

**PLANNING COMMISSION MINUTES**  
**Newberg Public Library - Newberg, Oregon**  
**THURSDAY, MAY 28, 1998 AT 7 P.M.**

**Approved at the June 11, 1998 Planning Commission Meeting**

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**6 P.M. - Special Presentation by Terry Mahr, City Attorney - "Dolan & Takings Issues"**

City Attorney Terry Mahr reviewed with the Commission Dolan & takings issues.

**I. PLANNING COMMISSION ROLL CALL**

**Planning Commission Members Present:**

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

**Planning Commission Members Absent:**

Lon Wall

**Staff Present:**

Barton Brierley, City Planner  
Peggy Hall, Recording Secretary

**II. OPEN MEETING**

Chair Miller opened the meeting at 7:25 p.m. due to the extended presentation by City Attorney Terry Mahr. She announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

Commissioner Fowler requested that they stick to the 10:00 p.m. time frame. The Commission members agreed with Commissioner Fowler's request.

**III. CONSENT CALENDAR**

1. Approval of April 23, 1998, Planning Commission Minutes.
2. Postponement of GR-2-95 Residential Needs and GR-4-95 Transportation Planning Rule, to the July 9, 1998 meeting.

Commissioner Parrish asked for correction to the minutes concerning statements that he had made concerning peak season and the involvement of the farmers (page 3). Chair Miller also noted a typographical error on page 7 (the word "there" instead of the word "three").

<b>Motion #1:</b>	Haug/Ashby voted to approve the consent calendar items, approving the minutes (as corrected) of the April 23, 1998 Planning Commission Meeting, and postponement of GR-2-95 and GR-4-95 to the July 9, 1998 meeting.
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<b>Vote on Motion #1:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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**IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)**

None.

**V. LEGISLATIVE PUBLIC HEARINGS (#1)**

1. **APPLICANT:** City of Newberg (Continued from the 5/14/98 meeting)  
**REQUEST:** Sign Code  
**FILE NO.:** G-35-98 **RESOLUTION NO.:** 98-94  
**CRITERIA:** NDC 10.20.030

**Abstentions/ex-parte contact:** None.

**Objections:** None.

**Staff Report:** **Mr. Barton Brierley** suggested that the Commission take in public testimony and then proceed with each topic. Mr. Brierley noted the following topics:

1. Portable signs.
2. Minimum sizes.
3. C-2 and C-3
4. Residential zones.
5. Animated & Flashing.
6. Sign Committee
7. Sign Program
8. Compliance.

**Mr. Brierley** suggested that the Commission not close the public hearing but allow testimony where applicable.

**Mr. Mike Olberding**, 2911 Portland Road, Newberg, Oregon, said he had concerns (Attachment "A" - VI-3) and would suggest that signs be allowed to remain as long as they were in good repair. Discussion was held concerning sign designs. Mr. Olberding suggested that people and businesses should be able to have their own sign committee. Discussion was held concerning signs on homes promoting home businesses such as Avon, babysitting, clerical typing, etc.. Mr. Olberding said he believes that these types of signs should be limited. Garage sale or other "period" type signs should be removed the day of the last day of the event. Mr. Olberding said he encouraged the Commission to look at the revisions as a business owner and rather than a fee exchange process, more of a conforming regulation.

**Commissioner Fowler** discussed grand fathering clauses and different parts of the City wanting to have their own design committees by way of subcommittees. Mr. Olberding provided information concerning the "downtown atmosphere" which was present in 1973 when he first came to town and opened his business.

**Commissioner Parrish** asked for clarification of grand fathering clauses. Mr. Olberding said he was more concerned about signs being attractive rather than unattractive and that properties and signs be maintained. Commissioner Parrish said he was concerned about staffing the various committees.

**Commissioner Ashby** suggested there be a 10 year amortization period to bring non-conforming signs into compliance. Businesses would have 3-4 years to go through the sign committee to review for enforcement. Rather than having people/businesses apply for variance and forcing more paperwork, it would be better to communicate with the property owners.

**Commissioner Haug** asked if a group of people who have businesses downtown, along Hwy 99W and some residents (group of 8) would be able to cooperate and resolve the animosity problems. Mr. Olberding said the Mayor appointed a Downtown Redevelopment Committee to help revitalize the downtown corridor which includes sign review. Commissioner Haug said that unless we resolve the animosity, there may not be a resolution to the problems.

**Commissioner Fowler** asked Mr. Olberding if he felt the Committee should provide guidance on how the

Commission should act in dealing with the sign code (enact a new one or revise it). Mr. Olberding said he did not believe the Committee should write the rules. The Commission should begin and ask for assistance from the Committee. Mr. Olberding discussed problems with quorums (requiring 5 to approve), and how it would be best to have 7 people (odd number) rather than 8 and keep it small.

