

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, MAY 14, 1998 AT 7 P.M.

Approved at the June 11, 1998 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby	Steve Hannum	Matson Haug
Myrna Miller	Lon Wall	Warren Parrish
Paula Fowler		

Staff Present:

Barton Brierley, Planning Manager
Barbara Mingay, Planning Technician
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Miller opened the meeting at 7:00 p.m. She announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

Chair Miller said that she will be leaving at 10:00 - 10:30 p.m. due to her husband recently being released from the hospital. Discussion was held concerning limiting item number 5 on the agenda to 1-1.5 hours due to the full agenda.

III. CONSENT CALENDAR

1. Approval of April 9, 1998 Planning Commission Minutes.

Motion #1:	Ashby/Wall to approve the consent calendar items, approving the minutes of the April 9, 1998 Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried unanimously.
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None.

V. LEGISLATIVE PUBLIC HEARINGS

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| 1. | APPLICANT: | City of Newberg | |
| | REQUEST: | Sign Code Ordinance | |
| | FILE NO.: | G-35-98 | RESOLUTION NO.: 98-94 |
| | CRITERIA: | NDC 10.20.030 | |

OPEN FOR PUBLIC HEARING.

Chair Miller entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: **Mr. Barton Brierley** suggested that the Commission review the staff report, listen to the public comments and not have the Commission fully deliberate on the issue at this time, but would like to bring it back to another hearing for deliberation. The City does have a current sign ordinance and has had one for some time. It has been changed and amended throughout the years. The enforcement has not been very active. The City Council directed staff to enforce provisions of the sign code. As a follow-up with business owners and others, some of which were cited for illegal signs, it was found that there were some places where the Code was vague. The Council then recommended that code enforcement be held in abeyance and asked that the Commission revisit the sign code. Also directed that this be an open public process with citizen participation. A sign summit was held on April 2nd at George Fox University (GFU) and about 30-35 people appeared. The group broke into focus groups to discuss specific subjects about signs. Each focus group came up with recommendations they would like to see be changed or added. A summary of the sign summit is contained in the Commission's packet. On April 29th, the downtown walking tour took place. Citizens and Commission members were invited to participate. Last month Attorney Jeff Condit made a presentation concerning sign ordinances and the law. The packet of information was sent to members of the public who were interested in receiving further information.

Mr. Brierley continued the staff report by providing information concerning issues raised by the summit. It was also noted that most people did agree there should be some regulation of signs. Another concept discussed was to have subjective or objective standards. During the sign summit, there was quite a bit of desire to have subjective standards due to the personal preferences of the owners. They would provide for specific standards for certain signs. Discussion was held concerning a citizen advisory committee, both for reviewing the enforcement of the Code, as well as the new sign programs. Discussion was held concerning taking the decision for the sign program criteria and make it a Type II process that would be reviewed by a citizen advisory committee. This would hopefully prevent additional costs associated with public hearing type committees (content neutral). The current codes provide for signs that are for directional purposes only.

Mr. Brierley reviewed the regulations and ordinances which governed the sign code: Newberg Development Code, Municipal Code and Uniform Sign Code. Mr. Brierley presented overheads concerning various examples of zoning and sign code requirements.

C-2 zone: One major free standing sign per frontage. Size is determined by the amount of frontage up to 100 sq. ft. which does not change from the current code. Discussion was held concerning provisions for height restrictions. Directional signs are considered "minor free standing signs" and are allowed up to 6 sq. ft. (1 for each additional 200 sq. ft. of frontage). The sign would be content neutral. Attached signage: there is a limit to the sq. ft. dependant upon how big the sign is. The feeling of the focus group is that there should be portable signs allowed but only one on each frontage: one 12 sq. ft. sign in front or one 40 sq. ft. sign on the building outside the yard area.

C-3 zone: Concerned about real estate signs in right-of-way. In the downtown would not be allowed in the right-of-way. Attached sign restriction are the same. Window signs are allowed, cannot cover more than 1/2 of the window. Residential zone signs (sample: day care) not separated by use. Allow .2 sq. ft. of signage per foot of frontage. Building signage is the same for frontage as before. Portable signs were allowed 6 sq. ft. (garage sale/real estate sign, etc.)

