



**City of Sherwood
PLANNING COMMISSION**

**Stewart Senior/Community Center
855 N. Sherwood Boulevard**

June 19, 2001

Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – June 5, 2001 PC Minutes**
- 3. Agenda Review**
- 4. Community Comments** *are limited to items NOT on the printed Agenda.*
- 5. Public Hearings:** (Commissioners declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the procedure identified in Resolution 98-743, adopted June 9, 1998 (copies available on table):
 - A. (Continued from 04-17-01 PC Mtg) PA 00-08 Sherwood HD LLC Plan Map Amendment:** request to by Willamette Landing Investments to rezone the 1.64 acre site at the southwest corner from Light Industrial (LI) to Retail Commercial (RC). Tax Lot 800, Map 2S 1 29A. (MLP 00-04 has been appealed to Hearings Officer)(*Gary Pierce, Associate Planner*)
 - B. (Continued from 05-15-01 PC Mtg) SP 00-22 Langer Marketplace Large Retail Site Plan:** request for approval of a 125,000 square foot Target Retail Store & 3,200 square foot Wendy's fast food restaurant. The site is located southeast of the intersection of Langer Drive & Tualatin-Sherwood Rd, Tax Lot 1700, Map 2S 1 29C. (*Gary Pierce, Associate Planner*)
 - C. PA 01-02 Townhome Design Standards Plan Text Amendment:** adding a new Section 5.600 Design Guidelines to establish specific dimensional standards and design criteria for townhomes. (Recommendation to Council, *Dave Wechner, Planning Dir*)
 - D. PA 01-03 Sign Ordinance Plan Text Amendment:** revisions to Section 5.700 Signs of Part 3 of the Development Code. (Recommendation to Council, *Keith Jones, Associate Planner*)
- 6. New Business**
 - A. Report from Council Liaison** (*Ken Shannon*)
- 7. Adjourn**

ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED

TO THE NEXT REGULARLY SCHEDULED MEETING

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
June 19, 2001

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen
Adrian Emery
Jean Lafayette
Ken Shannon
Lee Weislogel
Bill Whiteman
One (1) Vacant Position

Staff:

Dave Wechner, Planning Director
Shannon Johnson, Legal Counsel
Gary Pierce, Associate Planner
Keith Jones, Associate Planner
Roxanne Gibbons, Recording Secretary

Chair Emery announced that Jeff Schroeder had resigned his position on the Planning Commission. The Council is in the process of filling this vacant position and an appointment should be made at the June 26, 2001 Council meeting.

Chair Emery asked for consensus to change the order of public hearings by hearing Item 5B first and then Item 5A. The Commission concurred.

2. Consent Agenda – June 5, 2001 Minutes

Chair Emery asked if there were any additions or corrections to the minutes.

Lee Weislogel asked for clarification regarding the two paragraphs on page 3 regarding Alternative B. It was determined that no changes were necessary.

Patrick Allen noted that it was not necessary for the minutes to reflect the lengthy narrative regarding the presentation by Terry Keyes because this was not a public hearing. Ms. Gibbons responded that previously the Commission had asked for more detailed minutes. However, if the Commission did not wish to continue this practice, future minutes would reflect their desire.

Mr. Allen asked for clarification regarding the Langer Marketplace HDR Site Plan. He remembered the discussion about the architectural variation on the side of the structures facing the street. He did not see this referenced in the minutes and thought it was an important issue.

Gary Pierce confirmed that this was a part of the discussion. One of the conditions of approval was that the applicant would submit color renderings of the buildings, in particular illustrating the sides facing the public right-of-way.

Shannon Johnson said the Commission could ask the Recording Secretary to revise the minutes or if there is no clear error in the minutes the tape recording of the public hearing is a part of the record.

Mr. Pierce referred the Commission to page 9, the fourth bulleted item, that the applicant shall provide Staff with color elevations of the townhomes, in particular the rear elevations of the townhomes.

After a brief discussion, it was determined that no changes to the minutes were necessary.

Patrick Allen moved the Planning Commission accept the May 15, 2001 Planning Commission minutes as presented. Seconded by Jean Lafayette.

