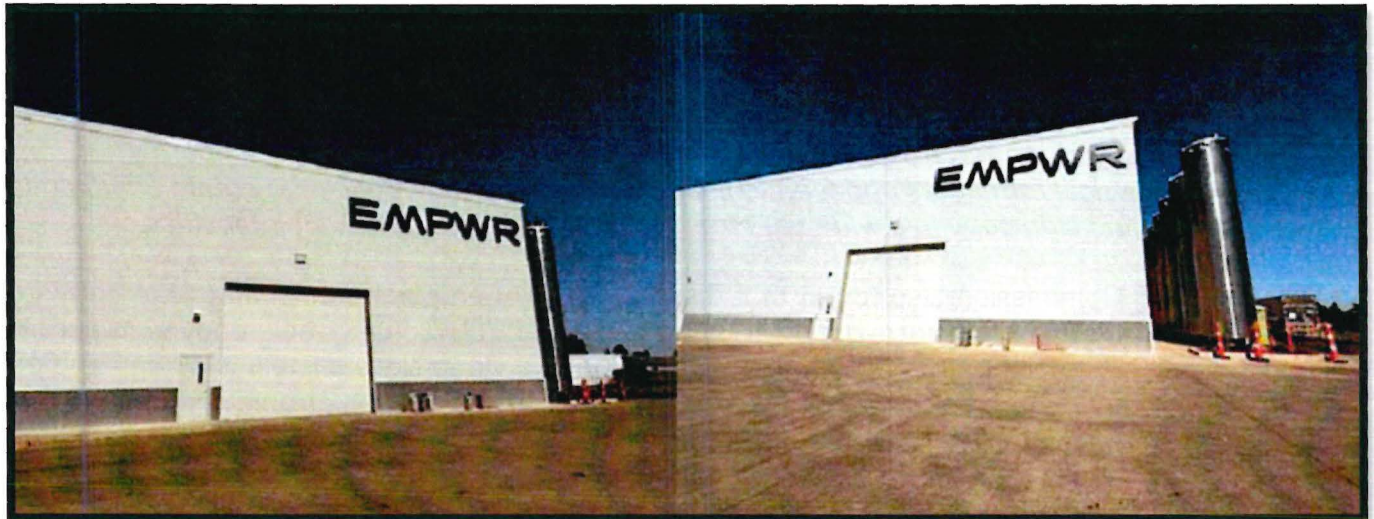
Section 17.62.070(E)(1) of the McMinnville Municipal Sign Code provides that one electronic changeable copy sign is permitted per site and shall only be allowed as part of a permanent sign. The electronic changeable copy portion of the sign may not exceed 24 square feet in area.

The requested exception would allow a new 300 square foot wall sign with electronic changeable copy on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage.

The subject property is zoned General Industrial (M-2), located at 750 SW Booth Bend Road, Tax Lot #R4429 02600.

The subject property is located approximately 900 feet east of Hwy 99W. Adjacent properties to the north and to the northwest are C-3, properties to the east and to the west are M-2, and the property to the south, across Hwy 18, is Yamhill County zoned EF-80. The subject site is developed with buildings containing manufacturing industry with driveways onto Booth Bend Road.

Existing Signage



Proposed Signage : (Note that the provided representation of the electronic sign does not include existing signage on that portion of the building.)