Residential zones: (school with a larger amount of frontage). Maximum sign size of 40 sq. ft. (free standing signs). Building with 150 feet of frontage would be allowed a total of 30 sq. ft. of signage and then have 3 sq. ft. of sign or a 16 sq. ft. of sign on the building.

Mr. Brierley presented information concerning event signs being allowed for special events, grand openings and elections, etc. Mr. Brierley said that temporary and portable signs have to be in compliance within 30 days from the date the sign ordinance becomes effective. Vacant buildings will have a one year period in which signs must come down. Everything else would be January 1, 2006 to comply for other signs (signs originally placed legally, but now under the new sign code would not be legal). The new sign

code allows for modification of signage due to the changing of tenants. Historic landmark signs are also covered in the new sign code which also may not be conforming.

Mr. Brierley said it was staff's recommendation to take in public input, give staff direction, but postpone deliberation and final decision until the May 28th meeting.

Letters: Mr. Joe Lowe (Newberg Express Lube).

Mr. Peter Keppertz, 345 SW Sixth Street, Gresham, reviewed his concerns involving building and site design standards and criteria in reviewing the code, including the section dealing with building height and setbacks. Mr. Keppertz noted he would like to see an exception added wherein if the building setback is less than the sign setback, the sign can be built to the building setback. Discussion was held concerning speed limits as it pertains to sign dimensions. Mr. Keppertz stated that he felt that for some small retail tenants and establishments (small 25 ft. frontage) it should be allowed for a minimum sign size. Mr. Keppertz also added that he was in the audience to testify for the Leathers Oil Company issue but wanted to provide input.

Commissioner Parrish discussed concerns over length of frontage compared to sq. footage. Mr. Keppertz recommended that a minimum of 25 sq. ft. be allowed in more restrictive zones and 50 sq. ft. in all other zones. This would allow people with only limited frontage to have adequate signs.

Commissioner Haug asked for Mr. Keppertz' views on the citizen advisory committee process. Mr. Keppertz explained the reasoning for the larger sign is because drivers generally are not able to see smaller signs if the speed limit is higher in certain areas.

Jeanne Nilles, FarmGro Supply, expressed concerns regarding fees, permits, time involved in applying for same. Ms. Nilles also discussed issues relating to corporate planning events which may cause problems in promoting special events/merchandise. Discussion was held concerning complying with time frames for special events and working with retailers and manufacturers.

Commissioner Wall asked Ms. Nilles what her views were on temporary signs. Ms. Nilles said that she would like to see signs be allowed for periods of at least to include two Saturdays and a pay period. Thirty day periods give a range for people to come in and shop. Commissioner Wall asked if she would promote a time limit or the number of times businesses can display temporary/event signs. Ms. Nilles said that sometimes there could be a one event a month.

Commissioner Parrish asked about displaying merchandise. Discussion was held concerning other code enforcement policies.

Commissioner Haug asked if Ms. Nilles merchandise was obstructing sidewalk, right-of-way and roadway. Ms. Nilles said no, none of her merchandise blocked the sidewalk or right-of-way.

Mr. Steve Roberts, 814 E. Hancock, Newberg, Willamette Analytical, presented a statement concerning signs (free standing) and the major commercial districts of the City (Portland Road and the downtown core are). The downtown core cannot compete with the Portland Road area. The downtown appears to need to reinvent itself and the downtown sign code ordinance may lead into it. Mr. Roberts stated that a two zone ordinance is what should be proposed (at a minimum). The public right-of-way is trespassed upon and it is more serious than the Portland Road zone because the Portland Road zone is bigger. Current signs of long standing businesses need to be corrected. The sign advisory board is mentioned in the amendment language but the mechanism is not stated.

Mr. Brierley reviewed the fees, the permit process and what major and minor signs are required to have a permit. The big signs require a permit and the smaller ones do not. Banners and portable signs do not require a permit as long as they are in compliance with the code. Some signs are allowed to have a

special event out at all times. Special event signs are allowed for 8 days (once a year).

Commissioner Haug asked if the proposal addressed mechanism for sign advisory committee (how many people, etc.). Mr. Brierley said that if we set it up like the Citizens Utility Rate Committee or the Planning Commission or other similar committee, they would have to be appointed by the City to make recommendations, they would have to go through the hoops of notice, minutes, findings, etc. which takes time and money. Discussion was held concerning allowing the committee to work out the issues and how the committee is comprised.

