

A G E N D A 6 - 14

**1. Approval of Minutes:** May 15, 2014

**2. Public Hearing (Quasi Judicial)**

♦ [Docket VR 1-14](#)

Request: Approval of an exception to Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to allow a second free-standing sign measuring approximately 20 feet in height.

Location: 2835 NE Highway 99W, and is more specifically described as Tax Lot 00101, Section 10C, T. 4 S., R. 4 W., W.M.

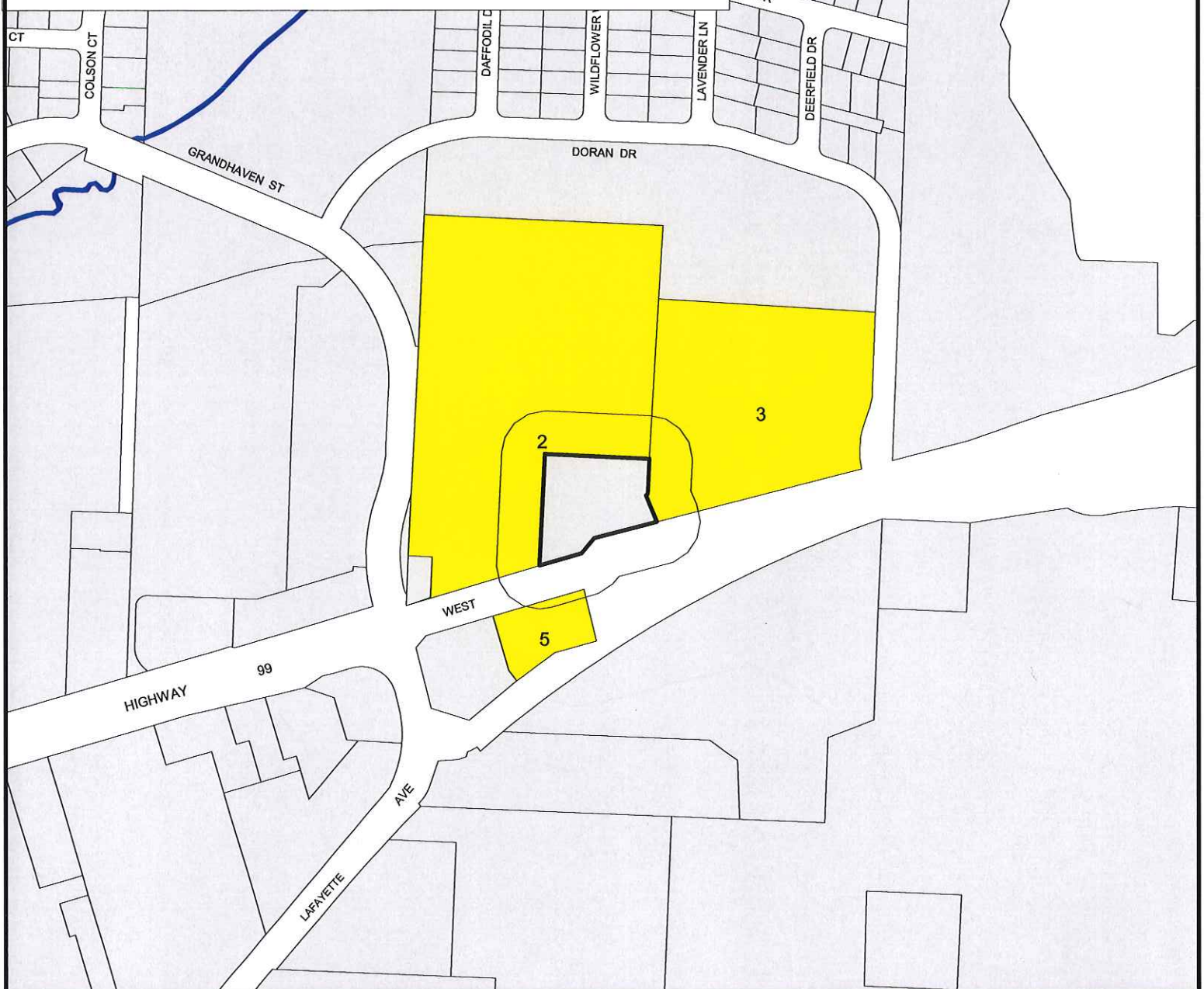
Applicant: Meyer Sign Company of Oregon

**3. Old/New Business**

- ♦ Request to schedule work session for purposes of discussing possible amendments to vacation rental and bed and breakfast review process.

**4. Adjournment**

# Notification Map



VR 1-14

Meyer Sign Company of Oregon is requesting approval of an exception to Section 17.62.070 (Permanent Sign Regulations) of the McMinnville Zoning Ordinance to permit a second free-standing sign measuring approximately 20 feet in height on property located at 2835 NE Highway 99W.

Recorded Owner:  
LLJ-ARS C-STORE VENTURES 1 LLC  
2204 SE Camino Real Suite 314  
Oceanside, CA 92054

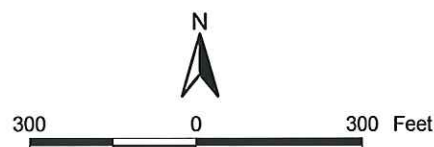


Geographic Information System

APPROVED BY: PLANNING COMMISSION

CITY COUNCIL

ATTESTED TO BY: \_\_\_\_\_



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

Request: Approval of an exception to Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to allow a second free-standing sign measuring approximately 20 feet in height.

Location: 2835 NE Highway 99W, and is more specifically described as Tax Lot 00101, Section 10C, T. 4 S., R. 4 W., W.M.

Applicant: Meyer Sign Company of Oregon

## **EXHIBITS**

1. Staff Report and Findings of Fact
2. VR 1-14 Sign Standards Exception Application and Fact Sheet
3. Materials submitted by applicant, which include:
  - a. Responses to Sign Standards Exception Criteria
  - b. Email re: Gasoline Price Advertising
  - c. Structural calculations for proposed sign
  - d. Various photographs of subject site and surrounding area
  - e. Site Plan (showing location of existing and proposed signs)
  - f. Proposed sign detail graphic
  - g. Photograph with superimposed proposed sign
4. Affidavit of Publication
5. List of property owners to whom notice was sent
6. Referrals
7. Vicinity Sketch

## **SUBJECT SITE**

The subject site is an approximately 1.15-acre parcel located along the northern edge of Highway 99W, directly west of the Jim Doran Dodge auto dealership and east of the Wilco/True Value retail store. The property has multiple tenants on-site, which include a Texaco fuel station, Porter's Market convenience store, and Pacific Pride commercial fuel station. The fuel pumps and canopy for the Texaco fuel station are located nearest Highway 99W, with the convenience store directly behind (the store is located approximately in the middle of the site). The Pacific Pride fueling station is located behind the convenience store, within the northern portion of the site.

The site is directly accessed from Highway 99W at the east end of the property. Indirect access is also provided from the west through the adjacent Wilco parking lot (which has access from Grandhaven Drive and Highway 99W).

Landscaping within the site consists primarily of three street trees and turf planted within a strip of land that parallels the site's Highway 99W frontage. The balance of the site is covered in asphalt or building.

Surrounding properties are zoned C-3 (General Commercial) and include the Jim Doran Auto Dealership to the east, Wilco/True Value retail store to the north and west, and Subway sandwich shop to the south, across Highway 99.

## OBSERVATIONS

- The applicant requests approval of an "exception" to Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to allow a second free-standing sign (that exceeds the height and sign face area allowed) to be placed within the subject site. The site's existing free-standing sign is situated within the southeast corner of the property, adjacent to Highway 99W. A graphic and photograph of both the proposed and current sign have been provided by the applicant in their submitted materials. Specific to this proposed sign and the City's sign ordinance, the exception seeks to increase the allowed height of a second freestanding sign from the allowable maximum of six feet to 20 feet, and to increase the allowed sign face area from the allowable maximum of 48 square feet to 110 square feet.<sup>1</sup>
- The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the proposed exception request.
- The requested sign, if approved, would measure 20 feet in height and have a sign face measuring eight feet (vertical dimension) by 10 feet (horizontal dimension) and supported by a single 10-inch diameter steel pole. Within the lower third of the sign face cabinet would be located an electronic message center sign; the rest of the sign would be internally illuminated with fluorescent bulbs and have a static message display on flat lexan. The sign would be installed near the site's southwest corner, adjacent to Highway 99W. The applicant's submitted site plan indicates the proposed sign's approximate location.
- In addition to one, 20 foot tall, 125 square foot maximum sign face free-standing sign, the McMinnville zoning ordinance allows the subject property to have an additional free-standing sign not to exceed six feet in height and 48 square feet in area. At 20 feet tall, this proposed second freestanding sign would exceed the allowable height by some 14 feet. Additionally, the proposed sign face area of 110 square feet would exceed the allowable size maximum by approximately 32 square feet.
- Although not part of the issue before the Planning Commission, staff notes that the proposed sign, and especially its electronic sign message center, does not comply with the McMinnville sign ordinance. For instance, the 15 foot height of the electronic message center is three feet above the maximum height allowed for such signs (Section 17.62.070 (E)(2) of the McMinnville zoning ordinance limits their height to a maximum of 12 feet). In addition, Section 17.62.070 (E)(3) limits the size of electronic changeable copy signs to 24 square feet. Although the applicant's

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<sup>1</sup> For purposes of determining the amount of sign face area, the McMinnville zoning ordinance requires that the area of the "electronic changeable copy" portion of a sign be doubled. As applied to this proposal, the three foot by ten foot electronic changeable copy sign would therefore be counted as having 60 square feet of sign face area. That, added to the remaining five foot by ten foot sign face area, totals 110 square feet of sign face.

submitted graphic states the sign is 24 square feet, the dimensions provided in the drawing show it to be 30 square feet in area (three feet by 10 feet). Finally, because of the presence of the electronic sign message center, the sign must be located a minimum of 10 feet from all property lines. Relative to the south property line (Highway 99W right-of-way), the submitted photograph appears to show the sign's leading edge (the point from which the setback would be measured) at or very close to the property line.