Vote for Passage of Motion: 5-Yes, 0-No, 1-Abstain (Whiteman)

3. Agenda Review

Mr. Wechner noted that Agenda Item 5B would be heard prior to Item 5A. Under New Business, Staff will provide a memo identifying a list of potential code revisions for the Commission to consider in laying out a work plan for the next six months.

4. Community Comments

There were no comments.

5. Public Hearings

Chair Emery read the hearings disclosure statement and requested that Commission members reveal any conflicts of interest, ex-parte contact or bias regarding any issues on the agenda. Jean Lafayette noted that she had previously reviewed her questions with Ken Shannon regarding SP 00-22 Langer Marketplace Large Retail Site Plan. There were no other Commissioner disclosures.

5B. SP 00-22 Langer Marketplace Large Retail Site Plan

Chair Emery opened the public hearing on SP 00-22 and called for the Staff Report.

Gary Pierce referred the Commission to a memo dated June 19, 2001 from Staff regarding the applicant's request for a continuance of SP 00-22. This request is due in part to Metro's position on Title 4 and its applicability to this application. Metro Resolution 99-2857A requires that any application for a retail use in an Employment Area larger than 60,000 square feet be denied if it cannot demonstrate compliance with Metro Code 3.07.420B. Another issue is whether the application can meet the City Capacity Allocation Program (CAP) Ordinance. The applicant will prepare a traffic analysis in response to this issue. The applicant has requested SP 00-22 be continued to the July 17, 2001 Regular Commission with an extension of the 120-day deadline to September 26, 2001. The City Staff supports the request for continuance.

Chair Emery asked if the applicant wished to provide testimony.

Mark Whitlow, Attorney for the applicant/owner, 1211 SW 5th Avenue, Suite 1500, Portland, Oregon 97204, addressed the Commission. Mr. Whitlow said the applicant agreed with the comments made by Staff and memo dated June 19, 2001. They do not believe that Metro Title 4 applies to the Langer PUD. However, they believe they can comply with City

Ordinance 2000-1104. The ordinance requires some paperwork and their goal is to work with Staff to provide this information for the July 17, 2001 meeting.

Patrick Allen moved the Planning Commission continue SP 00-22 Langer Marketplace Larger Retail Site Plan to the July 17, 2001 Regular Commission meeting. This continuance will extend the 120-day deadline to September 26, 2001. Seconded by Bill Whiteman.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

5A. PA 00-08 Sherwood HD LLC Plan Map Amendment (cont'd from April 17, 2001)

Chair Emery opened the public hearing on PA 00-08 and called for the Staff Report.

Gary Pierce referred the Commission to the Staff Report dated March 27, 2001 and June 12, 2001 memo regarding the applicant's written response to the Staff Report. The June 12th memo reviews the status of the application. Attachment C is the June 8, 2001 response from the applicant. The Staff Report includes the required findings for Plan Map Amendments. Based on these findings, Staff recommends denial of PA 00-08 Plan Map Amendment to rezone the 1.64 acre parcel from Light Industrial (LI) to Retail Commercial (RC).

Peter Rowe, representing the applicant, Willamette Landing Investments, 4380 SW Macadam, Suite 295, (PO Box 6059), Portland, Oregon 97228, addressed the Commission. He noted:

- The applicant is concerned with what could happen on this site under the current Light Industrial (LI) zoning.
- If the site were rezoned to Retail Commercial (RC), they would be willing to place deed restrictions on the property for certain uses. This would protect the site from certain uses.
- It does not make sense to the applicant to have the site zoned LI and allow permitted uses such as radio/television and similar communication stations, including transmitters, sawmills, and boat or trailer recreation storage.
- They do not think a gas station or drive-thru restaurant, as allowed in the RC zone, should be allowed on this site.
- This one-acre parcel is going to be the gateway to the City and certain LI uses would not be appropriate when comparing what the Retail Commercial zone would allow with restrictions.
- He asked the Commission what they would like to see on the site.
- The applicant would like to work with the Commission to make sure the appropriate use of the site occurs.

