

PLANNING COMMISSION MINUTES Newberg Public Safety Building - Newberg, Oregon THURSDAY, JANUARY 10, 2002 AT 7 P.M.

Approved at the March 14, 2002 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Steve Hannum Bart Rierson, Chair Louis Larson Nick Tri Warren Parrish Lon Wall, Vice Chair

Absent: Matson Haug

Staff Present:

Barton Brierley, City Planner

Barbara Mingay, Planning Technician Peggy Hall, Recording Secretary

II OATH OF NEW PLANNING Commissioner

1. Oath of Nick Tri

City Manager Pro Tem Terrence D. Mahr performed the oath of office with Nick Tri.

III. OPEN MEETING

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

IV. CONSENT CALENDAR

1. Approval of December 13, 2001 Planning Commission Meeting Minutes

| Motion #1: | Hannum/Wall to approve the consent calendar items, approving the minutes of the |
|------------|---|
| | December 13, 2001, Planning Commission Meeting. |

V. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None.

Commissioner Parrish arrived at the meeting at 7:10 p.m.

VI. QUASI-JUDICIAL PUBLIC HEARINGS

APPLICANT: Powell Built Homes Inc. for Caravan Coffee, Matthew Powell

REQUEST: Conditional use permit approval to allow roasting and wholesale coffee

distribution in an M-2 zone

LOCATION: 2750 E. 9th Street **TAX LOT:** 3220DD-500

FILE NO.: CUP-15-01 RESOLUTION NO.: 2001-149

CRITERIA: Newberg Development Code Section 10.30.040

OPEN FOR PUBLIC HEARING:

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

Abstentions/ex-parte contact: Commissioner Hannum said he has visited the existing Caravan Coffee business on Hancock Street many times. **Chair Rierson** stated that he and his children are acquaintances of Mr. Miller, owner of Caravan Coffee, and his children.

Objections: None.

Staff Report and Preliminary Staff Recommendation: Ms. Barbara Mingay presented the staff report indicating staff recommended adoption of Resolution 2001-149, approving the conditional use permit allowing a roasting and wholesale coffee distribution in an M-2 zone. Ms. Mingay reviewed the criteria ss for the conditional use permit. Ms. Mingay said that the site is located in an industrial area, and the Code only allows food processing as a conditional use.

Proponent:

Mr. Peter Miller, 117 N. Blaine Street, Newberg, Oregon, 97132, residence is 135 Lauren Court, Newberg, Oregon. Mr. Miller said that he had previously owned and operated the Coffee Cottage for over 12 years. He now operates Caravan Coffee which is a coffee roasting establishment on Blaine Street. He has to relocate his business due to the State Highway project which will eliminate truck access to his business. He said his business roasts and distributes coffee and does not have retail business. The proposed location is a good spot for his business.

Commissioner Parrish said he did a site evaluation. Discussion was held concerning the distance between the proposed location and the airstrip (being approximately 200 yards.) Commissioner Parrish asked if smoke or other environmental or safety disturbance would be a problem for the airplanes coming to Newberg's air field.

Mr. Miller said that the existing establishment on Hancock Street has not caused a problem in the past. There are other semi-trucks that already service the surrounding businesses. He said that he is not intending to use the remaining portion of the lot for future development (retail space) at this time or in the near future. He added that they do not have specific plans for the future development.

Commissioner Wall said he appreciated Mr. Miller and Mr. Powell's due diligence in applying for the conditional use permit, and the complications associated with this type of application.

Mr. Matthew Powell, Powell Built Homes, the builder for the facility, 1713 N. Villa Road, Newberg, Oregon, said he had nothing further to add but would be available for questions.

Discussion was held concerning the proposed design and material for the new structure. **Mr. Powell** indicated it would likely be of concrete block construction rather than a metal building.

Opponent: None.

Staff Recommendation: Ms. Mingay indicated that staff supported the request and recommend adoption of Resolution 2001-149.

Hearing Closed.

Commission Deliberation:

Commissioner Parrish asked about additional development on the site and if it would come back to the Planning Commission for final review and approval.