**Commissioner Haug** announced a public workshop at George Fox University (GFU) on economic redevelopment.

**Mr. Olberding** asked that the language be changed to allow for persons to be appointed to the Committee by the Council or the Commission.

**Ms. Sharon Smith** read a statement which was submitted to the Commission. Ms. Smith reviewed her concerns about how businesses use signs to advertise their businesses and how it was important to catch people's eyes.

**Commissioner Parrish** said that there is a sign on the "strip" (Hwy 99W) that is large and all that is left of the sign is the frame. The owner has not done nothing to improve or repair it. Ms. Smith said that signs that are not attractive or are in disrepair should be handled by the Committee.

**Commissioner Haug** discussed free-standing vendor signs (hand painted/non-conforming signs). Commissioner Haug referenced his walking tour slides. Discussion was held concerning banners and special event signs being used too much and whether or not constraints, rules and regulations should be imposed.

**Chair Miller** closed the public hearing portion of the meeting.

**Staff Recommendation: Mr. Brierley** discussed the following portions to be reviewed at the time of presentation:

1. Portable signs. One per frontage would be allowed.

**Commission Deliberation:**

**Commissioner Haug** asked for a description of portable sign use in a residential area: "now renting", day care, school "book fair", "garage sale", real estate signs, etc.

**Commissioner Parrish** said he thought portables were described as those similar to the Kentucky Fried Chicken portable sign (reader board). Mr. Brierley said that the Commission could propose to make a distinction of these types, (car lot sign, reader board type signs), and that they be allowed for **thirty days only**. Commissioner Fowler said she agreed but thought a maximum of 90 days which would be considered "portable". Commissioner Parrish said that they should not be allowed year after year. They should be able to give a new business an opportunity to advertise their business (get established) and then go for a free standing sign. Mr. Brierley said that they would have to move the sign back 20 feet under the new proposal.

**TAPE 1 - SIDE 2:**

**Commissioner Hannum** said that under the proposal, there is a 12 sq. ft. limit. Mr. Brierley said that on Hwy 99W, a sign over 12 square feet would also have to be 20 feet back from the property line.

**Commissioner Ashby** asked if this would include sandwich board signs.

**Chair Miller** asked how they identify a truck being used as a sign. Mr. Brierley said it is a sign unless the sign is a permanent sign on the truck. Discussion was held concerning not being able to regulate the

content of signs, upcoming election signs and "truck load sale" signs.

**Commissioner Haug** asked for clarification on real estate signs and "for sale" signs being regulated in commercial zones, and the problems with home businesses and real estate signs for properties that do not sell.

**Commissioner Fowler** asked if there could be an exception for real estate signs. Mr. Brierley noted that we cannot govern content of a sign. Discussion was held concerning election signs.

**Commissioner Ashby** said that even in residential area, portable signs could possibly reduce the clutter (as in day care signs which are only out during business hours).

Discussion was held concerning signs that are too large which would have various restrictions concerning location (including the 20 foot setback).

**Commissioner Haug** referenced the Internet as a resource in numerous options.

<b>Motion #2:</b>	<b>Haug/Hannum</b> to approve the portable sign as written.
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**Commissioner Fowler** said that once they are allowed continually year after year, it distracts all the businesses and residential areas around the sign. Discussion was held concerning "portable/mobile" signs in which the signs would be removed or replaced after a certain time (90 days) and a permanent sign being constructed. Mr. Brierley said there is also a "grand opening" sign regulation. Define these types of signs as temporary signs or events and not being addressed as portable signs which would come up under the "event" regulation.

**Commissioner Hannum** asked if a new classification could be made: Temporary Signs for Events (make new Portable/Event sign) which would be a temporary sign.

**Commissioner Ashby** said there is a definition for these types of signs. Move the portable reader board sign to the temporary sign portion to be discussed later.

<b>Vote on Motion #2:</b>	The motion carried (5 Yes/1 No [Parrish]/1 Absent [Wall]).
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**Mr. Brierley** reviewed Option #5 - minimum sign sizes allowed.

**Commissioner Haug** discussed dimension and doubling/tripling signs in residential areas.

**Commissioner Fowler** asked for clarification of Issue #5 and Issue #7 and combining explanations in minimum size allowance and signs in residential zones. Further discussion was held concerning separating the zoning overlap.

**Commissioner Haug** proposed to reduce all values in 2A (pg 12) in residential zones and page 13, reduce to 0.1 (a minimum of 4 sq. ft.). It would allow businesses and people to advertise, but prevent cluttering the area (reducing the size but not eliminating the category).