Mr. Whiteman said Mr. Rowe's concept of a sawmill being located on 1-acre is flawed when arguing for the rezone to Retail Commercial. He referenced Mr. Rowe's response to the Staff Report including several uses as being "crap", including equipment rental. He said that the economy of this property dictates what the eventual use will be. He asked Mr. Rowe what he thought should be built on this site.

Mr. Rowe said maybe an Elmer's Restaurant or Applebee's Restaurant.

Mr. Whiteman said he owns a restaurant and knows that in order to own a restaurant you have to have parking. He asked whether there would be enough parking for a restaurant on the 1.64 acre site.

Mr. Rowe said he would leave developing the site for a restaurant to the applicant.

Mr. Whiteman said a family-type restaurant is a conditional use in the LI zone. The conditional use criteria allow the City some control over what type of business is placed on the site. Mr. Rowe said this was correct.

Mr. Whiteman said at this point he agreed with the Staff recommendation, unless Mr. Rowe could provide findings to support the request for a rezone.

Mr. Rowe said the LI and RC zones are similar in the basic uses. He could not address the Staff comments because they did an excellent job of identifying the criteria that needs to be met for a zone change. The applicant is trying to address what they think the use of the site should be and it goes beyond those uses allowed in the LI zone. The use will ultimately be based on economics.

Mr. Whiteman said the Commission cares as much as the applicant what goes on the property because it is an entrance to the City. Rather than give carte blanche, which the RC zone does in many respects, he would like to see the applicant request a zone change because this is what we specifically want to build and we can't build this unless the zone is changed.

Shannon Johnson said the Commission should be aware that a zone change does not require the applicant to identify a specific use for the site with the application. Regardless of the practicality, the Commission and Staff have to operate on the criteria for a zone change.

Mr. Rowe asked what the Planning Commission would like to see on this site.

Ms. Lafayette said she is a proponent of more open space or park space. Mr. Allen said he would prefer to see uses that are allowed in the Light Industrial zone taken with the idea that current market conditions are going to push you up in that range. The applicant has identified some specific uses in the LI zone that would be undesirable. It seems like the market would protect the City against these types of uses. If the property were rezoned this protection would be somewhat lost. Part of the applicant's argument is that the site is small. However, the site size was determined by the applicant through their minor partition application.

Mr. Rowe said the basis is so low for market or economics driving the investment potential of the property for the applicant that it will not be a market-driven decision. They can sell the property, make a profit and sell it for a very low market price because of the basis of it.

Mr. Allen said he did not see a lot of benefit for the zone change. Mr. Whiteman asked if a bank would be a permitted use in the LI zone. Mr. Pierce said a bank, as defined in the Code, would not be allowed. A professional office would be a permitted use in the RC zone.

Mr. Wechner said the Code Clean-up Plan Text Amendments have not yet been adopted by the City Council. These amendments include some additional permitted uses in the LI zone.

Mr. Rowe said this is not a typical situation where you buy a piece of property. When you look at the permitted uses in the LI zone you are not going to flush out the bad stuff because of the economics of the site. He did not see any use in the LI zone that would be dynamic or complement the City. He mentioned several types of businesses that have inquired about the site, such as retail pharmacy stores, retail competitors of Home Depot, and several sit down-type restaurants. These are the types of uses that do not fit in the LI zone. The applicant is not asking the Commission to write a blank check for the RC zoning. They have not been contacted by any tanneries or chemical processing facilities. A high tech type business has also inquired about the site.

Chair Emery asked if there was any further testimony.

Todd Sadlo, Attorney for Home Depot, 1532 SE 36th Avenue, Portland, Oregon 97214, addressed the Commission. The Staff Report appears to suggest that the minor land partition is still being considered. A Notice of Decision has been issued for this partition (MLP 00-04) under the Type II process. He is present to discuss the proposed Sign Ordinance.

Mr. Pierce said the Staff memo dated June 12, 2001 discusses the status of the minor partition application and clearly indicates that an administrative decision for approval with conditions was made on May 3, 2001. The applicant has appealed this decision to the Hearings Officer and the appeal will be heard on July 9, 2001. The review of the minor partition in the Staff Report was mainly for information purposes.