Should the applicant's request for this exception be approved, the sign shown in this application would need to be redesigned and repositioned consistent with the requirements of the McMinnville sign ordinance. The sign would also have to be placed such that it satisfies the requirements of McMinnville Water and Light relative to overhead power lines, and avoids existing underground utilities (see "Referrals" section for further details).

## **REFERRALS**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Verizon, Comcast, Northwest Natural Gas, and Oregon Department of Transportation. As of the date this report was written, the following comments had been received:

### **Waste Water Services**

- "Sewer lines in area; locates needed before digging."

### **McMinnville Water and Light**

- "A 20 foot high sign at that location will be in violation of the National Electric Safety Code with regard to vertical clearance required from the existing overhead communications conductor. There shall be a minimum of three feet of clearance between the top of the sign and the overhead communications line."

*[Planning staff advised the applicant to contact McMinnville Water and Light to review this matter prior to the sign's installation, should this exception be approved and subsequent building permit issued.]*

- Notice of this request was mailed to property owners located within 100 feet of the subject site. As of the date this report, no comments in opposition to the applicant's request have been received by the Planning Department from those who were notified.

### **McMinnville Engineering Department**

- "There is a public sanitary sewer manhole in the vicinity of the proposed sign location. If the sign variance were approved, the sign could not be located within close proximity of the sewer manhole; and it could not be located on top of any public or private sanitary sewer lines."

**McMinnville Building Department**

- “Sign will require full engineering design for wind and seismic loads.”

**REVIEW CRITERIA**

- The criteria for granting a sign exception are listed in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance. The chapter lists three circumstances that must exist before a sign exception may be granted. Unlike the standards for a variance, which can be approved if the circumstances “substantially” exist, the sign exception process requires that the applicant demonstrate that all three circumstances exist.

The applicant has submitted responses to each of these criteria (see Exhibit 3 (a)). Staff has provided an analysis and findings based upon our review of the applicant’s responses.

**Criterion 1.** “The request is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size.”

Staff response –

The applicant’s submitted response argues that the City’s sign ordinance does not take into consideration Oregon’s policies for gasoline price advertising, but offers no other supporting evidence other than a copy of the Oregon Administrative Rule (OAR) regarding gasoline price advertising. Staff has reviewed the applicable OAR but is unable to find how they might apply to this request and specific criteria. We are also not able to follow the applicant’s contention that the currently installed freestanding sign on this site “proscribes” any additional freestanding sign from being installed on the property. In fact, the administrative rules provided by the applicant note the following:

- A retailer is not required to display prices charged for motor vehicle fuel (see Section 2).
- If a retailer displays a price for motor vehicle fuel the retailer must “clearly and conspicuously” display on each price sign all prices charged. However, nowhere in the administrative rule is there a size standard for such price signs, other than those that might be placed on top of a pump or on a building wall (one inch in height letters and three inch letters, respectively) (see Section 5 (d) and (e)).
- Price signs may be placed in multiple locations (island, pump, and building) (see Section 5(c)).

There has been no evidence provided to demonstrate why it is impossible for the current sign, or other allowed signage, to provide for the advertising needs of the tenants located on the subject site. In other words, there has been no evidence offered to indicate why the current sign cannot be redesigned to provide for the site’s alleged signage needs, or why the building, fuel station canopy, or other areas of the site on which signage would be allowed could not be used.

In summary, the applicant offers conclusions that are either not relevant to the criteria or lack information in support of the claim as to how these rules created an unnecessary hardship and that this larger requested sign is appropriate and should be allowed. Nor have they made argument as to the actual specific factors for this review, i.e., topography, location, surrounding development, lot size or shape.

Findings for Denial:

The record provides no evidence of the existence of a hardship that would justify an increased sign height and/or sign face area due to topography, location, surrounding development, lot shape or lot size, or similar site-specific factors. The applicant has failed to address this criterion. Rather, the applicant has provided information relative to Oregon's gasoline price advertising administrative rules, but then has failed to articulate the nexus between the requested sign exception and how McMinnville's requirements create an unnecessary hardship necessitating the larger sign, or why these state policies and rules should apply to this criterion. The City finds that these state policies are irrelevant as they are not material to the site specific factors required for this review. Further, the evidence provided offers unsupported conclusions and no findings on which to base a decision for approval.

This criterion has not been met.

**Criterion 2. "The granting of the exception will not result in material damage or prejudice to other property in the vicinity."**

Staff Response –

The applicant claims that there are no other similar uses in the vicinity, and that the applicant is not seeking this second sign to gain a competitive advantage. However this claim only addresses businesses similar to those found on the subject site while the applicable criterion addresses "other property in the vicinity." Further, the applicant offers no evidence addressing how the granting of the exception would not result in material damage or prejudice to other property in the vicinity, which is critical to satisfying this criterion.

Staff believes that prejudice would be evident as this second larger sign, if permitted, would be the exception in the area – no other property enjoys this right. There is no evidence provided in the record that there would be, or would not be, material damage to other property in the vicinity.

Findings for Denial:

Permitting an exception to allow a second, larger free-standing sign on this site would result in prejudice to other property in the vicinity as such a sign does not currently exist in the vicinity, nor would it be permitted. Further, there is no evidence in the record that supports a finding that granting this exception would *not* result in material damage or prejudice to other property in the vicinity.

This criterion has not been met.



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

**Staff Response –**

The applicant's response to this criterion argues that the requested sign would provide a "convenience" to the traveling public, particularly for those seeking a commercial fueling station or convenience store. The applicant also claims – without supporting evidence – that the proposed sign would "keep with the appearance" of other signs within McMinnville, and that its size would be within the sign ordinance standards "should the [existing] Texaco price sign (as required by ODOT) not be counted against the standard."

To be clear, "convenience" is not a relevant consideration for this criterion. As to the applicant's second point, cities are required to be content neutral regarding all signage, the message of the existing freestanding pole sign therefore can be of no concern or consideration either to city staff or the Planning Commission. The city will in fact count the existing sign as being the present and as being the one allowable freestanding sign exceeding six feet in height permitted on this property as per the sign code chapter of McMinnville's zoning ordinance.

More importantly and directly to the criterion, the purpose of the City's sign ordinance is, in part, to "minimize visual clutter caused by signs by limiting their numbers and duration of use." The ordinance's regulations are also intended to "improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards." The Planning Commission may recall that the sign ordinance grew out of a community expressed concern to limit the proliferation of free-standing (and temporary) signs, particularly along its major arterials. It is staff's opinion that this exception, which would permit a second free-standing sign, is contrary to the stated purposes of this ordinance.

**Findings for Denial:**

The applicant has not offered into the record any evidence to satisfy this criterion. In contrast, the Planning Commission finds that approval of this exception would be contrary to the stated purposes of the McMinnville sign ordinance, in particular those found in section 17.62.010 (A) and (C).

This criterion has not been met.

**RECOMMENDATION**

As noted previously in this report, staff finds that the applicant has not provided sufficient evidence or justification to satisfy the sign exception criteria of Chapter 17.62 (Signs). Based on the materials submitted by the applicant, staff's review of the site, and the findings for denial, staff finds the applicant's justification for their request lacking in all regards and recommends that VR 1-14 be denied.



