

APPROVED

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
February 28, 1994
7:30 p.m.

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Gustafson, Maher, Elliot, Ewert and Wiegand.

Staff Present: Robert Hoffman, Planning Director; James Wheeler, Assistant Planner; and Joyce Faltus, Secretary.

Others Present: Rosemary Glutsch, Georgia Newton

II. MINUTES

The minutes of **January 24, 1994** were approved unanimously, as corrected. The minutes of **February 14, 1994** were held over to March 14, 1994.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Maher moved for approval of the Final Order for CPA 94-01 [Canby Telephone/CTA]. **Commissioner Mihata** seconded the motion and it carried unanimously.

Commissioner Maher moved for approval of the Final Order for ZC 94-01 [Canby Telephone/CTA]. **Commissioner Gustafson** seconded the motion and it carried unanimously.

Commissioner Maher moved for approval of the Final Order for CUP 94-02 [North Willamette Telecom]. Commissioner Wiegand seconded the motion and it carried unanimously.

VI. NEW BUSINESS

None

VII. PUBLIC HEARINGS

MLP 93-08, an application by Canby Fire Protection District #62 for approval to partition a 4.11 acre parcel into two lots, approximately 2.11 and 2 acres, respectively. The applicant is proposing to construct a fire station to house fire and emergency vehicles, and to eventually house equipment and staff. The site is located on the southwest corner of Highway 99-E and S. Pine (Tax Lot 800 of Tax Map 3-1E-33DA). (Continued from December 13, 1993.) *Continued from January 24, 1994.*

At the request of the Canby Fire Protection District #62, MLP 93-08 has been continued.

TA 93-04, a Land Development and Planning Ordinance Text Amendment, initiated by the City of Canby Planning Commission, at the request of City Council and the Chamber of Commerce. The purpose of the text amendment is to change the Canby Land Development and Planning Ordinance, Chapter 16.42, Signs, as follows: 1) Sandwich boards are permitted, with limitations, in downtown and along Highway 99-E (called "Daily Display Signs"); 2) Banners and Pennants are permitted, with some limitations on size, type, and duration; 3) Ordinance Administration and Enforcement policies and procedures are clarified; 4) Definitions are provided in key cases; 5) A process to "modify" application of Sign Standards is provided; 6) Current practices are codified in some cases; and 7) A Sunset Clause is provided for a "test period," with resolution to continue the ordinance. The effect, if adopted, would be Citywide.

Mr. Hoffman explained that he reviewed Mr. Fenske's suggestions and comments and, where appropriate, incorporated those, as well as the Commission's suggested changes. The main change was the deletion of the Modification of Sign Standards section on the basis that it was already covered in the Variance section of the Land Use Planning and Development Ordinance. To denote the most recent changes, Mr. Hoffman explained that the additions are underlined and the deletions are struck out. Naturally, the version that goes to City Council, will eliminate changes and be submitted in final form, recommended for adoption.

The public hearing was reopened for public testimony.

Testimony

Rosemary Glutch addressed the Modification section, which has been deleted. She stated that the Committee would prefer that the section be retained, and altered to read "**Minor** Modification of Sign Standards." Additionally, the Committee believes Mr. Hoffman would be the proper vehicle for reviewing the variances in order to have them resolved in a timely manner, rather than bringing it before the Planning Commission. Ms. Glutch added that, should this modification vehicle be found to be unworkable, with the Sunset Clause in place, it would cease to exist after one year.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission questioned the definition of "minor" modification. Mr. Hoffman explained that Section 16.42.120(B) defines minor modifications as **less than** 10 percent from the numeric standard required [setback, height, area of sign allowed, etc.]. Such requests would still have to meet the variance criteria, which would be very difficult. If a modification in excess of ten percent is requested, it would go before the Planning Commission. Further, he explained that within five days after staff's decision has been rendered, the applicant and lot owners within 100 feet of the site would be notified, and staff's decision could be appealed to the Planning Commission. The Commission agreed to retain this section for the time being, with a note attached that major modifications will be processed under the variance standards.
2. The Commission requested that the title page be reviewed for consistency with the title of each section.
3. The Commission agreed that Section 16.42.015, the definition for Daily Display Sign, be amended to read ". . . a temporary on-premises sign normally. . ." instead of ". . . a nonpermanent on-premises sign normally. . .".
4. The Commission agreed that Section 16.42.028(O) be amended to read: O. Balloons, provided they are temporary and related to a special event and exceed 10,000 cubic feet in size. These are exempt from area limits of Section 16.42.100. (A sign permit is required.)
5. A discussion was held regarding signs on vehicles. Mr. Hoffman explained that the Sign Ordinance only applies to signs on private property. It includes exceptions where signs are permitted in rights-of-ways. For the most part, signs are not permitted on vehicles except where specifically noted (Signs on Trailers or Vehicles).

