

REQUEST FOR COUNCIL ACTION



Date Action Requested: June 6, 2022

Order ☐ Ordinance ☒ Resolution ☐ Motion ☐ Information ☐

No. 2022-2897

Subject: An Ordinance amending Newberg Municipal Code, Title 15 Development Code, 15.435.030, 15.435.090, and 15.435.100 related to portable and temporary signs

Staff: Doug Rux, Director
Department: Community Development
File No. DCA22-0001

Business Session

Order On Agenda: Public Hearing

Hearing Type: Legislative ☒ Quasi-Judicial ☐ Administrative ☐ Not Applicable ☐

Recommendation:

Adopt Ordinance No. 2022-2897.

Executive Summary:

A. SUMMARY:

The proposed amendment does the following:

Amends the Newberg Municipal Code, Title 15 Development Code, 15.435.030, 15.435.090, and 15.435.100 related to portable and temporary signs.

B. BACKGROUND:

The City of Newberg last updated its development code regarding temporary and portable signs on September 8, 2015, with Ordinance No. 2015-2782.

Following many complaints in November and December of 2021 from residents about the positioning or validity of political signs the City of Newberg's Code Enforcement Officer reported to the City Manager Pro Tem that these complaints were becoming a hinderance to normal safety related code enforcement operations.

The proposed Development Code Amendments would modernize the sign code to more closely match the way residents desire to use signs today. The concepts for the changes would include:

1. Modernize our sign code to more closely match the way residents desire to use signs today; this serves as a much-needed update to our code.
2. Retains the number of flags that can fly at 1.
3. Retains the total number of signs a person can display at 1 for a wide range of purposes like marketing home business or supporting two civic causes.

4. Removes political considerations from our sign code and allow us to enforce the code free of any suggestions of political bias. The sign code will respect peoples first amendment rights and be based on form and quantity not content.

5. Adds a section to allow for extra flags to be flown at half-staff to allow for the celebration of the life of exceptional Americans.

C. PROCESS: A municipal code amendment is a Type IV application and follows the procedures in Newberg Municipal Code 15.100.060. The Planning Commission will hold a legislative public hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission’s recommendation, the Newberg City Council will hold a legislative public hearing to consider the matter. Important dates related to this application are as follows:

- a. 2/22/20: The Newberg City Council adopted Resolution 2022-3798 initiating the Development Code amendment.
- b. 4/21/22: Measure 56 Notice distributed.
- c. 4/27/22: Planning staff placed notice on Newberg’s website and posted notice in four public buildings. *The Newberg Graphic* published notice of the hearing.
- d. 5/12/22: The Planning Commission held a public hearing, took public testimony, and deliberated on the proposal and adopted Resolution No. 2022-380.
- e. 5/25/22: Planning staff placed notice on Newberg’s website, and posted notice in four public buildings. *The Newberg Graphic* published notice of the City Council hearing.
- f. 6/6/22: After proper notice, the City Council held a legislative hearing to consider the item.

D. STAFF/AGENCY COMMENTS: As of the writing of this report, the City has received the following comments on the proposal (Attachment 2).

- 1. Public Works Director – Reviewed, no conflict
- 2. Public Works Wastewater Treatment Plan - Reviewed, no conflict
- 3. City Manager – Reviewed, no conflict
- 4. Yamhill County Public Works - Reviewed, no conflict
- 5. Finance Department- Reviewed, no conflict
- 6. Public Works Maintenance Supervisor – Reviewed, no conflict
- 7. Public Works Maintenance Supervisor – Reviewed, no conflict
- 8. Building Official – Reviewed, no conflict
- 9. Engineering Division – Reviewed, no conflict
- 10. Police Department – Reviewed; recommend denial. “(Section B subsection 2: This should be amended before allowing it in the code as written. According to the US Flag Code:

Etiquette, Rules and Guidelines When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height, and the American flag should be hoisted first and lowered last.”