Commissioner Haug asked Mr. Brierley to address the uniform sign code dealing with public safety issues, etc. in which some of the sections appear to conflict with the City's code. Mr. Brierley reviewed sample regulations from the Uniform Sign Code.

Commissioner Haug asked if the concerns of Ms. Nilles will be addressed with the new code. Mr. Brierley said that dealing with banners, she would not need to pay a fee, but may have to take down another banner to allow for a new banner. Commissioner Haug asked for clarification dealing with portable signs and increased signage in residential areas (page 36 and 37 of the packet).

Commissioner Parrish stated:

1. He talked with several business owners in town and there was one recurring theme - much dissatisfaction with the fee system. Commissioner Parrish discussed the fees noted in the package. Additional discussion was held concerning hardship cases.
2. Sign advisory committee would set up guidelines. What would be their parameters, how many times they would meet and how many members?
3. Strong feelings from community that existing signs should be grand fathered in unless there are safety problems. Discussion was held concerning 5-7 year programs.
4. Churches, schools and athletic fields should also have some sort of consistency.
5. Institutional zones falling in all other categories.
6. Glad to see banners, balloons and others similar event signs. Some new regulations appear to be too restrictive.
7. Portable signs (in particular, reader board signs), should be more restricted.
8. Allow sandwich signs should be allowed as long as they were safely located and constructed.

Chair Miller said that there was one person that wished to speak - Mike Olberding.

Motion #2:	Wall/Parrish to reopen public testimony.
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Vote on Motion #2:	The Motion carried unanimously.
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Mr. Mike Olberding, owner of business located on Portland Road, apologized for being late, but he had another meeting. Mr. Olberding said he was the person that proposed the citizen advisory committee. The purpose of doing so was to create a liaison between the business community and the "sign sheriff". Problems dealing with sign construction, maintenance and compliance are an issue for everyone. Discussion was held concerning various businesses in town who have signs that are not in conformance. Grand fathering rights should be allowed for signs as long as they are maintained. The sign ordinance

should make the city look better but not necessarily dictate how big the sign should be.

Mr. Olberding said that the current sign code appears to be somewhat adequate, but the advisory committee could be the buffering body for the code. Discussion was held concerning buildings throughout the city that are also not in compliance with City codes.

Hearing Closed. **Chair Miller** closed the public hearing.

Commission Deliberation:

Commissioner Haug said he would not like to conclude the discussion.

Motion #3:	Hannum/Parrish to close the discussion on the sign code issue and continue with the agenda.
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Vote on Motion #3:	5 Yes/2 No [Haug/Wall]. The Motion carried.
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Commissioner Parrish said that there will be another meeting scheduled to deal with the sign code issue. Discussion was held concerning the Commission's full schedule.

Commissioner Haug said the long term agenda calls for the Commission to conclude the sign ordinance at the next meeting and it is not appropriate to conclude it at the next meeting due to the issues raised. There many controversial issues, the composition and make-up of the citizens advisory board, and the Commission not being able to resolve those issues which have yet to be discussed.

Commissioner Ashby said he too has questions but he would submit his concerns and issues to the staff and have them discussed at the next meeting.

Chair Miller said that the Commission could consider having only the sign code discussion at the next meeting.

Motion #4:	Ashby/Hannum to dedicate the next meeting to the sign code issue.
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Vote on Motion #4:	The Motion carried unanimously.
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Commissioner Haug said he had slides of the City running from the Dairy Queen property down to First Street through the downtown core area. Commissioner Haug said he would like to see the City allow citizens to check the slides out and be able to view them, at least the Downtown Redevelopment Committee should review them. Commissioner Haug presented them to Barton Brierley for the City's use. **Chair Miller** called for a 5-7 minute break at 8:55 p.m. The meeting reconvened at 9:03 p.m.

VI. QUASI-JUDICIAL PUBLIC HEARINGS

PUBLIC HEARING (#1)

APPELLANT: Harris Thermal

REQUEST: Appeal of design review conditions for a storage shed

LOCATION: 615 S. Springbrook Road

TAX LOT: 3221-1600

FILE NO.: DR-107-98

CRITERIA: NDC 10.28.050

RESOLUTION NO.: 98-95

OPEN FOR PUBLIC HEARING.

