

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, AUGUST 13, 1998 AT 7 P.M.

Approved at the September 10, 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:

Barbara Mingay, Planning Technician
David Beam, Economic Development Coordinator/Planner
Peggy Hall, Recording Secretary

II. OPEN MEETING

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

III. CONSENT CALENDAR

1. Approval of the July 9, 1998 and July 23, 1998 Planning Commission Minutes.

Commissioner Parrish said a correction on page 3 of the July 23, 1998 minutes should have the word "not" placed in his comments.

Motion #1:	Fowler/Hannum voted to approve the consent calendar items, approving the minutes of the July 9, 1998 and July 23, 1998 Planning Commission Meeting as corrected.
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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 (#1)

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

RESOLUTION NO.: 98-94

Ms. Mingay said that Barton Brierly is in Utah and she will be providing the staff report.

Abstentions/ex-parte contact None.

Objections: None.

Staff Report: Ms. Mingay said that the information contained in the staff report relating to amortization should be added (10.22.106 - pg. V-1-32).

Ms. Mingay also addressed issues involving additional language for the sign code (Attachment D - memorandum to Newberg Downtown Redevelopment Committee concerning standards for signs in downtown). Discussion was held concerning typographical errors which will be corrected in the final documents.

Ms. Mingay said that Mr. Olberding was not available to present his information to the Commission due to prior commitments. Ms. Mingay said she would provide this information during the public hearing portion of the meeting.

Commissioner Parrish discussed non-conforming legal signs and the costs incurred to bring them into compliance. Ms. Mingay said it can be determined by the Commission or the Ad Hoc Committee. Staff would be sending letters out to let them know of the opportunity to bring their signs into compliance. Commissioner Parrish asked that the applicant not be charged. Ms. Mingay said that she would not like to limit future Council or Commissions in decisions involving the sign ordinance. Discussion was held concerning meeting the appropriate criteria.

Ms. Mingay provided photos of non-conforming signs. The time and temperature sign on First Federal Savings is more than 6 sq. ft. in size, which would not comply with the proposed standard. Discussion was held concerning the need for further clarification for everyone.

Public Testimony:

Ms. Mingay provided information from her discussions with Mike Olberding. Ms. Mingay said that Mr. Olberding felt comfortable with the draft as proposed (the amortization schedule is desirable). He was concerned about the appointment of an ad hoc committee.

J.A. Rakow, said he has built signs for people in the City. Mr. Rakow also mentioned that he has been working with the City for some time on the sign ordinances. One of his concerns is the elimination of the grand fathering clause and issues dealing with requirements for compliance by 2002. He questioned the City Council or the Planning Commission changing the rules. He did research on the computer and identified a number of rules throughout the state which are not enforceable. He cautioned the Commission to keep it simple, not regulate content, or legislate good taste or personal opinions (not make so many rules which would make it more difficult to enforce. Mr. Rakow said that the ordinance should allow for tolerance to allow small business signs (fruit stand signs for example). Mr. Rakow asked whether or not the City was legal in requiring the 2002 requirement.

Commissioner Haug discussed good taste and Mr. Rakow's opinions and comments. Mr. Rakow said the City should be less concerned with color and have more emphasis on structure. Mr. Rakow shared his concerns over the process by which business owners apply for signs (fees for design review, percentage of sign, etc.).

Chair Miller recommended that Mr. Rakow read the hand-out (pg. 7 - V-1-10 - permit required exceptions). Discussion was held concerning 30 day time limits for grand opening events.

Commissioner Wall said that if a sign policy was not in force, there would be problems. What is Mr. Rakow's opinion for the sign program and what policy should be for the businesses? Mr. Rakow said he sees bureaucracies piling up and he does not want to see the Planning Commission throw out so many requirements that would not allow people to comply. Discussion was held concerning businesses that are already in compliance, but then the City switches the rules (don't take the privileges away, but set penalties).

Public Agency reports: None.

Letters: None.

Staff Recommendation: Ms. Mingay said it was staff's recommendation to approve Resolution No. 98-94 with the addition of the attachments and language previously identified.

Hearing Closed.

Commission Deliberation:

Motion #2:	Ashby/Haug to adopt Resolution No. 98-94 based upon the findings presented by the staff.
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Vote on Motion #2:	The motion carried unanimously.
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Commissioner Haug discussed signs changing every ten minutes is not necessarily classified as animated. He would propose a change the definition reflecting changes in the sign to be once every 60 seconds. Discussion was held concerning time periods and the length of change.

Commissioner Wall discussed his views of changing signs. If the display animated less frequently in a one minute period, it should not be considered an animated sign.

Motion #3:	Haug/Wall to amend the language to define animated signs to change every minute.
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Vote on Motion #3:	The motion failed (2 Yes [Haug/Wall]/5 No).
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Commissioner Haug said he would like to increase the size to 10 feet (item #3) Discussion was held concerning sign program maximum animated signage.

