



**City of McMinnville**  
**Community Development**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Planning Commission**  
**Thursday, February 5, 2026**  
**6:30 PM Regular Meeting**

**HYBRID Meeting**

**IN PERSON – McMinnville Civic Hall, 200 NE Second Street, or ZOOM Online Meeting**

*Please note that this is a hybrid meeting that you can join in person at 200 NE Second Street or online via Zoom*

**ZOOM Meeting: You may join online via the following link:**

<https://mcminnvilleoregon.zoom.us/j/89147712153?pwd=yp9Ml0GMn4seKMXhOdYd7cQhMune1.1>

**Meeting ID:** 891 4771 2153      **Meeting Password:** 562233

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**Public Participation:**

*Citizen Comments: If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."*

*Public Hearing: To participate in the public hearings, please choose one of the following.*

- 1) **Written testimony in advance of the meeting** – Email written testimony at any time up to 12 p.m. the day before the meeting to [heather.richards@mcminnvilleoregon.gov](mailto:heather.richards@mcminnvilleoregon.gov), that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.
- 2) **In person at the meeting** – Sign up in advance to provide testimony at the meeting by emailing [heather.richards@mcminnvilleoregon.gov](mailto:heather.richards@mcminnvilleoregon.gov), or sign up at the meeting by filling out a testimony form found at the entry to the hearing chambers.
- 3) **By ZOOM at the meeting** - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.
- 4) **By telephone at the meeting** – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov) as the chat function is not available when calling in zoom.

----- **MEETING AGENDA ON NEXT PAGE** -----

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.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.

Commission Members	Agenda Items
Sidonie Winfield, Chair	<b>6:30 PM – REGULAR MEETING</b> <ol style="list-style-type: none"> <li>1. <b>Call to Order</b></li> </ol>
Elena Mudrak, Vice Chair	<ol style="list-style-type: none"> <li>2. <b>Training – Oregon Land Use Law and Decision-Making</b> <p><b>Note:</b> City Councilors and members of the Historic Landmarks Committee have been invited to this training. Possible quorum may be present at the training. Although a quorum may be present for this agenda item, this is not a City Council meeting or Historic Landmarks Committee meeting, and no deliberations toward any decisions will be taken by these bodies.</p> </li> </ol>
Brian Everest	
Rachel Flores	<ol style="list-style-type: none"> <li>3. <b>Citizen Comments</b></li> </ol>
Matt Jones	<ol style="list-style-type: none"> <li>4. <b>Minutes –</b> <ol style="list-style-type: none"> <li>a. <b>May 15, 2025, (Exhibit 1)</b></li> <li>b. <b>August 7, 2025, (Exhibit 2)</b></li> </ol> </li> </ol>
Sylla McClellan	<ol style="list-style-type: none"> <li>5. <b>Action Items: Deliberation and decision for the following application:</b> <i>(The public hearing was closed on January 15, 2026, and the record was closed to new evidence on January 15, 2026. The applicant had until 5pm on January 22, 2026 to submit final argument).</i></li> </ol>
Meg Murray	<p><b>A. <u>Quasi-Judicial Decision: Sign Standards Exception (SE 1-25), 750 SW Booth Bend Rd, Tax Lot R4429 02600, (Exhibit 3)</u></b></p>
Abigail Neilan	
Brian Randall	<p><b>Request:</b> Request for approval of an application for an exception to the sign standards of the McMinnville Zoning Ordinance. The requested exception would allow a new 300 square foot wall sign with electronic changeable copy on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage. The subject property is zoned General Industrial (M-2).</p>
	<p><b>Section 17.62.070(E) of the Zoning Ordinance provides that one electronic changeable copy sign is permitted per site and shall only be allowed as part of a permanent sign. The electronic changeable copy portion of the sign may not exceed 24 square feet in area. In addition, the electronic changeable copy portion of a sign will have its area calculated at a rate of two times that of other signs. Section 17.62.050 of the Zoning Ordinance provides that video signs, a type of electronic copy sign, are prohibited.</b></p>
	<p><b>Applicant:</b> EMPWR, c/o Sheyla Wulf-Howell, on behalf of property owner Big Step Properties, LLC</p>
	<ol style="list-style-type: none"> <li>6. <b>Work Session – Natural Resources, (Exhibit 4)</b></li> </ol>
	<ol style="list-style-type: none"> <li>7. <b>Commissioner Comments</b></li> </ol>
	<ol style="list-style-type: none"> <li>8. <b>Staff Comments</b></li> </ol>
	<ol style="list-style-type: none"> <li>9. <b>Adjournment</b></li> </ol>

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## EXHIBIT 1 - MINUTES

**May 15, 2025**  
**Planning Commission**  
**Regular Meeting**

**6:30 pm**  
**Hybrid Meeting**  
**McMinnville, Oregon**

**Members Present:** Sidonie Winfield, Brian Everest, Rachel Flores, Sylla McClellan, Brian Randall, Beth Rankin, Matthew Jones, and Elena Mudrak

**Members Absent:** Meg Murray

**Staff Present:** David Berniker – Planning Manager, Tom Schauer – Senior Planner, and Evan Hietpas – Associate Housing Planner

### 1. Call to Order

Chair Winfield called the meeting to order at 6:30 pm.

### 2. Citizen Comments

None.

### 3. Minutes

#### a. January 16, 2025

Commissioner McClellan moved to approve the January 16, 2025 minutes as presented. Commissioner Rankin seconded the motion and the motion passed unanimously. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Randall, and Rankin. Nays: None.)

#### b. February 6, 2025

Commissioner McClellan moved to approve the February 6, 2025 minutes as presented. Commissioner Mudrak seconded the motion and the motion passed unanimously. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Randall, and Rankin. Nays: None.)

#### c. March 20, 2025

Commissioner McClellan moved to approve the March 20, 2025 minutes as presented. Commissioner Jones seconded the motion and the motion passed unanimously. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Randall, and Rankin. Nays: None.)

**d. April 3, 2025**

Commissioner McClellan moved to approve the April 3, 2025 minutes as presented. Commissioner Everest seconded the motion and the motion passed unanimously. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Randall, and Rankin. Nays: None.)

**4. Public Hearings**

Chair Winfield read the rules of conduct for public hearings.

**a. Legislative Hearing: Comprehensive Plan Amendment (G 7-24) Water System Element of Public Facility Plan**

Proposal: The City of McMinnville is proposing an amendment to the McMinnville comprehensive plan as follows: (1) adopt portions of the 2011 Water Master Plan as amended by the 2024 Water Master Plan Addendum as part of the Public Facility Plan, a supporting document to the McMinnville Comprehensive Plan; (2) amend Volume I of the Comprehensive Plan to update data consistent with the updated Water System element of the Public Facility Plan; and (3) amend Volume II of the Comprehensive Plan to update policies consistent with the updated Water System element of the Public Facility Plan.

Applicant: City of McMinnville

Chair Winfield stated this hearing was continued from May 1, 2025 and Staff had requested another continuance to June 19, 2025. She opened the public hearing and confirmed there was no objection to the jurisdiction of the Commission to hear this matter. She also confirmed that no Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Mudrak moved to continue the hearing of Docket G 7-24 Water System Element of Public Facility Plan to June 19, 2025 at 6:30 pm at Civic Hall. Commissioner Jones seconded the motion and the motion passed 8 to 0. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Randall, and Rankin. Nays: None.)

**b. Public Hearing: (Docket G 4-24) Housing Production Strategy**

Proposal: G 4-24 - This is a public hearing to accept testimony for the adoption of a Housing Production Strategy (HPS), as required under House Bill 2003 passed by the Oregon Legislature in 2019. The adoption of the HPS will take place through a Resolution by City Council.

Applicant: City of McMinnville

Chair Winfield opened the public hearing and read the hearing statement. She confirmed there was no objection to the jurisdiction of the Commission to hear this matter. She also confirmed that no Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Staff Report: Housing Planner Hietpas presented the Staff report on the adoption of a Housing Production Strategy (HPS), reviewing the work done on the strategy by the

Commission at the April 3rd work session and noting next steps. He also provided an overview of the State's requirements on cities to address housing needs and the City's efforts to meet those requirements, as well as details of the HPS, including its 8-year action plan and implementation schedule, the funding sources for its development and implementation, key findings of the Housing Capacity Analysis, the process used to develop the HPS, Staff's recommendations, and next steps.

Beth Goodman, ECONorthwest, and Housing Planner Hietpas answered questions and responded to comments from Commissioners about median household income in McMinnville and including incentives for the development of elevator buildings.

Proponents: Rob Hallyburton, Friends of Yamhill County, P.O. Box 1083, disclosed that he was a member of the HPS project Advisory Committee and thanked the City for allowing Friends of Yamhill County to participate in the development of the HPS. The Friends believed the proposed HPS was a good product and urged the Commission to recommend that the City Council adopt the Plan.

Opponents: None.

Commissioner McClellan moved to close the public hearing of Docket G 4-24 Housing Production Strategy. Commissioner Rankin seconded the motion, which passed 8 to 0. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Randall, and Rankin. Nays: None.)

The public hearing was closed.

Commissioner Mudrak moved to recommend that the City Council approve Docket G 4-24 Housing Production Strategy with any minor grammatical revisions based on final proofreading process. Commissioner Jones seconded the motion, which passed 8 to 0. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Randall, and Rankin. Nays: None.)

## **5. Commissioner Comments**

Commissioner Rankin reported statistics on residential properties and mobile homes that transferred ownership in 2024.

## **6. Staff Comments**

Senior Planner Schauer reported on upcoming City meetings.

## **7. Adjournment**

The meeting adjourned at 7:26 pm.



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## EXHIBIT 2 - MINUTES

August 7, 2025  
Planning Commission  
Regular Meeting

6:30 pm  
Hybrid Meeting  
McMinnville, Oregon

**Members Present:** Sidonie Winfield, Brian Everest, Rachel Flores, Sylla McClellan, Beth Rankin, Brian Randall, Matthew Jones, Elena Mudrak, and Meg Murray

**Members Absent:** None.

**Staff Present:** Heather Richards – Community Development Director, David Berniker – Planning Manager, Tom Schauer – Senior Planner, and Evan Hietpas – Associate Housing Planner

### 1. Call to Order

Chair Winfield called the meeting to order at 6:30 pm.

### 2. Citizen Comments

Mark Davis, 652 SE Washington St, expressed concerns about the impacts of tourism on neighborhoods south of downtown that include a mix of single-family and multi-family housing. There has been a recent increase in short-term rentals (STRs), accessory dwelling units (ADUs), bed and breakfasts, and homeless people sleeping underneath the railroad trestle. While the City has focused on STR restrictions, all of these commercial activities in neighborhoods significantly change the character of the neighborhoods and should be taken into consideration.

### 3. Minutes

#### a. December 19, 2024

Commissioner Mudrak moved to approve the December 19, 2024 minutes as presented. Commissioner Murray seconded the motion, which passed 8 to 0 to 1. (Ayes: Winfield, Mudrak, Flores, Jones, McClellan, Murray, Randall, and Rankin. Nays: None. Abstentions: Everest.)

#### b. February 20, 2025

Commissioner Mudrak moved to approve the February 20, 2025 minutes as presented. Commissioner Jones seconded the motion, which passed unanimously. (Ayes: Winfield, Mudrak, Everest, Flores, Jones, McClellan, Murray, Randall, and Rankin. Nays: None.)

#### **4. Work Session: Land Use Efficiency Measures**

Associate Housing Planner Hietpas introduced the Land Use Efficiencies task included in the Sequential Urban Growth Boundary (UGB) Work Plan 2021 – 2041 and the project team.

Beth Goodman, ECONorthwest, presented details of the proposed land use efficiency measures (LUEM), providing background information and considerations, a detailed review of land needs within the UGB, options for meeting those land needs, and Staff's recommendations, with Community Development Director Richards providing additional context and listing the next steps and actions necessary to meet the LUEMs.

During the presentation, questions and comments from Commissioners were addressed regarding the recent reduction in school district land needs and the development of the Urban Holding Comprehensive Plan designation.

Commissioners briefly discussed the recommended measures, expressing concerns that the Department of Land Conservation and Development (DLCD) might require prior work to be redone and supporting Staff's recommendations for land use efficiencies.

Elizabeth Decker, JET Planning, presented the details of her analysis of the City's current Code and potential Code amendments to facilitate and implement the proposed LUEMs. Findings and recommendations focused primarily on residential zones.

Discussion among Commissioners, Staff, and consultants regarded the Transportation System Plan's (TSP) impact on the proposed Code amendments related to parking requirements, anticipated transit system needs, and density bonuses for affordable housing projects. Concerns were expressed about several of the R-4 and R-5 zone requirements, the allowance of variances, and existing parking requirements. Suggestions were made to implement a maximum number of allowed parking spaces for commercial zones, eliminate parking requirements in residential zones, change the height and setback requirements for the R-4 and R-5 zones, and encouraging the addition of bicycle parking spaces and play areas for children.

#### **5. Commissioner Comments**

None.

#### **6. Staff Comments**

Community Development Director Richards reported on a group providing information about ADUs. The City had not seen any of the group's materials, but she understood people were being encouraged to contact the City if they were interested in adding an ADU to their property.

Senior Planner Schauer reported on the upcoming meeting schedule and updated guidance from the League of Oregon Cities (LOC) and Oregon Government Ethics Commission (OGEC) on serial communications among public bodies. He noted that copies of the meeting schedule and the LOC cover sheet at information from the OGEC were available at the dais.

#### **7. Adjournment**

The meeting adjourned at 8:20 pm.



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## EXHIBIT 3 – STAFF REPORT

**DATE:** February 5, 2026  
**TO:** Planning Commission Members  
**FROM:** Matthew Deppe, Associate Planner  
**SUBJECT:** SE 1-25 (750 SW Booth Bend Road | Tax Lot R4429 02600)

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### **Report in Brief:**

This agenda item is the deliberation of the Planning Commission to consider the Sign Standards Exception Application for property located at 750 SW Booth Bend Rd, Tax Lot R4429 02600. The Planning Commission conducted a public hearing on January 15, 2026, closed the hearing but kept the record open until 5:00 PM, January 22, for the applicant's final arguments.

After deliberation, the Planning Commission will make the final decision on this application (subject to appeal to the City Council). A Sign Standards Exception Application must meet the relevant requirements of the review criteria set forth in McMinnville Municipal Code (MMC) 17.62.120(A-C).

**Sign Standards Exception Application (SE 1-25)** - The applicant, EMPWR c/o Sheyla Wulf-Howell, is requesting approval of an application for an exception to the sign standards of the McMinnville Zoning Ordinance for the size of an electronic changeable copy sign. The requested exception would allow a new 300 square foot electronic changeable copy sign on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage. City code restricts the size of an electronic changeable copy sign to 24 square feet and it must be part of a wall sign. The applicant did not request an exception to the code requirement that the electronic changeable copy sign must be part of a wall sign.

Staff is recommending **denial** of this Sign Standards Exception Application.

### **Background:**

The applicant submitted a sign application to the Planning Division mid-2025. The applicant was informed that the application would be denied because it did not meet the sign standards. The applicant withdrew their application and on November 5, 2025 submitted this Sign Standards Exception Application. On January 15<sup>th</sup> the Planning Commission held a public hearing in reviewing this application and continued the application review to tonight's meeting.

The subject site is identified below:



### **Procedural Findings:**

The Planning Commission closed the public record, without objection from the applicant, during the January 15<sup>th</sup> public hearing.

The applicant reserved the seven-day comment period to offer an argument in reply to material and testimony provided during the public hearing. This comment period closed at 5 pm on January 22<sup>nd</sup>.