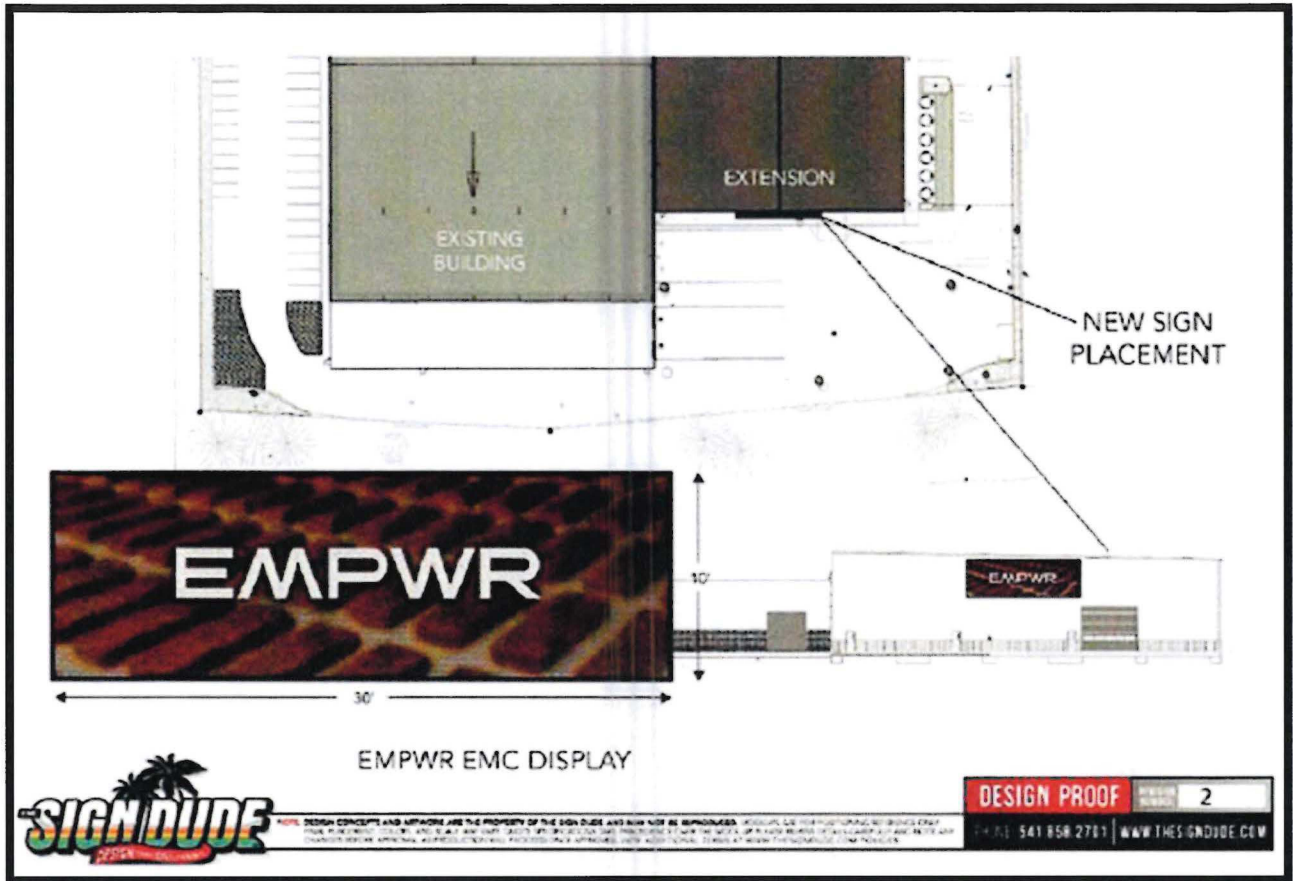


Figure 1: Vicinity Map (Property lines approximate)



Figure 2: Zoning Map



Land Use and Zoning

Zoning Districts

City Zoning

- R-1
- R-2
- R-3
- R-4
- O-R
- C-1
- C-2
- C-3
- M-L
- M-1
- M-2
- A-H
- F-P

Review Criteria

Sign exceptions are reviewed per the criteria established in Section 17.62.120 of the McMinnville Municipal Code.

17.62.120 Exceptions.

- A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.
- B. An exception may be granted if the property owner established that:
 - 1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and
 - 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
 - 3. The request will not be detrimental to community standards and the appearance of the city.
- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
 - 1. Deny the owner of all economically viable use of the property on which the sign is located; or
 - 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located
- D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.
- E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

The Planning Commission may authorize exceptions from the requirements of the McMinnville Municipal Sign Code if it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in 17.62.120(B) and (C).