## **MOTION**

The Planning Department recommends the Commission make the following motion for denial:

**THAT BASED ON THE FINDINGS OF FACT, THE FINDINGS FOR DENIAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION DENIES VR 1-14.**

DRM:pjk



Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311 Office  
(503) 474-4955 Fax  
[www.ci.mcminnville.or.us](http://www.ci.mcminnville.or.us)

## SIGN STANDARDS EXCEPTION APPLICATION

### APPLICANT/OWNER INFORMATION

Name of Applicant MEYER SIGN CO. Toney McCormick Phone (Hm) 503-620-8200  
Address 15205 S.W. 74TH AVE Phone (Wk) \_\_\_\_\_  
City, State, Zip TIGARD, OR 97224  
Email PERMITS@MEYERSIGNCO.COM

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder  
☒ Agent ☐ Other (specify) \_\_\_\_\_

Name of Property Owner LU-ARS C-STONE VENTURES 2, LLC (Tommy Nordgaard) Phone (Hm) 619-814-1400  
(If different than above)  
Address 750 B. STREET, SUITE 3020 Phone (Wk) \_\_\_\_\_  
City, State, Zip SAN DIEGO, CA 92101  
Email tnordgaard@lventures.com

### LEGAL DESCRIPTION OF PROPERTY

(If metes and bounds description, indicate on separate sheet)

Property Address 2835 N.E. Hwy 99 W  
Assessor Map No. R4410 - C - 00101 Total Lot Size 1.15 acres  
Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
Comprehensive Plan Designation Commercial Zoning Designation G3

#### Office Use Only:

File No. VR 1-14 Date Received 5/13/14 Fee 935.00 Receipt No. 14M0075 Staff SP

Please describe the specific exception from Chapter 17.62 (Signs) that is being requested. State in detail how this requirement would be varied.

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Explain how this request is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or size.

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Explain how the granting of this exception will not result in material damage or prejudice to other property in the vicinity.

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Explain how this request would not be detrimental to community standards and the appearance of the City.

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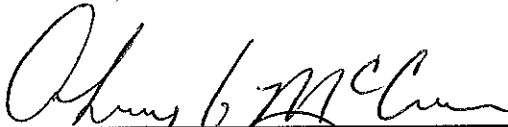
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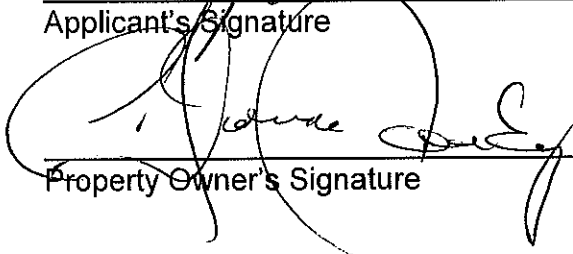
In addition to this completed application, the applicant must provide the following:

- ✓ A site plan drawn to scale indicating the information as shown on page one of the information sheet. Additional copies will be required if the size of the site plan is larger than 11x 17 inches
- ✓ Other data or information which would help substantiate or clarify your request.
- ✓ Payment of the applicable review fee

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Applicant's Signature

5/13/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner's Signature

5/13/14  
\_\_\_\_\_  
Date



15205 SW 74<sup>th</sup> Ave.  
Tigard, OR 97224  
(503) 620-8200  
Fax (503) 620-7074  
Email: sales@meyersignco.com

## **CITY OF McMINNVILLE SIGN STANDARDS EXCEPTION APPLICATION (Attachment Sheets)**

### **Question #1:**

*Please describe the specific exception from Chapter 17.62 (Signs) that is being requested. State in detail how this requirement would be varied.*

Meyer Sign Company of Oregon is applying for an exception (variance) to the following City of McMinnville Sign Code:

17.62. 070 - Permanent Sign Regulations

C – Commercial (C-1, C-2, C-3) and Industrial 9M-L, M-1, M-2) Zones

1 – Freestanding Signs

The code currently allows for “(1) permanent freestanding sign not to exceed forty-eight (48) square feet in area and six (6) feet in height. In addition, each site or multi-tenant complex is allowed one (1) additional permanent freestanding sign per 500 feet of frontage, not to exceed three (3) per site or multi-tenant complex, each not to exceed 125 square feet in area and twenty (20) feet in height if located on Highways 99W or 18 and sixteen (16) feet in height if located elsewhere.”

Meyer Sign Company of Oregon is requesting the existing Texaco freestanding sign at 13'-2" x 7'-5 1/2" or 98.09 square feet reflecting the Texaco brand and fuel pricing (as required by law) be allowed to remain, while an additional freestanding sign reflecting Porter's Market / Pacific Pride Commercial Fueling at 8'-0" x 10'-0" or 80 square feet be permitted at the opposite end of the property along HWY 99W (approximately 285 feet west).

## Question #2:

*Explain how this request is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or size.*

The City of McMinnville Sign Code, as currently written, does not necessarily take into consideration the ODOT / State of Oregon's mandated policies for gasoline price advertising.

In as such, the aforementioned and currently installed Texaco brand identification and pricing modules (as required by the State of Oregon) proscribes any additional freestanding sign from being installed on the property, which otherwise would be allowed had the original sign not exceeded forty eight (48) overall square feet and six (6) feet in height (according to the City of McMinnville Sign Code: 17.62. 070 - Permanent Sign Regulations / C – Commercial (C-1, C-2, C-3) and Industrial 9M-L, M-1, M-2) Zones / 1 – Freestanding Signs).

Because of this impasse, neither the Porter's Market store, nor the Pacific Pride Commercial Fueling center can be properly (or improperly, for that matter) advertised.

A copy of the ODOT "Gasoline Price Advertising" regulations is enclosed herein.

### Question #3:

*Explain how the granting of this exception will not result in material damage or prejudice to other property in the vicinity.*

Please let it be stated for the record that the request for a second freestanding sign along HWY 99W is not meant to gain a competitive business advantage for the Texaco fuel station, but rather for branding of the Porter's Fuel / Pacific Pride Commercial Fueling centers located on the same property parcel. In fact, the closest gasoline facility is located at 1720 NE HWY 99W, nearly one full mile to the west.

In addition, there are no other fueling station / convenience store facilities in the general area with whom a business competition could be conceived. Local businesses on the same (north) side of HWY 99W include Toyota / Jeep, Eagle; Wilco Farms, Arby's Restaurant; Winco Foods; Jack In The Box Restaurant; Big 5 Sporting Goods and Wal-Mart.

Businesses on the opposite side (south) of HWY 99W include Kramer's Garden Supply, Tire Factory, a Used Car facility; Verizon Wireless; Subway Restaurant; Mazatlán's Restaurant; O-Reilly's Auto Parts; KFC Restaurant; Safeway; Ross Dress For Less and Panda Express Restaurant.



## Question #4:

*Explain how this request would not be detrimental to community standards and the appearance of the City.*

As previously mentioned, the request for a second freestanding sign is not meant to gain a competitive business advantage over neighboring establishments. Once again, the closest gasoline fueling station is nearly one full mile to the west on HWY 99W, and there are no other commercial fueling centers or convenience stores in the general area.

The request for a second freestanding sign should be seen as a “Way-finding” instrument for commercial vehicles who frequent HWY 99W as their primary commute to and from the Oregon Coast. Most commercial vehicles utilize facilities such as Pacific Pride for their fueling needs, and cannot simply drop-in to any given gasoline station. As of today, identification of the Pacific Pride facility is relegated to a single 18” x 7’-5 ½” panel... hardly convenient for those in need.

Porter’s Market convenience store has even less signage, making it nearly impossible for City of McMinnville residents (let alone non-resident tourists) to identify with the facility. A second freestanding sign should be looked-upon as a “Customer Convenience” rather than a detriment.

In addition, the proposed sign will keep with the appearance of other signs located within the City of McMinnville, and at 80 square feet and 20’-0” overall height will remain well within the City of McMinnville Sign Code should the Texaco price sign (as required by ODOT) not be counted against the standard.

## Tony McCormick

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**From:** Julie Flint [julie@oregonpetroleum.org]  
**Sent:** Tuesday, April 29, 2014 1:56 PM  
**To:** permits@meyersignco.com  
**Subject:** Gasoline Advertising

Gasoline Advertising

137-020-0150

Gasoline Price Advertising

(1) Definitions: For the purposes of OAR 137-020-0150 to 137-020-0160 the following definitions apply:

(a) "Clear and conspicuous" means in a form that is readily visible to and easily readable by a customer or potential customer who would be materially affected by the information and means in a location that a person who would be materially affected by the information ought to notice the information displayed.