Chair Miller entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Mr. Barton Brierley provided the staff report. The application is to construct a storage shed on the Harris Thermal property (3,750 sq. ft. storage building). Recommendation from staff is to deny. The project involves two phases. Some of the conditions of three applications presented have not been met including ADA accessibility. The applicant is appealing this condition stating that issues arise due to occupancy and the original purpose of the building. City staff's position is that the applicant should comply with ADA requirements for accessibility. The Planning Commission does not have the power or authority to change or waive federal ADA requirements.

Mr. Brierley addressed previous design review conditions. The appeal period on previous projects has expired. Conditions: access maintenance agreement be executed for access for adjoining property, Springbrook Road (frontage) improvements along with a dedication of right of way improvements. Discussion was held concerning the original findings for the original application and how it relates to the current denial by staff. Discussion was held concerning the applicant waiving the 120 day rule as it pertains to a continuance by the Planning Commission.

Commissioner Haug asked where it would be appropriate for the Commissioner members to ask questions during the procedure. Mr. Brierley said that if they had a brief question for clarification, it would be now, but a long discussion or deliberation would not be appropriate at this point (wait until after the public comment portion of the hearing). The applicant is appealing staff's decision because the approval was made with certain conditions which have not been met.

Commissioner Ashby asked for clarification of a Type II decision. Why are we not considering looking at those conditions rather than reversing the applicant's application. Mr. Brierley said the conditions are necessary in order to meet the applicable criteria.

Commissioner Wall said that the Planning Department said at one point the application was approved with certain conditions. Those conditions, however, have not been met which over-rule the original decision.

Commissioner Parrish discussed clarifying the definition of "Director or his designee" and waivers of rights to remonstrance. Mr. Brierley noted that the Director is basically the Community Development Director or his designee. As to waiver of rights to remonstrance, it involves the commitment by a property owner to not go against a plan or intention.

Proponent: **Dorothy S. Cofield**, Attorney for Harris Thermal, 12725 SW 66th Avenue, Suite 107, Portland, Oregon, 97223. Appealed the conditions because they did not have sufficient time to prepare.

Ms. Cofield said the Commission must adjourn the meeting to a date and time certain. The applications involves Tax lots 1500 and 1600. Tax lot 1600 is for the industrial building. What will go in the storage shed is equipment that would be stored on tax lot 1500. Would not contain employees, does not expect traffic impact or conditions. Discussion was held concerning parking (page VI-1-50). The same standard after appeal is that these conditions were imposed in prior approvals which Harris Thermal should have appealed, but was afraid to do so because they felt it would hold up the permit process. They did not understand and did not raise it at that time that it was appropriate in the first hearing. When staff approved the storage shed, they imposed the same conditions. The applicant would lose approximately 10,000 sq ft. of building area if he had to dedicate the land. Ms. Cofield asked the Commission whether or not they believe the conditions in the past applications were justified, and can or will the Planning Commission do something now? Ms. Cofield discussed issues relating to appeals before the Land Use Board of Appeals (LUBA) and the Dolan v. City of Tigard lawsuit which she felt had a bearing on the

applicant's issues.

Ms. Cofield asked that the Commission review and consider the Dolan findings and that they would appeal because it would be considered unconstitutional.

Ms. Cofield discussed the easement involving the church in which negotiations began in April, 1997. Ms. Cofield said there are maintenance conditions in the agreement and in order to be enforced, all signatures must be recorded. Ms. Cofield also discussed ADA requirements and questioned why the ADA requirements because the building will be used as a storage shed and that it was highly likely that persons using the storage shed will be non-ADA persons.

Mr. Arnold Fuchs, President of Harris Thermal, 615 S. Springbrook Road, Newberg, said he appreciated the opportunity to provide testimony. Mr. Harris provided a brief history of how Harris Thermal came to Newberg (doubled in size since September, 1991). Mr. Fuchs said the proposed building will be used for storage. Discussion was held concerning other businesses that are located off Springbrook Road that are located in the back portion of property off Springbrook Road (they are not located on Springbrook Road frontage).

Mr. Saj Jivanjee, Jivanjee Architect, P.C., for the applicant was in attendance to answer questions from the Commission.

Ms. Cofield said that she would ask to continue the hearing for 21 days.