Ms. Mingay said that it would go through a design review process which does not have further Planning Commission review.

| Motion #2: | Wall/Larson to adopt the conditional use permit application allowing a coffee |
|------------|--|
| | roasting and wholesale coffee distribution in an M-2 zone (Resolution No. 2001-149). |

Commissioner Larson called for the question.

| Vote on Motion #2: | The motion carried (6 Yes/1 Absent [Haug]). |
|--------------------|---|

Ms. Mingay reviewed the appeal process and stated that with no opponents or objections made, the Planning Commission's decision was final.

QUASI-JUDICIAL PUBLIC HEARING #2

2. APPLICANT: Newberg Chrysler, Steve Lawhead

REQUEST: Approval of a sign program to allow a 30 sq. ft. electronic message center

LOCATION: 2611 Portland Road

TAX LOT: 3217DD-2300

FILE NO.: G-82-01 RESOLUTION NO.: 2001-150

CRITERIA: Newberg Development Code Section 10.50.191

Abstentions/ex-parte contact: Commissioner Hannum said that he had visited the site. Commissioner Parrish said that he also had visited the site.

Objections: None.

Staff Report and Preliminary Staff Recommendation: Mr. Barton Brierley presented the staff report, noting it was staff's recommendation to adopt Resolution No. 2001-150. Adoption of the Resolution would deny approval of the requested sign program. He reviewed the regulations that signs must meet. He noted that the sign program provided for signs that meet the general purpose of the Code, but perhaps do not meet one or more of the standards. The Development Code provides for an applicant to apply for a sign program through the public hearing process. Discussion was held concerning building designs and "themes" for signs which could be reviewed and approved.

Mr. Brierley reviewed the proposed application and location on Portland Road. He noted that the car sales lot proposal for the site is basically landscaping and a paved parking area (with no building or structure proposed). The applicant also has applied for and was granted a variance to the light standards for on-site lighting as part of the design review process for the sales lot. One of the conditions of the variance was that the applicant place an old fashioned style light at the front (Portland Road) portion of the property and move the poles back from the road to provide a more aesthetic design. The proposed sign would be located near the entrance to the lot as shown, but that it would be set back 20 feet from the street. This location would allow for a 20 ft. tall sign which would be required to be set back 20 feet from the property line. He presented an overhead picture of the sign (100 square feet) with the message center, and lighting under the sign itself. One of the requirements of the sign code is that no animated sign shall exceed 10 square feet unless it is included in a sign program. When the sign code was adopted, the City Council appointed an ad hoc sign committee. One of the charges of the sign committee was to review sign programs and make recommendations. The sign committee met to review the current application. They recommended that the Planning Commission NOT approve the sign program because the criteria have not been met (findings were established). They recommended that, if the Planning Commission was to approve the sign program, it should only be under certain conditions as noted in the sign committee minutes. He reviewed the applicable criteria for a sign program. He

He noted that Sign Committee said the criteria have not been met. Nothing on the site would match the architecture of the site. There is a Newberg Dodge sign located on the other side of the Eden Gate Restaurant on another property, and this is not a consistent distance. The sign will basically be the only structural feature on the property. There is no particular landscaping design either.

Proponent: Mr. Steve Lawhead, Highlight Sign Corp. 8200 SW Hunziker, Tigard OR 97223, representing Newberg Chrysler, stated that he was not given a copy of the problems noted by the sign committee. He said he had supplemental information which he would like to present to the Commission.

Chair Rierson said that the Planning Commission has a policy of not accepting additional information at the public hearing due to their not having sufficient time to review it. He said that Mr. Lawhead could read it into the record.

Mr. Lawhead said the electronic message center will have 9" letters which will provide a visibility of 160 feet, with the average driver moving about 35-40 mph on Portland Road in a westerly direction. The sign would change every 6-8 seconds. He said it was a good amount of time in order to read the message. He demonstrated examples of the allowed and proposed sign display on a small electronic sign. He demonstrated a sample display showing the same message and how the display would change. He reviewed how the smaller size of the sign would restrict and alter the true meaning of the message. He would like to have the 30 sq. ft. sign which would make it easier to read. He said that the applicant requested that the Planning Commission allow for the 30 ft. sign which would be more effective. However, they are worried about the conditions in the sign program. Some of the approval criteria are subjective based on personal preference.