(b) "Condition" means any payment method (e.g., credit), service level (e.g., full service or mini service), or any other modifying circumstance affecting the price per unit of measurement of motor vehicle fuel from the lowest cash price;

(c) "Diesel" means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine;

(d) "Display" means to post information on a street sign or price sign;

(e) "Full service" includes services such as washing windshields, windows and headlights, checking fluid levels, checking or adjusting tire pressure and inspecting belts and hoses but does not include a car wash;

(f) "Gasoline" means any fuel sold for use in spark ignition engines whether leaded or unleaded;

(g) "Grade" means the automotive fuel rating as defined in OAR 603-027-0410;

(h) "Lowest cash price" means the offering price available to all customers that pay in cash;

(i) "Mini service" means providing only the dispensing of motor vehicle fuel into a customer's vehicle;

(j) "Motor vehicle fuel" means gasoline, diesel or other fuel used for the generation of power in an internal combustion engine, except aviation jet fuels;

(k) "Other fuel" means gasoline-ethanol blends with greater than 10% by volume ethanol, 100% other renewable diesel (100% Biomass-Based Diesel), renewable diesel blends, B100 Biodiesel, Biodiesel Blends, E85 Fuel Ethanol, M85 Fuel Methanol, E15, or any other liquid product used for the generation of power in an internal combustion engine that is sold to be used in a motor vehicle, except for gasoline and diesel;

(l) "Price sign" means any sign, billboard, digital signage or other medium that provides the price charged for motor vehicle fuel, is visible from a dispensing device and is not a street sign;

(m) "ODOT diesel" means undyed diesel sold for use in motor vehicles, which may be purchased without the tax provided the purchaser has valid credentials issued by ODOT under ORS 825 or ORS 319. ODOT diesel was formerly known as PUC diesel;

(n) "Retailer" means any person who operates a service station, business or other place for the purpose of retailing and delivering gasoline, diesel or other fuel into the tanks of motor vehicles;

(o) "Street sign" means any sign, billboard, digital signage or other medium that provides the price charged for motor vehicle fuel and is located near and is visible from a street or highway, such as a freeway pole sign or a monument sign; and

(p) "Unit of measurement" means a United States gallon or liter as defined in the National Institute of Standards and Technology (NIST) Handbook 44 entitled "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" as adopted in OAR 603-027-0635.

(2) Advertising: A retailer is not required to display prices charged for motor vehicle fuel.

(3) Displayed Prices: A retailer may display a price for motor vehicle fuel.

If a retailer displays a price for motor vehicle fuel:

(a) The retailer must clearly and conspicuously display on each street sign the lowest cash prices charged for the sale of the lowest grade of each type of motor vehicle fuel sold or offered for sale to all customers or potential customers;

(b) Notwithstanding subparagraph (a) above, if a retailer only sells or offers for sale ODOT diesel and no other motor vehicle fuel (including other diesel), the retailer may display only the ODOT diesel price on the street sign and does not need to post a price sign;

(c) The retailer must clearly and conspicuously display on each price sign all prices charged for the sale of all grades of motor vehicle fuel sold or offered for sale;

(d) If the lowest cash prices are available only under some conditions:

(A) The retailer must clearly and conspicuously display all conditions on each street sign, price sign and dispensing device (e.g., cash only, mini serve);

(B) The retailer must ensure the following for each distinct street sign:

(i) All words or symbols of condition are in equal size and must be equally visible to a customer or potential customer;

(ii) All words or symbols of condition are in no less than one-third the size as the words or symbols setting forth the cash price; and

(iii) All words or symbols setting forth the prices applicable to the condition are in equal size and must be equally visible to a customer or potential customer as the words or symbols setting forth the cash price.

(C) The retailer must ensure the following for each distinct price sign:

(i) All words or symbols of condition are in equal size and must be equally visible to a customer or potential customer;

(ii) All words or symbols of condition are in equal size as the words or symbols setting forth the cash price; and

(iii) All words or symbols setting forth the prices applicable to the condition are in equal size and must be equally visible to a customer or potential customer as the words or symbols setting forth the cash price.

(D) The retailer must clearly identify the area where each price is available, if the lowest cash price is available only in a certain area of the service station or business. The identification may be placed on the canopy above the island, if it is visible from each side of the island, or at the entry points of the island. The identification must be clear and conspicuous from a driver's position;

(E) For full service, the retailer must state what specific services are included in its full service at the entry points of the island where full service is available; and

(F) The retailer may only charge a price greater than the lowest cash price if the retailer provides the condition or the condition is offered in a designated location and the customer affirmatively rejects the condition (e.g., the retailer either provided full service or the retailer offered to perform all services included in that retailer's full service in a location designated as full service and the customer rejected the services offered).

(e) The retailer may offer a discount from the lowest cash price for customers that enroll in a loyalty program, membership program or other similar program where a customer must affirmatively enroll in the program. If the discounted program is not available to all members of the general public, the retailer does not need to display the discounted program price under subsection (3)(c).

(f) The retailer must arrange all prices in a meaningful and consistent order;

(g) The retailer must clearly and conspicuously identify each grade of motor vehicle fuel that corresponds with each price;

(h) The retailer may not display prices for products other than motor vehicle fuel in a manner that creates a likelihood of confusion or misunderstanding with the price of motor vehicle fuel;

(i) The retailer may not require as a condition of buying motor vehicle fuel at the displayed price that a customer purchase a specific quantity (e.g., 8 gallons or a full tank) or dollar amount of motor vehicle fuel; and

(j) The retailer may display on the street sign all of the information required to be displayed on the price sign under subsection (5)(d)(B).

(4) Dispensing Devices: In regards to its motor vehicle fuel dispensing devices, a retailer must:

(a) Ensure that the price per unit of measurement and the unit of measurement for each grade of motor vehicle fuel are the same on each street sign, price sign and dispensing device used for delivering that kind of fuel into the tanks of motor vehicles;

(b) Ensure that computing-type dispensing devices automatically compute the full sales price for all motor vehicle fuel prices sold or offered for sale through the dispensing devices;

(c) Ensure that dispensing devices are set to display and compute all unit prices for each grades of motor vehicle fuel sold. A retailer may not use a dispensing device to dispense motor vehicle fuel at one or more unit prices the dispensing device cannot compute;

(d) Calibrate all dispensing devices in the same unit of measurement;

(e) Charge the customer only the total amount registered on the dispensing device at the selected unit price;

(f) If the lowest cash prices are available only under some conditions, ensure the dispensing device clearly and conspicuously states all conditions.

(A) The words or symbols of condition may be posted on the upper 50 percent of the dispensing device panel or on top of the dispensing device ("pump topper"); and

(B) The retailer must ensure that the letters stating the conditions are in block lettering type at least one inch in height and one-half inch stroke (width of type) in distinct contrasting color to the background.

(5) Price signs:

(a) In regards to its price signs, a retailer must:

(A) Ensure that at least one price sign is visible at or near each dispensing device; and

(B) Ensure that the information displayed on each price sign is clear and conspicuous from a driver's position.

(b) A retailer may place a price sign on top of the dispensing device ("pump topper"), on the island or on the side of the retailer's building;

(c) A retailer may post price signs in multiple locations in order to comply with subsection (5)(a) (e.g., a retailer may use pump toppers for one island and a sign on the side of the building for another island). Each price sign must comply with subsections (5)(d) and (e);

(d) If the price sign is on top of the dispensing device, the retailer must ensure:

(A) That the letters and numerals on the sign are in block lettering type at least one inch in height and one-half inch stroke (width of type) in distinct contrasting color to the background; and

(B) That the following information is displayed on the price sign:

(i) All words or symbols of condition; and

(ii) Immediately adjacent to the words or symbols of condition, either:

(I) The whole unit price of any condition for each grade of motor vehicle fuel; or

(II) The additional price per unit of measurement for any condition in whole cents (e.g., "credit price + 3¢/gal" or "full service additional 10¢/gal") for each grade of motor vehicle fuel. If the additional price per unit of measurement for a specific condition (e.g., credit) for each grade of motor vehicle fuel is the same, then only one price reference is required under this subparagraph.

(e) If the price sign is on the island or on the side of the retailer's building, the retailer must ensure:

(A) That the letters and numerals on the sign are in block lettering type at least three inches in height and one and one-half inch stroke (width of type) in distinct contrasting color to the background; and

(B) That the following information is displayed on the price sign:

(i) All words or symbols of condition; and

(ii) Immediately adjacent to the words or symbols of condition, the whole unit price of any condition for each grade of motor vehicle fuel.