6. A discussion was held regarding enforcement provisions and whether there was a conflict between the Planner's powers and duties and those of the Chief of Police. Mr. Hoffman explained that only the Police Chief had the power to confiscate signs and is an exception to the Planner's authority to enforce the provisions of the ordinance.
7. A discussion was held regarding Design Review of signs. Mr. Hoffman explained that the current procedure allows separate application for a sign permit. As signs should really be part of a Conditional Use or Design Review application, the purpose of Section 16.42.023(L) is to avoid allowing applicants to bypass design review of signs by simply not submitting it as part of a package and, once obtaining design review approval, submitting the sign request separately.
8. The Commission requested that Section 16.42.028 be reviewed for consistency, where it is specified that sign permits are or are not required, and asked that the words "for these signs" be deleted.
9. The Commission also requested that Section 16.42.028 be further broken down into more readable sections. Presently there are two of each alphabetic letter which could cause some confusion.
10. The Commission agreed to delete Sections P and Q under Exempted Signs.
11. The Commission agreed to amend the first subparagraph under Prohibited Signs (16.42.028), to add "sequentially illuminated" to the first line.
12. The Commission discussed Section E under Prohibited Signs. Mr. Hoffman explained that this section refers to future rights-of-ways that the Council has already designated, which have not been built yet.
13. The Commission discussed Section G under Prohibited Signs and agreed to amend it to read: "Window signs, which are not temporary and which obscure more than 50 percent of the window area."
14. The Commission agreed to move the Street Banners section and Signs on Trailers or Vehicles section under the Prohibited Signs section.
15. The Commission agreed the portions of Section 16.42.105 Signs Prohibited, Exempted Signs, and Daily Display Signs, should be lettered and the subtopics beneath each, numbered, for clarification purposes.
16. Under Exempted Signs, the first paragraph should read ". . . deviated from by the City. . .".

17. A discussion was held regarding the legality of signs if the new ordinance sunsets. Mr. Hoffman explained that many signs could then become legal nonconforming signs. Daily Display Signs could not become a legal nonconforming sign and if the Sunset Clause takes effect, would have to be removed within six months. Mr. Hoffman further explained that Canby has never had an amortization clause in place which would eventually discontinue the use of legal nonconforming signs and pointed out that most of them are very expensive signs, except for the daily display signs.
18. The Commission agreed to add banners and pennants, bench advertising signs, and pennants without written message or logo, not to exceed the lineal feet of the building exterior per site (Section 16.42.028(A)(4)(5)(8) to the Sunset Clause, in addition to the daily display signs that would be discontinued after a six month period.
19. The Commission asked how the Committee plans to educate the business community about the Ordinance. Ms. Glutch explained that the Chamber Committee would probably hold a meeting with Mr. Hoffman, so he could field all questions the business community might have.

Commissioner Maher moved to recommend approval of TA 93-04 [Ordinance No. 913] to the City Council. Commissioner Mihata seconded the motion and it carried unanimously.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,



Joyce A. Faltus