Commissioner Parrish asked for clarification of the rebuttal of the sign program committee recommendations as to the distance between the two signs.

Mr. Lawhead said it was not the criteria, but he believed there was continuity, such as using the same materials, etc. He indicated that he was not given a copy of the minutes and findings by the Sign Committee and their denial. He just heard the findings at this meeting.

Commissioner Parrish commented on statements made by Mr. Lawhead regarding community advertisement of community activities on the sign. Discussion was held concerning listing community events and activities. **Mr. Lawhead** said that the former Newberg Ford animated sign held community

events. Commissioner Parrish said he did not remember any community events listed on the Newberg Ford dealership sign.

Tape 1 - Side 2:

Mr. Lawhead said there have been other business owners who have provided messages on their message centers. Discussion was held concerning some of the Commission members seeing community messages on the Columbia River Bank Building sign. **Mr. Lawhead** said that he would advise the Chrysler dealership to do community messages on the animated sign.

Commissioner Wall addressed sign codes being objective in dealing with aesthetics as well as public safety. Commissioner Wall said that some of the sign ordinances were not exactly fair to all businesses. He said that he reviewed the Sign Committee minutes and he could not find anything contrary to what the sign code requires.

Mr. Lawhead reviewed the criteria:

Criteria 1: Same materials, letter styles and exterior signs. **Mr. Lawhead** said the applicant is asking for a larger message center so as to not make it hard for people to read the message.

Chair Rierson discussed the insufficient space for any messages other than time and temperature.

Criteria 2: Compatibility with other areas of the site. **Mr. Lawhead** said there is no building located on the property. He is trying to tie it into the dealership offices down the street by making the signs look similar with a message center.

Criteria 3: Limited bold and bright colors. **Mr.** Lawhead indicated that the proposed colors are the same as the existing sign without the addition of a message center.

Criteria 4: Mr. Lawhead indicated this criteria is not applicable.

Criteria 5: Maximum 30 ft. height. Mr. Lawhead indicated the request is for a 20 foot high sign.

Criteria 6: *Maximum 30 sq. ft. electronic message center.* **Mr. Lawhead** indicated the request if for a 30 sq. ft. electronic message center.

Mr. Lawhead said that many sign codes have been proven illegal and other cities have had to re-evaluate their sign codes.

Commissioner Parrish reviewed the sign code noting that no bright, flashing lights that blind or impair the vision of the drivers are allowed. Discussion was held concerning whether the proposed sign was too bright or flashing. The Newberg Inn sign is 10 sq. feet and is not bright, flashing or distracting. The purpose of the sign is to be read.

Commissioner Wall said that the intent of the sign program is to provide for compelling reasons that a particular sign should be allowed. He asked what argument is present that would provide a benefit to the community, or how would the community lose by not allowing the sign.

Mr. Lawhead said that it would be easier to read and use for community events, time/temperature, as well as their own advertising. Also, there is a safety factor when a person is driving down the road to read it clearly. It is positioned near the entryway to enable traffic to slow down in sufficient time to pull in.

Problems occur when there is not sufficient time to read a message in time to make the appropriate turn (within 160 feet in order for the driver to make a decision).

Proponent: Mr. Heath Rasche, Heath Rasche - DakTronics, Inc., 309 S. Cloverdale St., #C-2, Seattle, WA 98108-4500, said he was in attendance representing the electronics manufacturer for the message center, and that a larger sign would provide for better readability.

Commissioner Hannum asked about Mr. Rasche's comments regarding the larger sign being better for the transmission of the message (6-8 seconds) and inquired how fast information could be added at a different level (every 2 seconds).