Chair Emery asked if Mr. Rowe wished to provide rebuttal testimony. Mr. Rowe declined. Chair Emery closed the public hearing on PA 00-08 Sherwood HD Plan Map Amendment for discussion by the Commission.

Mr. Shannon said it is difficult for a request for a zone change to meet the criteria. He did not remember approving a zone change that was not a part of a proposed site plan or subdivision. The City has the CAP Ordinance and zone changes along Highway 99W should not be considered. You can't have a zone change for a piece of property that will generate more traffic on 99W when the other property owners already agreed not to ask for rezones. This is how he understands the ordinance.

Mr. Whiteman asked if the Home Depot application or future development on the site would fall under the CAP Ordinance?

Mr. Wechner responded that any site plan application for future development on the site would be subject to the CAP Ordinance. When a traffic analysis is done, it will take into account the existing development and background traffic.

Mr. Johnson said the CAP Ordinance and compliance with it are not part of the criterion of a plan map amendment. The Commission can consider the discussion on page 10 of the Staff Report regarding the transportation policy 2, "Adopt requirements for potential development that will mitigate the traffic impacts."

Mr. Wechner said the criterion on page 10 of the Staff Report are what is being applied.

There being no further discussion,

Bill Whiteman moved the Planning Commission recommend to the City Council denial of PA 00-08 Sherwood HD Plan Map Amendment based on the findings of fact in the Staff Report, applicant presentation and public testimony. Seconded by Lee Weislogel.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

Chair Emery recessed the meeting at 8:00 PM for a 10-minute break and reconvened the public hearings at 8:10 PM.

5C. PA 01-02 Townhome Design Standards Plan Text Amendments

Chair Emery opened the public hearing on PA 01-02 and called for the Staff Report.

Dave Wechner referred the Commission to the Staff Report dated June 12, 2001 and draft language in Attachment A, a complete copy of which is contained in the City Planning File PA 01-02. He noted:

- The Commission met in two separate work sessions to discuss townhome design.
- The current Code defines townhomes, but does not have any provision to define them.
- Townhomes give people the opportunity to own a small lot usually with less maintenance. The townhome housing prices are generally less than homes on a 5,000-7,000 sf ft lot.
- Townhomes are a very good tool to use for in-fill housing.
- Townhomes differ from a condominium in that you actually own the land.
- Staff had originally proposed the townhome text amendments as a change to the Site Plan portion of the Development Code. After further review, Staff proposes the townhome text amendments be a part of Chapter 2, Section 2.200 Special Uses, under Section 2.204 Townhomes.
- The criteria will be applicable to the Medium Density Residential High (MDRH) and High Density Residential (HDR) zones.
- The proposed definition of a townhome in Chapter 1, Section 1.202 Definitions, would read, "A single-family dwelling unit on an individual, platted lot which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned."
- Staff reviewed the codes of other jurisdictions referencing townhome standards, e.g., City of Portland, Fairview, and Hillsboro, in preparing the proposed townhome standards for Sherwood.
- The proposed lot sizes for townhomes will be a minimum of 2,000 square feet.

- The MDRH zone allows for a maximum density of 11 units per acre, which equals 22,000 square feet of each acre being developed to minimum lot sizes. Until this density is raised closer to HDR that has a minimum density of 16.8 units per acre, there will probably not be any townhome development in the HDR zones. Staff will probably propose increasing the density in the MDRH zone to meet the lowest density of the HDR zone as part of a future plan text amendment to the Development Code.

Chair Emery asked if there was any proponent or opponent testimony.

Keith Howe, 17852 Galewood Drive, Sherwood, Oregon 97140, addressed the Commission. He is a resident of Woodhaven and noted:

- He read the draft townhome language and thought that it looked very good.
- He referenced Stonebrook Homes and their desire to develop a phase in Woodhaven with single-family homes on small lots instead of townhomes.
- The existing townhome site in Woodhaven has problems with parking on a narrow street. Recently an emergency response vehicle could not get close enough to a car that was covered with bees. Each townhome has a one-car garage with a driveway for parking another vehicle. Parking on both sides of the street is allowed and you cannot get down the street when cars are parked on both sides of the narrow street.
- Woodhaven has some \$250,000 to \$300,000 homes and if townhomes with vinyl siding on small lots are allowed in Phase 8C property values may be affected. He did not want these types of townhomes built on small lots and increased density.
- He asked if the City could do something about narrow streets where parking is allowed on both sides.