Commissioner Wall stated First Federal could request an exception. Discussion was held concerning technical understanding of the language and its implications.

Motion #4:	Hannum/Haug to increase the sign size to 10 sq. ft.
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Vote on Motion #4:	The motion carried unanimously.
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Commissioner Haug discussed maximum allowed signs (pg. 8 - 10.50.184) in residential zones in an effort to reduce major free standing signs.

Motion #5:	Haug/Wall to amend Section 10.50.184(2) Size (a) - last sentence by removing "single family" and "or duplex".
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Commissioner Haug expressed concerns over the look of the neighborhood. Commissioner Haug said he felt it inappropriate to go to City Council. There is a need to get a strong consensus and abide by the rules. Discussion was held concerning cutting the size from .02 to .01 with a maximum of 20 sq. ft. Discussion was held concerning single family dwelling units and ownership of signs in subdivisions.

Commissioner Ashby said that residential areas are not equal. Compromise to eliminate free standing signs. Commissioner Parrish agreed with Commissioner Ashby's statements as stated.

Commissioner Haug said that one of the areas that need help is the multi-unit complexes which require increased parking and related aesthetics. It would appear to prejudice lower cost residential areas.

Commissioner Parrish discussed free standing signs and the how the signs draw the appeal of the project to potential renters.

Commissioner Ashby discussed the expenses involved in marketing these types of units and the owner's ability to advertise to fill vacancies.

Commissioner Haug said that a permanent "For Rent" sign diminishes the surroundings.

Ms. Mingay reviewed the standards, being 1.5 sq. ft. to 40 sq. ft. as the range.

Commissioner Wall called for the question, seconded by Commissioner Ashby (closing the debate)

Vote on Motion #5:	The motion failed (3 Yes [Haug/Parrish/Wall]/4 No [Ashby/Fowler/Hannum/Miller]).
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Chair Miller called for a break at 8:40 p.m. The meeting reconvened at 8:45 p.m.

Motion #6:	Haug/Wall to change .02 and 40 to .01 and 40 sq. ft.
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Ms. Mingay said the dimensions do not include masonry.

Amendment to Motion #6:	Ashby/Fowler to change .02 and 30 sq. ft.
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Commissioner Fowler called for the question.

Vote on Amendment #6:	The motion carried unanimously.
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Vote on Motion #6 as Amended:	The motion carried unanimously.
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Motion #7:	Haug/Fowler to include on 2(A) 10.50.186 Major Attached: the following language: "Up to a maximum of 30 sq. ft.
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Commissioner Fowler called for the question.

Vote on Motion #7:	The motion carried unanimously.
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Motion #8:	Haug/Fowler to change 10.50.188(2)(A) as noted in the staff report.
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Commissioner Fowler called for the question.

Commissioner Hannum asked for a definition of portable signs. Ms. Mingay said that they are not visible from the public right of way. Ms. Mingay further clarified the following:

- (a) Residential uses: one portable sign which may not exceed 6 sq. ft.
(b) all other uses within residential zone: the one portable sign may not exceed 6 sq. ft. if located in the front yard or 16 sq. feet if located elsewhere on the property.

Vote on Motion #8:	The motion carried unanimously.
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Motion #9:	Haug/Wall concerning Section 10.50.191 sign program addition (6): animated signs shall not exceed 30 sq. ft.
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Commissioner Fowler called for the question.

Vote on Motion #9:	The motion carried unanimously.
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Section 3- 10.22.105

Motion #10:	Parrish/Haug to add the additional language contained in the staff report "or is a historic landmark".
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Vote on Motion #11:	The motion carried unanimously.
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Section 10.22.106:

Ms. Mingay reviewed the additional language in (3).

Motion #12:	Haug/Ashby to adopt the recommendation of staff (item 3).
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Vote on Motion #12:	The motion carried unanimously.
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Commissioner Parrish said that he would like to propose a "no fee to the applicant" under paragraph (2). It appeared to be a more favorable process.

Motion #13:	Haug/Parrish to provide for the recommendation by the Planning Commission of "no charge and waiver of fees for the public hearing".
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Commissioner Haug asked that the Commission submit a letter to the Council recommending no fees to be charged to the applicant. Discussion was held concerning the Comprehensive Plan requirements of adopting the changes within five years. Ms. Mingay reviewed Section 12 of the Comprehensive Plan.

Motion #13:	Parrish/Haug to table the discussion concerning 10.22.106. Commissioner Haug withdrew his second. (Motion failed) .
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Ms. Mingay said the periodic review is mandated by the State and is to be done every 5-10 years.