(6) Effective date: If a retailer that displays a price for motor vehicle fuel complies with this subsection on January 1, 2011, the retailer does not need to comply with subsection (5) unless and until the retailer purchases a new street sign or modifies its street sign;

(a) The retailer clearly and conspicuously displays on each street sign the lowest cash prices for the sale of all grades of motor vehicle fuel sold or offered for sale;

(b) Notwithstanding subparagraph (a) above, if a retailer only sells or offers for sale ODOT diesel and no other motor vehicle fuel (including other diesel), the retailer may display only the ODOT diesel price on the street sign;

(c) If the lowest cash prices are available only under some conditions:

- (A) The retailer clearly and conspicuously displays all conditions on the street sign and dispensing device;
- (B) The retailer ensures the following for the street sign:
- (i) All words or symbols of condition are in equal size and are equally visible to a customer or potential customer;
  - (ii) All words or symbols of condition are in no less than one-third the size as the words or symbols setting forth the cash price; and
  - (iii) All words or symbols setting forth the prices applicable to the condition are in equal size and are equally visible to a customer or potential customer as the words or symbols setting forth the cash price.
- (C) Immediately adjacent to the words or symbols of condition, the retailer displays on the street sign either:
- (i) The whole unit price of any condition for each grade of motor vehicle fuel; or
  - (ii) The additional price per unit of measurement for any condition in whole cents (e.g., "credit price + 3¢/gal" or "full service additional 10¢/gal") for each grade of motor vehicle fuel. If the additional price per unit of measurement for a specific condition (e.g., credit) for each grade of motor vehicle fuel is the same, then only one price reference is required under this subparagraph.
- (D) The retailer clearly identifies the area where each price is available, if the lowest cash price is available only in a certain area of the service station or business. The identification may be placed on the canopy above the island, if it is visible from each side of the island, or at the entry points of the island. The identification must be clear and conspicuous from a driver's position;
- (E) For full service, the retailer states what specific services are included in its full service at the entry points of the island where full service is available; and
- (F) The retailer only charges a price greater than the lowest cash price if the retailer provides the condition or the condition is offered in a designated location and the customer affirmatively rejects the condition (e.g., the retailer either provided full service or the retailer offered to perform all services included in that retailer's full service in a location designated as full service and the customer rejected the services offered).
- (d) The retailer may offer a discount from the lowest cash price for customers that enroll in a loyalty program, membership program or other similar program where a customer must affirmatively enroll in the program. If the retailer displays the discounted program price, it complies with subsection (6)(c);
- (e) The retailer arranges all prices in a meaningful and consistent order;
- (f) The retailer clearly and conspicuously identifies each grade of motor vehicle fuel that corresponds with each price;
- (g) The retailer does not display prices for products other than motor vehicle fuel in a manner that creates a likelihood of confusion or misunderstanding with the price of motor vehicle fuel; and
- (h) The retailer does not require as a condition of buying motor vehicle fuel at the displayed price that a customer purchase a specific quantity (e.g., 8 gallons or a full tank) or dollar amount of motor vehicle fuel.

Stat. Auth.: ORS 646

Stats. Implemented: ORS 646.608(1)(u) & 1985 c.751 (2)

Hist.: JD 7-1985, f. 12-31-85, ef. 1-1-86; DOJ 20-2010, f. 12-30-10, cert.

ef. 1-1-11

Sales Practices

(1) A retailer may not limit the price advertised for a particular grade of motor vehicle fuel to a customer purchasing or receiving goods or services in addition to the motor vehicle fuel except for full services. For purposes of this rule, a customer does not include customers who purchase ODOT diesel.

(2) The location at which any grade of motor vehicle fuel is dispensed or at which any condition is applicable will not be changed except for a bona fide reason and will not be changed within 60 days of another change except for an emergency or legal necessity.

(3) Violation of OAR 137-020-0150 and this rule is a violation of the Unlawful Trade Practices Act, ORS 646.608(1)(u).

Stat. Auth.: ORS 646

Stats. Implemented: ORS 646.608(1)(u) & 1985 c.751 (2)

Hist.: JD 7-1985, f. 12-31-85, ef. 1-1-86; DOJ 21-2010, f. 12-30-10, cert.  
ef. 1-1-11



2010 OSSC  
ASCE 7-05  
WIND 95 MPH EXP B  
SOL CLASS 5 (P435)

METHOD 2 (P.24)

$$K_d = 0.85 \quad (\text{TB 6-4 P.20})$$

$$I = 1.0 \quad (\text{TB 6-1 P.77})$$

$$\text{EXP B } z = 20' \quad (\text{TB 6-3 P.79})$$

$$K_{d1} \& K_{d2} = 0.62$$

$$K_{zt} = (1 + K_1 K_2 K_3) \quad (\text{Eq. 6-3 P.26})$$

$$\text{SAY } K_{zt} = 1.0$$

$$G_f = 0.925 \left( \frac{1 + 1.7 I_z \sqrt{9.5 + 9.2 K_z}}{1 + 1.7 g_v I_z} \right) \quad (\text{Eq. 6-8 P.29})$$

$$\text{SAY } G_f = 0.85$$

$$F = q_z G_f C_f A \quad (\text{Eq. 6-28 P.29})$$

$$q_z = 0.00256 K_z K_{zt} K_d V^2 I \quad (\text{Eq. 6-15 P.27})$$

$$= 0.00256 (0.62) 1.0 (0.85) 95^2 (1.0) = 12.0 \text{ #/ft}^2$$

Cf: Fig 6-20 P.73

$$B = 10 \quad S = 8 \quad H = 20$$

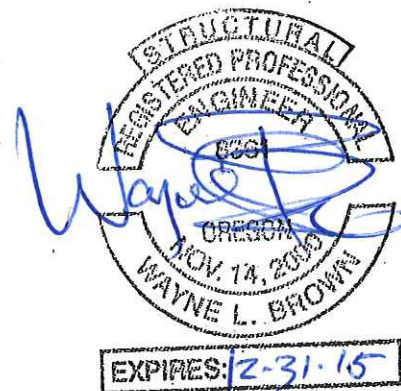
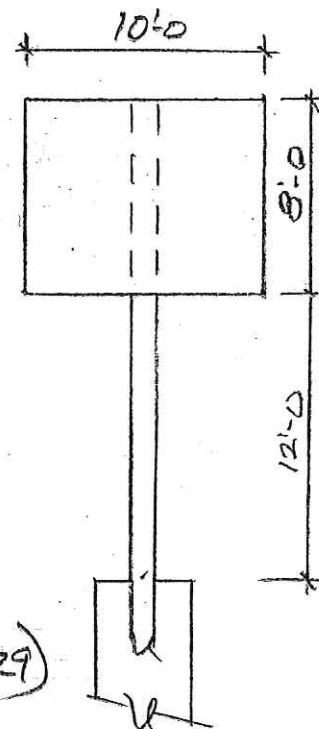
$$B/S = 10/8 = 1.25 \quad S/H = 8/20 = 0.40$$

$$C_f = 1.80$$

$$\bar{Y} = \frac{12.2 \text{ #/ft}^2 (0.85) 1.8 (0.33) 12 \left( \frac{12}{2} \right) + 12.0 \text{ #/ft}^2 (10) 8 (16)}{185.9134 + 1493.28}$$

$$= \frac{1115.4802 + 25892.480}{1679.1934} = \frac{26007.96}{1679.1934}$$

$$= 14.89'$$



EXPIRES: 2-31-15

Pole

$$S_{REQD} = \frac{25008 (12)}{3653 (0.66)} = 12.68' \approx 13'$$

TRY 8" STD STL PIPE ( $S = 16.88' \approx 17'$ )

$$S_{REQD} = 12.68' < S = 16.88'$$

USE 8"  $\phi$  STD STL PIPE  
ASTM A53 GR B

10"  $\phi$  STD STL PIPE OK

FOOTING

$P = 1680 \#$

$H = 15'$

$S = 100 \# / ft$

TRY 3'  $\phi$  x 7'-0"

$b = 3'$

$d_{TRIAL} = 7'$

HP FROM C

$$d_{REQD} = 7.025'$$

USE PIER 3'  $\phi$  x 7'-0"