Mr. Whiteman said he remembered when the townhomes were built in Woodhaven that there was to be parking allowed on only one side of the street, but there was no designation as to which side of the street.

Chair Emery asked if there was any further testimony. There being none, Chair Emery closed the public hearing on PA 01-02 Townhome Design Plan Text Amendments for discussion by the Commission.

Jean Lafayette reviewed her list of questions and proposed changes to the draft townhome language.

The following items were discussed regarding the draft townhome language (Attachment A):

- Page 1, Section 2.204.01 change wording to, “.....other applicable standards of Chapter 5.102 Site Plan Review.”
- Page 1, Question about the criteria – minimum lot depth of 70 feet, maximum building coverage of 70% and corner lots larger than 2,000 square feet. Mr. Wechner said the Commission may wish to adopt an “average” minimum lot size. He briefly discussed how this would be applied. The Commission concurred.

- Page 1, Section 2.204.02, Item 4, add the following words to the end of sentence, "...in addition to the garage."
- Page 1, Section 2.204.02, Item 6, add the following words to the end of sentence, "...provided that no side-by-side two car garages are permitted on individual lots containing the townhome are allowed." Stating double-car garage does not necessary mean side-by-side.
- A minimum 20-foot setback in front would be applied to the off-street parking space.
- Page 1, Section 2.204.02, Item 5, change end of sentence to read, "...Chapter 2.204.05 Design Standards."
- Page 1, Section 2.204.02, add Item 8, developments over a certain size, 1, 3, or 5 acres shall include a percent of common area or green spaces. Developments over 2 acres shall accommodate 5% green spaces.
- Page 1, Section 2.204.02, add Item 9, side yard setbacks shall be a minimum of 10 feet on the end of each group of building units. Mr. Allen said the reason for the separation would not necessarily be for open or green space, but to avoid an unbroken mass of building. Building spacing and the provision of common areas shall be provided in a way that avoids consolidation of a large building mass.
- Under "Building Design" reiterate the height limitations for each zone or that the height refers to the underlying zoning district.
- Page 3, under "Building Design" add the words, "covered front porch" to the sentence beginning "A minimum of every other residential unit with a block frontage shall have a covered front porch."
- General questions – should there be a reference to the Old Town Design Guidelines. Mr. Wechner said when the use is allowed then you would make reference to it. Staff is currently working on plan text amendments for the Old Town Design Guidelines. The Commission agreed that the Townhome Design Plan Text Amendments should be moved forward and they would review the Old Town Design Guidelines Plan Text Amendments as a separate item.

The Commission discussed the building design reference to the 60% and 30% standard. Mr. Wechner said there would be more doors, porches, balconies and windows on the rear of the building than on the side. Staff is trying to encourage some treatment on the side of the building so there are no large, blank walls.

Mr. Allen asked about street widths. The townhome amendments seem to have moved away from the narrow street standard. He thought narrower streets work better for neighborhoods. The Commission agreed further discussion would be appropriate on this issue.

Mr. Wechner suggested he incorporate the changes made by the Commission tonight and bring back a revised draft for the Commission to review at their July 17, 2001 Regular meeting. He will review the standards for the Tamarack townhomes in Woodhaven. He will discuss the street width standards with the City Engineer.

Adrian Emery moved the Planning Commission continue PA 01-02 Townhome Design Standards Plan Text Amendments to the July 17, 2001 Regular Commission meeting. Seconded by Bill Whiteman.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

The Commission agreed that Mr. Wechner schedule a Council hearing as soon as possible, in anticipation of the Commission making a recommendation at their July 17, 2001 meeting.

5D. PA 01-03 Sign Ordinance PlanText Amendments

Chair Emery opened the public hearing on PA 01-03 and called for the Staff Report.