The applicant provided a digital copy of the testimony that they read at the January 15<sup>th</sup> Planning Commission hearing. That testimony is included in the SE 1-25 materials as Attachment 3. This includes the graphic included in the material offered during the hearing. This material was emailed to the City on January 21 at 10:10 AM.

The applicant provided an additional argument on January 22, 2026. This argument was in response to testimony provided during the hearing. That argument is included in the SE 1-25 materials as Attachment 4. This includes a graphic illustrating the type of non-animated content proposed for display on the electronic changeable copy sign. This argument was provided during the appropriate window.

The applicant also attempted to provide new evidence from the sign manufacturer. This testimony was emailed on January 22 at 11:01 AM. Since the public record for testimony is closed, staff recommends that the Planning Commission specifically reject that evidence (by a motion and voice vote), so that it's clear that this information is not included in the Planning Commission Record.

## **Discussion:**

In this case, the property owner is requesting an exception from the maximum size allowed for an electronic copy sign of 24 square feet. The applicant is requesting permission to install a 300-square-foot electronic changeable copy sign.

The subject site is zoned M-2 (General Industrial). Building-mounted signs do not have a maximum size 17.62.070(C)(2) when permanently mounted. However, certain types of signs are limited in size, and other types are prohibited.

Electronic changeable copy signs are limited in terms of size, and need to be part of a larger wall sign. Video signs, which are electronic changeable copy signs that have both vertical and horizontal content, are prohibited.

Prohibited signs are listed in 17.62.050. "Video signs" are a prohibited sign and are defined as:

Video Sign - An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. (17.06.040 Sign Related Definitions).

In the definition of video sign "capacity" is used in its plain, ordinary, and common meaning. The common meaning of capacity is "the ability or power to do".

The application describes a 30-foot by 10-foot sign that is capable of dimming, that incorporates multicolored LED lighting, and that changes copy electronically. By definition this is a video sign and is prohibited.

Staff has prepared a draft decision document with findings to deny the sign exception application based on a review of the criteria in the regulations. Staff does not feel that the applicant has met the burden of proof demonstrating that, owing to special and unusual circumstances relative to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship.

The applicant argues that they are not able to take advantage of their location on Highway 18 to maximize their ability to advertise to people using the expressway. Ironically, due to their location, EMPWR has more visibility than most industrial properties in McMinnville, and an exception to the community's standards for signage in order to maximize that advantage is not an unnecessary hardship.

Sign exceptions are reviewed per the criteria established in Section 17.62.120 of the McMinnville Municipal Code.

### **17.62.120 Exceptions.**

- A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.
- B. An exception may be granted if the property owner established that:
  1. An exception is necessary to prevent an unnecessary hardship due to factors such as

- topography, location, surrounding development, lot shape or lot size; and
- 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
- 3. The request will not be detrimental to community standards and the appearance of the city.
- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
  - 1. Deny the owner of all economically viable use of the property on which the sign is located; or
  - 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located
- D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.
- E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

The Planning Commission may authorize exceptions from the requirements of the McMinnville Municipal Sign Code if it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in 17.62.120(B) and (C).

An exception for a sign that is allowed in the McMinnville Municipal Sign Code may be granted if it meets the criteria in either sections 17.62.120(B) and (C).

If a sign is prohibited, an exception can only be granted if it meets the criteria in 17.62.120(C).

The application is for an exception to an electronic changeable copy sign. The McMinnville Municipal Code defines electronic changeable copy signs as:

**Changeable Copy Sign (Electronic)** – A sign on which the copy changes electronically. (17.06.040 Sign Related Definitions)

Furthermore, a video sign is also defined in the McMinnville Municipal Code as an electronic changeable copy sign:

**Video Sign** – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. (17.06.040 Sign Related Definitions).

Video signs are prohibited in the McMinnville Municipal Code per Section 17.62.050. Prohibited signs are not eligible for the exceptions listed under 17.62.120(B).

The proposed sign is ten feet tall and thirty feet wide with a wide spectrum of colors and shades in a vertical and horizontal format. Additionally, the sign has the capacity to create continuously changing sign copy in both horizontal and vertical formats. Video signs are a prohibited type of sign (17.62.050(G)).

In determining the meaning of "capacity to create continuously changing sign copy" the plain, ordinary, and common meaning of the word "capacity" is understood to be "the ability or power to do". Therefore, a sign that has the ability, or power, to create continuously changing sign copy meets the definition of a video sign.

The applicant's submittal indicates that the sign that the applicant wants to install has both vertical and horizontal functionality of a video sign, and the capacity of a video sign.

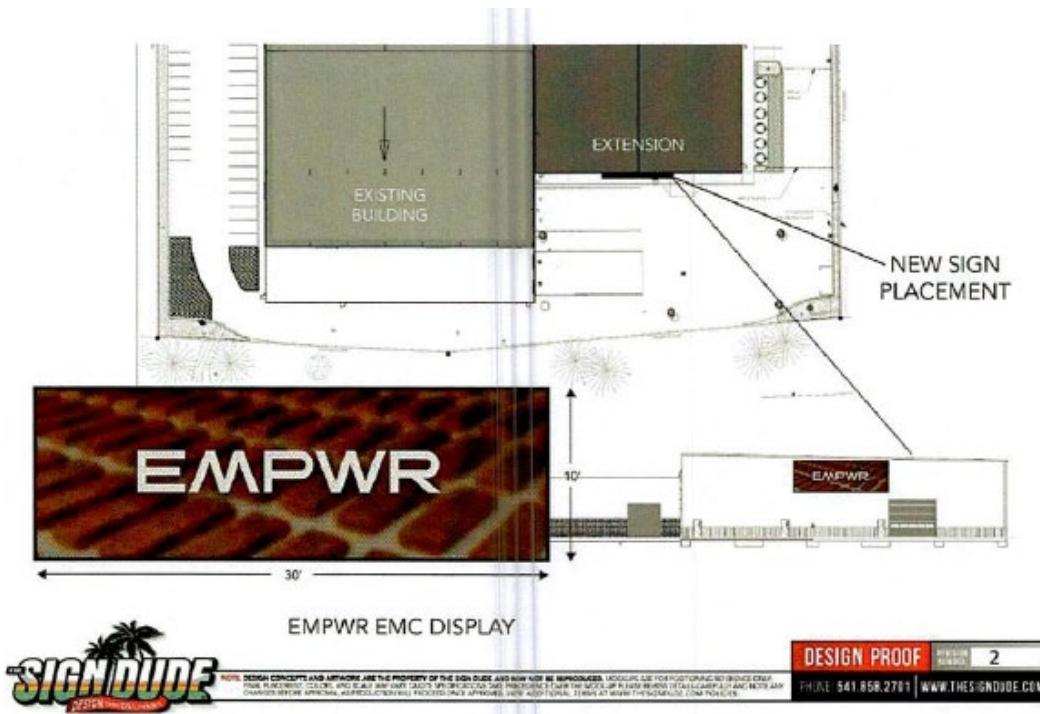
As a video sign only the exceptions considered under 17.62.120(C)(1 and 2) can be considered. Such an exception must still meet the requirement listed under (A) of "owing to special and unusual circumstances related to a specific piece of property."

If, however, the proposed sign were to be found not to meet the definition of a video sign then either the full list of 1-3 under (B) must be met or 1 or 2 under (C) must be met.

Per Section 17.62.070(E) of the McMinnville Municipal Code, an electronic changeable copy signs are required to be part of a greater wall-mounted or freestanding sign. 17.62.070(E)(1) states that "one electronic changeable copy sign is permitted per site" but states that "it shall only be allowed as part of a permanent freestanding or wall sign".

The applicant's sign is a standalone electronic changeable copy sign. The sign is not part of a greater wall sign. The applicant did not request an exception to this provision of the sign code.

A depiction of the proposed sign can be seen here:



If the Planning Commission finds that the proposed sign is not a video sign (not a prohibited sign), then the following review criteria (B) would be applicable to the exception application as well as criteria (C).

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 site's location is unique backing up to Hwy 18 and that at such a distance at highway speeds an electronic sign of only 24 square feet would not be legible. They argue that this presents a hardship. They argue that a sign of only 24 square feet would be out of proportion with the size of the building.

Staff does not concur with the applicant's arguments and does not believe that the exceptions requested are warranted based on the site's location, surrounding development, or other physical characteristics of the subject site. The applicant has not identified anything unique about the property's location,

topography, size, share, or about the surrounding development. Being located on Hwy 18 is not unique to this property. Furthermore, the sign code does not limit the size of wall mounted sign in general. Sign code only limits the size and context of electronic signs. The applicant already has signage approved and installed on the building facing Hwy 18. In addition, the subject site is highly visible from the adjacent right-of-way. As there is no limit to the size of wall-mounted signage, staff believe that the property has space to add additional signage to account for any hardships. It is merely that the signage cannot be a video sign.

Staff does not believe that the exception request would be consistent with the community standards for signs, not only because the proposed sign is a prohibited sign, but also because it does not meet the exception standards. An approval of the exception request would result in prejudice to other properties in the vicinity that have followed the community's standards for signs, as described in more detail above.

Staff holds that the applicant has not submitted evidence to demonstrate that an "unnecessary hardship" to the applicant would result from requiring the applicant to install a sign that meets the city's sign standards. The applicant has restricted themselves to an electronic copy sign creating their own hardship. A hardship that does not identify anything unique about the property's location, topography, size, share or about surrounding development. The building already has existing signage facing Highway 18 and has operated as a business for years. The applicant does not meet the burden of proof that their needs can only be met by an electronic sign of 300 square feet. The sign standards that apply do not deny the owner of all economically viable use of the property. They only limit the use of electronic signs.

#### **Attachments:**

1. SE 1-25 Decision Document and Attachments
2. SE 1-25 Application
3. Letter from Pathfinder Land Use Consulting, LLC Dated January 15, 2026
  - a. Submitted by email 1/21/2026 at 10:10am. Described as testimony submitted at the Planning Commission hearing on January 15th.
4. Letter from Pathfinder Land Use Consulting, LLC Dated January 22, 2026
  - a. Submitted by email 1/22/2026 at 9:48am.

#### **Commission Options:**

- 1) Deliberate and **APPROVE** the application, providing findings of fact for the approval in the motion to approve.
- 2) Deliberate and vote to **DENY** the application, per the decision document provided which includes the findings of fact.
- 3) **CONTINUE** the deliberations to a specific date and time.

#### **Recommendation/Suggested Motion:**

Staff recommends that the Commission make the following motion to deny SE 1-25:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR DENIAL IN THE DECISION DOCUMENT FOR SE 1-25, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION DENIES SE 1-25.**

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
CONSIDERATION OF A SIGN STANDARDS EXCEPTION TO ALLOW AN ELECTRONIC SIGN AT  
750 SW BOOTH BEND ROAD.**

**DOCKET:** SE 1-25 (Sign Standards Exception Application)

**REQUEST:** The applicant is requesting an exception to the sign standards to install a 300 square foot electronic video sign.

**LOCATION:** 750 SW Booth Bend Road (Tax Lot R4429 02600)

**ZONING:** M-2, General Industrial

**APPLICANT:** EMPWR c/o Sheyla Wulf-Howell

**STAFF:** Matthew Deppe, Associate Planner

**DATE DEEMED  
COMPLETE:** December 5, 2025

**HEARINGS BODY  
& ACTION:** The McMinnville Planning Commission makes the final decision unless the Planning Commission's decision is appealed to the City Council.

**HEARING DATE  
& LOCATION:** February 5, 2026. (Application was first reviewed at the January 15, 2026 meeting), Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, and Zoom Online Meeting ID 831 2090 5124

**PROCEDURE:** An application for a sign standards exception is processed in accordance with the procedures in Section 17.62.120 of the Zoning Ordinance.

**CRITERIA:** The applicable criteria for a Zoning Variance are as follows: Zoning Ordinance (Title 17 of the McMinnville Code): MMC Section 17.62.120 Exceptions - Planning Commission Authority; In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** **The Planning Commission's decision is final unless appealed to the City Council.** Such an appeal must be filed within 15 calendar days of the date the written notice of decision is mailed.

If the Planning Commission's decision is appealed to City Council, the City Council's final decision may be appealed to the Oregon Land Use Board of Appeals as specified in State Statute. The City's final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

**COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Division, Building Division, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas. Comments received by time of packet distribution listed below. Additional comments after distributions will be presented by staff.

**RECOMMENDED DECISION**

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are not satisfied and **DENIES** the exception (SE 1-25).

**RECOMMENDED DECISION: DENIAL**

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
Sidonie Winfield, Planning Commission Chairperson

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
Evan Hietpas, Acting Planning Manager

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**Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

**I. APPLICATION SUMMARY & BACKGROUND:*****Subject Property & Request***

Applicant EMPWR c/o Sheyla Wulf-Howell, on behalf of property owner Big Step Properties, LLC, is requesting approval of an application for an exception to the sign standards of the McMinnville Zoning Ordinance.

Per the applicant, the proposed sign is designed as a digital wall sign integrated into the building façade, oriented toward Highway 18. According to the application, the sign will measure 30 feet in width by 10 feet in height, for a total display area of 300 square feet.

The applicant is requesting an exception to the McMinnville Municipal Sign Code governing the size of an electronic changeable copy of a sign to 24 square feet (Section 17.62.070(E)(3)).

Section 17.62.070(E)(1) of the McMinnville Municipal Sign Code provides that one electronic changeable copy sign is permitted per site and shall only be allowed as part of a permanent sign. The electronic changeable copy portion of the sign may not exceed 24 square feet in area.

The requested exception would allow a new 300 square foot wall sign with electronic changeable copy on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage.

The subject property is zoned General Industrial (M-2), located at 750 SW Booth Bend Road, Tax Lot #R4429 02600.

The subject property is located approximately 900 feet east of Hwy 99W. Adjacent properties to the north and to the northwest are C-3, properties to the east and to the west are M-2, and the property to the south, across Hwy 18, is Yamhill County zoned EF-80. The subject site is developed with buildings containing manufacturing industry with driveways onto Booth Bend Road.

**Existing Signage****Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

**Proposed Signage :** (Note that the provided representation of the electronic sign does not include existing signage on that portion of the building.)

