



City of McMinnville
Planning Department
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MINUTES

October 19, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Susan Dirks, Gary Langenwalter, Roger Lizut, Lori Schanche, and Erica Thomas

Members Absent: Erin Butler and Martin Chroust-Masin

Staff Present: Chuck Darnell – Associate Planner, Ron Pomeroy – Principal Planner, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:35 p.m.

2. Citizen Comments

None

3. Approval of Minutes

- A. August 17, 2017 Work Session**
- B. August 17, 2017**
- C. September 21, 2017 Work Session**
- D. September 21, 2017**

Chair Hall called for action on the Planning Commission minutes from the August and September work session and regular meetings. Commissioner Schanche suggested one correction to the August 17, 2017 regular meeting minutes. Commissioner Schanche MOVED to APPROVE the minutes as presented with one correction as discussed; SECONDED by Commissioner Dirks. Motion PASSED 7-0.

4. Public Hearing

A. Zoning Text Amendment (G 4-17) (Exhibit 1) (Continued from August 17, 2017 Meeting)

Request: Approval to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to bring it into compliance with current Federal Communications Commission (FCC) regulations and to protect livability in McMinnville.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Principal Planner Pomeroy provided an overview on the proposed wireless communication facilities zoning text amendments, and an update on the progress since the August 17, 2017 public hearing. He stated that legal counsel was still in the process of reviewing the suggestions and comments provided by Crown Castle in August. Principal Planner Pomeroy recommended that the record be left open and the public hearing continued to the November 16, 2017 Planning Commission meeting to allow for additional legal counsel review.

Commissioner Schanche MOVED to keep the public record open and continue the public hearing to the November 16, 2017 Planning Commission meeting. SECONDED by Commissioner Lizut. The motion PASSED 7-0.

B. Sign Standards Exception (SE 2-17) (Exhibit 3)

Request: Requesting approval for a sign standards exception to allow an existing freestanding sign to exceed the height and size standards for freestanding signs on commercially zoned properties. The exception request serves as the property owner's appeal of the nonconforming sign amortization process and the updates that the amortization process would require to the existing sign on the subject property. The specific exception request is to allow the existing Burger King freestanding sign to remain at 30 feet in height and 182 square feet in surface area.

Location: The subject sign is located on the property at 2250 NE Highway 99W. The subject property is more specifically described as Tax Lot 900, Section 15BB, T. 4 S., R. 4 W., W.M.

Applicant: Jonathan Aliabadi

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Most of the Commission had visited the site. There was no discussion regarding the visits.

Associate Planner Darnell presented the staff report. The request for the sign exception was to allow an existing freestanding sign that was nonconforming in terms of height and size to allow to be maintained at its current height and size. The subject site is zoned C-3 (General Commercial). Freestanding signs in commercial zones are limited to 125 square feet in area and 20 feet in height when the subject property is located adjacent to Highway 99W. The subject freestanding sign is 30 feet in height and 182 square feet in size, between the three (3) separate cabinets on the pole sign.

Associate Planner Darnell explained that the Planning Commission may authorize sign standard exceptions where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the sign standards and amortization process would cause the property owner an undue or unnecessary hardship.

Associate Planner Darnell explained that the applicant has provided arguments that state that the exception is necessary to prevent an unnecessary hardship due to sign location, topography, and surrounding development. The applicant has argued that the location of the sign presents challenges that would result in a hardship. Those challenges, as described by the applicant, include the existence of overhead powerlines which obstruct the vertical space on the north side of the site, parking lot improvements and landscaping within the site that limit the relocation of the sign, and other surrounding development that cause the need for the taller sign. The applicant also references the fact that the Burger King building is set back from the street, and believes that necessitates the exceptions to sign height and size that are being requested. The applicant has argued that the existing sign does not result in material damage to other properties and businesses in the vicinity, as the sign is offset from the roadway and does not block any other businesses from view. The applicant has stated that the existing sign and the exceptions being requested would not be detrimental to community standards or the appearance of the city.