An exception for a sign that is allowed in the McMinnville Municipal Sign Code may be granted if it meets the criteria in either section 17.62.120(B) and (C).

If a sign is prohibited, an exception can only be granted if it meets the criteria in 17.62.120(C).

Type of Sign	Sign Allowed in the Code	Sign Prohibited in the Code
<p>Criteria to grant an exception</p>	<p>17.62.120(B): An exception may be granted if the property owner establishes:</p> <ol style="list-style-type: none"> 1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; <u>and</u> 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; <u>and</u> 3. The request will not be detrimental to community standards and the appearance of the city. <p>OR</p> <p>17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:</p> <ol style="list-style-type: none"> 1. Deny the owner of all economically viable use of the property on which the sign is located; <u>or</u> 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located 	<p>17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:</p> <ol style="list-style-type: none"> 1. Deny the owner of all economically viable use of the property on which the sign is located; <u>or</u> 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

The application is for an exception to an electronic changeable copy sign. The McMinnville Municipal Code defines electronic changeable copy signs as:

Changeable Copy Sign (Electronic) – A sign on which the copy changes electronically. (17.06.040 Sign Related Definitions)

Furthermore, a video sign is also defined in the McMinnville Municipal Code as an electronic changeable copy sign:

Video Sign – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. (17.06.040 Sign Related Definitions).

Video signs are prohibited in the McMinnville Municipal Code per Section 17.62.050. Prohibited signs are not eligible for the exceptions listed under 17.62.120(B).

The proposed sign is ten feet tall and thirty feet wide with a wide spectrum of colors and shades in a vertical and horizontal format. Additionally, the sign has the capacity to create continuously changing sign copy in both horizontal and vertical formats. Video signs are a prohibited type of sign (17.62.050(G)).

In determining the meaning of “capacity to create continuously changing sign copy,” the plain, ordinary, and common meaning of the word “capacity” is understood to be “the ability or power to do”. Therefore, a sign that has the ability, or power, to create continuously changing sign copy meets the definition of a video sign.

The applicant’s submittal indicates that the sign that the applicant wants to install has both vertical and horizontal functionality of a video sign, and the capacity of a video sign.

As a video sign, only the exceptions considered under 17.62.120(C)(1 and 2) can be considered. Such an exception must still meet the requirement listed under (A) of “owing to special and unusual circumstances related to a specific piece of property.”

If, however, the proposed sign were to be found not to meet the definition of a video sign, then either the full list of 1-3 under (B) must be met or 1 or 2 under (C) must be met.

Per Section 1762.070(E) of the McMinnville Municipal Code, an electronic changeable copy signs are required to be part of a greater wall-mounted or freestanding sign. 17.62.070(E)(1) states that “one electronic changeable copy sign is permitted per site,” but states that “it shall only be allowed as part of a permanent freestanding or wall sign”.

The applicant’s sign is a standalone electronic changeable copy sign. The sign is not part of a greater wall sign. The applicant did not request an exception to this provision of the sign code.

II. CONDITIONS OF APPROVAL:

1. – None recommended

III. ATTACHMENTS:

1. Notice of Intent to Appeal and Appeal Application (on file with the Planning Division)
2. SE 1-25 Application Form and Attachments (on file with the Planning Division)
3. Memo from Pathfinder Land Use Consulting LLC, January 15, 2026 (on file with the Planning Division)
4. Memo from Pathfinder Land Use Consulting LLC, January 22, 2026 (on file with the Planning Division)

IV. COMMENTS:

Neighborhood Meeting

From the application:

"The applicants held a neighborhood meeting on October 22, 2025. No members of the public attended the meeting. The applicant remained available at the posted location for the full duration of the meeting to answer any potential questions or accept comments."

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Division, Building Division, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas.

- McMinnville Engineering Division
Engineering has no comments on this application.
- McMinnville Water & Light
MW&L has no comments on this.
- Building Division
No building code concerns.