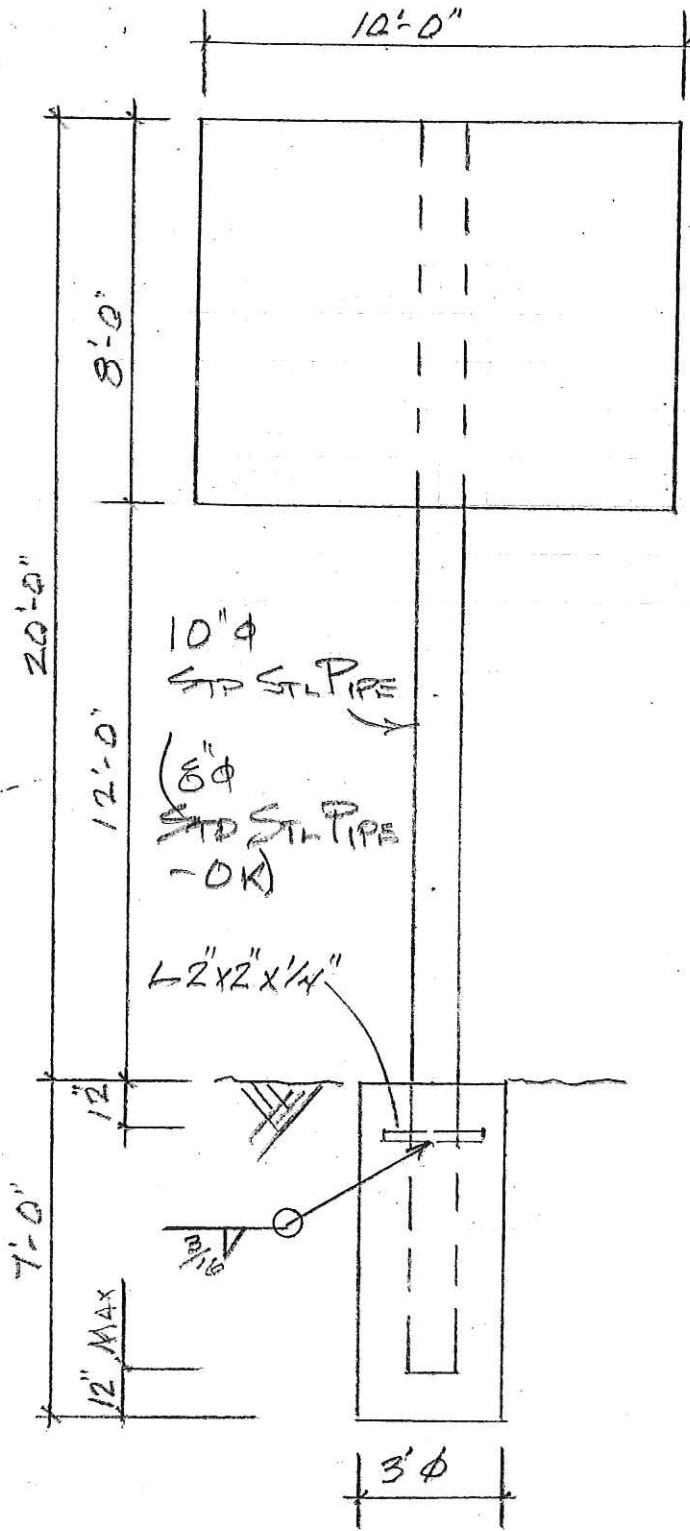
EXPIRES: 12-31-15

W. BROWN ENGINEERING INC.  
7506 SE Crystal Springs Blvd.  
Portland, OR 97206  
(503) 554-8232

SIGN @ PORTERS M. MET

MEYER SIGN CO OF OREGON

114  
1-23-14 3



CONCRETE SHALL BE TYPE 1 OR TYPE II PORTLAND CEMENT  
WITH 5" MAX SLOPE & PL=2500 PSI & 28 DAYS.  
PIPE SHALL BE ASTM A53 GRA B (MIN).  
WELD W/ E70XX (MIN).



EXPIRES: 12-31-15



CHRYSLER

with  
TECHRON

D

J



PACIFIC  
PRIDE

Unleaded	389	$\frac{9}{10}$
Power Plus	399	$\frac{9}{10}$
Power Premium	412	$\frac{9}{10}$
Diesel	395	$\frac{9}{10}$