E. PUBLIC COMMENTS: As of the writing of this report nine Public Comments have been received from (Attachment 3):

1. Kenneth Bunn
2. John Newman
3. Robert Soppe
4. Paulette Alexandria
5. Amber Dawson
6. Dan Carpenter
7. James Goings
8. Jesse Cadd
9. Jim Talt
10. Jim Talt

The comments submitted opposed the proposed sign code changes as proposed to the Planning Commission and to retain the existing sign regulations, why limit the number of flags? why limit the number of signs of private property? don't delete the election provisions, Code regarding when a sign in the public ROW is allowed in C-3 and C-4 zones, issues created by selective enforcement, misinformation by the City regarding the Sign Code, need to redefine Minor Freestanding and Portable Signs so they don't overlap, misunderstanding about what a flag is, no need to remove political events from the Code, Code regarding signs for home occupations, Code regarding sign maintenance, inconsistency with 15.435.110(D), First Amendment free speech rights, conduct sign enforcement, fine people for violating sign regulations, eliminating political signs will make it more restrictive as related to “other events”, and what is the record for complaints?

F. DISCUSSION:

The proposed Development Code Amendment will address issues raised during recent elections within Newberg and the use of Temporary and Portable signs to convey messages. The proposal does not alter the limitation that Temporary and Portable signs allowed within the public right-of-way of the Oregon Department of Transportation (ODOT) and Yamhill County. Temporary and Portable signs are allowed on resolute highways for ODOT (on First Street from Harrison Street to River Street, on Main Street from First Street to Illinois Street, and on College Street from First Street to Vermilion Street. On a resolute highway, the city manages the portion of the right-of-way behind the curb and can permit portable signs on the sidewalk. Portable and/or temporary signs are not allowed by ODOT on Hancock Street except within the College Street or Main Street rights-of-way). State highways include 99W, 240, 219 and 18.

Portable and/or temporary signs are not allowed within county road right-of-way administered by Yamhill County.

In the C-4 district and all other districts, other than noted above, Temporary and Portable signs are allowed within the public right-of-way. There are limitations for hours that signs can be utilized in the C-3 district as noted in 15.435.110D.

G. PLANNING COMMISSION RECOMMENDATION

The Newberg Planning Commission held a public hearing on May 12, 2022, heard public testimony, and approved Resolution No. 2022-380 with modifications from the proposal submitted to them to remove the allowance for 2 signs and keep the limit to one sign (Attachment 4) and recommending that City Council adopt the Development Code amendment.

Fiscal Impact:

Staff time has been spent preparing the proposal initiated by the City Council. Adoption of the proposed Development Code Amendment would reduce the burden of staff time for Code Enforcement regarding temporary and portable signs.

Strategic Assessment:

2020 Council Goals:

1. Change operational culture to one focused on Customer Service and act to Resolve Ongoing Legal Disputes

Not applicable.

2. Further develop an operational culture that adopts and cherishes Diversity, Equity, and Inclusion as core values.

Not applicable.

3. Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

Not applicable.

4. Create and support an Urban Renewal Plan and Authority

Not applicable.

5. Collaborate with local partners and with entities like ICLEI in the development of a Sustainability program.

Not applicable.

ATTACHMENTS

Ordinance No. 2022-2897 with:

Exhibit "A": Development Code Amendments

Exhibit “B”: Findings

1. City Council Resolution No. 2022-3798
2. Staff/Agency Comments
3. Public Comments
4. Planning Commission Resolution No. 2022-380

ORDINANCE NO. 2022-2897

An Ordinance amending Newberg Municipal Code, Title 15 Development Code, 15.435.030, 15.435.090, and 15.435.100 related to portable and temporary signs

Recitals:

1. The City of Newberg last updated its development code regarding temporary and portable signs on September 8, 2015, with Ordinance No. 2015-2782.
2. The City received complaints during past election cycles regarding enforcement of temporary and portable signs within the community.
3. The proposal removes political considerations from the sign code and allows the City to enforce the code free of any suggestions of political bias. The sign code will respect peoples first amendment rights and be based on form and quantity not content.
4. The proposal adds a section to allow for extra flags to be flown at half-staff to allow for the celebration of the life of exceptional Americans.