Commissioner Haug asked Ms. Cofield if the applicant would consider waiving the 120 day rule in order for the Commission to further investigate the matter. Ms. Cofield said that she would like to see a specific number of days rather than leave the time period open. Ms. Cofield would like to limit the extension to 45 days or so. Commissioner Haug said he would need at least a month to provide the Commission and staff time to review the information. Commissioner Haug said that it appears that all parties are trying to get things resolved in a good faith attempt.

Mr. Saj Jivanjee, Architect, 14475 SW Allen Blvd., Suite D, Beaverton, Oregon 97005, said they have been at the application process for over a year and they already have the bids, etc.. They have already experienced additional delays.

Commissioner Fowler asked Ms. Cofield if she would continue to 45 days. Mr. Brierley said that it can be done. Ms. Cofield said she would agree to a 45 day waiver for continuance.

Commissioner Wall asked for clarification of what the Dolan v. City of Tigard, issue entailed. Ms. Cofield explained the case and how it involved the donation of land for bike paths and property involving a flood plain. Ms. Cofield also noted that it is important to note that the City did not have authority to require them to donate the property for infrastructure or for safety improvements.

Commissioner Parrish asked what the average weight load was for trucks dealing with the applicant and who traveled on the roads going out of the property. Mr. Fuchs said they weighed generally over 25,000 lbs. Mr. Jivanjee said that for each 700 sq. ft. of the building, it equates to one parking space. Discussion was held concerning the Church being contacted sometime in November, 1997 and why there has not been further contact from either party. Mr. Fuchs said they met with a member of the church in January/February of this year who indicated that the agreement was with their attorney. Mr. Fuchs said he would make it a point to recontact them.

Motion #5:	Haug/ moved to allow the other two public hearings (Leathers Oil and Century Sign Company) be placed at the beginning of the next meeting prior to the sign ordinance. Motion failed for lack of second.
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Mr. Brierley said that he feels that those two hearings could be addressed fairly quickly.

Motion #6:	Haug/Wall to allow the two hearings above mentioned to be heard after the Harris Thermal hearing this evening.
Amendment to Motion #6:	Wall/Haug to place a specific time limit for the Harris Thermal discussion to be completed by 11:00 p.m.
Roll Call on Amendment to Motion #6:	The Motion carried unanimously.
Roll Call on Motion #6 as Amended:	The Motion carried unanimously.

COMMISSIONER Hannum asked for further clarification of the Dolan case. Ms. Cofield said the City has not used individualized findings, it has not proved that it would impact the surrounding area or that the storage shed would necessitate improvements for Springbrook Road. Ms. Cofield said that the applications would stand on their own and not be cumulative. Discussion was held concerning traffic impact and system development fees.

Commissioner Hannum said that regarding the June, 1996 application approval, the applicant agreed to dedicate the half street prior to occupancy. In August, 1997, the applicant agreed to dedicate the right-of-way and make the improvements. Ms. Cofield said that Mr. Fuchs protested having to make the improvements. Mr. Fuchs said the Planning Commission required that the conditions be met in order to receive approval. Ms. Cofield said that the law permits the allowance of changes, due to constitutional issues. Discussion was held concerning LUBA and Circuit Court procedures. Discussion was also held concerning conditions of approval being appropriate.

Commissioner Wall asked Mr. Fuchs about his previous applications and prior business experience. Mr. Fuchs said that he was not aware of the previous facts and the procedures that were required.

Commissioner Haug said it is standard procedure for an appeal process. Discussion was held concerning the prior applications being completed before proceeding with any new applications. Ms. Cofield said the City should review the Dolan case. The City should purchase the right-of-way in order to get Springbrook developed. Mr. Fuchs said they submitted a reasonable compromise on tax lot 1600. Discussion was held concerning Springbrook Industrial Park having 8-10 businesses located in back of the Harris Thermal property. They are not located on Springbrook Road frontage and are not having to comply with similar requirements.

Commissioner Wall questioned whether the Dolan case was applicable in this particular instance. Discussion was held concerning individualized determination and how the storage facility did not negate the necessity to have these conditions.

Commissioner Haug discussed how the redevelopment of Springbrook Road was not tied into traffic impact studies (trips).

Commissioner Parrish said that there has been a dramatic increase of traffic on Springbrook Road.

Chair Miller left the meeting at 10:40 p.m.

Vice Chair Steve Hannum presided over the meeting.

