

ORDINANCE NO. 5044

AN ORDINANCE AMENDING THE MCMINNVILLE ZONING ORDINANCE SPECIFIC TO CHAPTER 17.62 (SIGNS) TO UPDATE PROVISIONS RELATED TO THE DEADLINE OF THE AMORTIZATION OF CERTAIN TYPES OF EXISTING NONCONFORMING SIGNS.

RECITALS:

The City Council, on September 12, 2017, directed Planning Department staff to extend the nonconforming sign amortization program deadline by one year to allow for a conversation on the overall sign standards and process for updates to nonconforming signs; and

Planning Department staff drafted amendments and prepared an application (G 8-17) for a zoning text amendment to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs; and

A public hearing was held before the McMinnville Planning Commission on October 19, 2017, after due notice had been provided in the local newspaper on October 10, 2017. At the October 19, 2017, Planning Commission public meeting, after the application materials and a staff report were presented, the Commission closed the public hearing. After deliberation, the Planning Commission voted to recommend approval of G 8-17 to the McMinnville City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Decision, Findings of Fact and Conclusionary Findings, as documented in Exhibit A for G 8-17; and
2. That Section 17.62.110 (C) of the McMinnville Zoning Ordinance is amended as provided below. Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font. The specific adopted amendment is as follows:
 - C. Amortization. Any freestanding, roof, or animated sign which was lawfully established before January 1, 2009, but which does not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance by no later than December 31, ~~2017~~**2018**, or at the time of occurrence of any of the actions outlined in provision 'A' above.
3. That this Ordinance shall take effect 30 days after its passage by the City Council:

Passed by the Council this 28th day of November 2017, by the following votes:

Ayes: Garvin, Jeffries, Menke, Stassens, Ruden

Nays: _____



MAYOR

Approved as to form:

Attest:



CITY ATTORNEY



CITY RECORDER



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128**

503-434-7311
www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.62 (SIGNS).

DOCKET: G 8-17

REQUEST: The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs. The amendment will extend the deadline for bringing nonconforming signs that are subject to the amortization process into compliance with current sign standards. The extended deadline will provide time for the City of McMinnville to evaluate the amortization program for consistency with the intent of the Signs chapter and to ensure that the amortization process is legally permissible and does not violate any state or federal law or infringe on any property rights.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Chuck Darnell, Associate Planner

DATE DEEMED COMPLETE: September 13, 2017

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: October 19, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: November 28, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 8-17) to the McMinnville City Council.

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DECISION: APPROVAL
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City Council: Scott Hill Date: 11/28/17
Scott Hill, Mayor of McMinnville

Planning Commission: [Signature] **FOR** Date: 12/6/17
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: [Signature] Date: 11/29/17
Heather Richards, Planning Director

APPLICATION SUMMARY:

The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs. The amendment will extend the deadline for bringing nonconforming signs that are subject to the amortization process into compliance with current sign standards. The extended deadline will provide time for the City of McMinnville to evaluate the amortization program for consistency with the intent of the Signs chapter and to ensure that the amortization process is legally permissible and does not violate any state or federal law or infringe on any property rights.

PROPOSED AMENDMENTS:

Section 17.62.110 (C) of the McMinnville Zoning Ordinance is amended as provided below. Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font. The specific adopted amendment is as follows:

McMinnville Zoning Ordinance (Ordinance 3380)
Chapter 17.62.110 (Nonconforming Signs) – (C) Amortization

- C. Amortization. Any freestanding, roof, or animated sign which was lawfully established before January 1, 2009, but which does not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance by no later than December 31, **20172018**, or at the time of occurrence of any of the actions outlined in provision 'A' above.

ATTACHMENTS:

1. Letter - Micheal Reeder, dated October 19,2017, received October 19, 2017

COMMENTS:

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition were received.

Additional Testimony

No notice was provided to property owners for this application. One letter of support was received by the Planning Department from Micheal Reeder, representing Outfront Media LLC.

FINDINGS OF FACT

- A. The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs. The amendment will extend the deadline for bringing nonconforming signs that are subject to the amortization process into compliance with current sign standards. The extended deadline will provide time for the City of McMinnville to evaluate the amortization program for consistency with the intent of the Signs chapter and to ensure that the amortization process is legally permissible and does not violate any state or federal law or infringe on any property rights.
- B. This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.

- C. Public notification of the public hearing held by the Planning Commission was published in the October 10, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.03 – General Provisions:

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by the legislative amendment in that the extension of the amortization deadline will provide time for the City of McMinnville to determine whether the amortization process meets the intent of the Signs chapter of the McMinnville Zoning Ordinance, thereby ensuring that the amortization process promotes the general welfare of community members in the city.

17.03.030 Severability. Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, that judgment shall affect only that part held invalid and shall not impair the validity of the remainder of these regulations.

Finding: Section 17.03.020 is satisfied by the legislative amendment in that the extension of the amortization deadline will provide time for the City of McMinnville to complete research and ensure that the requirements of the amortization process have not been deemed invalid by any court of competent jurisdiction.

17.03.040 Interpretation - More restrictive provisions govern. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Finding: Section 17.03.040 is satisfied by the legislative amendment in that the extension of the amortization deadline will provide time for the City of McMinnville to complete research and ensure that the requirements of the amortization process are not in violation of any other regulations, including state statute, federal law, or other private property rights.

CD:sjs