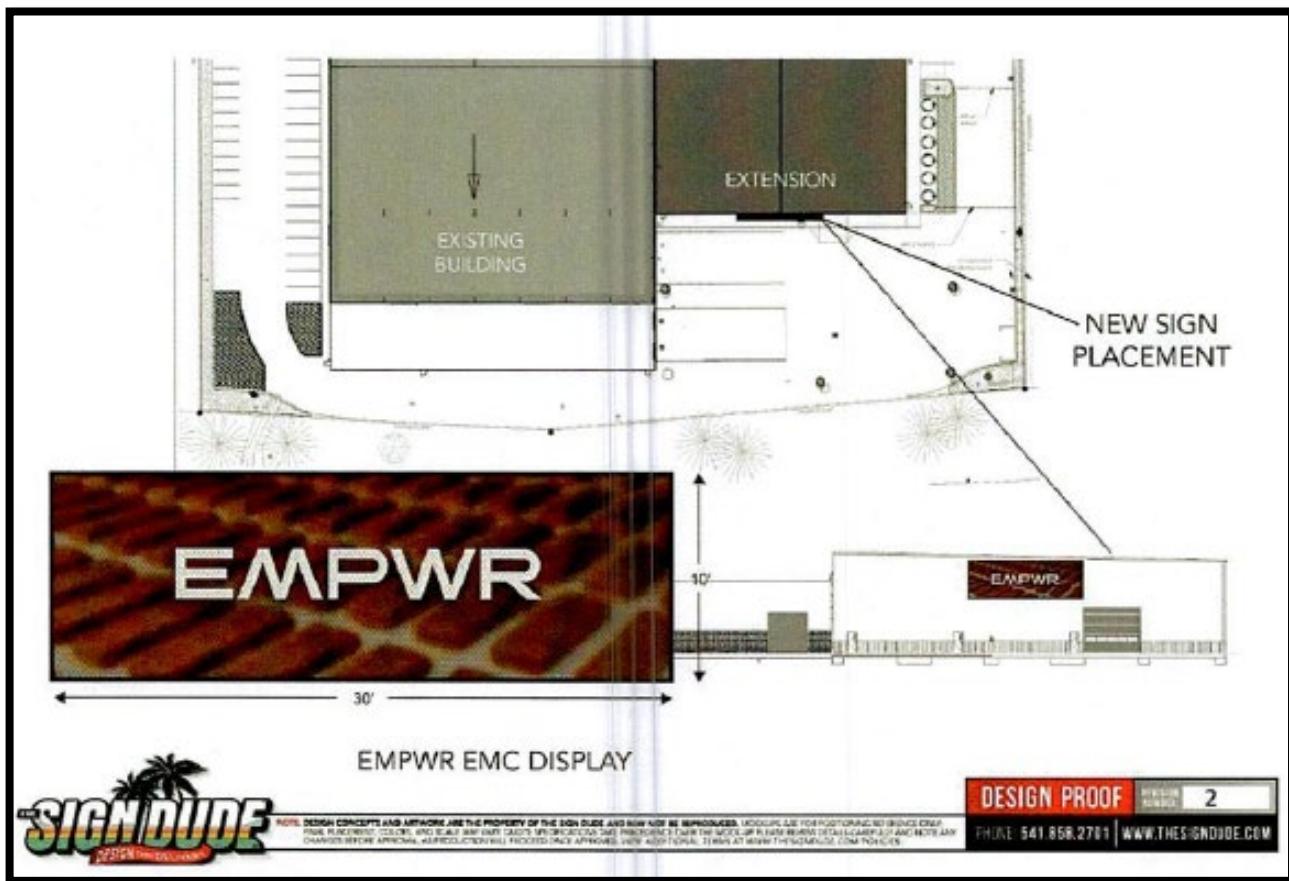
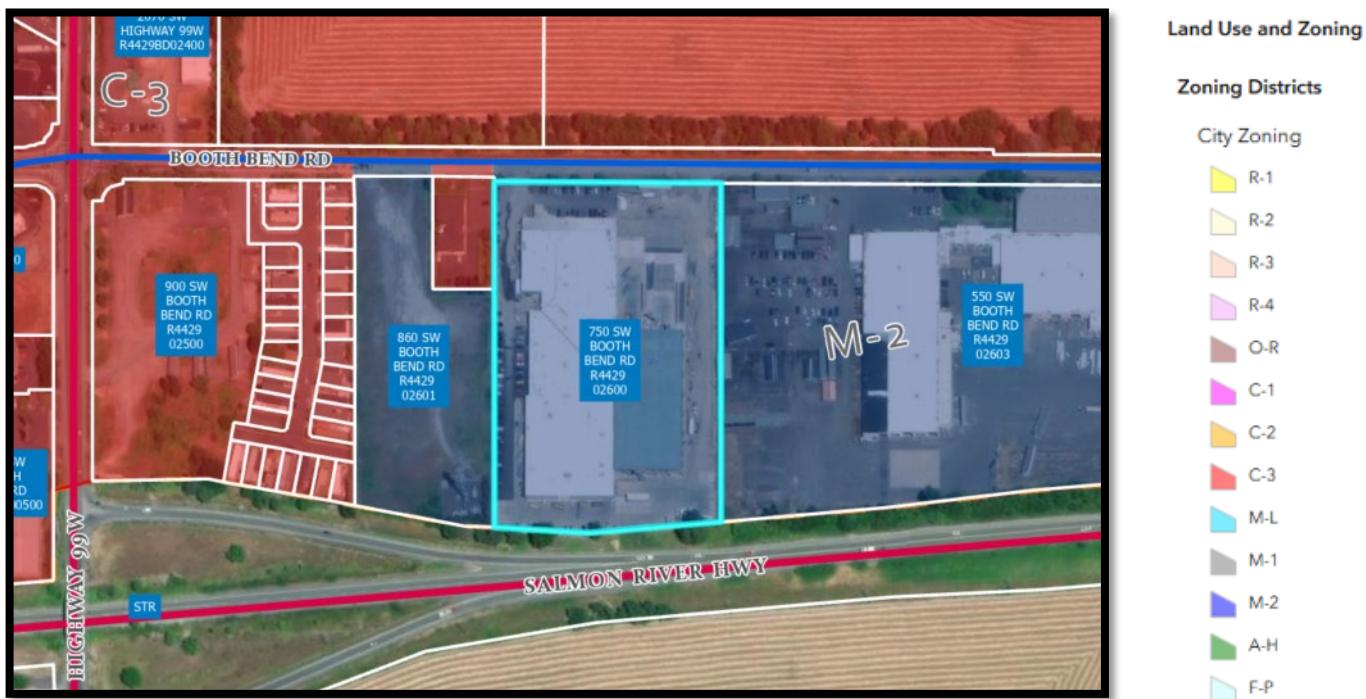


Figure 1: Vicinity Map (Property lines approximate)



**Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

**Figure 2: Zoning Map**

### ***Review Criteria***

Sign exceptions are reviewed per the criteria established in Section 17.62.120 of the McMinnville Municipal Code.

#### **17.62.120 Exceptions.**

- A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.
- B. An exception may be granted if the property owner established that:
  1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and
  2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
  3. The request will not be detrimental to community standards and the appearance of the city.
- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
  1. Deny the owner of all economically viable use of the property on which the sign is located; or
  2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located
- D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.
- E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

#### **Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

The Planning Commission may authorize exceptions from the requirements of the McMinnville Municipal Sign Code if it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in 17.62.120(B) and (C).

An exception for a sign that is allowed in the McMinnville Municipal Sign Code may be granted if it meets the criteria in either section 17.62.120(B) and (C).

If a sign is prohibited, an exception can only be granted if it meets the criteria in 17.62.120(C).

Type of Sign	Sign Allowed in the Code	Sign Prohibited in the Code
Criteria to grant an exception	<p>17.62.120(B): An exception may be granted if the property owner establishes:</p> <ol style="list-style-type: none"> <li>1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; <b>and</b></li> <li>2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; <b>and</b></li> <li>3. The request will not be detrimental to community standards and the appearance of the city.</li> </ol> <p><b>OR</b></p> <p>17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:</p> <ol style="list-style-type: none"> <li>1. Deny the owner of all economically viable use of the property on which the sign is located; <b>or</b></li> <li>2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located</li> </ol>	<p>17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:</p> <ol style="list-style-type: none"> <li>1. Deny the owner of all economically viable use of the property on which the sign is located; <b>or</b></li> <li>2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located</li> </ol>

The application is for an exception to an electronic changeable copy sign. The McMinnville Municipal Code defines electronic changeable copy signs as:

**Changeable Copy Sign (Electronic)** – A sign on which the copy changes electronically. (17.06.040 Sign Related Definitions)

Furthermore, a video sign is also defined in the McMinnville Municipal Code as an electronic changeable copy sign:

*Attachments :*

Attachment 1 – SE 1-25 Application Form and Materials

**Video Sign** – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. (17.06.040 Sign Related Definitions).

Video signs are prohibited in the McMinnville Municipal Code per Section 17.62.050. Prohibited signs are not eligible for the exceptions listed under 17.62.120(B).

The proposed sign is ten feet tall and thirty feet wide with a wide spectrum of colors and shades in a vertical and horizontal format. Additionally, the sign has the capacity to create continuously changing sign copy in both horizontal and vertical formats. Video signs are a prohibited type of sign (17.62.050(G)).

In determining the meaning of “capacity to create continuously changing sign copy,” the plain, ordinary, and common meaning of the word “capacity” is understood to be “the ability or power to do”. Therefore, a sign that has the ability, or power, to create continuously changing sign copy meets the definition of a video sign.

The applicant’s submittal indicates that the sign that the applicant wants to install has both vertical and horizontal functionality of a video sign, and the capacity of a video sign.

As a video sign, only the exceptions considered under 17.62.120(C)(1 and 2) can be considered. Such an exception must still meet the requirement listed under (A) of “owing to special and unusual circumstances related to a specific piece of property.”

If, however, the proposed sign were to be found not to meet the definition of a video sign, then either the full list of 1-3 under (B) must be met or 1 or 2 under (C) must be met.

Per Section 1762.070(E) of the McMinnville Municipal Code, an electronic changeable copy signs are required to be part of a greater wall-mounted or freestanding sign. 17.62.070(E)(1) states that “one electronic changeable copy sign is permitted per site,” but states that “it shall only be allowed as part of a permanent freestanding or wall sign”.

The applicant’s sign is a standalone electronic changeable copy sign. The sign is not part of a greater wall sign. The applicant did not request an exception to this provision of the sign code.

## **II. CONDITIONS OF APPROVAL:**

1. – None recommended

## **III. ATTACHMENTS:**

1. SE 1-25 Application Form and Attachments
2. Memo from Pathfinder Land Use Consulting LLC, January 15, 2026
3. Memo from Pathfinder Land Use Consulting LLC, January 22, 2026

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*Attachments :*

Attachment 1 – SE 1-25 Application Form and Materials

#### **IV. COMMENTS:**

##### **Neighborhood Meeting**

From the application:

*"The applicants held a neighborhood meeting on October 22, 2025. No members of the public attended the meeting. The applicant remained available at the posted location for the full duration of the meeting to answer any potential questions or accept comments."*

##### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Division, Building Division, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas.

- McMinnville Engineering Division  
Engineering has no comments on this application.
- McMinnville Water & Light  
MW&L has no comments on this.
- Building Division  
No building code concerns.

##### **Public Comments**

- Mark Davis, Oral Testimony, January 15, 2026.

#### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant, EMPWR, c/o Sheyla Wulf-Howell, held a neighborhood meeting on Wednesday, October 22, 2025.
2. The applicant, EMPWR, submitted Sign Standards Exception Application (SE 1-25) application on November 6, 2025.
3. The application (SE 1-25) was deemed complete on December 6, 2025.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Comments received from agencies are addressed in Section IV of the Decision Document.

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**Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

5. Notice of the application and January 15, 2026, Planning Commission public hearing was mailed to property owners within 100 feet of the subject property on December 24, 2025, in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the January 15, 2026, Planning Commission public hearing was published in the News Register on January 5, 2026, and January 9, 2026, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On January 15, 2026, the Planning Commission held a duly noticed public hearing to consider the request.
8. On January 15, 2026, the Planning Commission closed the public hearing but kept the record open until 5:00 PM, January 22, 2026, for the applicant to provide final arguments.
9. On February 5, 2026, the Planning Commission considered the public record and rendered a decision.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 750 SW Booth Bend Road (Tax Lot R4429 02600)
2. **Lot Size:** Approximately 7.23 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2 (General Industrial)
5. **Current Use:** Industrial
6. **Inventoried Significant Resources:** None
7. **Other Features:**
  - a. **Slopes:** The site is generally level with no significant features.
  - b. **Easements:** Narrow public easements exist along the north and the south property lines.
8. **Utilities**
  - a. **Water:** The site is served by McMinnville Water & Light.
  - b. **Electric:** Power service is available to the site.
  - c. **Sewer:** Sewer service is available to the site.
  - d. **Stormwater:** Stormwater service is available to the site.
  - e. **Other Services:** Other utility services are available to the subject site.
9. **Transportation:** The site is adjacent to Booth Bend Road, which is classified as a Major Collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for Major Collector streets as 74 feet. It is also backs up to Hwy 18 which is identified as a state highway. No impacts to the Transportation System are being considered as a part of this exception application.

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**Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for this variance request are as follows:

### **McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance provide criteria applicable to this application:

#### **17.06.040 Definitions.**

**Changeable Copy Sign (Electronic)** – A sign on which the copy changes electronically.

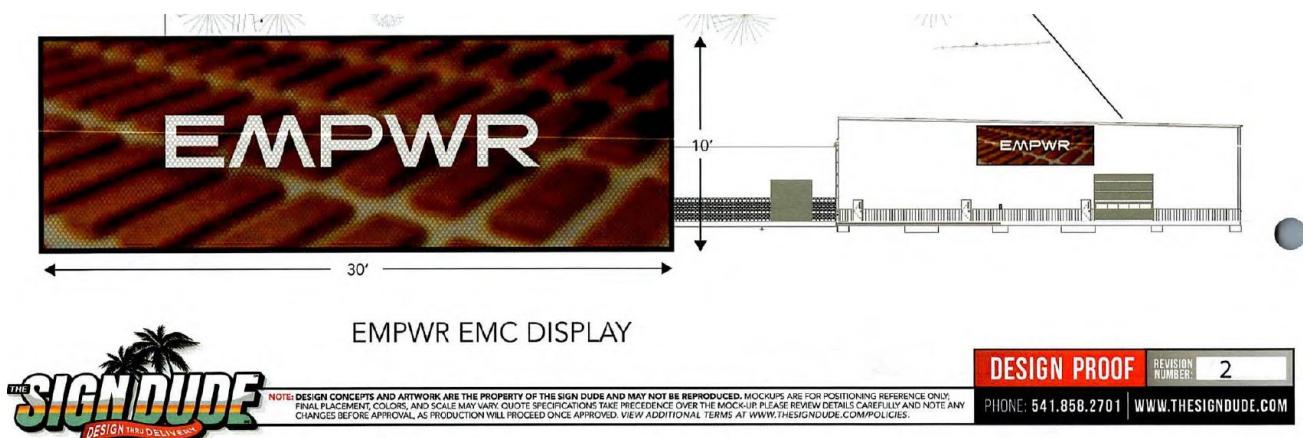
**Video Sign** – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

**FINDING:** The Planning Commission finds that the applicant's sign is a "Changeable Copy Sign (Electronic)" per the definition in 17.06.040. And the Planning Commission finds that the applicant's sign is a "Video Sign", per the definition in 17.06.040.. A video sign is also an electronic changeable copy sign that provides information in both a horizontal and vertical format (as opposed to linear) and has the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

Per the design proof provided Sign Dude in the applicant's application on pages 38 and 39, the sign is ten feet tall and thirty feet wide, and the whole of the sign has the capacity to change sign copy in a wide spectrum of colors, shades and light intensities.

The proof sheet describes the sign as an EMC According to the International Sign Association, an EMC sign is an Electronic Message Center that is a type of digital sign that can display words, symbols, figures, or images that can be electronically changed by remote or automatic means. EMCs utilize LED displays to show dynamic content.

In this definition "capacity" is used in it's plain, ordinary, and common meaning. The common meaning of capacity is "the ability or power to do". Choosing to limit the way a sign is operated does not limit its ability to operate as a video sign.



