PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, JULY 9, 1998 AT 7 P.M.

Approved at the August 13, 1998 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

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

Staff Present:

Barton Brierley, City Planner
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 asked to add a continuation of the Harris Thermal issue on the consent calendar. Chair Miller read from the minutes of the Planning Commission meeting in which the Harris Thermal issue was discussed.

III. CONSENT CALENDAR

1. Approval of the June 11, 1998 Planning Commission Minutes.

2. Postpone Residential Needs (GR-2-95) to August 13, 1998 meeting; and postpone Transportation Plan (GR-4-95) to July 23, 1998 meeting.

Motion #1:	**Wall/Hall** voted to approve the consent calendar items, approving the minutes of the June 11, 1998 Planning Commission Meeting; and postponement of hearings to future Planning Commission Meetings.

Commissioners Parrish, Haug and Ashby noted changes. Corrections duly noted by Recording Secretary Peggy Hall.

Vote on Motion #1:	The Motion carried unanimously.

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None

Mr. Barton Brierley provided information concerning the resolution of the Harris Thermal appeal due to successful negotiations between the City Attorney and the applicant. The settlement has been accepted and the appeal withdrawn.

V. QUASI-JUDICIAL PUBLIC HEARINGS

PUBLIC HEARING #1

APPLICANT:	Dan R. Jensen
REQUEST:	Approval to remove a carport and replace it with a two story garage, together with a variance to side yard setback in an R-2 zone.
LOCATION:	401 S. College
TAX LOT:	3219AD-4100
FILE NO.:	H-6-98/V-21-98 **RESOLUTION NO.:** 98-99
CRITERIA:	10.44.157 and 10.24.040

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: Commissioner Parrish said he viewed the property. Commissioner Haug said he discussed how the carport does not match the existing building. Commissioner Ashby also noted he viewed the property, the former garage and the carport. Commissioner Hannum said he too observed the same problems with the carport. Commissioner Haug said he noticed the hearing notice.

Mr. Barton Brierley presented the staff report which involved the construction of a new garage. The property is included in the historic inventory. The decisions on this should be based on variance and historic criteria. The property is located at the corner of 4th and College, zoned R-2 and located in an area that is largely older and historic homes. The home was constructed in 1916 for the daughter of Jesse Edwards. It was constructed of cream colored bricks as an accent which provides for a historical feature for Newberg. Proposal is to remove an existing carport and replace it with new garage with living space upstairs. The proposed garage will be three feet from the property line. The applicant is asking for a variance from the side yard setback. Mr. Brierley said it is recommended that the Commission combine the historic review and design review together because they are related.

Objections: None.

Mr. Brierley said the applicant requests the variance because they have met all the applicable criteria requested by the City. The granting of the variance will not constitute a grant of special privilege that is in consistent with the limitations on other properties classified in the same zoning district. They are proposing to replace the carport with a more attractive garage. That granting the variance will not be detrimental to the public health, safety or welfare or cause material injuries to properties or other improvements in the vicinity. The carport was constructed in 1960 and the applicant has indicated they will be using cream colored brick from the back of the structure to be placed in the front so that the historic continuity continues.

Commissioner Parrish asked about how many homes in the area had carports. Mr. Brierley said there were about 8-9. Discussion was held concerning the original garage size.

Proponent: Mr. Dan Jensen, 401 S. College Street, Newberg, Oregon. He said that they have owned the house for 3 years and is coming up with ways to replace the brick for the front. Concerning the variance of three feet, he is trying to get the variance for the back which would allow more privacy from the neighbors. The neighbors have not identified any problems at this point. Mr. Jensen said the staff has done a good job in providing the information in a clear manner.

Commissioner Wall said it appears that the applicant recently purchased the property which was already on the historic registry when he bought it. Mr. Jensen said he has owned historic houses previously but was unhappy this particular property was on the registry. Mr. Jensen provided information concerning his wife's business in Oregon City. Discussion was held concerning restrictions on ability to do what property owners want to do with their property. Mr. Jensen further provided information concerning adapting the building to be more than a garage.

Commissioner Ashby questioned accessibility of the second floor from the garage. Mr. Jensen said access is through the greenhouse and the garage. Discussion was held concerning accessory dwelling units (rentals). Mr. Jensen said his main idea was to use the space for hobbies, etc.

Commissioner Haug thanked Mr. Jensen for the work he has already done on the property.

Opponent: None.

Questions to Proponent: None.
Public Agency reports: None.
Letters: None.