Keith Jones referred the Commission to the Staff Report dated June 13, 2001 and draft language in Attachment A, a complete copy of which is contained in the City Planning File PA 01-03. He noted:

- The Commission held three work sessions to review the proposed sign ordinance language. This current sign code language has not been updated since 1986. Considering all of the recent growth in Sherwood, it is appropriate to update this language.
- One of the major issues in rewriting the sign code language is to allow businesses to share signage to promote visibility and at the same time reduce the number of signs.
- The proposed sign code language addresses signs in the right-of-way.
- The proposed sign code language also expands the definitions of different signs.

Ms. Lafayette noted that she had talked to Mr. Jones prior to the hearing to go over some of her questions regarding the proposed language.

Chair Emery asked if there was any proponent or opponent testimony.

Todd Sadlo, Attorney for Home Depot, 1532 SE 36th Avenue, Portland, Oregon 97214, addressed the Commission. He noted:

- He was in attendance to participate in the public hearing for the Home Depot Plan Map Amendment (PA 00-08).
- They have appealed the Staff decision on MLP 00-04 Home Depot Minor Land Partition. This will be heard by the Hearings Officer on July 9, 2001. In talking with Staff about the decision, they seemed to be saying, "We are approving your partition, but don't try to record it." The issue in question is the sign on corner of the site.
- They received a sign permit and installed their sign on the corner of the driveway where it connects to Highway 99W. This sign was approved as part of the Stipulated Writ that was signed by the City of Sherwood and by the Washington County Circuit Court Judge.
- When they applied for the minor land partition, the question arose whether the sign was legal.
- They were advised about the proposed sign ordinance public hearing and that the Home Depot sign would be an off-premise sign if the lot was partitioned. An off-premise sign would be allowed under the proposed amendments to the sign code.
- He asked whether the proposed sign code amendments would assist them and that Home Depot supports the proposed sign code ordinance.

- He asked if their partition is approved and the partitioned site is developed, would they be able to place a sign on the Home Depot sign standard? He thought that the answer would be yes. He read the definition of “alteration” means that any change in size, shape, method of illumination, etc.....A change in sign copy or sign face alone shall not be considered an alteration.
- There are other sections of the proposed sign ordinance that affect their sign as well, e.g., the definition of a non-conforming sign, Section 5.702.34, “Prior to the enactment or effective date of this Code.” He asked for clarification of this statement. This could be problematic. State law states that you are subject to the laws that are in effect on the date that an application is submitted. The Commission discussed if a date certain or after a certain date should be included with the definition under Section 5.702.34.
- He asked whether they would be considered a single occupant building or an integrated business center.

Mr. Jones said they would be considered an integrated business center. The single occupant building is when there is one building on one lot with its own access. If you have several single occupant buildings, they can come together and make one larger sign thus reducing the number of signs for each business. Wall signs are separate from the integrated business sign or single occupant building signs.

Mr. Sadlo said if Home Depot made major change or alterations to their sign, they would comply with the new sign ordinance. He noted that the term “premise” is used throughout the proposed sign ordinance and it does not seem to be a defined term.

Mr. Whiteman suggested that if Home Depot had a dedicated easement that goes to the sign from their property that would allow them to own the sign.

Mr. Sadlo said the current Code allows an off-premise sign in a commercial zone, but does not allow it in an industrial zone. This seems to be the problem.

Mr. Wechner said they proposed an easement off the Home Depot site onto the lot they are dividing for their sign. The current Code does not allow an off-premise sign in the industrial zone and their sign is off-premise. This is the subject of their appeal.

Mr. Shannon said off-premise signs are not allowed on Highway 99W. Mr. Johnson said these are ODOT rules, not Federal rules. Mr. Whiteman said his restaurant sign off of I-5 is under Federal rules.

The Commission agreed to change page 16, b. Integrated Business Center (1) to replace the word “premise” with “site” and state, “....site of the integrated business center per street frontage.”

Mr. Sadlo concluded his testimony that he hopes the proposed sign ordinance would help Home Depot and allow the City to accept their sign.

Mr. Whiteman said all things considered, the Home Depot site and building design are a real service to the community.