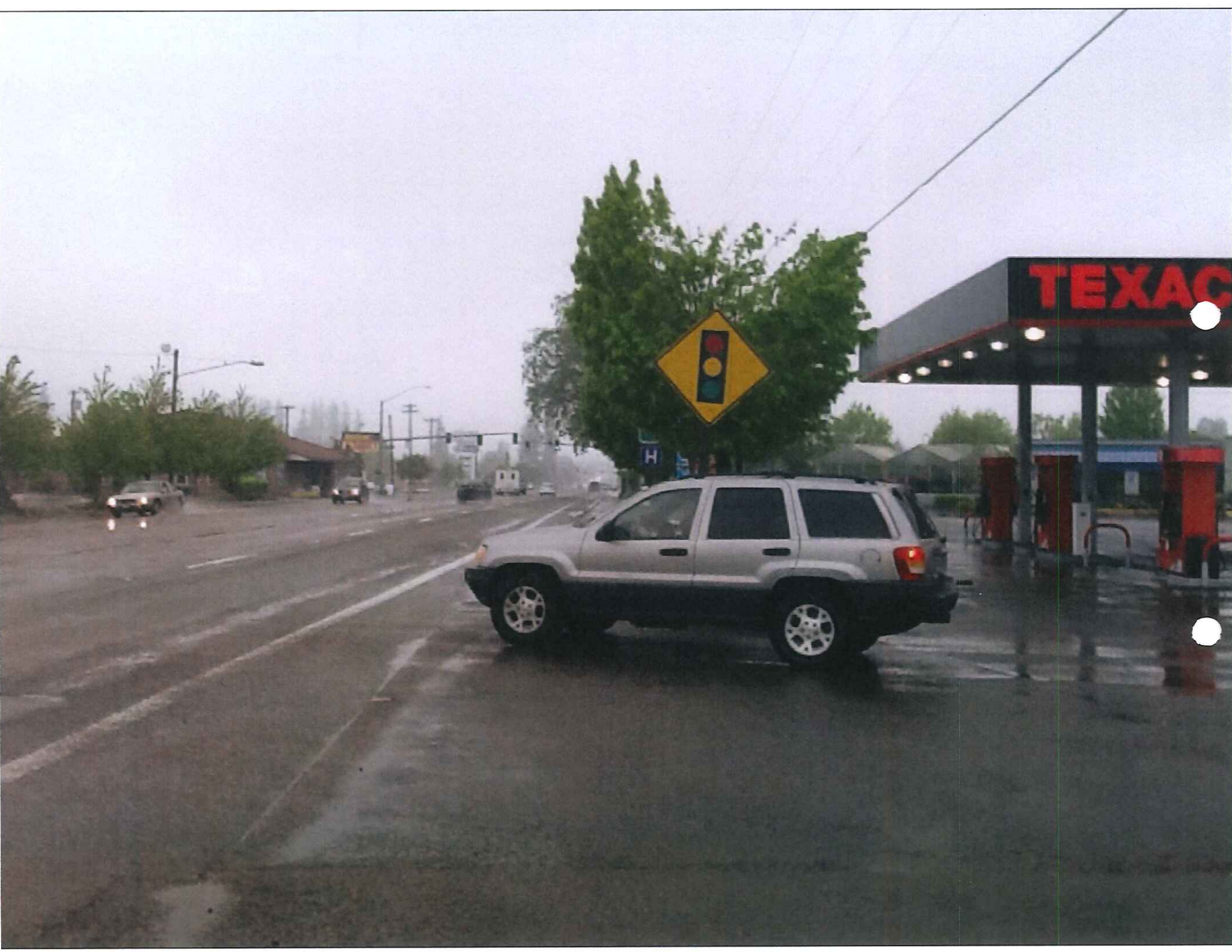
























# Porter's Market: Variance Request Site Plan

## 2335 NE Hwy 99 West

### McMinnville, OR 97128

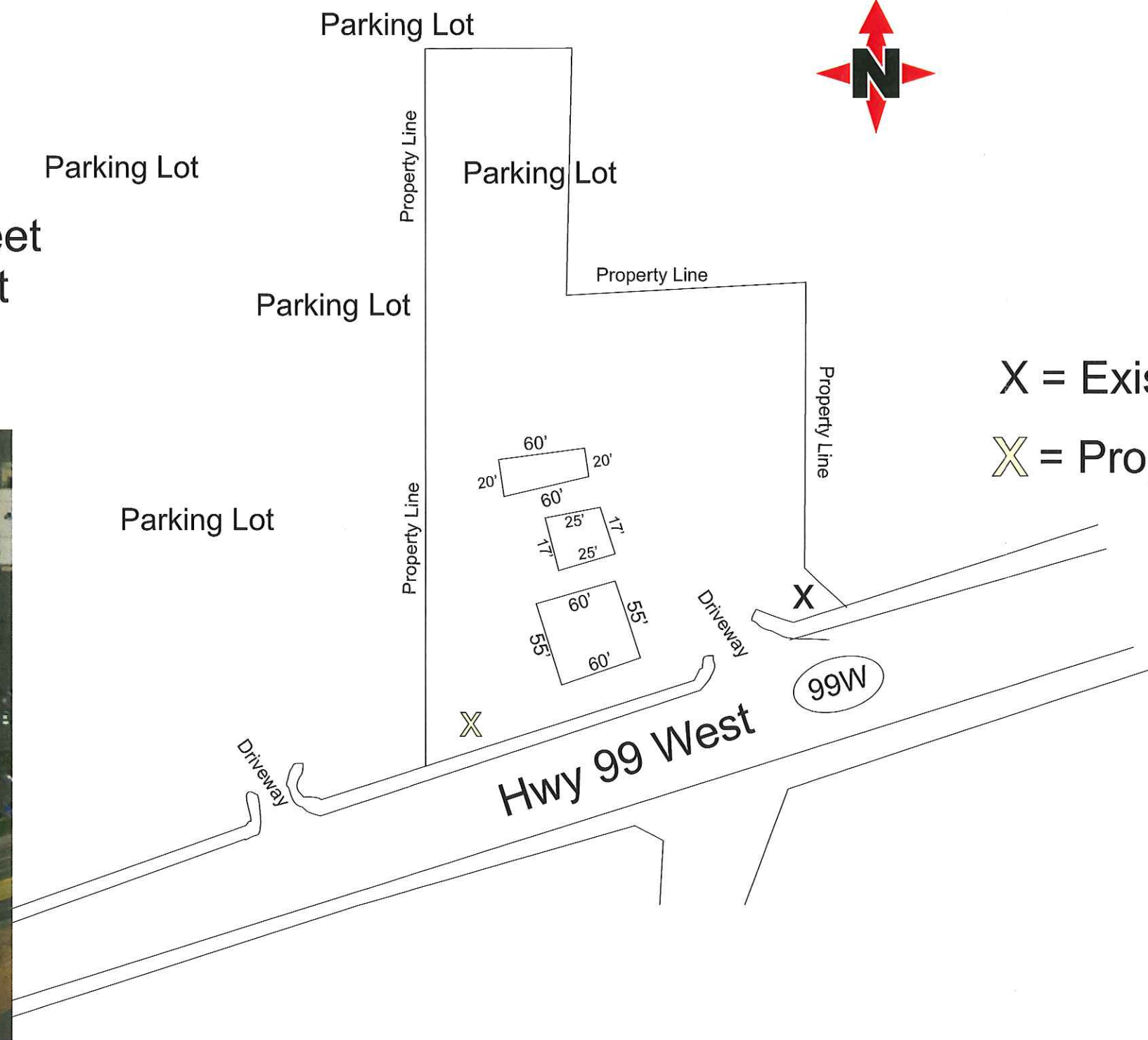
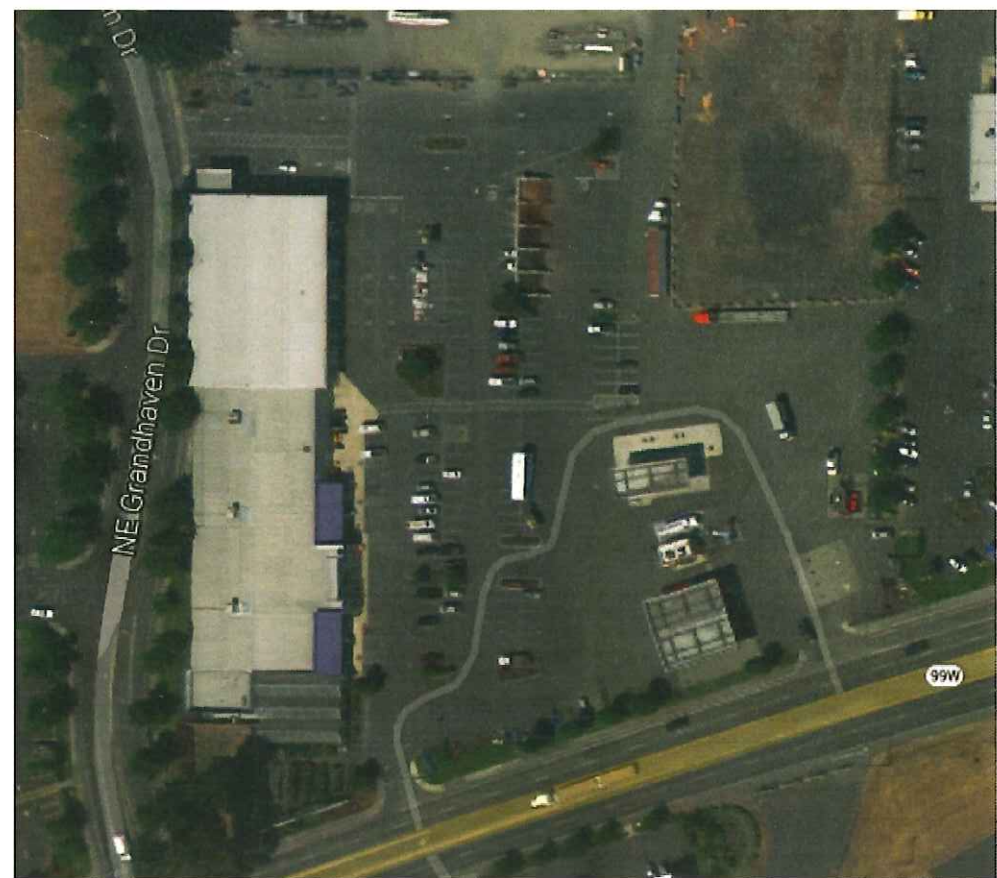
Scale  
1"=50'

Scale  
1"=50'

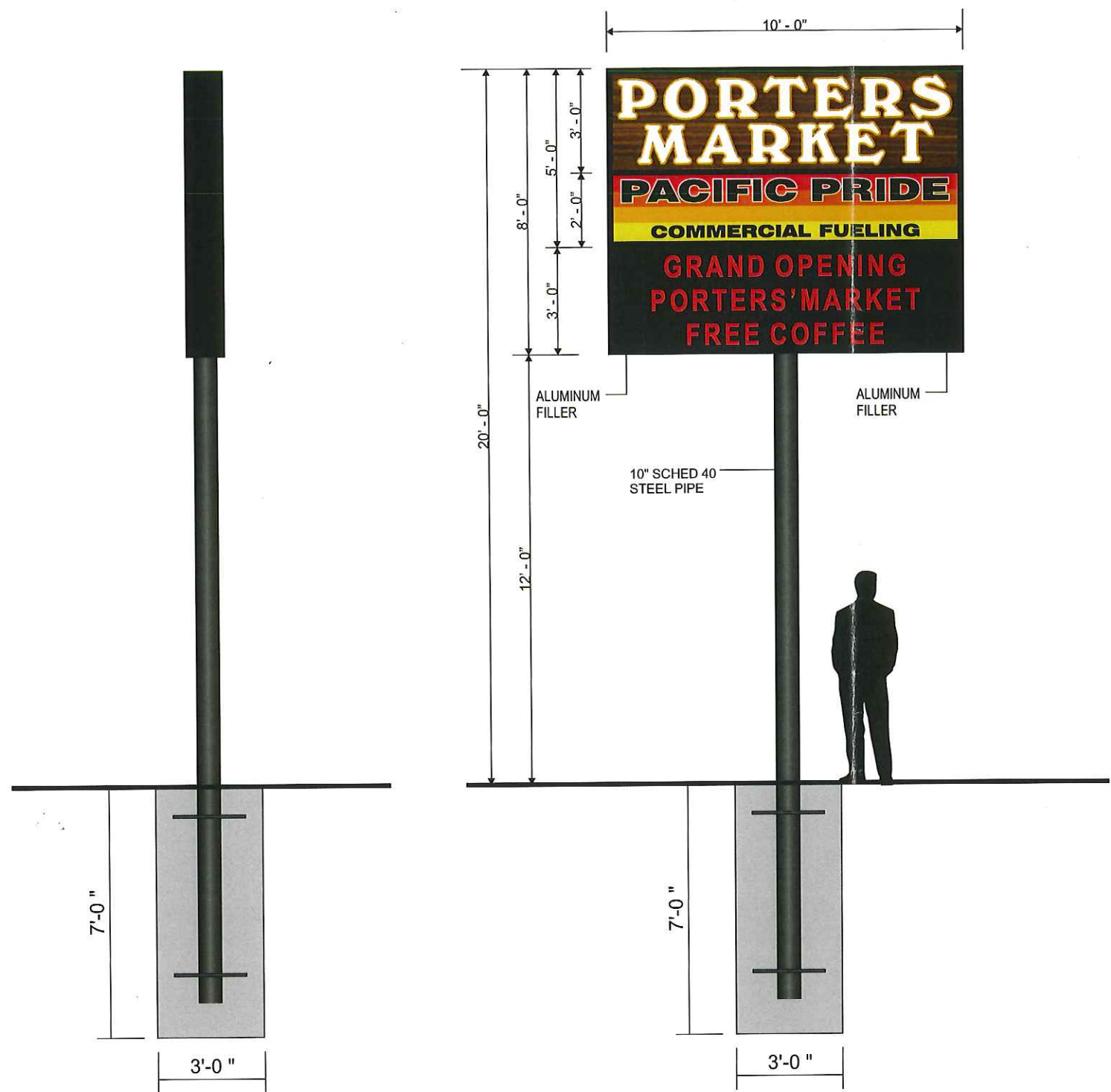


Proposed Sign is set back 5 feet from the curb, and 10 feet east from the property line.