#### **Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

**17.62.050 Prohibited Signs.** The following signs are prohibited:

- A. Signs or sign structures which may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in Sections 17.54.080(A) and (B).
- B. Signs not in compliance with applicable setback requirements as specified in this chapter and/or as set forth in Section 17.54.050(F).
- C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility.
- D. Portable signs in the following categories:
  - 1. Signs on a vehicle parked on public property or right-of-way unless the vehicle is being used for transport in the normal day-to-day operations of a business.
  - 2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
- E. Moving signs.
- F. Balloon signs twenty-four (24) inches in diameter or greater.
- G. Video signs.
- H. Hazardous signs.
- I. Flashing signs.
- J. Roof signs.
- K. Signs that appear similar to traffic control devices.
- L. Signs not in compliance with this ordinance. (Ord. 4912 §3 2009)

**FINDING:** Per 17.62.050(G), the Planning Commission finds that Video Signs are a Prohibited Sign.

**17.62.070. Permanent Sign Regulations.**

- E. Electronic changeable copy signs are subject to the following standards:
  - 1. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.
  - 2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.
  - 3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
  - 4. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.
  - 5. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.
  - 6. On sites or multi-tenant complexes on which an electronic changeable copy sign is located, temporary signage is limited to that described in Section 17.62.060(B)(2) and (3).
  - 7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

**FINDING:** Per 17.62.070(1), the Planning Commission finds that Electronic Changeable Copy Signs shall only be allowed as part of a permanent freestanding or wall sign. are a Prohibited Sign. The Planning Commission finds that per the applicant's application, pages 38 and 39, the sign proof sheets as provided by Sign Dude, that the electronic changeable copy sign is not part of a permanent freestanding or wall sign, and is proposed as a standalone sign. Since the applicant did not apply for an exception to this portion of the sign code, the Planning Commission finds that the application is not compliant with the McMinnville Municipal Code.

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**Attachments :**

Attachment 1 – SE 1-25 Application Form and Materials

**17.62.120 Exceptions.**

A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

**APPLICANT'S RESPONSE:** *The proposed EMPWR sign is not a prohibited sign type under 17.62.050. The sign is a wall mounted, static electronic display that does not incorporate flashing, strobing, or continuously changing video imagery. It is permanently affixed to the building facade and does not project into the right-of-way, move, rotate, or simulate traffic control features. The sign therefore complies with 17.62.050 and is permitted subject to compliance with applicable standards under Chapter 17.62, including the request for an exception to the maximum allowable display area under 17.62.070(E)(3)*

*Additionally, the applicant has suggested that “capacity” in “capacity to create continuously changing sign copy” must be interpreted in an operational context, and that a sign being operated in a static method would not meet this definition.*

**FINDING: NOT SATISFIED.** The Planning Commission finds that the applicant has not demonstrated that “owing to special and unusual circumstances related to this specific piece of property, that strict application of this chapter would cause an undue or unnecessary hardship, and the Planning Commission finds that the applicant applied for an exception to the size of an electronic changeable copy sign from 24 square feet to 300 square feet, but that it has not applied for the exception that an electronic changeable copy sign needed to be part of a wall sign..

The Planning Commission has found that per the definitions of of a changeable copy sign (electronic) and video sign in Section 17.06.040, that the proposed sign is both an electronic changeable copy sign and a video sign. The Planning Commission also finds that per 17.62.050 that video signs are prohibited.

As stated in Subsection (A), “no exception shall be granted pursuant to subsection (B) of this Section to allow a type of signage which is prohibited by Section 17.62.050. Section 17.52.050(G) lists “Video signs” as a type of prohibited sign.

The proposed sign would display information on a 300 square foot LED screen with 10-foot vertical by 30-foot horizontal dimensions, with changeable messages. The applicant has indicated the intent is to display changeable messages in a static format. However, the applicant has not provided evidence to demonstrate that the proposed sign does not have “the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.” Rather, the description of the proposed sign in the application indicates it does have this capacity.

Therefore, the proposed sign meets the definition of a video sign, which is a prohibited type of sign, and it is not eligible for an exception under Subsection (B).

Further, the code intentionally prohibits video signs and regulates electronic changeable copy signs under provisions that are more restrictive than other wall signs. The purpose of these

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Attachments :

Attachment 1 – SE 1-25 Application Form and Materials

standards is to implement the purposes of the Zoning Ordinance and the purposes of Chapter 17.62.

The applicant currently has a wall sign on the south side of the building and other sides of the building. The sign code would also permit more/larger wall signs on the south side and other sides. One (non-video) electronic changeable copy sign would be permitted on the site without an exception, whether on the south wall or another wall, if it was part of another sign and not larger than 24 square feet.

The applicant has requested an exception for the size of an changeable copy sign (electronic), but the applicant has not requested an exception to the provision of 17.62.070, that a changeable copy sign needed to be part of a wall sign. The proposed sign would be 12.5 times the maximum permitted size of an electronic changeable copy sign, and would be separate from any other sign, including the existing wall sign on the south wall.

The following section (B) would only apply to non-video electronic changeable copy signs, as part of a permanently installed wall (or freestanding) sign. In order to qualify under (B) the applicant must show that “owing to special and unusual circumstances related to a specific piece of property” criteria 1, 2, and 3, subsections to (B) are met.

B. An exception may be granted if the property owner established that:

1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and

**APPLICANT'S RESPONSE:**

1. *The subject property fronts Highway 18, a regional high-speed arterial with posted speeds of 55+ mph. At these speeds, sign readability requires substantially larger copy area than would be necessary in a lower-speed, local street context.*
2. *The EMPWR building is set back more than 200 feet from Highway 18 right-of-way. A sign limited to 24 square feet would not be legible at that distance and speed.*
3. *The building facade itself is large-scale, with a continuous wall area over 200 feet in length and more than 30 feet in height. A larger sign is proportionate to the scale of the wall and will not appear out of context.*
4. *Surrounding uses include industrial facilities with large-scale operations and visibility needs. Several properties along Highway 18 already employ monument or wall signage scaled to highway visibility.*
5. *Conclusion: A 24-square-foot sign would not be reasonably legible to motorists traveling at 55+ mph on Highway 18. This creates concern about public safety, as drivers may slow or make unsafe maneuvers in attempting to identify the facility. The hardship is thus a product of the site's physical conditions and transportation context, not the applicant's convenience.*

**FINDING: NOT SATISFIED.** The Planning Commission finds that the property owner has not established that the exception requested is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size. In fact, the applicant's argument demonstrates that the applicant's property has an advantage in terms of topography, location, surrounding development, lot shape or lot size. The property's location on a ridge overlooking Highway 18 is an advantage and not an unnecessary hardship. Arguing that the applicant cannot maximize that advantage does not demonstrate an unnecessary hardship.

There is no limit on the area of permanent wall-mounted signs (17.62.070(C)(2)). The applicant is not limited in the size of signage facing Hwy 18. Sign code merely restricts the type of sign and the size of the electronic portion of the sign. The applicant does not meet the burden of

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Attachments :

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proof that there are challenges of their site that can uniquely be solved by an electronic video sign, which is a prohibited type of sign. The applicant has existing, previously approved wall signs on the south and east sides of the building, which are visible from Highway 18.

Being located on Hwy 18 is not unique to this property. Having a building approximately 200 feet from Hwy 18 is not unique to this property. There are dozens, if not hundreds of properties located on Hwy 18 and Hwy 99W. Granting an exception based solely on being located on Hwy 18 or Hwy 99 would completely undermine the sign limitations provided in the sign ordinance and it would ignore the additional code offerings that are provided for properties along those highways.

The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and

***APPLICANT'S RESPONSE:***

6. *The proposed sign faces south toward Highway 18, oriented away from residential areas to the north and east.*
7. *Residential properties to the north are buffered by distance, existing landscaping, and the industrial building itself, which blocks direct visibility of the sign.*
8. *The sign does not project into rights-of-way, does not obstruct views of adjoining parcels, and does not interfere with traffic sight distance at driveways or intersections.*
9. *The scale and placement of the sign are consistent with the industrial character of Booth Bend Road and Highway 18 frontage.*
10. *The exception will not cause material damage or prejudice to nearby residential or industrial properties. The design, orientation, and placement ensure the sign functions as site identification without adverse off-site impacts.*
11. *The sign will employ modern LED technology with automatic brightness controls to reduce glare and ensure nighttime visibility is safe and non-intrusive. This prevents spillover lighting impacts to nearby properties and maintains compatibility with surrounding uses.*

**FINDING: NOT SATISFIED.** The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission finds that the granting of the exception would result in prejudice to other properties in the vicinity that have constructed signs that meet the City's sign standards. The applicant has not identified anything unique about the property's location, topography, size, or shape with reference to adjacent properties. Many of the factors that the applicant referenced in their response to criteria #1 (Section 17.62.120(B)(1)), including sign location, topography, lot shape or lot side, and surrounding development, apply similarly to many other properties in the vicinity. Those properties have taken those factors into consideration and still found a location on the site that allowed for a sign to be located that provides visibility for the business, but that also meets the City's standards for signs.

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

**APPLICANT'S RESPONSE:**

12. The City's community appearance goals emphasize compatibility, visual order, and avoidance of sign clutter.
13. The sign will be integrated into the south wall of the EMPWR building, rather than as a detached or pole-mounted billboard. This placement maintains building symmetry and reduces visual clutter.
14. The design employs modern electronic technology in a professional, architecturally compatible format that matches the scale and character of the new building.
15. By consolidating branding and information into a single building-mounted sign, the proposal avoids the proliferation of multiple smaller signs.
16. The industrial zoning designation anticipates larger-scale building forms and associated signage. By limiting signage to a single, building-mounted sign rather than multiple smaller signs or pole structures, the proposal achieves an orderly appearance consistent with City goals and avoids the billboard clutter the ordinance is intended to prevent.
17. The proposed exception enhances legibility and safety while maintaining compatibility with community standards. The sign is proportionate, well-integrated, and will not detract from the City's appearance.

**FINDING: NOT SATISFIED.** The Planning Commission finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission also finds that specific sign standards are in place in the McMinnville Zoning Ordinance for signs allowed in the community to reflect the community's minimum standards for signs. These requirements were adopted in 2008 under Ordinance No. 4900. The purpose of the sign standards that were adopted, as now stated in Section 17.62.010 of the McMinnville Zoning Ordinance, is to "improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards" and to "provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance". These standards prohibit video signs and limit the amount of electronic copy allowed as a portion of a sign.

The Planning Commission finds that granting the exception request would not be consistent with the community standards for signs, not only because the proposed sign is a prohibited sign, but also because an approval of the exception request would not result in "equitably applied sign height, size, and location standards". An approval of the exception request would result in prejudice to other properties in the vicinity that have followed the community's standards for signs, as described in more detail above.

- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
  1. Deny the owner of all economically viable use of the property on which the sign is located; or
  2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

**APPLICANT'S RESPONSE:**

18. EMPWR is a regional-scale industrial operation whose visibility to freight carriers, suppliers, and employees traveling Highway 18 is critical to its function.

19. Limiting electronic sign area to 24 square feet would render the sign illegible at highway speeds, effectively denying its functional purpose and interfering with wayfinding.

20. The ability to display branding, operational messages, and community information in a legible format is essential for full and beneficial use of the property.

21. Without the exception, the applicant would be denied the ability to utilize an electronic changeable copy sign in a meaningful way, thereby interfering with reasonable use and enjoyment of the property.

*The applicant clarifies in their January 22<sup>nd</sup> filing that they are not seeking consideration under (C)(1) but only under (C)(2).*

**FINDING: NOT SATISFIED.** The Planning Commission finds that the applicant has not submitted evidence to demonstrate an “unnecessary hardship” would result from requiring the applicant to install a sign that meets the city’s sign standards. The applicant has assumed the right to utilize an electronic changeable copy (video) sign and then claims it is a hardship that it cannot convey a 300 square foot message in that location due to its proximity to Highway 18 and the speed of the vehicles on that expressway. Why does the applicant need a prohibited, exceedingly large video sign on the back of their building at their manufacturing facility. The applicant has the same opportunity as any other private market distributor to take advantage of other advertising available to them in the form of approved billboard locations on Highway 18. Such a hardship is a perspective of entitlement and is not owing to special and unusual circumstances related to a specific piece of property.

The Planning Commission finds that the enforcement of the prohibited signs and of the limitations imposed on electronic copy signs does not deny the owner of all economically viable use of the property, or substantially interfere with the owner’s use and enjoyment of the property. The property is zoned industrial, and the applicant is operating a manufacturing facility on the property. The applicant previously applied for and obtained permits for multiple signs that have been installed, including wall signs on the south and west sides facing Highway 18. The applicant has been able to install code-compliant signage that identifies the business and provides wayfinding opportunities for its suppliers, vendors, and employees.

The sign code was in place when the owner constructed the building and when the owner installed the signage already in place. Strict enforcement of the existing sign code does not require that signage be completely removed from the property, nor does it limit the size of the signage. It only limits the type of sign. The prohibited signs and limitations on electronic copy signs also do not result in the property becoming completely economically inviable, as the existing building and use are allowed to continue to operate as they do today.

D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.

**FINDING: NOT APPLICABLE.** The exception is not specifically requested for the purpose of convenience related to a standard sign size. Although the applicant did argue in the hearing that ease of changing the message was part of their preference for this sign type.

E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

**FINDING: NOT APPLICABLE.** This is not a criterion for an exception to sign code standards.

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*Attachments :*

Attachment 1 – SE 1-25 Application Form and Materials

**Comprehensive Plan:** The goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land-use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land-use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

**Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this variance application are addressed through implementation standards, except as provided below.

**CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

**GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**FINDING: SATISFIED.** The process for a sign standards exception provides an opportunity for citizen involvement through the public hearing and neighborhood meeting. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials prior to the McMinnville Planning Commission’s review of the request. All members of the public have access to provide testimony and ask questions during the public hearing process.

---

Attachments :

Attachment 1 – SE 1-25 Application Form and Materials

Pathfinder Land Use Consulting, LLC  
P.O. Box 484  
Lebanon, OR 97355  
503-501-7197  
laura@pathfinderlanduse.com

January 15, 2026

McMinnville Planning Commission  
City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

Commissioners:

This executive summary is submitted in response to staff's recommendation to deny Sign Standards Exception SE 1-25 based on the determination that the proposed EMPWR sign constitutes a prohibited "video sign" under McMinnville zoning ordinance § 17.62.050.

Under the sign-related definitions in § 17.06.040, the proposed sign is properly classified as an Electronic Changeable Copy Sign and a Wall Sign. A "Changeable Copy Sign (Electronic)" is defined as a sign on which the copy changes electronically, and a "Wall Sign" is defined as a sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. The proposed EMPWR sign meets both definitions: it is permanently mounted to the building façade and utilizes electronic technology to display copy.

The proposed sign does not meet the definition of a "Video Sign." Section 17.06.040 defines a video sign as an electronic changeable copy sign that both (1) provides information in a horizontal and vertical format and (2) has the capacity to create continuously changing sign copy. While the EMPWR sign utilizes electronic display technology, the applicant proposes and accepts enforceable conditions limiting operation of the sign to static electronic images only, with no animation, scrolling, flashing, dissolves, fades, frame sequencing, or other continuously changing imagery. A sign that changes from one static image to another at intermittent intervals does not constitute "continuously changing sign copy" under the plain language of the ordinance.

The reference to "capacity" in the definition must be read in context and in harmony with the remainder of Chapter 17.62. Chapter 17.62.070(E) expressly allows and regulates Electronic Changeable Copy Signs, which by their nature the technical capability to display changing copy. If the mere technical capacity to display continuously changing imagery were sufficient to classify a sign as a prohibited video sign, then all electronic changeable copy signs would be prohibited and MMC § 17.62.070(E) would be rendered meaningless. The ordinance cannot reasonably be interpreted in a manner that nullifies its own regulatory provisions or conflicts with the definitions in MMC § 17.06.040.

This interpretation is further supported by the Purpose and Scope of Chapter 17.62. Section 17.62.010 emphasizes balancing effective communication with public safety and aesthetics through minimum, consistent, and enforceable standards, while § 17.62.020 provides that the copy or message of signs is not regulated. Regulation under the ordinance therefore focuses on objective operational characteristics, not speculative or hypothetical display capability.

