

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, JULY 23, 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
Warren Parrish

Steve Hannum
Paula Fowler

Myrna Miller
Lon Wall

ABSENT: Matson Haug

Staff Present:

Barton Brierley, City Planner
Mike Soderquist, Community Development Director
David Beam, EDRLF Coordinator/Planner
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.

Mr. Barton Brierley introduced David Beam, the new Economic Development Coordinator/Planner hired by the City. Mr. Beam will be working with the Downtown Redevelopment Committee on business recruitment and planning.

Mr. David Beam provided background information concerning his experience in urban regional planning and formerly coming from Klamath Falls.

III. CONSENT CALENDAR

1. Postpone Transportation Plan (GR-4-95) to August 27, 1998.

Motion #1:	Hannum/Wall voted to approve the consent calendar item approving postponement of the Transportation Plan (GR-4-95) to August 27, 1998.
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Vote on Motion #1:	The Motion carried (6 Yes/1 Absent [Haug]).
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None.

LEGISLATIVE PUBLIC HEARINGS (#3)

1. **APPLICANT:** City of Newberg
REQUEST: Sign Code
FILE NO.: G-35-98 **RESOLUTION NO.:** 98-94
CRITERIA: N.C. 10.20.030
TOPICS: C-2 vs. C-3; Residential Zones; animated and flashing signs; reader board signs

Abstentions/ex-parte contact: None.

Objections: None.

Chair Miller indicated that the following issues would be addressed (6, 7, 8 and 9) which were not previously discussed or covered.

1. C-2/C-3 Standards:

Staff Report: **Mr. Brierley** provided the staff report and the options as noted in the staff report. Discussion was held concerning how the signs would blend in with the surrounding areas. The development of the standards will be difficult and involved. Discussion was held concerning how they would be handled during the interim process. **Mr. Brierley** said during the interim, restrictions will still be subject to the height, width, size, etc. Portable signs would be allowed in the right-of-way. Additional language to 10.50.183 was covered in item 6.

Public Testimony:

Mr. J.A. Rakow, said that he used to have a business in old town and resides at 23755 Anderson Lane, Newberg, Oregon. Been in sign business for many years. Work with GFU and do all the graphics. They do signs all across the country. Moved from Portland to cut down on bureaucracy. The downtown area signs have to advertise their business. **Mr. Rakow** said that the installation of the trees makes it often times difficult to advertise. **Mr. Rakow** shared his experiences in dealing with the City's sign ordinance and regulations and asked the Commission to sit back and think like businessmen. The City needs to help develop business in the downtown corridor and let the businesses be individualists in carrying on and advertising their businesses.

Commissioner Wall said that some Commissioners are business owners. The challenge is to develop the balance between the citizens who are not business owners who insist something must be done.

Mr. Rakow said the Commission should not complicate the business owner's business by not allowing for more allowances for the businesses to advertise.

Commissioner Wall said the business community has not really come forward and spoken. If they do not get involved with their rights, they may not have any for right now.

Commissioner Parrish said that some of the issues **Mr. Rakow** addressed will be reviewed. Discussion was held concerning the use of Francis Square Park and if he had any questions to discuss them with the City Manager Duane Cole. **Commissioner Parrish** said he agreed with **Commissioner Wall's** statements to encourage the citizens to communicate their ideas and concerns. **Commissioner Parrish** also reviewed how the enforcement program has developed into a more user friendly source of enforcement.

Public Agency reports: None.

Letters: None.

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

Commission Deliberation:

Commissioner Wall expressed concerns about the process by which the code enforcement officer had been enforcing the existing code. Once the Code is enforced, there still will be problems.

Commissioner Parrish said he is not happy with any of the options and questioned the reason for C-2 and C-3 standards.

Mr. Brierley said that there are additional differences.

Commissioner Ashby said he leans toward Option 6A and 6C until such time we have more time to develop the Code and the special downtown standards.

Commissioner Fowler inquired about the downtown design standards. Mr. Brierley said that there are no standards at this time. Commissioner Fowler said that 6A is the most viable option, but with the Downtown Redevelopment Committee they should have this as a #1 priority. Commissioner Fowler said she would go along with 6C, with the condition that 6A would be part of it with time constraints. Commissioner Fowler said that a 6 month time frame would be sufficient to develop standards.