Public Comments

- Mark Davis, Oral Testimony, January 15, 2026.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, EMPWR, c/o Sheyla Wulf-Howell, held a neighborhood meeting on Wednesday, October 22, 2025.
2. The applicant, EMPWR, submitted Sign Standards Exception Application (SE 1-25) application on November 6, 2025.
3. The application (SE 1-25) was deemed complete on December 6, 2025.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Comments received from agencies are addressed in Section IV of the Decision Document.
5. Notice of the application and January 15, 2026, Planning Commission public hearing was mailed to property owners within 100 feet of the subject property on December 24, 2025,

in accordance with Section 17.72.120 of the Zoning Ordinance.

6. Notice of the application and the January 15, 2026, Planning Commission public hearing was published in the News Register on January 5, 2026, and January 9, 2026, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On January 15, 2026, the Planning Commission held a duly noticed public hearing to consider the request.
8. On January 15, 2026, the Planning Commission closed the public hearing but kept the record open until 5:00 PM, January 22, 2026, for the applicant to provide final arguments.
9. On February 5, 2026, the Planning Commission considered the public record and rendered a decision of denial.
10. On February 6, 2026, the Notice of Decision and Decision Document was issued.
11. On April 7, 2026, a Notice of City Council Public Hearing for an appeal of the Planning Commission decision was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the McMinnville Municipal Code.
12. On April 24, 2026, a Notice of City Council Public Hearing for an appeal of the Planning Commission decision was published in the newspaper in accordance with Section 17.72.120 of the McMinnville Municipal Code.
13. On April 28, 2026, the City Council held a public hearing and conducted the first reading of Ordinance No. 5175 affirming the Planning Commission decision.
14. On May 12, 2026, the City Council conducted a second reading of Ordinance No. 5165, voting to affirm the Planning Commission decision.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 750 SW Booth Bend Road (Tax Lot R4429 02600)
2. **Lot Size:** Approximately 7.23 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2 (General Industrial)
5. **Current Use:** Industrial
6. **Inventoried Significant Resources:** None
7. **Other Features:**
 - a. **Slopes:** The site is generally level with no significant features.
 - b. **Easements:** Narrow public easements exist along the north and the south property lines.

8. **Utilities**

- a. **Water:** The site is served by McMinnville Water & Light.
- b. **Electric:** Power service is available to the site.
- c. **Sewer:** Sewer service is available to the site.
- d. **Stormwater:** Stormwater service is available to the site.
- e. **Other Services:** Other utility services are available to the subject site.

9. **Transportation:** The site is adjacent to Booth Bend Road, which is classified as a Major Collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for Major Collector streets as 74 feet. It is also backs up to Hwy 18 which is identified as a state highway. No impacts to the Transportation System are being considered as a part of this exception application.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for this variance request are as follows:

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance provide criteria applicable to this application:

17.06.040 Definitions.

Changeable Copy Sign (Electronic) – A sign on which the copy changes electronically.

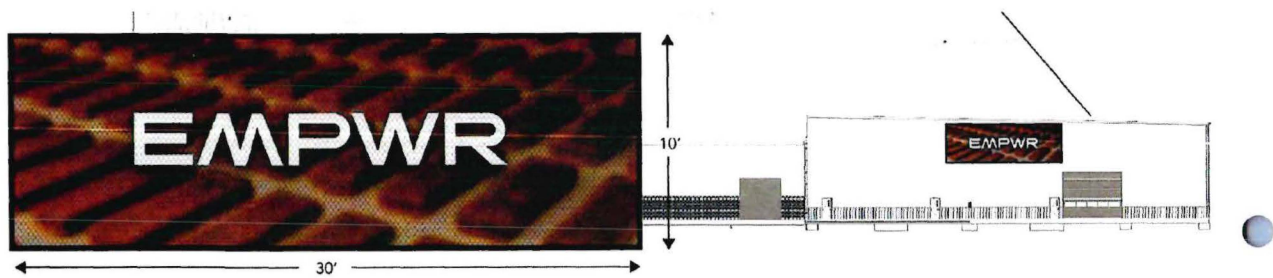
Video Sign – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