Proponent/Opponent Rebuttal: None.
Staff Recommendation: Approve the applicant's request.
Hearing Closed.
Commission Deliberation:

Commissioner Wall asked for information concerning historic preservation procedures and the policy of placing properties on the historic registry. In the future, he would like to receive historic preservation information. Chair Miller agreed that information concerning historic preservation would be useful and helpful.

Mr. Brierley said the historic preservation inventory was generated by the City. The historic preservation information is contained in the evaluation criteria. Discussion was held concerning the opportunity to remove property from the historic inventory. One of the advantages is that the City waives all building permit fees, including the current Planning Commission hearing.

Commissioner Wall asked what the City is doing to help the property owners besides the waiver of fees. Mr. Brierley said that the City adopted the historic listing through the public hearing process.

Commissioner Haug said he would contact Mary Post who has a home on the historic registry and ask if she would be interested in discussing the process and provide a workshop on the perspective and understanding of the entire process.

Motion #2:	**Haug/Wall** to make arrangements and coordinate with staff sometime before the end of the year concerning historic preservation and registry requirements.

Discussion was held concerning upcoming scheduled meetings in which historic preservation was to be discussed. Mr. Brierley said that the upcoming meetings were to cover residential development and not historic preservation as a general topic.

TAPE 1, SIDE 2:

Commissioner Parrish said he was concerned about long term modern look to the buildings and not being consistent with the historic building design. Further discussion was held concerning Mrs. Post attending a work session of the Commission and limiting the discussion to ½ hour.

Commissioner Fowler asked to continue with the agenda and close the discussion.

Vote on Motion #2:	The Motion carried unanimously.

Motion #3:	**Ashby/Haug** to adopt **Resolution No. 98-99** based on the findings, testimony and conditions of approval.

Vote on Motion #3:	The motion carried unanimously.

Mr. Brierley advised as to the 10 day appeal period and process for appeal.

Discussion was held concerning the omission of the reading of the quasi-judicial hearing statement. Duly noted by the Commission and staff.

LEGISLATIVE PUBLIC HEARINGS

PUBLIC HEARING #2

APPLICANT: City of Newberg
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: Barton Brierley discussed sign program compliance and enforcement, the C-2/C-3 zones and applicable standards, signs in residential zones, reader board and flashing signs. Mr. Brierley recommended that the Commission open the hearing for public testimony, but would like to discuss each topic in more depth later in the meeting. Mr. Brierley reviewed the June 23, 1998 memo concerning changes. Discussion was held concerning allowing the public to provide input during each one of the topic areas.

Public Testimony: Eileen Sautner, 401 S. College, Newberg, Oregon, owner of Northwest Tax Accountants, 817 E. First Street, Newberg, presented testimony. She operates a business in Oregon City as well, but Newberg is her home now. Ms. Sautner said she compared business operations in Oregon City and in Newberg. She said that sandwich board signs and banners are allowed in Oregon City but appear to be more restrictive in Newberg.

Commissioner Wall asked for clarification on how wide her sign was (couple of feet) and how wide was the sidewalk. Mr. Brierley said the sidewalks are 11 feet wide.

Commissioner Ashby asked if she had an opportunity to read the City's codes regarding signs.

Ms. Paula Reynolds, 3714 Madronna Drive, Newberg, Oregon, owner of Pogy's, discussed her situation in which she may be moving to another location that does not have sign frontage along Hwy. 99W. Discussion was held concerning the present restrictions. Mrs. Reynolds said the sign on her building is a flashing sign. The proposed new location is a two story building next to Newberg Urgent Care and the Travel-Lodge motel. Discussion was held concerning restricted parking due to foliage, sign frontage and the over-all lack of parking. Mrs. Reynolds said they have talked with City staff concerning sign programs.

Commissioner Haug discussed sign program proposals allowing for consideration of additional signage. Mrs. Reynold also shared with the Commission other problems with the sign code. Discussion was held concerning existing signs for businesses already established and for those new businesses that need signage on Hwy. 99W.

Commissioner Hannum said that it appears that the critical issue presented deals with traffic and exposure on Hwy 99W and off-street development. The sign program is designed to face the issues of dealing with communicating the businesses on abutting streets. Mrs. Reynolds said her flashing lighted sign on her building has increased her business by 33%.

Commissioner Haug expressed concerns for cluttering the highway with signs.