Mr. Rasche said that the sign operator could adjust the rotation and speed of the sign which could be programed to scroll and state the message. Discussion was held concerning other commercial establishments using this type of sign.

Proponent: Mr. Russ Ashabranner, General Manager of Newberg Chrysler, said he is temporarily housed at Shilo Inn and has only been in town for seven weeks. He was hired by Mr. Lanphere to represent the dealership in the community and other ways. He said that he does not have a problem promoting community events and activities on the sign. He wanted to mention that they were a local company who wanted to help represent the City, keep the grounds clean, keep the buildings and business in good shape and be more involved in the community. The dealership to date has not been involved. He comes from a small town in central Texas where he was involved in that community.

Commissioner Parrish thanked Mr. Ashabranner for speaking. Discussion was held concerning the Eden Gate sign which has messages on it. It was noted that the messages are changed manually and frequently.

Mr. Ashabranner said that particular type of sign is stagnant. Discussion was held concerning the City not prohibiting the content on signs. **Mr. Ashabranner** said that they will not be selling a specific automobile with the sign. He stated that he would work with the City in determining what the Commission required in the timing of the sign text.

Opponent: None.

Hearing Closed.

Staff Recommendation: Mr. Brierley indicated staff recommended that the Planning Commission adopt the Resolution which <u>denies</u> the application as presented. He suggested that the applicant have time to submit additional documentation and to review the findings and comments by the Sign Committee. The Commission could continue to another meeting for additional testimony, or close the public hearing and allow seven days for additional written testimony, or make a decision with no further testimony.

Discussion was held concerning scheduling additional hearings. **Mr. Brierley** said that the Planning Commission could hear the matter at the next Planning Commission meeting scheduled for February 14, 2002. Discussion was held concerning convening on a different date.

Mr. Lawhead said that he would prefer to have the Commission review the information presented and respond to the applicant as soon as possible. He felt that the February 14 date would be too late and did not wish to take that long.

Mr. Wall said that unless Mr. Lawhead came up with something pretty amazing, and if time was a factor,

he felt that there was not much benefit by putting it off.

Mr. Lawhead said that he believed it would be unfair to take a vote without the Commission reading his additional documentation and allowing him to review the findings and comments of the Sign Committee.

Discussion was held concerning continuing the matter. **Mr. Brierley** said another option would be to take time right now to read the material tonight. Discussion was held concerning the extension of the matter to another meeting.

Mr. Lawhead said he was not given a copy of the rebuttal by the Sign Committee and he was not able to prepare an appropriate response.

Commissioner Wall said that he felt that since Mr. Lawhead was in the sign business, he should have been aware of the issues raised by the Commission and the Sign Committee and be ready to respond.

| Motion #3: | Larson/Tri to close the public testimony (written and oral). |
|------------|--|
| | |

| Vote on Motion #3: | The motion carried (4 Yes/2 No [Rierson/Parrish]/1 Absent [Haug]). |
|--------------------|--|

Mr. Brierley said that the request to the Commission is for the approval of the Resolution <u>denying</u> the application.

| Motion #4: | Wall/Larson to adopt Resolution No. 2001-150 denying the application for a sign |
|------------|---|
| | program. |

Commissioner Larson said that he looked for criteria where the Commission is asked to stretch the rules of the sign code. There is not enough to support such a request in that most of the arguments hinge on the public use of the sign.

Commissioner Parrish said that the Sign Committee was established for this type of situation to assist and help the Planning Commission to determine the criteria for an application. The Sign Committee has taken the time to review the matter and their comments, criteria and recommendations were given to the Commission. He has some concerns on certain "edges" with the proposal, but not enough to sway his decision.

Commissioner Hannum said that he is opposing the motion to adopt the Resolution. The proposed sign is consistent with the existing signage. Discussion was held concerning a using different color scheme and consistency with the theme and texture. He felt the application was consistent with the stated criteria Whether or not we like an animated sign of 30 sq. ft. is inconsequential, because it is allowed under certain circumstances.