Commissioner Hannum said he had two concerns:

1. With the adopted downtown design standards - who will be adopting?
2. Are we speaking only of design standards and are they within the constraints of the sizes as prescribed in the ordinance? Mr. Brierley said they would meet the size limits and there would be some requirements.

Mr. Mike Soderquist shared the Downtown Redevelopment Committee's vision and the referral process to the Planning Commission.

Commissioner Wall discussed concerns about the various options in which the Commission should zero in on what is acceptable for now.

Commissioner Ashby asked what the role of the Downtown Redevelopment Committee and their priorities.

Mr. Soderquist said the Downtown Redevelopment Committee is brainstorming now in order to have more visioning in the next few months.

Commissioner Ashby said that it appears that there needs to be coordination between the Commission and the Downtown Redevelopment Committee.

Commissioner Parrish said we do not have downtown design standards and should not give the responsibility to the Committee. It is the Commission's responsibility to set up the standards. There is nothing to address concerning the C2-C-3 standards which do not exist.

Commissioner Hannum said the original draft gives two exceptions to the C-2/C-3 zone: a-frame and over-hanging signs in the driveway. Given the constraints we have now, it is probably as far as we can go.

Motion #2:	Hannum/Ashby to adopt 6C.
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Vote on Motion #2:	The motion carried (6 Yes/1 Absent [Haug]).
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Further discussion was held concerning approval of a-frame signs in the downtown area which are not allowed in the Hwy 99W corridor.

Commissioner Wall said the original draft does not differentiate from the C-2 and C-3 zones.

Commissioner Parrish said the two areas should be treated the same. Commissioner Wall said if we do not adopt 6C now, there will be nothing to work on. He said the Commission should be willing to grandfather in certain situations. By adopting 6C, there are some rules, and if flawed, we will deal with it later.

Motion #3- Amendment to Motion 2:	Ashby/Wall to amend the motion to recommend to the Downtown Redevelopment Committee to consider the sign codes.
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Vote on Motion #3:	The motion carried (6 yes/1 Absent [Haug]).
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Vote on Motion 2 as Amended:	5 Yes/1 No [Parrish]/1 Absent [Haug]). Motion carried.
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#2 - Signs in Residential Zones:

Staff Report: **Mr. Brierley** provided the staff report concerning signs in residential zones. Mr. Brierley reviewed the additional language concerning size and height. Mr. Brierley provided over-heads and an example of a day care facility. Under the current code, it would allow 18 sq. ft. (3 sq. ft. less of signage). There are churches, schools, pool parks, etc. that are in this similar situation. Mr. Brierley further provided alternatives.

Commissioner Wall asked for the practical argument for a person in a residential area to have a large sign. Mr. Brierley said there are a variety of uses in residential zones that need identification (high schools and elementary schools). Commissioner Wall asked what percentage of entities are community oriented rather than having a business to be located there. Mr. Brierley said that it would apply to home occupation (such as bookkeeping, etc).

Commissioner Parrish expressed concerns about item (2). Mr. Brierley said if the sign was 20 feet high, it would have to have 20 feet setback.

John Rakow, said he donated energy and time in the Baptist Church (College and Columbia). Reviewed his problems with the sign and having the architect redesign the sign (small) because of the requirements of the City. Mr. Rakow said that certain requirements cause undue expense and hardship to citizens in requiring them to comply. The signs in residential areas should have more leniency. Mr. Rakow further asked for declamation of directional signs. Mr. Brierley said the City cannot govern the content, but if the sign is required, the City does not count that sign (such as one-way, handicap, no parking, etc.)

Commissioner Wall asked if it was possible for the Commission to make a sign code that would be separate for residential purposes rather than for business community (corridor).

Commissioner Deliberation:

Commissioner Wall said as a Commissioner he is trying to do something for the community that regulates residential districts. People don't have problems with school, park or church signs, except for announcing special something. If we could differentiate between residential from the full blow business,

and the argument for the sign, people driving by people need to see the sign. Competition is different for residential than for commercial districts.