Because the proposed sign is not a prohibited sign type, it is eligible for consideration under the Exception provisions of § 17.62.120. As demonstrated in the findings that follow, the requested exception to the electronic display area limitation in § 17.62.070(E)(3) is necessary due to site-specific conditions related to Highway 18 frontage, building setback, and industrial scale, will not result in material damage or prejudice to surrounding properties, and will not be detrimental to community standards or the appearance of the City.

The applicant respectfully requests that the Planning Commission find that the proposed sign is an Electronic Changeable Copy Wall sign, reject the prohibited-sign classification, apply the exception criteria as written, and approve sign standards exception SE 1-25 subject to reasonable operational and illumination conditions.

Respectfully submitted,

**AUTHORIZED REPRESENTATIVE:**

PATHFINDER LAND USE CONSULTING, LLC

LAURA LAROQUE

LAND USE CONSULTANT

**APPLICANT:**

EMPWR

750 SW BOOTH BEND ROAD

MCMINNVILLE, OR 97128

**PROPERTY OWNER:**

BIG STEP PROPERTIES, LLC

## REBUTTAL FINDINGS

### Finding 1: Classification of the Proposed Sign

Staff concludes that the proposed sign is a prohibited “video sign.” This conclusion is inconsistent with the definitions in MMC § 17.06.040. The application proposes an Electronic Changeable Copy Wall Sign that displays static electronic images and does not include animation, scrolling, flashing, dissolves, fades, frame sequencing, or other continuously changing imagery. Because the proposed operation does not include continuously changing sign copy, the sign does not meet the definition of a “video sign” and is not prohibited under MMC § 17.62.050. Accordingly, the proposed sign is not a “video sign” as defined in MMC § 17.06.040 and is not prohibited under MMC § 17.62.050.

### Finding 2: Interpretation of “Capacity”

Staff’s reliance on the term “capacity” to classify the sign as prohibited is inconsistent with the structure of Chapter 17.62. MMC § 17.62.070(E) expressly allows and regulates Electronic Changeable Copy Signs, which necessarily possess the technical capability to change copy. Interpreting “capacity” to prohibit any sign with such capability would render § 17.62.070(E) meaningless. The ordinance must be read to give effect to all provisions; therefore, “capacity” must be understood to distinguish signs that operate with continuously changing imagery from those, like the proposed sign, that operate with static images subject to enforceable conditions.

### Finding 3: Eligibility for an Exception

Because the proposed sign is not a prohibited sign type, it is eligible for consideration under the exception provisions of MMC § 17.62.120. Staff notes that prohibited signs are not eligible for exceptions, but that conclusion depends entirely on the threshold determination regarding sign type. Once the sign is properly classified as an Electronic Changeable Copy Wall Sign, the exception criteria apply and must be evaluated on their merits. Absent a valid determination that the sign is prohibited, the Commission is required to apply the exception criteria.

### Finding 4: Staff’s Hardship Analysis Is Not Supported by Substantial Evidence

*Criterion: An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and (MMC § 17.62.120(B)(1))*

Staff concludes that the requested exception is not warranted and asserts that the subject property has adequate opportunity to address any hardship through additional wall-mounted signage because the sign code does not limit the size of wall-mounted signs generally and because the site is highly visible from Highway 18. However, this conclusion is not supported by substantial evidence in the record.

Staff does not provide any quantitative or site-specific analysis demonstrating that additional non-electronic wall signage would adequately address the hardship identified by the applicant. The record contains no evidence demonstrating that strictly limiting electronic changeable copy to 24 square feet would remain legible, proportionate, or functional given the site’s highway frontage, speed environment, and surrounding industrial development.

The hardship identified by the applicant is not the absence of wall signage generally, but the inability to utilize electronic changeable copy in a manner that is legible and proportionate given the site's location, speed environment, and surrounding industrial development. Staff's assertion that the applicant may simply add more, or larger static signage does not address this hardship and does not demonstrate that the electronic display area limitation can be strictly applied without unnecessary hardship.

Further, the existence of previously approved signage and general site visibility do not negate the hardship analysis required under MMC § 17.62.120(B)(1). The criterion requires an evaluation of whether strict application of the standard creates an unnecessary hardship due to site-specific factors, not whether some signage already exists or whether alternative signage types are theoretically possible.

Finally, staff's statement that "the signage cannot be a video sign" presupposes the disputed classification issue and does not provide factual support for denying the exception based on hardship. Once the sign is properly classified as an Electronic Changeable Copy Wall Sign, the relevant inquiry is whether the electronic display area limitation results in unnecessary hardship. Staff have not provided evidence demonstrating that it does not.

**Finding 5: The Requested Exception Will Not Result in Material Damage or Prejudice to Other Properties**

*Criterion: The granting of the exception will not result in material damage or prejudice to other property in the vicinity. (MMC § 17.62.120(B)(2))*

The applicant has demonstrated that the proposed sign will not result in material damage or prejudice to other properties in the vicinity. Residential properties are buffered from the sign by the building itself, the scale of the sign is consistent with the industrial and highway-oriented character of the area, automatic brightness controls will limit illumination and reduce light spillovers, and the sign will not interfere with traffic sight distances. Staff concurs that the proposed sign, in and of itself, does not cause material damage to surrounding properties.

Staff nonetheless conclude that granting the requested exception would result in prejudice to other properties because other sites in the vicinity have complied with the sign code without requiring an exception. This conclusion does not satisfy the prejudice standard in MMC § 17.62.120(b)(2).

The code requires a showing of material damage or prejudice to other property, not a comparison of whether other property owners have complied with the code or elected not to seek an exception. Differential treatment or the availability of exceptions to one property does not, by itself, constitute material prejudice. The ordinance expressly provides a mechanism for site-specific exceptions where the applicable criteria are met, and the use of that mechanism cannot be deemed prejudicial solely because other properties did not pursue or require similar relief.

The fact that other properties may have complied with the sign code without seeking an exception does not constitute material damage or prejudice, as the code expressly allows site-specific exceptions where the criteria are satisfied.

Staff does not identify any site-specific adverse impacts to neighboring properties resulting from the requested exception. There is no evidence in the record demonstrating increased glare, light trespass, visual intrusion, traffic safety impacts, or interference with the use and enjoyment of nearby properties. Generalized concerns about fairness or consistency are not equivalent to material damage or prejudice as contemplated by the code.

Staff further rely on the conclusion that the proposed sign is a prohibited video sign and therefore ineligible for an exception. That conclusion presupposes the disputed classification issue and does not constitute an independent finding of material prejudice. Once the sign is properly classified as an electronic changeable copy wall sign, the relevant inquiry under MMC § 17.62.120(b)(2) is whether the requested exception will cause material damage or prejudice to other properties. The record does not support such a finding.

While the applicant bears the burden of proof, once evidence is submitted in support of the applicable criterion, denial must be supported by substantial evidence in the record demonstrating that the criterion is not met.

**Finding 6: The Requested Exception Will Not Be Detrimental to Community Standards or the Appearance of the City.**

*Criterion: The request will not be detrimental to community standards and the appearance of the City. (MMC § 17.62.120(B)(3))*

The applicant has demonstrated that the proposed sign and the requested exception will not be detrimental to community standards or the appearance of the city. The sign is building-mounted, proportional to the scale of the existing industrial building, and located within a highway-oriented corridor. The applicant further explains that allowing a single electronic changeable copy sign reduces the need for multiple signs, thereby minimizing visual clutter and contributing to a more orderly streetscape.

Staff acknowledges that reducing the number of signs may reduce clutter and improve visual order but concludes that this consideration is not a basis for approving the request because the sign is characterized as a prohibited “video sign.” This conclusion conflates the threshold classification issue with the community standards criterion and does not constitute an independent evaluation under MMC § 17.62.120(b)(3).

Community standards for signage are established in Chapter 17.62 and include mechanisms for site-specific exceptions where the applicable criteria are met. The existence of dimensional limits on electronic changeable copy signage reflects a general regulatory standard, not a determination that any exception to that standard is inherently detrimental to community standards. The code expressly authorizes exceptions to address unique site conditions, provided the criteria are satisfied.

Staff’s reliance on the assertion that approval would be inconsistent with community standards because the sign exceeds the electronic display size limit and is characterized as prohibited presupposes the disputed classification issue and does not identify any site-specific adverse impacts to the city’s appearance. There is no evidence in the record demonstrating that the proposed sign would introduce visual clutter, degrade streetscape quality, conflict with

surrounding development patterns, or undermine the aesthetic objectives stated in MMC § 17.62.010.

Further, staff's assertion that approval would prejudice other properties that have complied with the sign code does not establish detriment to community standards. Community standards are measured by visual and functional impacts on the built environment, not by whether other properties have chosen or been required to comply without seeking an exception. Equity considerations alone do not satisfy the criterion in MMC § 17.62.120(b)(3).

Community standards are implemented through the code's standards and exception mechanisms, not by prohibiting the use of those mechanisms.

Based on the sign's building-mounted configuration, proportional scale, controlled illumination, industrial and highway-oriented context, and the absence of evidence demonstrating adverse visual or aesthetic impacts, the requested exception will not be detrimental to community standards or the appearance of the city, as required by MMC § 17.62.120(b)(3).

#### **Finding 7: Staff's Hardship Analysis Is Not Supported by Substantial Evidence**

*Criterion: An exception may be granted if the strict enforcement of the ordinance will either deny the owner of all economically viable use of the property or substantially interfere with the owner's use and enjoyment of the property. (MMC § 17.62.120(c))*

This finding addresses the additional review criteria in MMC § 17.62.120(C) and incorporates the factual findings set forth in Findings 4 and 5. The applicant does not contend that strict application of the electronic display area limitation would deny all economically viable use of the property. Rather, the applicant asserts that strict enforcement would substantially interfere with the use and enjoyment of the property by preventing the effective use of electronic changeable copy signage in a highway-oriented industrial context.

As discussed in findings 4 and 5, the applicant has demonstrated that the proposed electronic changeable copy wall sign is necessary to address site-specific conditions related to highway frontage, viewing distance, operating speeds, and building scale, and that limiting electronic display area to 24 square feet would materially impair the functionality and effectiveness of electronic signage for the site.

For the same reasons identified in findings 4 and 5, strict enforcement of the electronic display area limitation would substantially interfere with the applicant's use and enjoyment of the property as contemplated by MMC § 17.62.120(c)(2). Staff have not provided substantial evidence demonstrating otherwise.

#### **Conclusion**

For the reasons set forth in the executive summary and rebuttal findings, the applicant respectfully submits that the proposed EMPWR sign is properly classified as an Electronic Changeable Copy Wall Sign, not a prohibited video sign under MMC § 17.06.040. When the code is applied as written, the proposed sign is eligible for consideration under the exception provisions of MMC § 17.62.120.

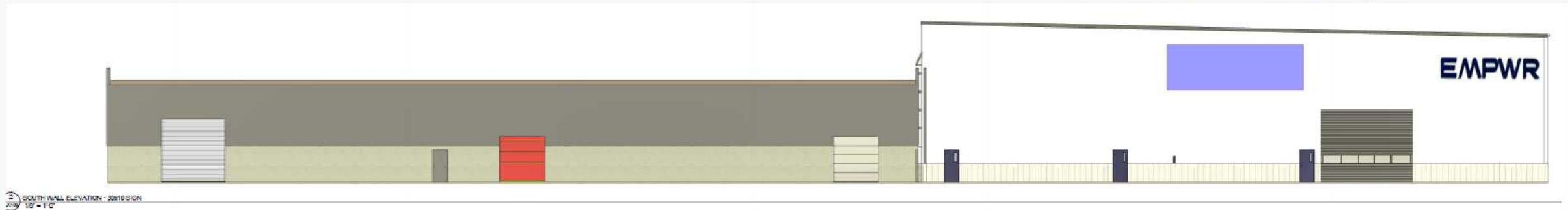
The record demonstrates that strict application of the electronic display area limitation would result in an unnecessary hardship due to site-specific conditions, including the property's highway 18 frontage, viewing distance and speed environment, and the scale and character of surrounding industrial development. The applicant has further demonstrated that granting the requested exception will not result in material damage or prejudice to surrounding properties and will not be detrimental to community standards or the appearance of the city.

The applicant has proposed, and accepts, enforceable conditions limiting the sign to static electronic images, controlling illumination levels, and ensuring ongoing compliance with applicable sign standards. With these conditions in place, the proposed sign achieves the purpose of Chapter 17.62 by balancing effective communication with public safety and aesthetics.

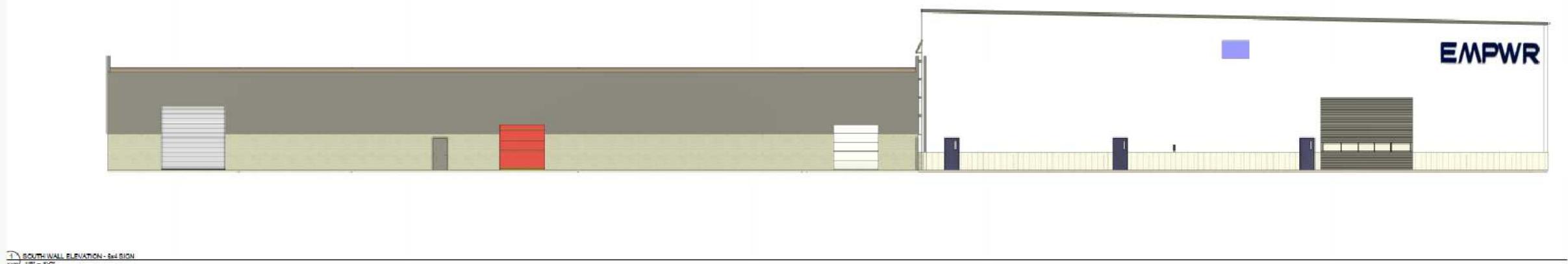
Accordingly, the applicant respectfully requests approval of sign standards exception SE 1-25

# Scale of Proposed vs Allowed

**10' x 30' = 300 sqft**

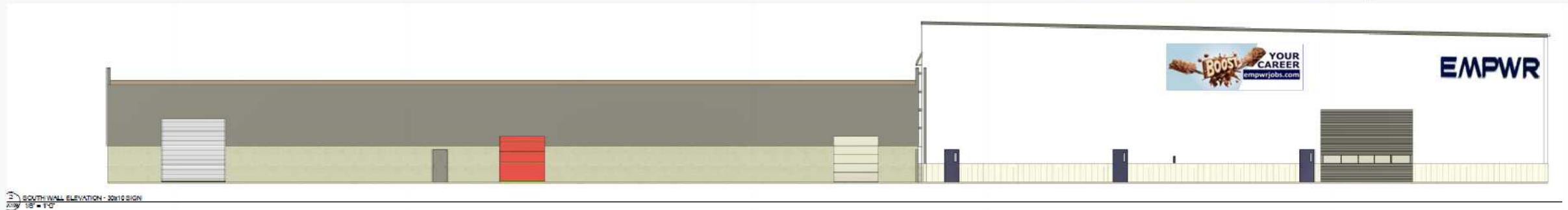


**4' x 6' = 24 sqft**

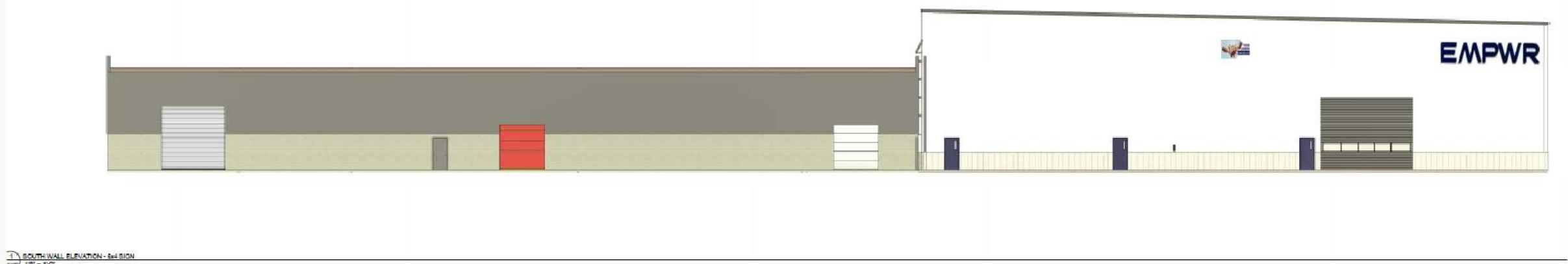


# Scale of Proposed vs Allowed w/ Static Graphic

**10' x 30' = 300 sqft**



**4' x 6' = 24 sqft**



Pathfinder Land Use Consulting, LLC  
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January 22, 2026

McMinnville Planning Commission  
City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

Commissioners:

This letter and the attached Planning Commission Open Record Findings are submitted as written testimony and proposed findings for consideration during the seven-day open record period following the January 14, 2026, Planning Commission hearing for Sign Standards Exception SE 1-25.