**Chair Miller** said that if the wording under 2A and 7B(a) were identical, it would eliminate the confusion. The wording should be the same. Mr. Brierley said it could be done and use the one phrase for both.

#### **TAPE 2 - SIDE 1:**

**Commissioner Ashby** asked if it would be wise to make a distinction for various zones (R-1, R-3 or R-3

zones). Discussion was held concerning the various sizes of residential lots and street frontage. Commissioner Haug said that the definition should cite total square footage and allow flexibility without the clutter.

**Chair Miller** discussed the portable sign amendment which was previously approved. (Pg. 20)

**Commissioner Ashby** said that if the changes are reasonable the Commission should adopt minimum size standards and deal with residential standards later.

<b>Motion #3:</b>	<b>Ashby/Fowler</b> adopt the minimum sign sizes allowed for major attached and major free standing signs in R-P, C-1, IP, and other zones, except for residential zones as recommended by staff. Excluding consideration R-1, R-2 and R-3.
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<b>Vote on Motion #3:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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Discussion was held concerning residential zoning designations, maximum limit and reducing sizes for residential areas.

<b>Motion #4:</b>	<b>Ashby/Haug</b> to postpone further deliberation on sign standards for residential zones until later (more clarification is needed).
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<b>Vote on Motion #4:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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**Chair Miller** called for a break at 9:15 p.m. The meeting reconvened at 9:20 p.m.

Discussion was held concerning proceeding with the other categories outlined by Mr. Brierley. The Commission decided to review the Sign Committee discussion.

**Mr. Brierley** said that staff's recommendation is that decisions about sign programs not be assigned to the sign committee. Discussion was held concerning the components dealing with duties and appointment. Mr. Brierley said that he would suggest that the Committee not have the authority to waive compliance of city ordinances. Discussion was held concerning a one year trial period to see how it works.

**Commissioner Fowler** said that since it would be on a trial basis, the sign committee should be made an "ad hoc committee". Then, if the process worked, it could be made a permanent advisory committee.

**Commissioner Parrish** asked how the ad hoc committee should be appointed. Commissioner Fowler said that it should be appointed by the Commission. Commissioner Parrish said there should be a time frame in getting the committee going and that timeliness was important to the business community. Commissioner Parrish said he saw potential legal problems dealing with code enforcement issues. Discussion was held concerning warnings and intervention options. The ad hoc committee could initiate requests for warnings which would then be reviewed by the Committee.

**Commissioner Haug** said that on the sign program, the ad hoc committee would review proposals and make recommendations and would not have decision making authority, nor administrative authority. The ad hoc committee would be involved for "hands on" recommendations for sign program involvement.

**Commissioner Fowler** suggested that if it was an ad hoc committee to start with, it would not be considered as an official committee of the City. Discussion was held concerning how involved the ad hoc committee would be and whether or not those meetings would be considered quasi-judicial meetings.

<b>Motion #5:</b>	<b>Haug/Fowler</b> to create an ad hoc Sign Citizen Advisory Committee which would be appointed by the Planning Commission. Six months after creation, the ad hoc status would be reviewed for consideration as a permanent advisory committee.
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<b>Vote on Motion #5:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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<b>Motion #6:</b>	<b>Haug/Fowler</b> to adopt the "Purpose" definition as written.
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<b>Vote on Motion #6:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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**Commissioner Fowler** said she would suggest that the composition of the committee would consist of 5 people (2 from downtown core area, two from the Hwy 99W strip and one residential member). Discussion was held concerning the requirement of the members being residents of the City.

<b>Motion #6:</b>	<b>Haug/Ashby</b> to have the committee appointments be made by the Planning Commission.
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<b>Vote on Motion #6:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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**TAPE 2 - SIDE 2:**

<b>Motion #7:</b>	<b>Ashby/Hannum</b> to accept the definitions of Meetings, Quorum and Conduct of Meetings as written.
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<b>Vote on Motion #7:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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Discussion was held concerning modifying the motion addressing composition of the committee.

<b>Motion #8:</b>	<b>Fowler/Hannum</b> moved to have a five member adhoc committee with 2 members being from the downtown business area, 2 members from the Hwy 99W corridor and one person from the residential community who must be a resident of the City.
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<b>Vote on Motion #8:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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Discussion was held concerning duties of the ad hoc committee.