Mr. Dick Clay, 31850 NE Schaad Road, Newberg, Oregon, said he has lived on Rex Hill for 30 years and is the owner of property behind the Yamhill Grill business. Mr. Clay noted problems dealing with the permit process, access to Hwy 99W, and the sign program. Mr. Clay said they have a 6,000 sq. ft. building which is tasteful and has met the City's criteria. Discussion was held concerning a community sign for conglomerate type businesses in a certain development. Discussion was also held concerning creating a "directory" type sign.

Public Agency reports: None.
Letters: None.
Staff Recommendation: Mr. Brierley said to close the public hearing except to allow questions and input from the audience during the Commission's open discussion.

Chair Miller called for a five minute break at 8:30 p.m. The meeting reconvened at 8:40 p.m.

TAPE 2, SIDE 1:

Mr. Brierley discussed the sign program:

Who can do sign program? The options are centers with 10,000 sq. ft. or more space, downtown merchants and possibly everyone as long as they go through the review process and are aesthetically pleasing. Staff recommends to allow flexibility to allow the program to be open to everyone. It is important to note, that the sign content cannot be regulated. Discussion was held concerning murals.

Commissioner Haug stated that the better the rules, the less the Commission has to hear. They then can delegate responsibility of enforcement and policy to staff.

Commissioner Wall agreed with Commissioner Haug's statements and expressed concerns about the adhoc committee reviewing and using discretion.

Commissioner Parrish asked what is the cost of doing a sign program. Mr. Brierley said it is $1,000. What does the business owners get? Mr. Brierley said it comes to the Planning Commission, staff review, Commission deliberation, minutes are recorded, then the final decision is made and becomes final.

Commissioner Haug asked for clarification of sign limits. Mr. Brierley clarified the proposal's height limits and criteria contained in the staff report.

Commissioner Haug said that a problem could arise concerning allowance of multiple 30 sq. ft. signs being placed in close proximity to each other. There should be a limit to a conglomerate of businesses which would allow others the opportunity to keep some type of community organization - limiting quantity is a clutter issue.

Commissioner Ashby said he was in favor of opening the sign program to everyone. Part of the ad-hoc committee was to allow some kind of fairness who would not have a vested interest in a particular business or location. Discussion was held concerning the process.

Commissioner Parrish said he concurs with Commissioner Ashby's statements.

Commissioner Haug said he previously recommended that the ad hoc committee be established for one year to review as to its helpfulness and progress.

Discussion was held concerning addressing signs on Hwy 99W and to not allow a group of businesses to do anything that was not otherwise allowed in a similar situation or afforded to anyone that met the single sign requirements.

Commissioner Fowler said she was comfortable going with the direction of staff, the ad hoc committee review and the Planning Commission. Discussion was held concerning the benefit of the adhoc committee in which it would be a buffer between the City and the sign owner/property in handling enforcement. Chair Miller said that there was an appeal period and process.

Commissioner Wall expressed concerns that the ad hoc committee would impose an additional third step which may not be necessary.

Commissioner Parrish said it appeared there was a problem expressed by business owners due to interpretation of the City's ordinance and the actions of a City employee (enforcement officer).

Commissioner Haug questioned the authority of the enforcement officer acting upon his/her own authority. The enforcement officer would inform the ad hoc committee of the violation, a warning would be issued by the enforcement officer or the ad hoc committee or from the direction of the staff or Planning Commission.

Commissioner Fowler read from the May 28, 1998 Planning Commission minutes reciting the discussion and formation of the ad hoc committee.

Commissioner Wall said it appears that stumbling blocks are being put in place and if business persons do have signs that are not in compliance, how will a sign ad hoc committee help the process? Discussion was held concerning past issues which created problems in how the sign ordinance was enforced. Chair Miller said that it was the intent in developing the ad hoc committee to provide assistance and guidance to business owners.

Sharon Smith, The Tack Trader, 303 N. Main Street, Newberg, Oregon, said the committee could be beneficial to the business owners as well as work within the City's guidelines. She feels that the committee could help in resolving complicated issues.

Commissioner Wall said he does not agree with the sign program and related ordinances. Any governing body is to represent the interests of the citizens, some which may be more restrictive. Commissioner Wall said if we are going to regulate, it must be equal, clear and enforced fairly.

TAPE 2, SIDE 2:

Commissioner Haug said without some restriction it could cause sign clutter.

Motion #4:	**Hannum/Fowler** to adopt section 10.50.19 with the changes that allow that anyone could apply upon recommendation of staff, the ad hoc committee and final approval of the Planning Commission - appeals would be to the City Council.

Vote on Motion #4:	The motion carried (6 Yes/1 No [Wall]).