FINDING: The Planning Commission finds that the applicant's sign is a "Changeable Copy Sign (Electronic) per the definition in 17.06.040. And the Planning Commission finds that the applicant's sign is a "Video Sign", per the definition in 17.06.040.. A video sign is also an electronic changeable copy sign that provides information in both a horizontal and vertical format (as opposed to linear) and has the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

Per the design proof provided Sign Dude in the applicant's application on pages 38 and 39, the sign is ten feet tall and thirty feet wide, and the whole of the sign has the capacity to change sign copy in a wide spectrum of colors, shades and light intensities.

The proof sheet describes the sign as an EMC According to the International Sign Association, an EMC sign is an Electronic Message Center that is a type of digital sign that can display words, symbols, figures, or images that can be electronically changed by remote or automatic means. EMCs utilize LED displays to show dynamic content.

In this definition "capacity" is used in it's plain, ordinary, and common meaning. The common meaning of capacity is "the ability or power to do". Choosing to limit the way a sign is operated does not limit its ability to operate as a video sign.



EMPWR EMC DISPLAY



NOTE: DESIGN CONCEPTS AND ARTWORK ARE THE PROPERTY OF THE SIGN DUDE AND MAY NOT BE REPRODUCED. MOCKUPS ARE FOR POSITIONING REFERENCE ONLY. FINAL PLACEMENT, COLORS, AND SCALE MAY VARY QUOTE SPECIFICATIONS TAKE PRECEDENCE OVER THE MOCK-UP. PLEASE REVIEW DETAILS CAREFULLY AND NOTE ANY CHANGES BEFORE APPROVAL, AS PRODUCTION WILL PROCEED ONCE APPROVED. VIEW ADDITIONAL TERMS AT WWW.THESIGNDUDE.COM/POLICIES.

DESIGN PROOF	REVISION NUMBER	2
PHONE 541.858.2701	WWW.THESIGNDUDE.COM	

17.62.050 Prohibited Signs. The following signs are prohibited:

- A. Signs or sign structures which may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in Sections 17.54.080(A) and (B).
- B. Signs not in compliance with applicable setback requirements as specified in this chapter and/or as set forth in Section 17.54.050(F).
- C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility.
- D. Portable signs in the following categories:
 - 1. Signs on a vehicle parked on public property or right-of-way unless the vehicle is being used for transport in the normal day-to-day operations of a business.
 - 2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
- E. Moving signs.
- F. Balloon signs twenty-four (24) inches in diameter or greater.
- G. Video signs.
- H. Hazardous signs.
- I. Flashing signs.
- J. Roof signs.
- K. Signs that appear similar to traffic control devices.
- L. Signs not in compliance with this ordinance. (Ord. 4912 §3 2009)

FINDING: Per 17.62.050(G), the Planning Commission finds that Video Signs are a Prohibited Sign.

17.62.070. Permanent Sign Regulations.

- E. Electronic changeable copy signs are subject to the following standards:
 - 1. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.
 - 2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.
 - 3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
 - 4. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.
 - 5. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.

6. On sites or multi-tenant complexes on which an electronic changeable copy sign is located, temporary signage is limited to that described in Section 17.62.060(B)(2) and (3).
7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

FINDING: Per 17.62.070(1), the Planning Commission finds that Electronic Changeable Copy Signs shall only be allowed as part of a permanent freestanding or wall sign. are a Prohibited Sign. The Planning Commission finds that per the applicant's application, pages 38 and 39, the sign proof sheets as provided by Sign Dude, that the electronic changeable copy sign is not part of a permanent freestanding or wall sign, and is proposed as a standalone sign. Since the applicant did not apply for an exception to this portion of the sign code, the Planning Commission finds that the application is not compliant with the McMinnville Municipal Code.