X = Existing Pylon Location  
X = Proposed Sign Location



SCALE: 1/4" = 1'-0"



DESCRIPTION OF WORK

MANUFACTURE AND INSTALL (1)  
DOUBLE FACED INTERNALLY  
ILLUMINATED PYLON DISPLAY

SQ. FT 80

QTY: 1

**CABINET/RETAINERS AND  
HORIZONTAL DIVIDER BAR**  
ALUMINUM EXTRUSION  
PAINT BLACK

**FACES**  
FLAT WHITE LEXAN

**PORTERS FUEL GRAPHICS**  
DIGITALLY PRINTED TRANSLUCENT  
VINYL APPLIED FIRST SURFACE ON  
FACES

**PACIFIC PRIDE GRAPHICS**

**BACKGROUND COLORS**  
230-33 RED  
230-44 ORANGE  
230-25 SUNFLOWER  
230-015 YELLOW

**TEXT**  
MASK OUT OF BACKGROUND COLOR  
INSET 220-22 BLACK  
ALLOW FOR A WHITE OUTLINE ON  
(PACIFIC PRIDE)

**ILLUMINATION**  
INTERNALLY ILLUMINATE WITH  
FLUORESCENT LAMPS

**ELECTRONIC MESSAGE CENTER**  
OPTEC DISPLAYS, INC.  
24 SQUARE FOOT  
RED LED MONOCHROME ELECTRONIC  
MESSAGE CENTER

**END FILLER**  
ALUMINUM CONSTRUCTION  
PAINT BLACK

**SUPPORT**  
8" DIAMETER STEEL PIPE OR AS  
REQUIRED  
PAINT BLACK

**Meyer  
Sign Co.**  
OF OREGON

sales@meyersignco.com  
www.meyersignco.com  
phone: 503 620 - 8200  
fax: 503 620 - 7074

PROJECT: Porter's Fuel / Pacific Pride ACCT. MGR: Raymond Brayton  
ADDRESS: 2835 NE Hwy 99 W SHOP MGR:  
McMinnville, Oregon S C A L E :  
DESIGNER: Ross Hilden D A T E : 1.8.14

REVISION #	DATE:	BY:	REVISION #	DATE:	BY:
REVISION #			REVISION #		
REVISION #			REVISION #		

CUSTOMER APPROVAL:	LANDLORD APPROVAL:
DATE:	DATE:

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DRAWING#:  
**Porter's Fuel / Pacific Pride-RB-14106**  
SHEET 1 OF 3





NOT TO SCALE



sales@meyersignco.com  
www.meyersignco.com  
phone: 503 620 - 8200  
fax: 503 620 - 7074

PROJECT:	Porter's Fuel / Pacific Pride	ACCT. MGR:	Raymond Brayton
ADDRESS:	2835 NE Hwy 99 W	SHOP MGR:	
	McMinnville, Oregon	SCALE:	
DESIGNER:	Ross Hilden	DATE:	1.8.14

	DATE:	BY:		DATE:	BY:
REVISION # 10			REVISION #		
REVISION #			REVISION #		
REVISION #			REVISION #		

CUSTOMER APPROVAL:  
\_\_\_\_\_  
DATE: \_\_\_\_\_

LANDLORD APPROVAL:  
\_\_\_\_\_  
DATE: \_\_\_\_\_

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DRAWING#:  
**Porter's Fuel / Pacific Pride-RB-14106**  
SHEET **2** OF **3**



# NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 19<sup>th</sup> day of June, 2014, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET  
NUMBER

VR 1-14 Meyer Sign Company of Oregon is requesting approval of an exception to Section 17.62.070 (Permanent Sign Regulations) of the McMinnville Zoning Ordinance to permit a second free-standing sign measuring approximately 20 feet in height on property located at 2835 NE Highway 99W. The subject site is more specifically described as Tax Lot 00101, Section 10C, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (Zoning Ordinance) with particular emphasis on Chapter 17.03.020 (Purpose), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.62 (Signs), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

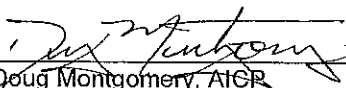
Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue, precludes appeal to the City Council on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE Fifth Street, McMinnville, Oregon, during working hours.

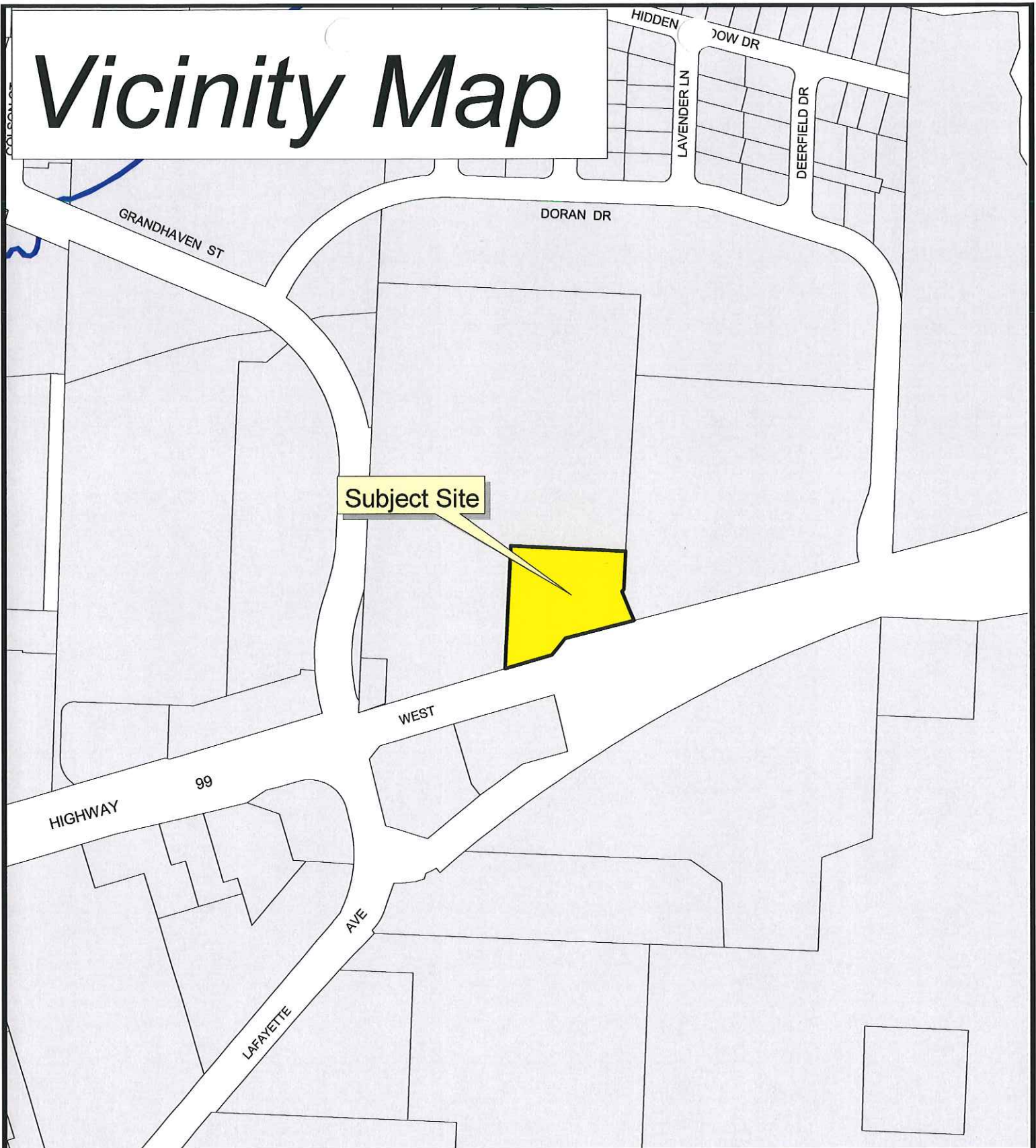
For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

  
Doug Montgomery, AICP  
Planning Director

(Map of area on back)

# Vicinity Map



Geographic Information System



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

VR 1-14

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
2	R4410C 00100	2741 NE HIGHWAY 99W	WILCO FARMERS	WILCO FARMERS	PO BOX 258	MT ANGEL OR	97362
3	R4410C 01802	3075 NE HIGHWAY 99W	LASSEN DORAN	LASSEN DORAN PROPERTIES	PO BOX 598	MCMINNVILLE OR	97128
5	R4415BB01100	2736 NE HIGHWAY 99W	LOUIE WING	LOUIE WING FAMILY LTD PARTNERSHIP	3728 SE 49TH AVE	PORTLAND OR	97206
Owner	R4410C 00101	2835 NE HIGHWAY 99W	LLJ ARS	LLJ ARS C-STORE VENTURES 1 LLC	2204 S EL CAMINO REAL SUITE 314	OCEANSIDE CA	92054
Applicant			MEYER SIGN CO.	TONEY MCCORMICK	15205 SW 74TH AVE	TIGARD OR	97224

Date Sent 5/27/14  
Sent By SA