Commissioner Larson said he appreciated the comments made by the Planning Commission members and he was a firm believer that the Sign Committee did their job. He was perplexed, however, that the applicant, after going through the process, would not recognize what was allowed and the criteria involved. He said he supported staff's recommendation and the comments made by Commissioners Wall and Parrish.

Commissioner Tri said that he also believed that the Sign Committee did a good job and he takes their recommendation into consideration in making his decision.

Commissioner Wall called for the question.

Chair Rierson asked for clarification of the process in approving signs in and outside of the sign program process. **Mr. Brierley** said that a 10 sq. ft. sign would be approved by staff and that anything over that size would need the Planning Commission approval and be part of a sign program. The most allowed would be 30 sq. ft.

| Vote on Motion #4: | The motion carried (4 Yes/1 No [Hannum]/1 Abstain [Rierson]/1 Absent |
|--------------------|--|
| | [Haug]). |

Tape 2 - Side 1

Mr. Brierley noted that any appeal of the Planning Commission decision must be filed within 14 days to the Community Development Department and that the appeal would go before the City Council.

VII. ELECTION OF NEW OFFICERS FOR 2002

Discussion was held concerning nominating Louis Larson as Chair.

| Motion #5: | Tri/Ha | Tri/Hannum to nominate Louis Larson as Chair. | |
|-------------------|--------|---|--|
| | | | |
| Vote on Motion #5 | : | The motion carried (6 Yes/1 Absent [Haug]). | |

Commissioner Parrish nominated Lon Wall for Vice Chair. Commissioner Wall said that he felt that Commissioner Bart Rierson should be Vice Chair due to his immediate tenure as Chair. Commissioner Rierson said he appreciated the nomination but felt that Commissioner Wall has more experience in Parliamentary procedures and Roberts Rules of Order.

| Motion #6: | Motion #6: Rierson/Parrish to nominate Lon Wall as Vice Chair. | |
|------------------|--|--|
| | | |
| Vote on Motion # | 6: | The motion carried (6 Yes/1 Absent [Hauq]) |

VIII. ITEMS FROM STAFF

Update on Council items

Mr. Brierley said that City staff appreciated Commissioner Rierson's leadership over the past year. The Commissioners also thanked Commissioner Rierson for his tenure as Chairman.

Mr. Brierley said that at the Council's December 17, 2001 meeting, they adopted the Urban Renewal Plan. The Council held a informal work session on the commercial code amendments and the Council scheduled a March 4, 2002 hearing to further consider the matter. He noted that the Council also initiated an annexation in the Crater Lane area. In a few months, the Planning Commission will be holding a hearing on that item. He said that Ms. Kalene Flukinger was appointed as the new City Council position filling the vacancy left by Noelle Wilson.

- 2. Other reports, letters, or correspondence None.
- 3. Next Planning Commission Meeting: March 14, 2002. The February 14, 2002 has been

canceled due to lack of agenda items.

Mr. Brierley said NUAMC will be holding two meetings: January 16, 2002 to consider an application for a cellular communications tower on Alice Way (northern part of the City) and 2) on January 23, 2002 for a hearing on an urban growth boundary amendment for the hospital. Discussion was held concerning scheduling Planning Commission training: April 20, 2002 - basic land use training and on conducting meetings - located at Newberg City Hall. **Mr. Brierley** also referenced an advanced training session on February 23, 2002 at Fairview City Hall.

IX. ITEMS FROM COMMISSIONERS

Commissioner Parrish asked for advice from the Commission on a request for a formal report on the status and condition of the cement frame located on the south end of town which has been sitting in the same condition for almost five years. Commissioner Parrish said it does not meet the City's sign code and is looking worse each year. He needs to know how to get it resolved. **Mr. Brierley** said that he will provide the report (full history of why it has not been completed).

Commissioner Rierson addressed the Christmas Tree farm located on Main Street and how the property owner had contacted him concerning the public hearing process for annexations. **Mr. Brierley** said the property was approximately 1000 feet from the Crater Lane pending annexation and therefore, would require a separate application. Discussion was held concerning the annexation process. The property is located within the UGB.