17.62.120 Exceptions.

- A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

APPLICANT'S RESPONSE: *The proposed EMPWR sign is not a prohibited sign type under 17.62.050. The sign is a wall mounted, static electronic display that does not incorporate flashing, strobing, or continuously changing video imagery. It is permanently affixed to the building facade and does not project into the right-of-way, move, rotate, or simulate traffic control features. The sign therefore complies with 17.62.050 and is permitted subject to compliance with applicable standards under Chapter 17.62, including the request for an exception to the maximum allowable display area under 17.62.070(E)(3)*

Additionally, the applicant has suggested that "capacity" in "capacity to create continuously changing sign copy" must be interpreted in an operational context, and that a sign being operated in a static method would not meet this definition.

FINDING: NOT SATISFIED. The Planning Commission finds that the applicant has not demonstrated that "owing to special and unusual circumstances related to this specific piece of property, that strict application of this chapter would cause an undue or unnecessary hardship, and the Planning Commission finds that the applicant applied for an exception to the size of an electronic changeable copy sign from 24 square feet to 300 square feet, but that it has not applied for the exception that an electronic changeable copy sign needed to be part of a wall sign..

The Planning Commission has found that per the definitions of of a changeable copy sign (electronic) and video sign in Section 17.06.040, that the proposed sign is both an electronic changeable copy sign and a video sign. The Planning Commission also finds that per 17.62.050 that video signs are prohibited.

As stated in Subsection (A), "no exception shall be granted pursuant to subsection (B) of this Section to allow a type of signage which is prohibited by Section 17.62.050. Section 17.52.050(G) lists "Video signs" as a type of prohibited sign.

The proposed sign would display information on a 300 square foot LED screen with 10-foot vertical by 30-foot horizontal dimensions, with changeable messages. The applicant has indicated the intent is to display changeable messages in a static format. However, the applicant has not provided evidence to demonstrate that the proposed sign does not have “the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.” Rather, the description of the proposed sign in the application indicates it does have this capacity.

Therefore, the proposed sign meets the definition of a video sign, which is a prohibited type of sign, and it is not eligible for an exception under Subsection (B).

Further, the code intentionally prohibits video signs and regulates electronic changeable copy signs under provisions that are more restrictive than other wall signs. The purpose of these standards is to implement the purposes of the Zoning Ordinance and the purposes of Chapter 17.62.

The applicant currently has a wall sign on the south side of the building and other sides of the building. The sign code would also permit more/larger wall signs on the south side and other sides. One (non-video) electronic changeable copy sign would be permitted on the site without an exception, whether on the south wall or another wall, if it was part of another sign and not larger than 24 square feet.

The applicant has requested an exception for the size of an changeable copy sign (electronic), but the applicant has not requested an exception to the provision of 17.62.070, that a changeable copy sign needed to be part of a wall sign. The proposed sign would be 12.5 times the maximum permitted size of an electronic changeable copy sign, and would be separate from any other sign, including the existing wall sign on the south wall.

The following section (B) would only apply to non-video electronic changeable copy signs, as part of a permanently installed wall (or freestanding) sign. In order to qualify under (B) the applicant must show that “owing to special and unusual circumstances related to a specific piece of property” criteria 1, 2, and 3, subsections to (B) are met.

- B. An exception may be granted if the property owner established that:
1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and

APPLICANT’S RESPONSE:

1. *The subject property fronts Highway 18, a regional high-speed arterial with posted speeds of 55+ mph. At these speeds, sign readability requires substantially larger copy area than would be necessary in a lower-speed, local street context.*
2. *The EMPWR building is set back more than 200 feet from Highway 18 right-of-way. A sign limited to 24 square feet would not be legible at that distance and speed.*
3. *The building facade itself is large-scale, with a continuous wall area over 200 feet in length and more than 30 feet in height. A larger sign is proportionate to the scale of the wall and will not appear out of context.*
4. *Surrounding uses include industrial facilities with large-scale operations and visibility needs. Several properties along Highway 18 already employ monument or wall signage scaled to highway visibility.*
5. *Conclusion: A 24-square-foot sign would not be reasonably legible to motorists traveling at 55+ mph on Highway 18. This creates concern about public safety, as drivers may slow or make*

unsafe maneuvers in attempting to identify the facility. The hardship is thus a product of the site's physical conditions and transportation context, not the applicant's convenience.