Associate Planner Darnell stated that staff does not concur with the applicant's arguments, and does not believe that the exceptions requested are warranted based on the sign's location, surrounding development, or other physical characteristics of the subject site. The property that the Burger King building is located on is relatively flat. There is a slight reduction in elevation from the grade of Highway 99W adjacent to the property down to the property's parking lot and building site, but the grade difference is not substantial enough to warrant the increase in sign height being requested. The reference to the vertical space being obstructed by overhead powerlines does not warrant the exception for sign height, as a reduction in height down to a level that meets the City's sign standards would actually bring the sign down below the height of the powerlines and reduce the obstruction from view from the public right-of-way. In terms of the exception for sign size, the applicant did not provide sufficient evidence for the need for a larger sign. The granting of the exceptions will result in prejudice to other properties in the vicinity that have constructed signs that meet the City's sign standards. Examples of other signs in the vicinity of the subject sign that meet the City's sign standards were provided. The exception request would not be consistent with the community standards for freestanding signs, not only because the existing sign does not meet the clearly defined standards for height and size, but also because an approval of the exception request would not result in "equitably applied sign height, size, and location standards", as is required in the McMinnville Zoning Ordinance.

Associate Planner Darnell recommended denial of the application.

Proponents and Opponents: Sidonie Winfield, 549 NW Birch Street, said that she was supportive of the staff recommendation to deny the application.

The applicant was not in attendance, and therefore waived the 7 day period for submitting final written arguments in support of the application.

Chair Hall closed the public hearing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Vice-Chair Geary MOVED to deny SE 2-17. SECONDED by Commissioner Thomas. The motion CARRIED 7-0.

C. Zoning Text Amendment (G 8-17) (Exhibit 4)

Request: Approval 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.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Planning Director Richards provided an overview of the proposed zoning text amendment. She explained that the amendment would extend the deadline for bringing nonconforming signs that are subject to the existing amortization process into compliance with current sign standards. She explained that the extended deadline would provide time for the City to evaluate the legality of the amortization process and ensure that the amortization program is consistent with the intent of the sign ordinance.

Chair Hall asked if any commissioners had questions for staff.

Commissioner Geary asked whether there were other options for bringing nonconforming signs into compliance. Planning Director Richards stated that there could be, and that those could be investigated during the additional time that would be allowed by the proposed extension of the deadline.

Proponents and Opponents: None.

Chair Hall closed the public hearing.

Based on the findings of fact, the conclusionary findings for approval, and materials submitted by the City of McMinnville, Commissioner Schanche MOVED to recommend approval of Zoning Text Amendment G 8-17 to the City Council as amended. SECONDED by Commissioner Thomas. The motion PASSED 7-0.

5. Old/New Business

None

6. Discussion Items

- **Neighborhood Meetings**

Associate Planner Darnell provided an overview on the discussion that had occurred on the incorporation of neighborhood meeting requirements into the City of McMinnville's land use review process that had occurred at the previous Planning Commission work session. He explained that staff had completed additional research and had drafted zoning text amendments that would incorporate neighborhood meeting requirements into Chapter 17.72 of the

McMinnville Zoning Ordinance, which is the applications and review process chapter. He discussed the main components of the proposed requirements including: types of application that would require a neighborhood meeting, requirements for meeting date, location, and time, the notification process for the neighborhood meeting, the materials to be provided at the neighborhood meeting, and the evidence that would be required by applicants to ensure that they had held the required neighborhood meeting prior to land use application submittal.

There was discussion on the topic, and consensus that the proposed amendments would satisfy the Planning Commission's intent of increasing public involvement and awareness in the land use review process.

Chair Hall directed staff to draft a final version of amendments to incorporate neighborhood meetings into the land use review process, and to bring the amendments to the Planning Commission at a future meeting for consideration during a formal public hearing.

- **Planning Commission Enabling Ordinance**

Planning Director Richards provided an overview of proposed draft City Code amendments relative to the establishment, structure and responsibilities of the Planning Commission. The Planning Commission had reviewed the proposed draft language at their work session on July 20, 2017. At that time they directed staff to add some additional language relative to quality of life initiatives in the code language. Planning Director Richards explained where that language has been added to the proposed amendments.

There was discussion on the draft City Code amendments, and consensus among the Planning Commission that the enabling language was suitable.

Planning Director Richards stated that the City Code amendments would be presented to City Council for review and consideration at a future City Council meeting.

7. Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Chair Hall adjourned the meeting at 8:35 p.m.



Heather Richards
Secretary