Commissioner Hannum discussed the cellular tower property site and other incorporated lands within the City. Discussion was held concerning buildable land within the City.

Chair Larson said that with cooperation of all Commissioners and staff this year, he would like to have an open discussion and dialogue to promote more public input. Discussion was held concerning the lack of community involvement and a process which would provide for better advertising of the meetings and agenda, setting out procedures and mechanisms for certain types of processes (such as sign code, land use changes, etc.).

Commissioner Parrish said he agreed with Chair Larson and felt that there has been a purposeful negligence to see Type 2 process applications go through the Planning Commission. He added that the lack of a cable channel that serves the community to air the Planning Commission meetings has been a problem. Discussion was held concerning the Commission taking a more pro-active plan to the issues before the Commission.

Chair Larson said that at the March meeting, the Commission would entertain a dialogue on what the Commission could initiate on their own that would make sense to the public; and work with staff better in working on the process to better educate the community. Discussion was held concerning land use projects that have been approved by the City staff or the City Council and how the Commission would like to see a listing of those projects.

X. ADJOURNMENT

The meeting was adjourned at approximately 9:00 p.m.

Passed by the Planning Commission of the City of Newberg this 14 day of 1000, 2002.

AYES: 5 NO: 0 ABSTAIN: ABSENT: 2—
(list names) (Rievson/Hannum)

ATTEST:

Planning Commission Recording Secretary Signature Print Name Date

INFORMATION RECEIVED INTO THE RECORD AT THE , 2002 PLANNING COMMISSION MEETING.

3/14/02

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 #

LABELS FROM THE //02 PLANNING COMMISSION MEETING FROM THOSE WHO GAVE PUBLIC TOWNONY/ REGISTRATION CARD

CUP-15-01 Pete Miller - Pres., Caravan Coffee 117 N. Blaine Street Newberg, Oregon 97132

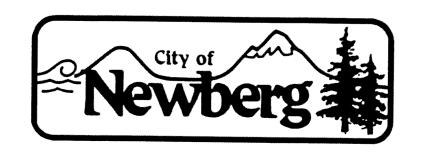
G-82-01 Russ Ashabranner, Newberg Dodge 2809 Portland, Road Newberg, Oregon 97132

Be sure to add file number by name on each label

G-82-01 Steve Lawhead, Highlight Sign Corp. PO Box 23667 Tigard, Oregon 97281-3667 CUP-15-01 Matthew Powell PO Box 1030 Newberg, Oregon 97132

G-82-01-Heath Rasche - DakTronics, Inc. 309 S. Cloverdale St., #C-2 Seattle, WA 98108-4500 City Manager (503) 538-9421

City Attorney (503) 537-1206



414 East First Street PO Box 970 Newberg, Oregon 97132

OATH OF OFFICE

PLANNING COMMISSION MEMBER 3-year term NICK TRI

TERM: 10/15/01 - 12/31/04

I, Nick Tri, do solemnly swear that I will faithfully exercise my duties as Planning Commission Member of the City of Newberg and faithfully perform the duties that may be assigned to me by the City Council, City Charter, the Ordinances or Resolutions of the City of Newberg, and the general laws of the

State of Oregon, so help me God.

Nick Tri

Subscribed and sworn to before me this 10th day of January, 2002.

OFFICIAL SEAL
PEGGY R HALL
NOTARY PUBLIC-OREGON
COMMISSION NO. 339219
MY COMMISSION EXPIRES NOV 21, 2004

Peggy R. Hall

Notary Public for Oregon

My Commission Expires: 11/21/04

ATTEST:

Barton Brierley, City Planner

City of Newberg

G::Common:PLANNING:OATH-101801.WPD

CITY MANAGER'S OFFICE: e-mail: nctymgr@ci.newberg.or.us Fax: 537-5013

Building: 537-1240 • Community Development: 537-1240 • Finance: 537-1201 • Fire: 537-1230 Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1233 • Utilities: 537-1205

Municipal Court Fax: 538-5393 • Community Development Fax: 537-1272 • Library Fax: 538-9720