FINDING: NOT SATISFIED. The Planning Commission finds that the property owner has not established that the exception requested is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size. In fact, the applicant's argument demonstrates that the applicant's property has an advantage in terms of topography, location, surrounding development, lot shape or lot size. The property's location on a ridge overlooking Highway 18 is an advantage and not an unnecessary hardship. Arguing that the applicant cannot maximize that advantage does not demonstrate an unnecessary hardship.

There is no limit on the area of permanent wall-mounted signs (17.62.070(C)(2)). The applicant is not limited in the size of signage facing Hwy 18. Sign code merely restricts the type of sign and the size of the electronic portion of the sign. The applicant does not meet the burden of proof that there are challenges of their site that can uniquely be solved by an electronic video sign, which is a prohibited type of sign. The applicant has existing, previously approved wall signs on the south and east sides of the building, which are visible from Highway 18.

Being located on Hwy 18 is not unique to this property. Having a building approximately 200 feet from Hwy 18 is not unique to this property. There are dozens, if not hundreds of properties located on Hwy 18 and Hwy 99W. Granting an exception based solely on being located on Hwy 18 or Hwy 99 would completely undermine the sign limitations provided in the sign ordinance and it would ignore the additional code offerings that are provided for properties along those highways.

The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and

APPLICANT'S RESPONSE:

6. The proposed sign faces south toward Highway 18, oriented away from residential areas to the north and east.

7. Residential properties to the north are buffered by distance, existing landscaping, and the industrial building itself, which blocks direct visibility of the sign.

8. The sign does not project into rights-of-way, does not obstruct views of adjoining parcels, and does not interfere with traffic sight distance at driveways or intersections.

9. The scale and placement of the sign are consistent with the industrial character of Booth Bend Road and Highway 18 frontage.

10. The exception will not cause material damage or prejudice to nearby residential or industrial properties. The design, orientation, and placement ensure the sign functions as site identification without adverse off-site impacts.

11. The sign will employ modern LED technology with automatic brightness controls to reduce glare and ensure nighttime visibility is safe and non-intrusive. This prevents spillover lighting impacts to nearby properties and maintains compatibility with surrounding uses.

FINDING: NOT SATISFIED. The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission finds that the granting of the exception would result in prejudice to other properties in the vicinity that have constructed signs that meet the City's sign standards. The applicant has not identified anything unique about the property's location, topography, size, or shape with reference to adjacent properties. Many of the factors that the applicant referenced in their response to criteria #1 (Section 17.62.120(B)(1)), including sign location, topography, lot shape or lot side, and surrounding development, apply similarly to many other properties in the vicinity. Those properties have taken those factors into consideration and still found a location on the site that allowed for a sign to be located that provides visibility for the business, but that also meets the City's standards for signs.

3. The request will not be detrimental to community standards and the appearance of the city.

APPLICANT'S RESPONSE:

12. The City's community appearance goals emphasize compatibility, visual order, and avoidance of sign clutter.

13. The sign will be integrated into the south wall of the EMPWR building, rather than as a detached or pole-mounted billboard. This placement maintains building symmetry and reduces visual clutter.

14. The design employs modern electronic technology in a professional, architecturally compatible format that matches the scale and character of the new building.

15. By consolidating branding and information into a single building-mounted sign, the proposal avoids the proliferation of multiple smaller signs.

16. The industrial zoning designation anticipates larger-scale building forms and associated signage. By limiting signage to a single, building-mounted sign rather than multiple smaller signs or pole structures, the proposal achieves an orderly appearance consistent with City goals and avoids the billboard clutter the ordinance is intended to prevent.

17. The proposed exception enhances legibility and safety while maintaining compatibility with community standards. The sign is proportionate, well-integrated, and will not detract from the City's appearance.