The purpose of this submission is limited and focused. It is intended to:

1. Clarify the evidentiary record regarding staff's prior classification of the proposed sign, the procedural history of the application, and statements made during deliberations concerning any prior indication of denial;
2. Address the Commission's interpretation of the term "capacity" in the definition of a video sign under MMC § 17.06.040 and explain how that interpretation affects sign classification and eligibility for an exception;
3. Confirm the applicant's acceptance of enforceable operational limitations describing the intended operation of the sign, as reflected in the attached findings; and
4. Acknowledge compliance with applicable electronic changeable copy sign standards upon approval, as required by MMC § 17.62.070(E).

This submission does not seek to expand the scope of the application or re-argue matters already presented, but rather to ensure that the Commission's decision is based on an accurate understanding of the record, the applicable code provisions, and the applicant's proposed operation of the sign.

The applicant respectfully requests that the attached findings be included in the record and considered as part of the commission's final written decision.

Thank you for the opportunity to provide clarification during the open record period.

Respectfully submitted,

AUTHORIZED REPRESENTATIVE:  
PATHFINDER LAND USE CONSULTING, LLC

LAURA LAROQUE  
LAND USE CONSULTANT

APPLICANT:  
EMPWR  
750 SW BOOTH BEND ROAD  
MCMINNVILLE, OR 97128

PROPERTY OWNER:  
BIG STEP PROPERTIES, LLC

**FINDING 1: CLARIFICATION OF THE RECORD REGARDING STAFF CLASSIFICATION AND STATEMENTS CONCERNING DENIAL**

Throughout the pre-hearing review process, staff consistently characterized the proposed sign as an Electronic Changeable Copy Sign subject to the sign standards exception process and advised the applicant that approval would depend on demonstrating compliance with the exception criteria in MMC § 17.62.120. Prior to issuance of the staff report seven days before the public hearing, staff did not advise the applicant that the proposed sign constituted a prohibited “video sign” under MMC § 17.62.050, nor did staff communicate that denial of the application had been determined or expressed.

Staff correspondence dated August 6, 2025, which denied a separate administrative sign permit request, did not deny or purport to deny a sign standards exception application. That letter expressly distinguished between administrative sign permit review and the exception process, stating that a sign exception is reviewed and decided by the Planning Commission at a noticed public meeting. The August 6, 2025, denial letter did not communicate that the proposed sign was ineligible for approval through the exception process.

Subsequent correspondence dated August 19, 2025, from the Community Development Director further confirmed that a sign standards exception would be reviewed by the Planning Commission, that the applicant would be required to provide a burden of proof demonstrating compliance with the exception criteria, and that the Commission may attach conditions of approval pursuant to MMC § 17.62.120. That correspondence reflects staff’s understanding that the application was eligible for approval subject to findings and conditions and does not indicate that the sign was prohibited or that denial had already been determined.

The completeness determination and advancement of the application to public hearing further confirm that the proposal was processed as an eligible application subject to approval, approval with conditions, or denial following public testimony. The record does not contain correspondence, meeting notes, or other documentation demonstrating that denial of the sign standards exception application had been expressed to the applicant prior to receipt of the staff report.

During deliberations, staff indicated that denial of the application had previously been conveyed to the applicant and relied on a reclassification of the sign as a prohibited video sign. To the extent those statements rely on the August 6, 2025, administrative denial letter or other pre-hearing communications, such reliance is not supported by the record. The August 6, 2025, letter addressed a different review process and expressly contemplated Planning Commission review of an exception application.

To the extent the Commission relies on an understanding that denial of the sign standards exception had previously been expressed to the applicant, that understanding is not

supported by written correspondence in the record and should not form the basis of the Commission's decision.

## **FINDING 2: PROPER CLASSIFICATION OF THE PROPOSED SIGN**

The applicant proposes a wall-mounted sign that displays static electronic images only, subject to enforceable operational limitations proposed by the applicant. The sign does not include animation, motion, scrolling, flashing, fades, dissolves, sequencing, transitions, or other forms of continuously changing imagery.

Under MMC § 17.06.040, a *video sign* is defined as an electronic changeable copy sign that both:

1. Provides information in a horizontal and vertical format; and
2. Has the capacity to create continuously changing sign copy.

Because the proposed sign, as designed and conditioned, does not operate with continuously changing sign copy, it does not meet the definition of a video sign and is not prohibited under MMC § 17.62.050.

## **FINDING 3: “CAPACITY” MUST BE INTERPRETED IN AN OPERATIONAL CONTEXT**

MMC § 17.62.070(E) expressly allows and regulates electronic changeable copy signs, which by their nature possess the technical ability to change copy. If “capacity” were interpreted to mean any theoretical or technical capability, then all electronic changeable copy signs would be prohibited, rendering MMC § 17.62.070(E) meaningless.

The ordinance must be interpreted to give effect to all provisions. Accordingly, “capacity” must be understood to distinguish signs that are designed or operated to display continuously changing imagery from those that display static electronic images subject to enforceable operational limits.

## **FINDING 4: STATIC IMAGE CHANGES AT DISCRETE INTERVALS ARE NOT “CONTINUOUSLY CHANGING” COPY**

The ordinance does not define “continuously changing” based on the number or frequency of image changes, nor does MMC § 17.06.040 or § 17.62.070(E) establish any numerical threshold for image changes. Instead, “continuously changing” is a qualitative operational characteristic referring to ongoing motion, progression, or visual transitions.

“Continuously changing” is a qualitative operational characteristic referring to ongoing motion, progression, or visual transitions. A sign that displays one static image at a time, without motion, animation, transitions, or sequencing, does not produce continuously changing sign copy, even if the image may be updated at discrete, intermittent intervals.

If the mere possibility that copy could change at some unspecified time were sufficient to constitute continuously changing copy, then all electronic changeable copy signs would meet the definition of a video sign, contrary to the express allowance of such signs in MMC § 17.62.070(E).

## **FINDING 5: LIGHTING INTENSITY AND COLOR CAPABILITY DO NOT CREATE A VIDEO SIGN**

The definition of a video sign references “a wide spectrum of colors, shades, and light intensities” only in conjunction with continuously changing sign copy. Lighting intensity, color, or shading capability is not an independent trigger for video sign classification.

These adjustments do not animate, transition, sequence, or otherwise change the sign copy, colors, or message content and do not create the appearance of continuously changing imagery. Brightness adjustments affect illumination only and do not constitute changes to sign copy or visual messaging.

Changes in illumination level due solely to ambient light sensing do not alter sign copy, imagery, or message content. Brightness control is a mitigation feature intended to reduce glare and visual impact and does not constitute continuously changing sign copy under MMC § 17.06.040.

## **FINDING 6: ADVERTISING CONTENT IS NOT A VALID BASIS FOR CLASSIFICATION**

During deliberations, distinctions were drawn between advertising messages and other types of sign copy. That distinction is not supported by the McMinnville Zoning Ordinance.

MMC § 17.62.020 expressly provides that “*the copy or message of signs is not regulated by this chapter.*” The classification of a sign type therefore cannot turn on whether the message displayed is advertising, branding, or operational in nature.

The definition of a video sign is based solely on a sign’s format and operational characteristics, not the purpose or content of the message. A static electronic image advertising a business operates no differently than a static electronic image conveying informational content. Content alone cannot transform a static electronic display into a video sign.

## **FINDING 7: PROPOSED OPERATION OF THE SIGN**

The proposed sign is a wall-mounted Electronic Changeable Copy Wall Sign intended to display static electronic images only. The sign is designed to function as a digital equivalent of a traditional wall sign, providing clear, legible messaging oriented to Highway 18 without animation or motion-based effects.

The applicant does not propose routine cycling or scheduled image changes; any update to the displayed image would occur only as needed for business identification or informational purposes and not as part of an ongoing display sequence

At all times, the sign will display a single, fixed image. The image will not scroll, fade, dissolve, animate, transition, sequence, flash, or otherwise change in a manner that creates motion, progression, or continuously changing imagery. Any updates to the displayed image will occur only at discrete intervals and will not create the appearance of movement or visual change over time.

The sign will utilize automatic brightness controls to adjust overall illumination levels in response to ambient light conditions. These adjustments are intended solely to reduce glare

and light spillover and will not alter the displayed image, colors, message content, or visual appearance of the sign copy.

The proposed operation ensures that the sign functions consistently with the purpose of Chapter 17.62 by balancing effective communication with public safety and visual compatibility.

#### **FINDING 8: APPLICANT-PROPOSED CONDITIONS OF APPROVAL**

The applicant proposes the following conditions of approval to clarify and enforce the intended operation of the sign:

1. **Static Electronic Images Only**

The electronic display shall display static electronic images only. No animation, motion, scrolling, flashing, fades, dissolves, sequencing, transitions, or other visual effects shall be permitted.

2. **Single Image Display**

At any given time, the electronic display shall show a single, fixed image.

3. **No Continuously Changing Copy**

The electronic display shall not operate in a manner that produces continuously changing sign copy.

4. **Discrete Image Updates**

Any change to the displayed image shall occur only at discrete intervals and shall not create the appearance of movement, progression, animation, or visual transition.

5. **Brightness Controls**

The sign shall utilize automatic brightness controls to adjust overall illumination levels in response to ambient light conditions. Such adjustments shall not alter, animate, transition, or otherwise change the displayed sign copy, colors, or message content and shall not create the appearance of continuously changing imagery.

6. **Traffic Safety**

The sign shall be operated in a manner that avoids glare, distraction, or interference with traffic safety.

The applicant agrees that these operational limitations may be incorporated as conditions of approval and enforced by the city. These conditions are offered not to cure a prohibited sign type, but to clarify and enforce the proposed operational characteristics relevant to sign classification under MMC § 17.06.040.

The classification of a sign type under MMC § 17.06.040 is a threshold determination based on proposed operation, not on post-approval enforcement assumptions. Conditions of approval clarify operation; they do not convert a non-video sign into a video sign.

## **FINDING 9: CONDITIONS OF APPROVAL DO NOT REQUIRE IMPROPER POLICING**

During deliberations, the Commission expressed concern that approval of the proposed sign would require the city to “police” the sign through conditions of approval. That concern does not provide a basis for denial under the McMinnville Zoning Ordinance.

The Commission’s authority under MMC § 17.62.120(A) expressly contemplates approval of sign exceptions subject to conditions. The possibility that a sign could be operated in violation of approval conditions does not constitute a lawful basis for denial of an application that otherwise meets the applicable standards.

Conditions of approval are a standard and lawful mechanism to ensure compliance with adopted land use regulations. The proposed conditions do not require ongoing monitoring beyond that which applies to other regulated signs or land uses within the city. Enforcement would occur only in the event of a violation, consistent with the city’s existing enforcement authority under MMC § 17.62.130.

The applicant-proposed conditions are clear, objective, and enforceable. They define how the sign will operate and provide certainty regarding compliance. The possibility that a sign could be operated in violation of approval conditions does not justify denial of an application that otherwise meets the applicable standards.

Applications must be evaluated based on what is proposed and conditioned, not on speculative concerns regarding future enforcement.

The ordinance does not require the city to engage in continuous monitoring to enforce conditions; it authorizes enforcement only upon violation, consistent with standard zoning enforcement practice. This approach is consistent with MMC § 17.62.120(A), which expressly authorizes the Commission to attach conditions necessary to achieve the purposes of the sign ordinance.

## **FINDING 10: ELIGIBILITY FOR AN EXCEPTION UNDER MMC § 17.62.120**

Because the proposed sign is not a prohibited sign type, it is eligible for consideration under the exception provisions of MMC § 17.62.120.

## **FINDING 11: COMPLIANCE WITH REMAINING ELECTRONIC CHANGEABLE COPY SIGN STANDARDS**

Except for the electronic display area limitation in MMC § 17.62.070(e)(3), the proposed sign complies with all applicable electronic changeable copy sign standards, including limitation to one electronic changeable copy sign per site, permanent mounting to a structure, and incorporation into a wall sign.

MMC § 17.62.070(E)(1) provides that one (1) electronic changeable copy sign is permitted per site and shall be allowed only “as part of” a permanent freestanding or wall sign. The ordinance also refers to the “electronic changeable copy portion of a sign” for purposes of regulating size and area calculation. This language is not explicit as to whether electronic

changeable copy must be a subsidiary component of a larger sign face or may itself constitute the sign.

MMC § 17.06.040(E) defines a wall sign as a sign attached parallel to and extending not more than twelve (12) inches from the wall of a building and includes cabinet signs. This definition regulates the method of attachment and projection and does not prescribe the composition of the sign face or require non-electronic copy.

Based on the submitted plans and mounting details, the proposed electronic display is attached parallel to the building façade, projects less than twelve (12) inches from the wall, and is a single, self-contained sign permanently mounted to the structure. Under these circumstances, the electronic changeable copy display may constitute the wall sign itself, provided it meets the wall sign definition.

Under this interpretation, references to the “electronic changeable copy portion of a sign” establish how electronic copy is measured and regulated and do not require that a sign include non-electronic copy or a separate surrounding sign face.

Accordingly, the proposed sign complies with MMC § 17.62.070(E)(1), (4), (5), (6), and (7). No evidence in the record suggests that compliance with these standards is infeasible or that such compliance would alter the classification of the sign.

#### **FINDING 12: REQUIREMENT FOR EXPLICIT INTERPRETATION IN THE WRITTEN DECISION**

If the Commission interprets “capacity” to mean technical capability alone, regardless of proposed operation or enforceable limitations, that interpretation constitutes a formal code interpretation. That interpretation must be explicitly stated in the written findings to demonstrate how the adopted definitions were applied and to allow meaningful review. The Commission’s role is to apply the adopted definitions as written and not to expand prohibited sign categories beyond those expressly defined in the ordinance.

Nothing in these findings is intended to limit the Commission’s discretion, but rather to ensure that the decision clearly reflects the interpretation of the code provisions applied.

#### **FINDING 13: UNNECESSARY HARDSHIP (MMC § 17.62.120(B)(1))**

Strict application of the electronic display area limitation creates an unnecessary hardship due to the site’s location adjacent to Highway 18, the speed environment, viewing distance, and the industrial scale of the building. Limiting electronic changeable copy to 24 square feet would result in signage that is not legible or proportionate in this context.

The hardship is not the absence of signage generally, but the inability to utilize electronic changeable copy in a manner that functions for the site’s unique location and surroundings.