Commissioner Ashby said the business owner is allowed to write off the sign in 7-10 years. Some signs have a value far greater than what they paid for it - good will, etc. Altering their ability to attract customers could be a problem.

Commissioner Hannum addressed the City providing sufficient notice (amortization process) to business owners.

Commissioner Wall said he does not support the concept of any governmental agency telling anyone that their signs are not acceptable when they were acceptable prior to the amendments.

Motion #14:	Haug to adopt a motion to change the periodic review, adding 3 additional years. Fees for permits involved in amortization would be waived. Motion failed for a lack of a second.
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Motion #15:	Parrish to amend 10.22.106 providing that all commercial businesses be exempt from the sign ordinance. Commissioner Parrish then withdrew the motion.
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Motion #16:	Miller/Parrish to accept 10.22.106 (including (3) supporting the grand fathering rights and rejecting the proposals contained in the memorandum from Community Development Director Mike Soderquist. Further, to modify the attachment "D", allowing the Chair to sign.
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Discussion was held concerning the recommendation of the Downtown Redevelopment Commission to be forwarded to the Planning Commission for their consideration through a public hearing process. The Planning Commission shall review the same and forward the final recommendation to the City Council for their review and consideration upon final adoption.

Vote on Motion #16:	The motion carried unanimously.
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Motion #17:	Miller/Parrish to change the date of the letter from July 30 th to reflect this meeting's date - August 13, 1998.
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Vote on Motion #18:	The motion carried unanimously.
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LEGISLATIVE PUBLIC HEARINGS (#2)

APPLICANT: City of Newberg (*CONTINUED FROM THE 4/23/98 MEETING*)
REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan policies and Comprehensive Plan Map, and amending the Newberg Development Code and Zoning Map relating to residential needs.
LOCATION: City wide
FILE NO: GR-2-95
CRITERIA: NDC 10.20.030
TOPICS: Manufactured Home Parks; Parking

RESOLUTION NO.: 97-80

Motion #19:	Haug/Fowler to postpone discussion until the next Planning Commission meeting - August 27, 1998.
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Vote on Motion #19:	The motion carried unanimously.
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VI. ITEMS FROM STAFF

- a. Initiation of Minor Modifications to Annexation Ordinance (G-39-98); RESOLUTION NO.: 98-101

Ms. Mingay said the purpose of the modification would be to reorganize the process (clarify deadline dates and review by both the Planning Commission and the City Council. Discussion was held concerning holding over further discussion to the September 10th meeting.

Motion #20:	Ashby/Haug to adopt Resolution No. 98-101.
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Vote on Motion #20:	The motion carried unanimously.
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- b. Update on Council items

Mr. David Beam reviewed the City Council agenda. Discussion was held concerning appointments to the Citizens Rate Review Committee.

- c. Other reports, letters, or correspondence
- d. Next Planning Commission Meeting, August 27, 1998

Ms. Mingay presented information concerning the residential needs analysis and historic preservation review. Ms. Mingay said that Ms. Mary Post will be making a presentation on August 27th concerning historic preservation.

Ms. Mingay also addressed the request for video taping. Discussion was held concerning taping the meetings (live or tape delayed).

VII. ITEMS FROM COMMISSIONERS

Commissioner Parrish discussed Type II process procedures as it pertains to subdivisions (page 29 of the Development Code - 10.08.035). Discussion was also held concerning the recent Young property issue on N. Main Street. Commissioner Parrish said that he would like to see the Planning Commission take a more action role in the Type II procedure.

Motion #21:	Parrish to request that staff initiate that subdivision approval language be returned to the Commission at its next meeting - language to modify the process for Type II subdivisions. Requiring that they be heard and decided by the Planning Commission.
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Commissioner Haug said that the Planning Commission recommendation for modifications to the City Council cannot occur without initiating public hearing and testimony. Ms. Mingay clarified the appropriate motion language.

Vote on Motion #21:	The motion carried unanimously.
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Discussion was held concerning the City Council over-ruling the Planning Commission's decision of denial for the Young (N. Main property) project. The Commission also addressed projects and issues that they would like to hear. Additional discussion was held concerning accountability.

Commissioner Fowler said she will be absent from the August 27th meeting. Commissioner Wall also indicated he would be absent from that meeting as well.

VIII. ADJOURNMENT

Motion #22:	Fowler/Haug to adjourn at 11:10 p.m.
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Vote on Motion #22:	The motion carried unanimously.
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Passed by the Planning Commission of the City of Newberg this 10th day of September , 1998.

AYES: 5

NO:

ABSTAIN:
(list names)

ABSENT: Ashby/Miller

ATTEST:



Planning Commission Recording Secretary Signature

Peggy R. Hall

Print Name

September 10, 1998

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 #

None.

PROJECT FILE #

None.

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*** on each label

J.A. Rakow

File No. G35-98