Chair Emery asked if there was any further testimony. There being none, Chair Emery closed the public hearing on PA 01-03 Sign Ordinance Plan Text Amendment for discussion by the Commission.

Mr. Allen discussed the subject of “neon signs” as included under Canopy Signs and signs in the Old Town Overlay District. He said neon is an attractive form of commercial art and as an example he cited the Hayden Restaurant sign in Tualatin. Mr. Whiteman said he agreed.

The Commission concurred that neon signs should be allowed as canopy signs and in the Old Town Overlay District as free-standing signs, wall signs and projecting signs and canopy signs. This does not include fluorescent signs. (Remove the words “and/or neon” on Pages 18, 19 and 20, A5, B4, and C4)

Mr. Whiteman asked if banner signs that hang down inside a building would be allowed. Mr. Jones responded the only window signs that are allowed are decals that would be placed on the outside of the window.

Mr. Whiteman asked how this would be enforced. Mr. Jones said there is a provision in the proposed sign code language that allows you to hang a 32-foot square foot banner for grand openings or other special occasions for a limited period of time.

Mr. Allen asked if the Robinhood Theater could have a marquee sign under the proposed sign ordinance. Mr. Jones said it could and that this type of sign would fall under Wall Signs.

Mr. Johnson discussed the potential legal issue relative to “off-premise signs” generally. The question is whether prohibitions on off-premise signs could be challenged in the courts. An example would be if you own a business that is not on the premise and you are not in an integrated business center, and you add on to a neighboring business owner’s sign. The challengeable part is the sign is being regulated based on its content. This is notwithstanding that the State regulates signs in this way. He wanted to raise the awareness of the Commission and he will also discuss this with the Council.

Mr. Johnson said there is some practical validity behind having the off-premise prohibition, presuming there is no legal issue being violated.

The Commission discussed off-premise signs and possible legal issues. Mr. Jones said the issue behind regulating off-premise signs was in regulating billboards.

Mr. Johnson asked for direction from the Commission, presuming there is no legal reason, whether to include the particular reference to off-premise signs. The Commission’s position on this issue will be carried forward to City Council.

Mr. Shannon said the state of Oregon is in the business of off-premise signs. It costs \$1,000 for an off-premise sign on Highway 99W. Mr. Whiteman said he has two signs on I-5 that cost less than this. Mr. Shannon said he has off-premise sign permits that are less expensive. He is

talking about the “blue” signs on located on state facilities. He is not opposed to off-premise signs.

Ms. Lafayette read from the proposed language under all definitions, number and type permitted, “...designate the principal goods or services available on the premise per street frontage.” Is this telling people what they can place on the sign? Mr. Johnson said, yes.

The Commission agreed the off-premise sign should indicate what it is that you do or sell in reference to content.

The Commission agreed that off-premise signs should not be prohibited.

Ms. Lafayette suggested the Commission relate their position on murals. She read the definition and asked whether more stringent rules were necessary regarding murals. The Commission agreed that Council might wish to consider more stringent criteria with regard to the murals section of the proposed sign language and consideration of content.

Patrick Allen moved the Planning Commission recommend approval of PA 01-03 Sign Code Plan Text Amendments to the City Council as notated and amended based on the Staff Report, public testimony and Commission recommendations. Seconded by Lee Weislogel.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

6. New Business

Mr. Jones referred the Commission to the June 19, 2001 memo from Staff regarding future code amendment items. These will be discussed at a future Commission meeting. Any comments should be forwarded to Staff prior to the July 17, 2001 meeting. A brief work session could be scheduled at this meeting.

6A. Report from Council Liaison

Mr. Shannon reported that the City Council adopted Alternate B for the Meinecke Road/Highway 99W intersection improvements. There were a lot of people in attendance for this public hearing.

Chair Emery announced that the Commission would fill position of Commission Vice-Chair at the July 17, 2001 Regular Commission meeting. There will be on meeting on July 3, 2001 due to the Fourth of July holiday.

7. Adjourn

The Regular Commission meeting was adjourned at 10:20 PM.

Respectfully submitted,

Planning Department