Mr. Brierley discussed compliance and described the definitions of legal non-conforming signs being signs that when originally placed, they were in conformance; but due to changes in the codes, they are now not legal. Mr. Brierley provided the following options:

(A) Legal non conforming signs remain - let them be.

(B) Allow them to continue as long as nothing changes.

(C) As of a certain date - all signs have to be in conformance.

(D) As of a certain date they must come into conformance or they can apply for a sign program.

(E) Expand the non-conforming rules in order to allow the relocation of the non-conforming sign to remain on the property.

(F) Remove sign if business is vacant, including murals.

Discussion was held concerning change in ownership of property and how it affects the sign code enforcement. Discussion was held concerning amortization reductions on signs due to the high cost of making signs.

Commissioner Parrish said if a sign is in total disrepair, regardless of when it was placed, it should be removed (safety hazard or non-functional). Commissioner Parrish said he was in favor of grand fathering certain signs.

Discussion was held concerning landmark type signs which are part of the "good will" of some businesses.

Commissioner Wall questioned the amount of time given for reasonable replacement or repair.

Motion #5:	**Hannum/Haug** to adopt section 10.22.100 as presented with the exception of sub-section 102 which is not adopted (deleted). Existing non-conforming signs would be grand fathered in.

Vote on Motion #5:	The motion carried unanimously.

Commissioner Wall questioned the amount of time given for reasonable replacement or repair.

Motion #6:	**Fowler/Hannum** to table further discussion to the next meeting.

Vote on Motion #6:	The motion carried unanimously.

VI. ITEMS FROM STAFF

1. Update on Council Items

Mr. Brierley said the Council approved the Westwoods Subdivision (overturned the Planning Commission's decision). The Council also authorized the permit center. The asphalt plant issue was discussed at the County in which the County Commissioners tentatively approved the zone change for Baker Rock. The matter will be before the Commission on the design review stage. The Council intends to send a letter to the County asking for them to reconsider their decision. The City will review it for possible appeal to LUBA.

Discussion was held concerning upcoming meetings scheduled for July 23rd and August 27th and whether or not a quorum would be present. Commissioner Parrish indicated that he would not be available the second meeting in July (23rd). Commissioner Wall said he would attend even though he plans to leave for St. Louis the next day. The other Commissioners indicated they would be available.

Mr. Brierley indicated that the next meeting would be held at the new Public Safety Building on July 23rd. Mr. Brierley also discussed how the Commission should adopt findings on decisions.

2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting, July 23, 1998

VII. ITEMS FROM COMMISSIONERS

Commissioner Haug asked to discuss telecasting the Planning Commission hearings on Channel 9 . Commissioner Haug said it was a very controversial issue but it would be a good idea to have these meetings video taped and retained for clarification. Discussion was held concerning what types of hearings could benefit by the use of video taped meetings.

Chair Miller asked for a consensus of the Commission for this request to be placed on the agenda for discussion.

Commissioner Parrish stated that he would request that the issue of private streets and drives be discussed with the Council and what they want the Commission to consider. Discussion was held concerning the Development Code definitions and interpretation.

Commissioner Hannum said that the Commission could direct staff prepare appropriate amendments to the Development Code which would eliminate private streets and drives except for certain conditions.

Discussion was held concerning the City water system and the availability of water and how it pertains to future developments which have been or will be approved. Commissioner Fowler and Chair Miller provided information concerning the Citizens Rate Review Committee and how some citizens in the community may have over-reacted and created an artificial problem concerning water quality and availability.

VIII. ADJOURNMENT

Motion #7:	**Ashby/Fowler** to adjourn at 10:45 p.m.

Vote on Motion #7:	The Motion carried unanimously.

Passed by the Planning Commission of the City of Newberg this 13th day of August, 1998.

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

ATTEST:

Peggy Hall — Peggy R. Hall — 8-13-98

Planning Commission Recording Secretary Signature — Print Name — Date

INFORMATION RECEIVED INTO THE RECORD
AT THE JULY 9, 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 #

**NO SUBMITTALS **

PROJECT FILE #

LABELS FROM THE 7/9/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

Dan Jensen (H-6-98)
401 S. College Street
Newberg, Oregon 97132

Eileen Sautner (G-35-98)
401 S. College Street
Newberg, Oregon 97132

Paula Reynolds (G-35-98)
3714 Madronna Drive
Newberg, Oregon 97132

Richard Clay (G-35-98)
31850 NE Schaad Road
Newberg, Oregon 97132

Sharon Smith (G-35-98)
Tack Trader
303 N. Main Street
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