#### **FINDING 14: THE REQUEST IS NOT FOR CONVENIENCE (MMC § 17.62.120(D))**

The requested exception is not sought for the convenience of the applicant or to accommodate a standard sign size. The request is based on site-specific conditions including Highway 18 frontage, viewing distance, vehicle speed environment, and the scale of surrounding industrial development.

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## EXHIBIT 4 – STAFF REPORT

**DATE:** **February 5, 2026**  
**TO:** **Planning Commissioners**  
**SUBMITTED BY:** **Heather Richards, Community Development Director**  
**WRITTEN BY:** **Taylor Graybehl, Senior Planner**  
**SUBJECT:** **Work Session: Significant and Landmark Trees**

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### **Report in Brief:**

This work session continues the discussion from the January 21, 2026 joint meeting of the City Council and Planning Commission. At that meeting, staff provided an update on the City's Oregon Land Use Goal 5 (Natural Resources) planning effort, which is required as part of the April 2021 Urban Growth Boundary (UGB) amendment.

Staff was directed to return to the Planning Commission for additional discussion on two key topics:

- Significant trees
- The Landmark Tree Inventory

This memo summarizes work completed to date and outlines key issues for Planning Commission input to advance the project to its next phase.

### **Background:**

In December 2020, the City of McMinnville adopted Ordinance No. 5098, approving the McMinnville Growth Management and Urbanization Plan

(MGMUP) and the 2020 UGB Update. The Department of Land Conservation and Development acknowledged this update in April 2021.

During the UGB evaluation, the City identified natural resources, such as riparian corridors, tree groves, scenic viewpoints, and significant/landmark trees, that require further study and protection.

#### *January 21, 2026 Work Session and Key Questions*

At the joint work session, staff presented draft regulations to implement the Goal 5 Natural Resources program. Staff was directed to return to the Planning Commission for further discussion on:

1. Developing a process for the Landmark Tree Inventory
2. Reducing the minimum size for an Oregon White Oak to qualify as a significant tree

#### *Letter from Commissioner Mudrak*

On January 25, 2026, Commissioner Mudrak submitted a letter related to the program. This is addressed in detail later in this memo.

#### **Discussion:**

##### *Landmark Tree Inventory*

Staff has proposed new language to implement the Landmark Tree Inventory outlined in Section 17.58.13 (see Attachment 1 – Chapter 17.58 “Trees”).

The Landmark Tree Inventory identifies trees of exceptional community value based on criteria such as age, historical significance, rarity, distinctive structure, and the function for the community. At time of this report, Staff proposes the Landscape Review Committee to be responsible for maintaining and updating the inventory and for reviewing public applications to add or remove trees. Staff may revise this recommendation based upon

further legal review.

For trees located on private property, the property owner must consent to the designation, and that consent will remain binding for future owners. Trees on publicly owned property require approval from the City. Once a tree is approved for inclusion in the Landmark Tree Inventory, the property owner must record the agreement on the property deed.

Species classified as nuisances are not eligible for designation. Landmark Trees must be properly maintained and protected; removal or significant pruning requires a permit, except in emergency situations where safety is at risk.

**Question for the Commission:** Who should be responsible for paying for and establishing a record on the deed? Staff recommends considering either the city, the property owner, or the applicant.

#### *Significant Tree Oregon White Oak Minimum Size*

To better reflect the Oregon White Oaks compared to other significant trees, staff recommends revising the minimum diameter threshold. The proposed change sets the minimum size requirement for Oregon White Oaks at 15 inches in caliper, measured 4.5 feet above ground. This revision is included in Chapter 17.06 – Definitions (see Attachment 2: Chapter 17.03 “Definitions”).

#### *Commissioner Mudrak Letter*

On January 25, 2026, Commissioner Mudrak submitted a letter related to the program (see Attachment 3 – Commissioner Mudrak Letter). The letter contained questions for the Planning Commission as a whole. The Planning Commission may discuss those items raised in the letter.

#### *Next Steps*

Pending discussion and questions from the Planning Commission, staff recommend that the draft program be brought to the Planning Commission for a public hearing on March 19, 2026, to begin the adoption process. Before the hearing, the City will issue a Measure 56 notice to those properties that contain a significant tree grove or riparian corridor.

**Attachments:**

1. Draft Chapter 17.58 "Trees"
2. Draft Chapter 17.06 "Definitions"
3. Commissioner Mudrak Letter

**Fiscal Impact:**

This project currently has a contract for consultant support to complete the ESEE analysis and advise on the inventory methodologies. That contract is for \$65,000 and is currently in FY 26 adopted budget in the Community Development Department fund, 01-07-028-7750. The project is being managed and administered by planning staff.

**Alternatives:**

**Alternative 1** [Staff Recommendation]: Direct staff to initiate the Ordinance adoption process, to bring the item before the Planning Commission on March 19, 2026.

**Alternative 2:** Direct Staff to return to a work session with the Planning Commission to further discuss the topic.

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## CHAPTER 17.58

### TREES

(as adopted amended by Ord. 4654B Dec. 9, 1997 **XXX**)

Sections:

17.58.010	Purpose.
17.58.020	Applicability.
17.58.030	Definitions.
17.58.040	Tree Removal/Replacement.
17.58.045	Downtown Trees.
17.58.050	Application Review and Criteria.
17.58.060	Permit Exemptions.
17.58.070	Tree Topping.
17.58.075	Protection of Trees.
17.58.080	Street Tree Planting – When Required.
17.58.090	Street Tree Standards.
17.58.100	Street Tree Plans.
17.58.110	Street Tree Planting.
17.58.120	Street Tree Maintenance.
<b>17.58.130</b>	<b><u>Landmark Tree Inventory</u></b>

**17.58.010 Purpose.** The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

**17.58.020 Applicability.** The provisions of this ordinance shall apply to:

- Individual All significant or historic landmark trees as defined in this ordinance located on public or private land within the McMinnville city limits.
- All street trees with trunks located completely or partially within any public area or right-of-way;
- All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

**17.58.030 Definitions.** For the purpose of this section, refer to Section 17.06.045 for Tree related definitions. (Ord. 4952 §1, 2012).

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**17.58.040 Tree Removal/Replacement.**

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Applications shall be reviewed by the **“review authority” identified as the** Planning Director or Planning Director's Designee (hereafter “Planning Director”) or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, except as authorized in Section 17.58.050. Requests for tree removal within the Downtown Tree Zone shall be submitted to the City. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or the Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Planning Director may be appealed to the Planning Commission if written notice of the appeal is filed with the City within 15 (fifteen) days of the committee's or the Planning Director's decision. A decision made by the Planning Director's in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree **subject to the standards of this chapter** may **shall** be conditioned upon replacement of the tree with another tree(s) approved by the city, **and** or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees of similar value **in accordance with a fee schedule adopted by resolution**

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of the council. The replacement and fee requirements shall be as established in this section. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

1. Significant and Landmark Tree Removal and Major Pruning Generally.
  - a. Exemptions from this Standard.
    - 1) Residential lots under 20,000 square feet are not subject to the significant tree provisions of this ordinance when:
      - a) Such lot is occupied by a cottage clusters, plexes, single dwelling, or townhouses; or
      - b) An application to construct a cottage clusters, plexes, single dwelling, or townhouses on such lot is being reviewed by the city. However, no significant trees may be removed prior to the approval of the building permit;
      - c) This exemption does not apply to significant trees within the F-P (Flood Area) Zone or to applicable Natural Hazard or Natural Resource Protection Subdistricts.
    - 2) Undeveloped Parcels. Removal of up to two (2) significant trees during a calendar year, on an undeveloped parcel, shall be exempt from the provisions of this ordinance. This exemption does not apply to significant trees within the F-P (Flood Area) Zone or to applicable Natural Hazard or Natural Resource Protection Subdistricts.
      - b. Removal of significant trees shall only be permitted pursuant to the standards of subsections (2) and (3) below and Section 17.58.050.
      - c. Removal of landmark trees shall only be permitted pursuant to the standards of subsections (4) and (5) below and Section 17.58.050.
      - d. Major pruning of significant and landmark trees shall be reviewed subject to Section 17.58.050(B) Application for Tree Major Pruning Permit. Any tree may be pruned to meet wildfire fuel reduction requirements under the supervision of a certified arborist.
  2. Significant trees outside of Natural Resource and Natural Hazard Protection Subdistricts. If the review authority approves significant tree removal, the value of each significant tree to be removed shall be mitigated as follows:
    - a. Plant at least three (3) trees, with a minimum caliper of two (2) inches measured at six (6) inches above grade, on-site or on adjacent public land for each significant tree removed. Or if a certified arborist determines that there is no suitable location for replacement trees on-site or on adjacent public land, then the

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applicant shall either plant replacement trees on another property owned by the applicant or pay a replacement fee in accordance with a fee schedule adopted by resolution of the council.

3. Significant trees within NH-P, NH-M, TG-C and RC-P Subdistricts. Where limited significant tree removal is permitted consistent with applicable zoning standards, a tree mitigation plan shall be required, and replacement trees shall be determined by the required tree mitigation planting plan.
4. Landmark Trees outside of Natural Resource and Natural Hazard Protection Subdistricts.
  - a. If removal is approved by the review authority on private land not required for public right-of-way dedication, the property owner or land developer shall provide the following mitigation:
    - 1) The payment of a fee in accordance with a fee schedule adopted by resolution of the council; and
    - 2) Plant at least three (3) trees, with a minimum caliper of two (2) inches measured at six (6) inches above grade, on-site or on adjacent public land for each significant tree removed. Or if a certified arborist determines that there is no suitable location for replacement trees on-site or on adjacent public land, then the applicant shall either plant replacement trees on another property owned by the applicant or pay a replacement fee in accordance with a fee schedule adopted by resolution of the council.
5. Landmark Trees within the NH-P, NH-M, TG-C and RC-P Subdistricts.
  - a. Landmark trees shall be protected unless there is no practicable alternative means to construct a planned public facility identified on an adopted city master plan.
  - b. If approved by the review authority for removal, the property owner or land developer shall provide the following mitigation:
    - 1) The payment of a fee in accordance with a fee schedule adopted by resolution of the council; and
    - 2) Plant at least three (3) trees, with a minimum caliper of two (2) inches measured at six (6) inches above grade, on-site or on adjacent public land for each significant tree removed. Or if a certified arborist determines that there is no suitable location for replacement trees on-site or on adjacent public land, then the applicant shall either plant replacement trees on another property owned by the applicant or pay a replacement fee in accordance with a fee schedule adopted by resolution of the council.
  - c. Removal of landmark trees is subject to the standards of Chapter 17.47.
6. Trees on developable land and subject to or undergoing development review, such as site plan review, tentative subdivision review, or partition review. If approved by the review authority for

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removal, the property owner or land developer shall provide the following mitigation:

- 1) Plant at least one (1) tree, with a minimum caliper of two (2) inches measured at six (6) inches above grade, on-site or on adjacent public land for each significant tree removed. Or if a certified arborist determines that there is no suitable location for replacement trees on-site or on adjacent public land, then the applicant shall either plant replacement trees on another property owned by the applicant or pay a replacement fee in accordance with a fee schedule adopted by resolution of the council.**
- A. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- B. The applicant shall complete the tree removal, tree replacement if required, within six months of receiving notification of the Planning Director's or Landscape Review Committee's decision. The Planning Director or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability. **If applicable, the payment of fees shall occur prior to the removal of trees.**
- C. Other conditions may be attached to the permit approval by the Planning Director or Landscape Review Committee as deemed necessary.
- D. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City. ~~to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.~~ (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

**17.58.045                   Downtown Trees.**

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.
- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees within the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and

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shall graphically describe the proper method for planting trees within the Downtown Tree Zone to minimize the potential for sidewalk / tree root conflict.

C. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the Downtown Tree Zone. In order to implement this policy, the Planning Director shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the Downtown Tree Zone.

D. A street tree within the Downtown Tree Zone may be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 5027 §2, 2017).

**17.58.050 Application Review and Criteria.**

A. Application for Simple Tree Removal Permit.

1. Review. Applications for simple tree removal permits shall be reviewed by the Planning Director in accordance with the requirements of this Chapter on a form containing information required by the Planning Director .
2. **General** Criteria. Each tree proposed for removal must meet at least one of the following criteria:
  - a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.
  - b. The tree is dead or in an advanced state of decline.
  - c. The tree species ~~has been determined to be a~~ is on the nuisance ~~by~~ ~~the City~~ list for Oregon or the list of invasive trees published by OSU Extension.
  - d. Tree is infested with pests or disease.
  - e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.
  - f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.
  - g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.

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- h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.
- i. The tree is in conflict with planned public improvements, no reasonable and practicable alternative to significant or landmark tree removal exists, and any required mitigation plans have been approved by the land use review authority.

3. **Significant Removal Criteria. Each significant tree proposed for removal must meet at least one of the removal criteria of Section 17.58.050(A)(2) and all of the following criteria:**
  - a. **No reasonable and practicable alternative to significant or landmark tree removal exists, and any required mitigation plans have been approved by the review authority.**
  - b. **Is consistent with the tree removal provisions of applicable natural hazard and natural resource subdistricts, and a mitigation plan for tree loss has been approved by the land use authority.**
  - c. **The permit is consistent with the applicable standards of Section 17.58.040.**
4. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Planning Director may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Planning Director . (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
5. At the Planning Director's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.

B. Application for Tree Major Pruning Permit.

1. Review. Applications for major pruning of trees shall be reviewed by the Planning Director in accordance with the requirements of this Chapter on a form containing information required by the Planning Director .
2. Criteria. Each tree proposed for major pruning shall meet all of the following criteria:
  - a. The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.
  - b. The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.

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- c. The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).
- d. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Landmark Tree Inventory ~~Heritage Tree~~ list, the decision shall also meet any applicable requirements related to the protection of such trees.

3. Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

4. At the Planning Director's discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.

C. Application for Complex Tree Removal Permit.

- 1. Review. Applications for complex tree removal permits shall be reviewed by the Landscape Review Committee in accordance with the procedures of this Chapter on a form containing information required by the Planning Director.
- 2. Criteria. An application for a complex tree removal permit shall meet all of the following criteria:
  - a. The tree removal is necessary to address a public purpose that is not addressed by the criteria for a Simple Tree Removal Permit, and the application does not merely circumvent the requirements for a Simple Tree Removal Permit.
  - b. The tree removal is necessary to promote the public health, safety, welfare, and/or to accomplish a public purpose or program identified in the City's adopted plans, goals, and/or policies.
  - c. The tree removal will be consistent with the overall furtherance of a healthy urban forest, including healthy, attractive street trees.
  - d. The permit is consistent with applicable standards of Section 17.58.040 Tree Removal / Replacement.
- 3. Landmark Trees Removal Criteria. Each landmark tree proposed for removal must meet at least one of the removal criteria of Section 17.58.050(A)(2) and all of the following criteria:
  - a. No reasonable and practicable alternative to significant or landmark tree removal exists, and any required mitigation plans have been approved by the review authority.
  - b. Is consistent with the tree removal provisions of applicable natural hazard and natural resource subdistricts, and a mitigation plan for tree loss has been approved by the land use authority.
  - c. The permit is consistent with the applicable standards of Section 17.58.040.