Motion #7:	Wall/Haug to close the public hearing.
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Vote on Motion #7:	The Motion carried (6 Yes/1 Absent [Miller]).
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Vice Chair Hannum closed the public hearing.

Staff Recommendation: **Mr. Brierley** said that the City is glad that Harris Thermal is in Newberg and wants to continue the relationship and accommodate individual needs. Mr. Brierley suggested that it was a good idea to continue the matter to June 11th which would allow the staff and the City Attorney time to review the issues raised.

Commission Deliberation:

Commissioner Wall evaluated the discussion and questioned why City Attorney Terry Mahr was not involved.

Commissioner Haug said he felt that the Commission needed clearer direction to direct staff to proceed with the 30 day period.

Commissioner Wall said there are other property owners in the area that are not doing what is required. Discussion was held concerning the "raise it or waive it" rule and how the staff acted appropriately in addressing the concerns of the applications and the conditions not being met.

Commissioner Fowler agreed that staff did handle the matter correctly and was willing to give the full 45 days to reconsider and investigate the issues raised by the applicant. Commissioner Fowler said it would have been good for the City Attorney to be here to counter-act the statements made.

Commissioner Parrish said he too agreed with Commissioner Fowler's statements. He said that so much of this deliberation and content is legally oriented. Commissioner Parrish said he would recommend continuance for a 45 day period.

Commissioner Ashby agreed that staff is operating correctly in the sense that the applicant appears to exhaust the remedies of the conditions imposed. However, City staff did raise the important issues by reimposing the conditions of this application and afford the applicant the opportunity to appeal their decision. Commissioner Ashby said he would like to see what the City Attorney feels about the Dolan case and how it pertains to this instance.

Commissioner Haug said he was confused about the previous conditions not being met although he too said he would like to see the City Attorney review the issues raised.

Commissioner Parrish said he has concerns about the threat of a lawsuit.

Commissioner Ashby asked why the prior conditions were not being enforced. Ms. Mingay said that when building permits are presented and approved, easements for recording are done before occupancy or recording is completed due to different variables in timing. There is an outstanding occupancy permit on the applicant due to outstanding conditions not being met.

Motion #8:	Haug/Parrish to continue the public hearing until June 11, 1998 and ask that City Attorney Terry Mahr review the information (record) presented and provide a legal analysis on the issues addressed.
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Vote on Motion #8:	The Motion carried (6 Yes/1 Absent [Miller]).
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LEGISLATIVE PUBLIC HEARINGS (#2)

APPLICANT: Leather's Oil
 REQUEST: Removal of a Historic Inventory designation of "Contributing" on an existing service station and demolition of the station. The owner also seeks conditional use permit and design review approval for reconstruction of a new service station.
 LOCATION: 203 E. First Street
 TAX LOT: 3219AB-6300
 FILE NO.: CUP-9-98/DR-109-98/H-4-98 RESOLUTION NO.: 98-93
 CRITERIA: ORS 197.772 (3), NDC 10.44.255 (5); 10.44.255 (4); 10.30.040; 10.28.050

Vice Chair Hannum read the statements from ORS **197.763** relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: **Ms. Barbara Mingay** presented the staff report. Ms. Mingay said that the applicant requested that the design review portion be heard with the conditional use. The historic removal portion of the project was delayed due to a conflict of interest of a City hired outside consultant. Staff supports the resolution as identified in the staff packet.

Proponent: Brent Leathers, 223300 SE Stark, Gresham, Oregon, thanked the Commission in allowing them to proceed after the previous public hearing. Mr. Leathers said the business has been in Newberg for over 30 years (family owned business with over 27 sites in the state of Oregon). Mr. Leathers said they are trying to rebuild the station and comply with EPA and DEQ rules. The deadline for compliance is December 22, 1998.

Commissioner Parrish said that public safety is critical to his interests and questioned how well lit the property will be after-hours.

Mr. Peter Keppertz, Keppertz Design Center, provided testimony as evidenced in the staff report. Mr. Keppertz and Mr. Leathers provided information concerning how the property will be well lit and they would provide an additional light to help illuminate the property after hours. Discussion was held concerning traffic flow and how traffic would be impacted entering and exiting the facility.

