



City of McMinnville
Planning Department
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MINUTES

March 15, 2018
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: Erin Butler, Martin Chroust-Masin, Susan Dirks, Gary Langenwalter, Roger Lizut, and Lori Schanche, and Erica Thomas

Members Absent: None

Staff Present: David Koch – City Attorney, Chuck Darnell – Associate Planner, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

- A. October 19, 2017 Work Session**
- B. October 19, 2017**
- C. November 16, 2017**

Chair Hall called for action on the Planning Commission minutes from the October work session and regular meeting and November regular meeting. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Dirks. Motion PASSED 9-0.

4. Public Hearing (Quasi-Judicial)

A. Zoning Text Amendment (G 2-18)

Request: Approval to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to nonconforming signs and the process for which nonconforming signs are required to come into compliance with the current sign standards in the McMinnville Zoning Ordinance. The amendments will result in the removal of the existing amortization process, which required that all nonconforming signs come into compliance by December 31, 2018. In place of the

amortization process, the proposed amendments will introduce other triggers for bringing nonconforming signs into compliance with the current sign standards.

Applicant: City of McMinnville

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the Commission's jurisdiction to hear this matter. There was none.

Chair Hall asked if any Commissioner had any disclosures or would abstain from participating or voting on the application. There was none.

Associate Planner Darnell presented the staff report. This was a proposed zoning text amendment to the nonconforming sign section of the code. In 2008 the City adopted an ordinance that adopted sign standards which included an amortization program where nonconforming signs would be brought into compliance by December 31, 2017. Staff had sent out notices of sign noncompliance to properties with nonconforming signs. As a result, 140 properties received those notices. There was business community and legal opposition, and that led to further discussion with staff and the deadline was extended to the end of 2018. There was a legal analysis and assessment of risk associated with the amortization process that was presented to the City Council. Council directed staff to look into other processes to bring the signs into compliance. That led to the proposed amendments before the Planning Commission tonight. The amendments would remove the amortization process and would introduce other triggers and methods for nonconforming signs. Most of the triggers were related to changes being made to the property or when investments were being made on the property. Specifically the triggers were: any alteration of a nonconforming sign that required a building permit, any alternation to a structure or building on the property that required a building permit and certificate of occupancy, additions or expansions of 25% or more of the overall square footage to a structure or building on the property, any change to the property that required a building permit when the building permit improvements were valued at 25% or more of the real market value of the building on the property, and abandonment of a nonconforming sign. One minor change to what was included in the packet was clarification of the abandonment language. Public testimony had been received in opposition to the triggers related to building permits and supported the removal of the amortization process. Staff recommended the Commission recommend approval of the amendments to the City Council.

Commissioner Chroust-Masin suggested adding change of ownership as a trigger.

City Attorney Koch said it was not something staff was recommending, and he had some concerns about it.

Planning Director Richards said adding change of ownership as a trigger was higher risk and a lower chance of being successful. The City did not regulate the content of the signs, but they regulated the sign infrastructure.

There was discussion regarding how 30 days was the timeframe for a sign to be deemed abandoned. They would know a sign was abandoned through Code Enforcement and the list of nonconforming signs. It was clarified if someone changed the paint color or the wording on the sign, those would not be triggers for compliance. If the structure, frame, or pole was changed such that it required a building permit, that would be the trigger.

There was further discussion regarding the push back in the written testimony that had been received and sign exemptions. There was a concern that someone might say they were repairing

a sign, but not complete it, and not have to bring the sign into compliance. It was suggested to include that repair work had to be completed by a certain time.

Commissioner Dirks suggested reducing the percentage in the triggers to 5% or 10%, so that a small renovation would prompt conformance.

City Attorney Koch said they had to make reasonable regulations that would stand up to a court challenge. He cautioned making the required action to bring the sign into compliance cost more than the renovation that was being considered. He thought it was less risky and was more proportional to use the 25% than 5% or 10%.

Planning Director Richards clarified there was opposition from the business community to the amortization process at the time the code was adopted. This had not been an easy dialogue from the beginning.

Commissioner Dirks said they wanted to clean up 99W and this was one thing that would help. She asked if any incentives could be offered to bring the signs into compliance.

Planning Director Richards said they could look into financial resources for an incentive program. What was before the Commission was a legislative action to change the code. It was not an unusual tool to get conformance. She did not know how long it would take for the signs to come into compliance.

Commissioner Butler asked what the financial impact would be on businesses. Associate Planner Darnell said they heard testimony from various businesses, and it depended on the size of the sign. They heard anywhere from a few thousand dollars up to a hundred thousand dollars.

Commissioner Chroust-Masin asked about temporary signs. Planning Director Richards said there were other signs that were not compliant with the code and were creating sign clutter. They were a separate issue, however. Associate Planner Darnell said there already was code language for nonconforming temporary signs that said they had to come into conformance immediately. They could be enforced with the language that was already in the code.

Commissioner Langenwaller asked after sending the notices, how many signs were still out of compliance. Associate Planner Darnell said there were still about 115 signs that were out of compliance.