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4. The Landscape Review Committee may apply conditions of approval as specified in this Chapter and as may be necessary to offset the impact of the tree removal.
5. ~~If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.~~

**17.58.060      Permit Exemptions.**

- A. Emergency Removal of Hazardous Tree - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.
- B. Tree Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the Planning Director. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City's annual tree planting program.
- C. Maintenance - Regular pruning maintenance which does not require the removal of over 20 percent of the tree's canopy, tree topping, or the disturbance of over 10 percent of the tree's root system is exempt from the provisions of this ordinance.
- D. Removal of downtown trees at the direction and initiative of the Planning Director. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

**17.58.070    Tree Topping.** It shall be unlawful for any person, firm, or the City to top any tree **subject to the standards of this Chapter.** Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the Planning Director or Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

**17.58.075      Protection of Trees.**

- A. It shall be unlawful for any person to remove, destroy, break, or injure any ~~street tree or public tree~~ **subject to the standards of this Chapter.** Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City **a fee per tree, the amount determined by the Planning Director, with the amount assessed for each day of continuing violation to be at least the amount established a Class 3 code violation and to not exceed the amount established for a Class 1 code violation.** an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated

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using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture—Council of Tree Landscape Appraisers.

- B. It shall be unlawful for any person to attach or keep attached to any ~~street or~~ ~~public tree~~ **subject to the standards of this Chapter** or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.
- C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any **tree subject to the standards of this Chapter** ~~street tree or public tree~~ in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.
- D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the **City Landscape Review Committee**. Utility pole installations are exempted from these requirements. During such excavation or construction, any such person shall guard any street tree or public tree within the drip line, or as may be required by the Planning Director or Landscape Review Committee.
- E. All building material or other debris shall be kept outside of the drip line of any **tree subject to the standards of this Chapter** ~~street tree or public tree~~. (Ord. 4654B §1, 1997).

**17.58.080 Street Tree Planting - When Required.** All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

**17.58.090 Street Tree Standards.**

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2019-26, and as may have been subsequently amended, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within

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residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.

- D. Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City's adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the Planning Director may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk. Except when authorized by the Planning Director, street trees shall not be planted within a curbside landscape strip narrower than four (4) feet in width between the sidewalk and curb. When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards, street trees adjacent to major collector streets or arterial streets shall be placed a minimum of five (5) feet from the back edge of the sidewalk. Except when authorized by the Director, a street tree shall not be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value, in accordance with a fee schedule adopted by resolution of the council. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

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G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

**17.58.100 Street Tree Plans.**

A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Planning Director for review and approval prior to the filing of a final subdivision or partition plat.
2. Commercial, Industrial, Parking Lots, and Multi-dwelling Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Planning Director for review and approval prior to the issuance of a building permit.

B. Street Tree Plan Content. At a minimum, the street tree planting plan should:

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 4654B §1, 1997).

**17.58.110 Street Tree Planting.**

A. Residential subdivisions and partitions.

1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

B. Commercial, Industrial, Residential, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, residential, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

**17.58.120 Street Tree Maintenance.**

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent

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property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.

- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Sections 17.58.040 and 17.58.050. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997)

**17.58.120 Landmark Tree Inventory. The Landmark Tree inventory is hereby adopted and shall be maintained and updated as required. The inventory shall be used to identify trees of importance to the community that warrant protection. The list shall identify trees by age, species, and location.**

- A. The Landscape Review Committee shall be authorized to make all additions, deletions, and changes to the inventory. Any addition, deletion, or change shall conform to the requirements of this section.
- B. Any person may file an application with the Planning Director to add a tree to the Landmark Tree List. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Landscape Review Committee shall act on such an application within thirty (30) days of the date the application was deemed complete by the Planning Department. The Landscape Review Committee may delay action on an application for up to thirty (30) days from the date of their meeting so that additional information needed for a decision can be obtained. The owner of the site, which is under consideration, and the applicant (if different) shall be notified of the time and place of the Landscape Review Committee review, although their presence shall not be necessary for action to be taken on the application.
- C. The Landscape Review Committee shall allow owners of property to refuse addition to the inventory at any time during the designation process in Section 17.58.120. The Landscape Review Committee shall not include a tree on the inventory if the owner objects to its designation on the public record. The Landscape Review Committee is not required to remove a Landmark Tree from the inventory because an owner refuses to consent to designation.
- D. The Landscape Review Committee shall base each decision regarding additions or changes to the inventory on the following criteria:

**Commented [TG1]:** Review authority is still under review; staff has proposed the Landscape Review Committee and will return with further recommendations.

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- a. Relevance to the City of McMinnville's history; or
- b. Uniqueness of the tree specie; or
- c. Rarity of the tree; or
- d. Age of the tree; or
- e. Extraordinary structure of the tree; or
- f. Serving a unique and important function for the community.

E. The Landscape Review Committee will not be able to designate a Landmark Tree for the following reasons:

- a. Nuisance species trees may not be designated as Landmark Trees.
- b. Private trees. Trees on private property may not be designated as Landmark Trees without the consent of the property owner; however, the consent of a property owner will bind all successors, heirs, and assigns. When a private tree is designated as a Landmark Tree, the owner must record the designation on the property deed, noting on such deed that the tree is subject to the regulations of this Title.
- c. Public trees. Trees on public property may not be designated as Landmark Trees without the consent of the City.

F. The Landscape Review Committee must remove a landmark tree from the inventory on the following criteria:

- a. If the Landmark Tree has been approved for removal subject to Section 17.58.050(C).

G. When a private tree is designated as a Landmark Tree, X must record the designation on the property deed, noting on such deed that the tree is subject to the regulations of this Title.

H. Emergencies. If the City determines that a Landmark Tree is dangerous and is a threat to public safety, the City may issue an emergency removal permit or major pruning permit. Removal or pruning shall be in accordance with Section 17.58.040.

I. Maintenance and protection. The City shall maintain Landmark Trees located on streets and on property owned or managed by the City. Landmark trees on private property must be maintained by the property owner. It is unlawful for any person without prior written authorization from the City to remove, prune more than 20 percent of the canopy or 10 percent of the roots, or injure any Landmark Tree. Prior to removal or major pruning, the applicant shall apply for the necessary tree removal permit or major pruning permit as identified in Section 17.58.050.

**Commented [TG2]:** Consent authority is under review. Considering City Manager or City Council.

**Commented [TG3]:** Question to the Planning Commission: Who should be responsible for paying for and establishing a record on the deed? Staff recommends considering either the city, the property owner, or the applicant.

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17.06.045 Tree Related Definitions. For the purpose of Trees (Chapter 17.58), the following definitions shall apply.

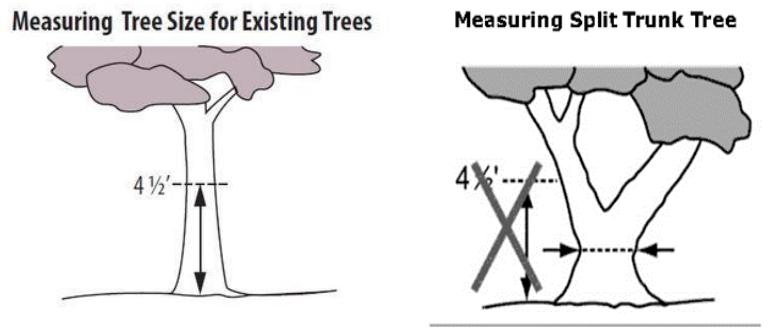
**Historic Tree** – Selected trees placed on an inventory based on the age, species, location, and historic significance.

**Landmark Tree – Selected trees placed on an inventory based on the age, species, location, and historic significance.**

**Landmark Tree Inventory – The inventory of trees designated as a Landmark Tree.**

**Significant Tree** – Selected trees placed on an inventory based on the age, species, and location. **Trees located on public and private land within the McMinnville UGB that are either (1) 36 inches or greater dbh, or (2) Oregon white oak trees 15 inches dbh or greater. Significant trees do not include hazardous, diseased, dead, or nuisance trees as determined by the Planning Director in consultation with a Certified Arborist or to the extent necessary to comply with the Oregon Public Utilities Commission Safety Rules (OAR Chapter 860, Division 24) or the City's Water and Light Department Electric Wildfire Mitigation Plan.**

**Tree** – Any woody plant having a trunk ~~five~~**six** inches or more in diameter 4.5 feet above ground level at the base of the trunk. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.



17.06.070 Natural Resources Protection Overlay Zones. For the purposes of the Natural Resources Protection Overlay Zones (Chapter 17.47), the following definitions shall apply.

**Certified Arborist.** An arborist certified through the International Society of Arboriculture (ISA).

**Critical Root Zone (CRZ).** The area directly beneath the tree dripline that should not be disturbed by development. The CRZ for an individual tree is located in a radius from the tree at a rate of 1 foot of horizontal distance from the tree for

each 1 inch diameter of a tree measured at 4.5 feet above ground level, or as determined by a certified arborist.

Landmark Tree. Selected trees placed on an inventory based on the age, species, location, and historic significance.

McMinnville Riparian Corridors Map. A map that identifies significant stream and river corridor resources within the McMinnville Urban Growth Boundary, including the South Yamhill River corridor and significant stream corridors. This generalized, composite map is based on the City of McMinnville Riparian Corridor Inventory.

McMinnville Significant Tree Grove Map. A map that identifies significant tree groves within the McMinnville Urban Growth Boundary. This map is based on the City of McMinnville Tree Grove Assessment.

Mitigation Plan. “Mitigation plan” means a detailed plan to compensate for identified adverse impacts on water resources and riparian setback areas from alteration, development, excavation or vegetation removal within the RC-P Subdistrict. A mitigation plan must be prepared by recognized experts, per the Planning Director’s determination, in fish and wildlife biology, native trees and plants, and hydrological engineering, and typically requires the removal of invasive plants and re-planting with native plant species.

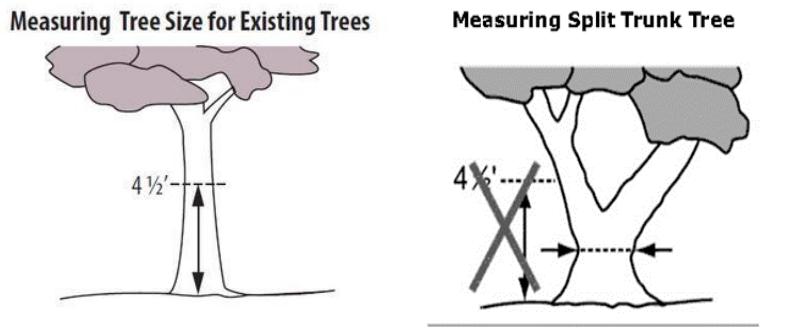
Native Plants. “Native plant species” are those listed on the Portland Plant List, which is incorporated by reference into this chapter.

Riparian Corridor. The “riparian corridor” includes significant (fish-bearing) rivers and streams and their respective “riparian setback” areas as documented in the Riparian Corridors Inventory and as shown on the RC-P Subdistrict map.

Top of Bank. “Top-of-bank” usually means a clearly recognizable sharp break in the stream bank. It has the same meaning as “bank-full stage” as defined in OAR 141-085-0510(6). It is the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. The methods used to determine tops-of-bank are found in the McMinnville Riparian Corridor Inventory Report.

Significant Tree - Trees located on public and private land within the McMinnville UGB that are either (1) 36 inches or greater dbh, or (2) Oregon white oak trees 15 inches dbh or greater. Significant trees do not include hazardous, diseased, dead, or nuisance trees as determined by the Planning Director in consultation with a Certified Arborist, or to the extent necessary to comply with the Oregon Public Utilities Commission Safety Rules (OAR Chapter 860, Division 24) or the City’s Water and Light Department Electric Wildfire Mitigation Plan.

**Tree – Any woody plant having a trunk six inches or more in diameter 4.5 feet above ground level at the base of the trunk. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.**



**Tree Grove Mitigation Plan (TGMP). A detailed plan to compensate for identified adverse impacts on tree groves and native vegetation within tree grove boundaries from alteration, development, excavation or vegetation removal within the TG-P Subdistrict. The TGMP must be prepared by a certified arborist. The TGMP must be consistent with the recommendations of a required WAMP, if applicable.**

**Wildfire Hazard Assessment and Mitigation Plan (WAMP). A plan prepared by certified arborist or professional forester in coordination with the McMinnville Fire District designed to assess and mitigate wildfire risks to people and property.**

**Taylor Graybehl**

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**From:** Elena Mudrak  
**Sent:** Sunday, January 25, 2026 8:41 PM  
**To:** Taylor Graybehl  
**Cc:** Heather Richards; Evan Hietpas  
**Subject:** Re: Few more questions!

Good evening Planning Team,

I wanted to submit this email for further conversation on our most recent work session.

I really appreciate the amount of information that staff provide to prepare us for meetings. Thank you for the work, seen and unseen, that you've done already on tonight's topics. Please pass on my appreciation to the Winterbrook consultants as well; the ESEE analysis was really informative.

As we look ahead, I feel like there were some outstanding topics/requests from the packet that we didn't touch on as a group, and a few additionally that I want to voice. I think that our discussion in the joint work session was too concerned with economic hardships and takings. I think the proposed code amendments offer only short-term protections that could willfully be circumvented. I think it's a fallacy to reduce economic hardship to one property owner and that we can carve out better protections for our natural resources, as I interpreted the state goal as requesting us to do. Again, I would like to reiterate that I'm not advocating for a total prohibition of exceptions, simply a reduction in exceptions for development that cuts into our riparian corridors, significant tree groves, and landmark and significant trees.

Per staff questions from our packet:

I wanted to say I'm in favor of combining the historic and landmark trees lists as recommended by staff.

I am in favor of giving the planning director the authority to determine intent and therefore fees for significant/landmark tree removals.

Would it make sense to create criteria for the planning director that determine a level of necessity for removal? Like allowing for removal based on impact on local infrastructure, underground utilities? Is that what malicious intent references? I would categorize removal of a significant/landmark tree for aesthetic reasons more generally malicious. I think \$500 as a minimum is too low. I think dissuading folks from removal is inline with this statewide planning goal. \$2000 minimum is still a deal compared to today's code, given the ultimate price tag. Per the mayor's concern, I have found arborists that will come out and make recommendations and provide estimates for free. And further, the mayor seemed concerned that folks wouldn't be able to remove diseased or dying trees, but I understood the code to allow those things.

I disagree with the reductions in dbh for Oregon white oak and for other significant and landmark trees, as proposed by the Landscape Review Committee. I got the sense that those suggestions were arbitrary, and I'd rather protect more trees than less, reverting to initial numbers.

I wonder about feasibility for a 3 to 1 replacement rate. While I don't think that there's any substitute with a new planting for a mature tree, I wonder about the potential for future site implications with the planting of three new, potentially large trees. I think 2 to 1 or 1 to 1 would be fine. On Commissioner

Jones' point about replacing with the same species, I think that would be unnecessarily limiting. I think directing planting replacement by group, as the Portland Plant List divides plants, ie: a tree for a tree, not a shrub replacement for a tree, could be more appropriate.

I worry about the increasing environmental stress on our tree stands and natural features. I don't think that we should limit replacement plants to native, per the Portland Plant List. There's interesting research concerning assisted migration of plants in times of accelerated climate change. Restricting plants to what is native here now removes a potentially effective tool from our kit for climate adaptation. I do think the fire-resistance characteristic is important, as the code from the packet specifies.

A few reflections on the relevant code:

17.47.180 B5

"...have been mitigated to the greatest extent possible." That seems too vague to me. I don't know how to make that more enforceable, with respect to adverse impacts on water quality, erosion, or slope stability. But I wonder if that amount of discretion in the code is allowable or helpful.

17.58.050 A2f

Can we remove "aesthetics" from this subsection? It feels too subjective and, if the tree is not a danger, as is addressed in other parts of the code allowing for removal, damaged trees in fact provide new and important habitat opportunities.

Finally,

17.49.40 B1

Do we need to maintain the exemption for farm and forest zones from vegetation removal regulations? Open to the yes, but curious about a no.

Thank you all for the opportunity to continue this conversation.

Kindly,

Commissioner Mudrak