



**City of McMinnville**  
**Planning Department**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **EXHIBIT 4 - STAFF REPORT**

**DATE:** October 19, 2017  
**TO:** McMinnville Planning Commission  
**FROM:** Chuck Darnell, Associate Planner  
**SUBJECT:** G 8-17 Sign Amortization Extension – Proposed Zoning Text Amendment

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### **Report in Brief:**

This is a public hearing to review and consider a proposed zoning text amendment to Section 17.62.110(C) of the McMinnville Zoning Ordinance. The proposed zoning text amendment is related to the amortization process for certain types of existing nonconforming signs.

### **Background:**

In November 2008, the McMinnville City Council adopted a sign ordinance (Ordinance 4900). This ordinance included an amortization process which required that certain types of nonconforming signs come into compliance with the updated sign standards. The original deadline for nonconforming signs to be brought into compliance was eight (8) years from the adoption of the ordinance, and that deadline was extended by the City Council in October 2016 (Ordinance 5013) to December 31, 2017. The main reason for the extension to the end of 2017 was to provide Planning Department staff with adequate time to inventory the city and provide property owners with signs that would be subject to the amortization process with a 6 month notification of the requirement to come into compliance.

Notices of potential sign noncompliance were prepared by the Planning Department and mailed to property owners with potentially nonconforming signs that would be subject to the amortization process. These notices were provided to property owners in June 2017. Since that time, Planning Department staff has responded to many inquiries about the amortization process and concern from property owners on the impacts of the required updates.

On September 12, 2017, McMinnville Industrial Promotions provided a presentation to the McMinnville City Council, which focused on the impacts of the amortization process and the overall intent of the City's requirement that nonconforming signs be updated. After discussion, the Council directed Planning Department staff to extend the amortization deadline by one year to allow for a conversation on the overall sign standards and process for updates to nonconforming signs.

### **Discussion:**

The purpose of the extension of the amortization deadline is to allow time for the City of McMinnville to evaluate the current sign standards and amortization process to ensure that the outcomes of the sign standards and amortization process meet the intent of the Signs chapter and the overall community's

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#### *Attachments:*

*Attachment A - Decision, Findings of Fact and Conclusionary Findings for the Approval of Legislative Amendments to Chapter 17.62 (Signs).*

desires in regards to the updating of nonconforming signage. In addition, the City of McMinnville will use the additional time to complete research and ensure that the amortization process is legally permissible and is not in violation of any other regulations, including state statute, federal law, or other private property rights. The City will also ensure that the requirements of the amortization process have not been deemed invalid by any court of competent jurisdiction.

Based on the City Council direction, staff is proposing to amend Section 17.62.110(C) of the McMinnville Zoning Ordinance to extend the amortization deadline to the end of 2018. The proposed amendment is provided below, as well as in the decision document attached to this staff report. Text to be deleted is identified with a ~~bold strikeout~~ font and text to be added is identified with a **bold underlined** font.

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, ~~2017~~**2018**, or at the time of occurrence of any of the actions outlined in provision ‘A’ above.

**Fiscal Impact:**

Minor impacts to Planning Department budget and impacts on staff capacity as additional notices will need to be mailed to property owners with existing nonconforming signs that are subject to the amortization process.

**Commission Options:**

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

**Recommendation/Suggested Motion:**

The Planning Department recommends that the Planning Commission make the following motion recommending approval of G 8-17 to the City Council:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMINNVILLE, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE G 8-17 AND THE ZONING TEXT AMMENDMENT AS RECOMMENDED BY STAFF.**

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*Attachments:*

*Attachment A – Decision, Findings of Fact, and Conclusionary Findings for the Approval of Legislative Amendments to Chapter 17.62 (Signs)*