<b>Motion #9:</b>	<p><b>Parrish/Ashby</b> moved to change the language of “duties” as follows:</p> <p>Duties: It would be the duty of the Sign Citizen Advisory Adhoc Committee to have the code enforcement officer contact businesses and property owners whose properties have become neglected or who are not in compliance with current sign ordinances, to encourage them to upgrade their properties within 30 days. A warning should be issued by the code enforcement officer. If the business or property owner does not comply with the warning statement and conditions, a citation will be issued.</p>
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<b>Amendment to Motion #9:</b>	<p><b>Ashby/Fowler</b> to further amend the language to change the word “encourage” to “have” and the additional language that the Commission would “direct” the code enforcement officer contact businesses. Further, the word “properties” would be changed to “signs”.</p>
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<b>Amendment to Motion #9:</b>	<p><b>Haug/Ashby</b> to further changed the language to read as follows:</p> <p>Duties: It would be the duty of the Sign Citizen Advisory Adhoc Committee to recommend that the Planning Director request that the code enforcement officer contact businesses and property owners whose properties have become neglected or who are not in compliance with current sign ordinances, to encourage them to upgrade their properties within 30 days. (All other portions of the language, as amended, remain the same).</p>
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<b>Vote on Motion 9 as amended.</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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<b>Motion #10:</b>	<b>Haug/Hannum</b> to amend the original motion to allow for 60 days compliance.
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**Commissioner Fowler** said 30 days allows the property owner to take action and if they need more than 30 days to comply, they can go to the code enforcement officer, and then the Planning Director to ask for an extension.

**Commissioner Parrish** clarified the reason for the 30 day notice and time period. Discussion was held concerning the current building code and the process for warnings and enforcement. Chair Miller said that the 30 day time period is sufficient time to handle the situation.

<b>Vote on Motion 10:</b>	The Motion failed (1 Yes -Haug / 5 No / 1 Absent [Wall]).
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Further discussion was held concerning duties and compliance issues.

<b>Motion #11:</b>	<p><b>Haug</b> to table this issue to allow for more descriptive duties, to review the sign program in conjunction with the role of the code enforcement officer to issue warnings and added responsibility in reviewing and recommending every sign program and offering recommendations to Planning Director and Planning Commission. <b>Motion failed for a lack of a second.</b></p>
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**Commissioner Fowler** said the duties can be further amended and addressed later.

**VI. ITEMS FROM STAFF**

1. Capital Improvement Program (CIP)

**Mr. Brierley** asked that the Commission review the hand out provided.

2. Update on Council items - none available.
3. Other reports, letters, or correspondence. None.
4. Next Planning Commission Meeting, June 11, 1998

**Mr. Brierley** discussed the available meetings and agenda items, in particular, the second meeting in June would be to continue discussion of the sign code, or discuss at the first meeting in July.

**Chair Miller** recommended that she would like to see no more than 2 or 3 quasi-judicial hearings on the agenda at one time. Those types of meetings would take priority over legislative hearings unless there would be a time constraint. The second meeting of the month would be a work session type meeting to discuss other issues.

**Commissioner Parrish** expressed his concerns about beginning the meeting at 6:00 p.m. instead of 7:00 p.m. Discussion was held concerning keeping the meeting at 7:00 p.m.

**TAPE 3 - SIDE 1:**

<b>Motion 12:</b>	<b>Haug/Fowler</b> to continue with the second and fourth Thursday meetings, with quasi-judicial hearings first and legislative hearings second. Staff would judgmentally place the simpler ones up first for processing.
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<b>Vote on Motion #12:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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**Commissioner Parrish** asked for clarification for excused/unexcused absences. Commissioner Parrish said he will not be available on June 25th.

**Chair Miller** stated a commissioner would only be released after three un-excused absences.

Mr. Brierley provided a copy of Roberts Rules of Order to the Commission which were intended to be used as a guideline to help facilitate the meeting more smoothly. Discussion was held concerning keeping the lines of communication open and not to abuse the process.

<b>Motion 13:</b>	<b>Haug/Fowler</b> to appoint Commissioner Steve Ashby as parliamentarian.
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<b>Vote on Motion #13:</b>	The Motion carried. (6 Yes/1 Absent [Wall]).
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**VIII. ADJOURNMENT**

The meeting was adjourned at approximately 10:35 p.m.

Passed by the Planning Commission of the City of Newberg this 11<sup>th</sup> day of June, 1998.

AYES:

NO:

ABSTAIN:  
(list names)

ABSENT:

ATTEST:

Peggy R. Hall  
Planning Commission Recording Secretary Signature

Peggy R. Hall  
Print Name

6-11-98  
Date

**INFORMATION RECEIVED INTO THE RECORD  
AT THE MAY 28, 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 # - Sign Code. Letter from Sharon Smith which was read into the record by Ms. Smith.

LABELS FROM THE 5/28/98  
PLANNING COMMISSION MEETING  
FROM THOSE WHO GAVE PUBLIC  
TESTIMONY/REGISTRATION CARD

Mike Olberding  
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