FINDING: NOT SATISFIED. The Planning Commission finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission also finds that specific sign standards are in place in the McMinnville Zoning Ordinance for signs allowed in the community to reflect the community's minimum standards for signs. These requirements were adopted in 2008 under Ordinance No. 4900. The purpose of the sign standards that were adopted, as now stated in Section 17.62.010 of the McMinnville Zoning Ordinance, is to "improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards" and to "provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance". These standards prohibit video signs and limit the amount of electronic copy allowed as a portion of a sign.

The Planning Commission finds that granting the exception request would not be consistent with the community standards for signs, not only because the proposed sign is a prohibited sign, but also because an approval of the exception request would not result in “equitably applied sign height, size, and location standards”. An approval of the exception request would result in prejudice to other properties in the vicinity that have followed the community’s standards for signs, as described in more detail above.

- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
1. Deny the owner of all economically viable use of the property on which the sign is located; or
 2. Substantially interfere with the owner’s use and enjoyment of the property on which the sign is located

APPLICANT’S RESPONSE:

18. EMPWR is a regional-scale industrial operation whose visibility to freight carriers, suppliers, and employees traveling Highway 18 is critical to its function.

19. Limiting electronic sign area to 24 square feet would render the sign illegible at highway speeds, effectively denying its functional purpose and interfering with wayfinding.

20. The ability to display branding, operational messages, and community information in a legible format is essential for full and beneficial use of the property.

21. Without the exception, the applicant would be denied the ability to utilize an electronic changeable copy sign in a meaningful way, thereby interfering with reasonable use and enjoyment of the property.

The applicant clarifies in their January 22nd filing that they are not seeking consideration under (C)(1) but only under (C)(2).

FINDING: NOT SATISFIED. The Planning Commission finds that the applicant has not submitted evidence to demonstrate an “unnecessary hardship” would result from requiring the applicant to install a sign that meets the city’s sign standards. The applicant has assumed the right to utilize an electronic changeable copy (video) sign and then claims it is a hardship that it cannot convey a 300 square foot message in that location due to its proximity to Highway 18 and the speed of the vehicles on that expressway. Why does the applicant need a prohibited, exceedingly large video sign on the back of their building at their manufacturing facility. The applicant has the same opportunity as any other private market distributor to take advantage of other advertising available to them in the form of approved billboard locations on Highway 18. Such a hardship is a perspective of entitlement and is not owing to special and unusual circumstances related to a specific piece of property.

The Planning Commission finds that the enforcement of the prohibited signs and of the limitations imposed on electronic copy signs does not deny the owner of all economically viable use of the property, or substantially interfere with the owner’s use and enjoyment of the property. The property is zoned industrial, and the applicant is operating a manufacturing facility on the property. The applicant previously applied for and obtained permits for multiple signs that have been installed, including wall signs on the south and west sides facing Highway 18. The applicant has been able to install code-compliant signage that identifies the business and provides wayfinding opportunities for its suppliers, vendors, and employees.

The sign code was in place when the owner constructed the building and when the owner installed the signage already in place. Strict enforcement of the existing sign code does not require that signage be completely removed from the property, nor does it limit the size of the

signage. It only limits the type of sign. The prohibited signs and limitations on electronic copy signs also do not result in the property becoming completely economically invariable, as the existing building and use are allowed to continue to operate as they do today.

D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.

FINDING: NOT APPLICABLE. The exception is not specifically requested for the purpose of convenience related to a standard sign size. Although the applicant did argue in the hearing that ease of changing the message was part of their preference for this sign type.

E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

FINDING: NOT APPLICABLE. This is not a criterion for an exception to sign code standards.

Comprehensive Plan: The goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land-use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land-use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this variance application are addressed through implementation standards, except as provided below.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMinnville.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

FINDING: SATISFIED. The process for a sign standards exception provides an opportunity for citizen involvement through the public hearing and neighborhood meeting. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials prior to the McMinnville Planning Commission's review of the request. All members of the public have access to provide testimony and ask questions during the public hearing process.