Proponents: Doug Hurl was representing McMinnville Industrial Promotions who had a nonconforming sign. The sign had been out on Lafayette Avenue since 1979. He thought the amortization process was unfair as it was expensive for small business owners to replace their signs just because the City wanted the signs to look a little different. He thought the proposed amendments were acceptable.

Opponents: Mark Davis, McMinnville resident, was frustrated that this issue was being brought back again. They went through a community process and the amortization came about through the business community asking for more time. Now that was being eliminated and they were coming up with other triggers. It seemed like they wasted ten years trying to work together. He was concerned about the 25% also and was in favor of lowering it. He agreed that they were at risk for legal action if they proceeded with the amortization and in general he supported the amendments. He thought the nonconforming signs should be viewed as a public safety issue as anyone looking at the signs on 99W could be distracted and they could get into accidents. The City had a responsibility to create safe highways, and those signs existed to attract

attention. If this was recast as a public safety issue, they could ask the nonconforming signs to be taken down as safety hazards.

Shawn Rollins, McMinnville business owner, spoke against this when it was first introduced because he knew the City would be sued over it. He thought that small signs caused accidents, not large ones. He thought people would come up with ways to get around the rules. Sometimes it took over a year to replace a sign. They had no idea what they were asking or what the market was for signs. He thought the Commission should be more educated before making this decision. The look on 99W had been the same for a long time. He thought they were trying to change his town and were telling people they did not want business here. They were making it harder for businesses.

Gary Edwards, owner of Chuck Colvin Auto Center, said he was against this because it cost him \$120,000 for a new sign. He received the notice letter in June and he had known it was coming. In an effort to comply, he signed the contracts for a new sign and made requests for approval from Nissan and Ford. Nissan had said that he would have to remodel the showroom to their new franchise qualifications, which cost \$1.5 million. After working with Nissan, he was given a one-time chance to change the sign without the remodel and he did not have time to wait and see how the Council might change the requirements. Now he found out he could have just left the signs as they were as he would never hit one of the triggers. He felt like he was forced to do something that he did not have to do. He thought there should be some form of compensation for the businesses who had complied, such as a property tax break.

Sidonie Winfield, McMinnville resident, was angry that the amount of time the City and citizens put into this code was being diminished because people were not being held accountable to the amortization process. Triggers had been discussed at that time, including parking lot paving. She would like to see smaller triggers than what was proposed, but ones that did not put the City at risk. They had to work together to improve the community. Regarding smaller signs versus larger signs, there was not that much of a difference when it came to safety. Her response to the owners who were fighting against coming into compliance because they thought smaller signs were detrimental to customers, she thought customers would find them, regardless of the sign size. She asked how many nonconforming signs had been installed during the amortization period. Those should be held to a different standard.

Planning Director Richards said once the code was adopted, there should not have been any noncompliant signs installed.

Chair Hall closed the public hearing.

Commissioner Lizut wished that those businesses who were opposed would work with the City instead of trying to road block the process.

Commissioner Schanche was concerned that the testimony said the businesses would find a way around the regulations. She asked if there were any other ideas to address that.

Planning Director Richards said they could put in language to try to address it.

There was discussion regarding enforcement of the code, and Planning Director Richards clarified staff did their due diligence and pursued red flags. The City also relied on community engagement to let the City know when something was going on that was not in compliance.

Chair Hall said some of the comments placed the business community in opposition to the City when it should be a joint endeavor. He would like the business community to take a lead in this to help the City move forward.

Commissioner Langenwaller said as a business owner and member of the Chamber of Commerce, he agreed with what Chair Hall stated.

Based on the findings of fact, the conclusionary findings for approval, and the materials submitted by the City of McMinnville, Commissioner Langenwaller MOVED to recommend that the City Council approve Zoning Text Amendment G 2-18 as recommended by staff and the amendments suggested by staff during this meeting. Those amendments included amending the language to the definition of an abandoned sign and an amendment to trigger number four adding "within a 24 month period." SECONDED by Commissioner Butler.

There was discussion regarding timing for a damaged sign to be repaired. City Attorney Koch suggested starting within 60 days of the day the sign was damaged and repairs to be completed in 180 days.

Commissioners Langenwaller and Butler were in favor of adding that amendment to the motion.

The motion PASSED 8-1 with Commissioner Geary opposed.

Planning Director Richards said these amendments would come before Council on April 24.

5. Discussion Items

- **Update on Work Plan**

Planning Director Richards said the City received a Transportation Growth Management Grant for the Three Mile Lane project. An RFP was out for consultants' response. A consultant would be selected by the end of April, and the project would launch in June. The buildable lands inventory, housing needs analysis, and housing strategy was also out for RFP as well. A consultant would be selected by the end of April and that project would be underway in May. The Historic Preservation Plan planning effort was currently underway. A public workshop on the plan would be held in May.

- **Thinking about the Future Now**

Planning Director Richards had attended a conference regarding how things were going to change in the built environment relative to artificial intelligence. She explained the differences that would occur with autonomous vehicles, and how cities needed to adjust their regulations for the new technology.

6. Old/New Business

None

7. Commissioner Comments

None

8. Staff Comments

None

9. Adjournment

Chair Hall adjourned the meeting at 7:48 p.m.

Heather Richards
Secretary