



City of McMinnville
Planning Department
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STAFF REPORT

DATE: November 28, 2017
TO: Mayor and City Councilors
FROM: Chuck Darnell, Associate Planner
SUBJECT: **Ordinance No. 5044 - G 8-17:** Zoning Text Amendment to amend Chapter 17.62 (Signs)

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This action is the consideration of Ordinance No. 5044, an ordinance amending 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 from December 31, 2017 to December 31, 2018..

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 (free-standing, roof and animated 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, December 2016. The Ordinance 4900 also required that notice of sign noncompliance be "mailed to affected property owners following the adoption of this ordinance and again no later than one year prior to the end of the amortization period". Due to limited staffing and resources, the Planning Department did not send out notification of the December, 2016 deadline to impacted property and business owners in a timely manner. The deadline was extended by the City Council in October 2016 (Ordinance 5013) to December 31, 2017 to provide Planning Department staff with adequate time to inventory the city and notify property owners with signs that would be subject to the amortization process with a 6 month notification of the requirement to come into compliance.

Planning staff inventoried all of the free-standing, roof and animated signs in the community and 140 notices of potential sign noncompliance were mailed to property owners with potentially nonconforming signs that would be subject to the amortization process 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, including three legal challenges to the process and code.

Attachments:

*Ordinance No. 5044 including
Exhibit A – G 8-17 Decision Document*

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 legal review of the city's liability associated with the amortization requirement and a community conversation on the overall sign standards and process for updates to nonconforming signs.

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 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.

Discussion:

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 included in the Ordinance 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.

The Planning Commission held a public hearing on the proposed zoning text amendment at their October 19, 2017 meeting. No public testimony was received during the public hearing. One letter of support was received by the Planning Department, which is included as an attachment to the Ordinance attached to this staff report. After deliberation, the Planning Commission voted to recommend approval of the zoning text amendment to the City Council. The proposed zoning text amendment is described in detail below.

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.

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Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5044, approving G 8-17 and adopting the Decision, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5044.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5044 which would approve the zoning text amendment as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5044.”

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Ordinance No. 5044 including

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