Commissioner Parrish said leave the 7D(2) wording which would allow the signs for the schools, churches and parks to be 20 feet high, individual residences however, should have a maximum sign height. Discussion was held concerning the maximum allowance of 20 sq. ft.

Commissioner Wall said he too would like to separate commercial entities and residential entities. But they should not be tied to the size of the lot in residential areas for commercial ventures.

Commissioner Ashby said he would move to adopt the proposal as originally proposed - restricting major free standing and attached signs which would still allow flexibility with churches, etc.

Commissioner Fowler approve changing the maximum in residential areas. Not in favor of 7D.

Commissioner Wall said if a commercial enterprise is out of residential zone - there will be quite a few restrictions. Need to be quite strict about businesses in residential areas.

Commissioner Hannum asked for clarification of the sign dimensions of Jaquith Park

Mr. Rakow said that he feels that a bright flashing sign in the residential zone is much more of an issue than a larger sign.

Motion #4:	Wall/Fowler moved to table issue #7 until the next meeting in order to have time to think about the alternatives and criteria.
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Chair Miller asked for clarification of the concerns of the Commission. The way it is right now, it does not address the problem correctly. Would like to see a division between commercial ventures and public institutions, etc. If they could do that, it may be able to be resolved easier. They need to differentiate industrial, residential, commercial signs.

Commissioner Ashby said that commercial uses are limited to home occupations, etc. Commissioner Wall said he would like to see some kind of statistics to see what they are looking at as far as a problem.

Ms. Mingay referred the Commissioners to the Development Code dealing with signs and conditional uses for public uses, institutional uses, etc., percentage of activities.

Vote on Motion #4:	Wall/Fowler withdrew their motion to table the discussion.
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Discussion was held concerning additional language under 7B.

Mr. Brierley recommended that the Commission adopt 7A as written and modify 7B to reduce to .1 sq. ft. street frontage to a maximum to .2 sq. Ft. .

Motion #5:	Hannum/Ashby to adopt 7A and 7B as unmodified.
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Vote on Motion #5:	The motion carried (6 yes/1 Absent-[Haug]).
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Chair Miller adjourned the meeting at 8:55 p.m. The meeting reconvened at 9:00 p.m.

#3 - ANIMATED, BRIGHT AND FLASHING SIGNS.

Mr. Brierley reviewed the definitions: the message changes over time (time and temperature signs on banks etc., popular electronic message or animated signs). They would be allowed, but limited to 6 sq. ft. There are concerns raised about animated and flashing signs. Mr. Brierley said he wished to review the content neutral issues.

Commissioner Parrish asked for criteria to prohibit signs that may distract motorists. Discussion was held concerning making appropriate findings. Ms. Mingay said that in her 18 years with the City, it does not appear to be a problem with motorist distractions because of signs - no complaints. Commissioner Parrish said he sees the potential that it may come up in the future.

Paula Runnells, Pogy's Sub Sandwiches, 3714 Madrona Drive, Newberg, Oregon, said she would like the Commission to consider what would happen to the businesses if we couldn't do anything. Understand do not want to distract motorists. The City has approved the Pogy's flashing lights. People see the type of lights which has enhanced her business. Mrs. Runnells said that she is moving to a different location (facing Hayes Street), between behind Yamhill Grill. To her 8D would be fine or 8A- if the Commission chooses 8B, she is dead in the water and she wants to keep her business.

Commissioner Parrish said he has problems in this area. What do people want to see when they come off Rex Hill? If you have a choice to have the City look like 82nd Avenue in Portland, or like Reno, Las Vegas, etc. He is supportive of the business community but is concerned about the look and how far some businesses would go for brightness.

Ms. Runnells said that the people in Newberg want the city to remain a place of pleasure and integrity. In her move, Ms. Runnells said she looked for a place that is upgrading and more beneficial - more pleasing, that is her goal. Something that is pleasing and want to go there, rather than repulsed and want to run away. She feels the community is the same in her feelings.

Commissioner Fowler said she is not in favor of 8A. Not in favor of 8B, and has concerns for all the months except November, December and January. She was also not in favor of 8C and 8D (distracts motorists). Commissioner Fowler said she would adopt 8D, but delete the last phrase.