Motion #9:	Wall/Haug to close the public hearing.
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Vote on Motion #9:	The Motion carried (6 Yes/1 Absent [Miller]).
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Mr. Mike Soderquist, Community Development Director, said the City is attempting to redevelop the downtown corridor with a 1920-1930's feeling. Mr. Leathers said that they would work with the City in complying with this theme even though their project calls for a 1950's style.

Motion #10:	Ashby/Wall to approve based upon the findings and conditions.
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Amendment to Motion #10:	Haug/Parrish to amend the motion so that the applicant will provide the lighting as previously discussed for the NE corner of the property.
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Vote on Motion #10 as amended:	The Motion carried (6 Yes/1 Absent [Miller]).
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Ms. Mingay stated that there is a 14 day appeal period and staff will contact them concerning this appeal period.

LEGISLATIVE PUBLIC HEARINGS (#3)

APPLICANT: Sign Program Century Center
 REQUEST: Approval of a sign program for Century Center
 LOCATION: 118 N. Everest
 TAX LOT: 3220AB-1102 (part); parcels 1 & 3 of Partition Plat 98-14
 FILE NO.: G-37-98
 CRITERIA: NDC 10.50.183

RESOLUTION NO.: 98-92

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: **Ms. Mingay** presented the staff report. The property is the former Thriftway Shopping Center. The consistency of the design would be perfect for the sign program. Ms. Mingay reviewed the particular issues dealing with this sign program. Ms. Mingay pointed out some errors contained in the staff report (copying errors and an error in the number of parking spaces in one of the exhibits). Ms. Mingay added that staff recommends approval.

Public Testimony: **Bruce Longstroth**, owner and operator of Century 21 Realty, provided testimony. Mr. Longstroth described the building and how they have been working on the redevelopment project for over three years.

Public Agency reports: None.

Letters: None.

Commission Deliberation:

Discussion was held concerning the Coffee Barn and how semi-trucks and trailers are parking in the parking lot and obstructing some parking areas. Additional discussion was held concerning accommodating the applicant in his endeavors to upgrade the center.

Commissioner Haug asked if it was possible to lower the present 30 foot sign. Mr. Longstroth said he feels that by lowering the sign, it would increase the risk of vandalism.

Co-Chair Hannum closed the public hearing.

Motion #11:	Haug/Ashby to adopt Resolution No. 98-92 based upon the testimony, hearing and findings as recommended by staff with the request that the applicant lower the 30 foot sign if reasonable, and to the extent possible.
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Vote on Motion #11:	The motion carried (6 yes/1 Absent Miller).
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Ms. Mingay advised Mr. Longstroth of the 14 day appeal period.

Vote on Motion #11:	The motion carried (6 yes/1 Absent Miller).
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Ms. Mingay advised Mr. Longstroth of the 14 day appeal period.

VI. ITEMS FROM STAFF

1. A handout was included in Commissioner packets regarding a tentative schedule of topics to be addressed at the May, June and July Planning Commission Meetings.

VII. ITEMS FROM COMMISSIONERS

Commissioner Haug provided information concerning population growth.

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items

Mr. Soderquist stated that there were five applicants for the vacant City Council position left by Lisa Thomas. Ms. Lisa Helikson was appointed by the Council. Ms. Helikson was active with the Newberg Fire Department until last year. Mr. Soderquist said the Council considered the draft proposed water conservation/curtailment program. After considerable discussion, the Council recommended further revisions. The Council reviewed the Providence Hospital presentation. The Council said they wanted City staff to redesign the riverfront development from industrial to something more user friendly (riverfront district). The asphalt plant issue is scheduled for June 11th at Yamhill County.

2. Next Planning Commission Meeting, May 28, 1998.

Mr. Brierley said that the next meeting would involve the sign code. Any questions or comments should be directed to staff for inclusion in the packet.

VIII. ADJOURNMENT

Motion #12:	Ashby/Wall to adjourn at 12:08 a.m.
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Vote on Motion #12:	The Motion carried (6 Yes/1 Absent [Miller]).
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Passed by the Planning Commission of the City of Newberg this 11th day of June, 1998.

AYES: 7 NO: ABSTAIN: ABSENT:
(list names)

ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall June 11, 1998
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE MAY 14, 1998 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT
PERTAINS TO.**

PROJECT FILE # CUP-9-98/DR-109-98/H-4-98:

Diagram of site - Applicant's Exhibit.

PROJECT FILE #

LABELS FROM THE 5/14/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
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