Commissioner Parrish said maybe we do want to consider to table this issue until we get more objective data. Commissioner Fowler said the phrase makes it too subjective and may cause the City some litigation on determining what is distracting to motorists.

Commissioner Parrish said we cannot regulate content, but we can regulate how garish and how flashy the signs can be.

Commissioner Fowler expressed her concerns about flashing signs.

Commissioner Ashby said he was in agreement with the Option without any modification. Commissioner Ashby said the sign ordinance should also address height.

Discussion was held concerning the criteria to provide more subjective data. Discussion was held concerning adopting ODOT's standards.

Commissioner Fowler asked if staff reviewed other local area sign ordinances. Mr. Brierley said he couldn't find any specific language to follow.

Chair Miller asked for clarification concerning the airport overlay statements (v-1-12) height and visual interference restriction added to item #5.

Commission Parrish said that he hoped there would be further rational review by more than one group.

Motion #6:	Ashby/Hannum to adopt 8D but modify section 10.50183(5) so that it reads height and visual restrictions of that district.
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Commissioner Fowler stated that she would vote in favor as for efficiency, but did not totally agree.

Commissioner Parrish stated that he did not exactly like the way it was worded, but would vote yes.

Vote on Motion #6:	The motion carried (6 yes/1 Absent [Haug]).
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4 - READER BOARD SIGNS:

Mr. Brierley discussed the popularity of reader board signs. Mr. Brierley described them as generally large signs that sit on the ground, some may have wheels and may be yellow or white. There are new technology break throughs that make the signs more attractive. This proposal would not allow reader board signs as a portable signs. Mr. Brierley recommended that the Commission approve 9A & 9B

Commissioner Ashby discussed concerns about changing lettering and the definition by adding "portable" to the beginning of the definition. (Pg V-1-4).

Commissioner Hannum reviewed item (2) adding language to any "public election (delete primary and general).

Ms. Runnells said she would like to see some restrictions, but not be too restrictive in not allowing special events to be advertised.

Mr. Rakow questioned why the City was requiring notice be made in writing. Mr. Brierley explained that the purpose was not to establish a fee, but allow for smooth enforcement which would prevent persons to go around the code (closing loopholes).

Commissioner Parrish ready to make motion. No deliberation.

Commissioner Fowler also has no problem with the proposal.

Motion #7:	Hannum/Ashby to add portable sign to 10.50.189(2) and define public election.
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Mr. Brierley stated that a portable sign does not have a building permit requirement.

Vote on Motion #7:	The motion carried (6 Yes/1 Absent [Haug]).
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Discussion was held concerning a final draft will be presented on August 13th.

Motion #8:	Ashby/Hannum to couple and upgrade the resolution for adoption and review at the August 13 th meeting.
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Vote on Motion #8:	The motion carried (6 Yes/1 Absent [Haug]).
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VI. ITEMS FROM STAFF (none)

VII. ITEMS FROM COMMISSIONERS (none)

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items - None reported.
2. Next Planning Commission Meeting, August 13, 1998.

Mr. Brierley discussed historic landmarks and arranging for a work shop with Mary Post. Further discussion was held concerning residential needs.

Commissioner Ashby said that a copy of the final draft should be sent to persons who have shown an interest or that a letter be sent to advise them the draft is available for review.

ITEMS FROM COMMISSIONER:

Commissioner Parrish presented the following concerns:

1. Discussion concerning picking up the Commission packets was held. Chair Miller said that she would recommend that at the end of business day on Thursday in which the packets are generated, that staff will place in mail if they are not picked up.
2. Coordinate obtaining a public address (PA). Discussion was also held concerning re-arranging the room in a V-shaped format.
3. Would like to get a unanimous consensus to see that the PC meetings be video taped. It was recommended to staff to pass this request on to the Council for consideration.

Mr. Brierley said that he would come back with feasibility and costs estimates for video taping and mailing packets..

VIII. ADJOURNMENT

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

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 R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall
Print Name

Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE AUGUST 13, 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 #

PROJECT FILE #

LABELS FROM THE 8/13/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

*Be sure to add file number by
name*

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