The City of Newberg Ordains as Follows:

1. The Newberg Development Code is amended as shown in Exhibit “A”.
2. The Adoption is based upon the findings in Exhibit “B”.
3. Exhibits “A” and “B” are hereby adopted and by this reference incorporated.

Effective Date of this ordinance is 30 days after the adoption date, which is: July 6, 2022.

Adopted by the City Council of Newberg, Oregon, this 6th day of June, 2022, by the following votes:

AYE: **NAY:** **ABSTAIN:**

Sue Ryan, City Recorder

Attest by the Mayor this 9th day of June, 2022.

Rick Rogers, Mayor

**Exhibit “A” to Planning Commission Resolution No. 2022-380
Development Code Amendment – File DCA22-0001**

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~strikethrough~~.

The Newberg Development Code shall be amended as follows:

Section 1. Newberg Development Code, 15.435.030 shall be amended to read as follows:

A. Except as follows, no person or entity shall place any sign within the city without first obtaining a permit from the director.

B. The following do not require sign permits, but must otherwise comply with the standards of this chapter:

1. Minor freestanding signs.
2. Minor attached signs.
3. Temporary signs.
4. Portable signs (except as stated in NMC 15.435.105).
5. Flag display (one allowed on each street frontage, except as authorized by 15.435.100C).
6. If any of the signs listed above require permits under the current edition of the Oregon Structural Specialty Code, the sign shall be placed only following the issuance of such permit. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.592.]

Penalty: See NMC 15.05.120

Section 2. Section 15.435.090 is amended to read as follows:

A. Number. Not more than one portable sign may be located on any one street frontage, except temporary signs allowed per NMC 15.435.100.

B. Size.

1. Residential Zones.
 - a. Residential Uses. One portable sign. Each sign not to exceed six square feet.
 - b. All Other Permitted Uses. One portable sign not to exceed six square feet if located in the front yard, or 16 square feet if located elsewhere on the property.

2. Other Zones. The one portable sign may not exceed 12 square feet if located in the front yard, or 40 square feet if located elsewhere on the property.

C. Design. No portable sign shall be permanently affixed to any structure or the ground. No portable sign shall be attached to a tree, utility pole, traffic sign, street sign, or any publicly owned pole, post, wire or cable, except as authorized by the city. All signs shall be designed to be removed quickly. No portable sign shall be animated or internally illuminated. No reader-board shall be used as a portable sign, except as a temporary sign as permitted NMC 15.435.100.

D. Location. No portable sign shall be located within the public right-of-way except as allowed under NMC 15.435.110.

E. Height. The height of a portable sign shall not exceed the maximum height of buildings in that zone. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.598.]

Penalty: See NMC 15.05.120

Section 3. Section 15.435.100 is amended to read as follows:

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by NMC 15.435.090 during events as listed below. Pennants, streamers, and inflatable objects may be used during these events.

A. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event. An unlimited number of temporary signs are allowed during a grand opening event.

~~B. Election Event. An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain no more than two additional temporary signs, not to exceed 12 square feet in total area for both signs. These signs shall not be located in the public right of way.~~

~~B. C.~~ Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart. A temporary electronic message center may be used during the event. An unlimited number of temporary signs are allowed during the event. The applicant shall notify the city in writing of the beginning and ending dates prior to the other event.

~~C. D.~~ Flags. An unlimited number of flags are permitted on Memorial Day, Presidents' Day, Independence Day, Veterans' Day, Labor Day, Flag Day, Peace Officers Day, the Friday of the Camellia Festival, the Friday of the Old Fashioned Festival, on days when flags are normally flown at half-mast, or on any festival day designated by the Newberg city council. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2731 § 3, 10-18-10; Ord. 2499, 11-2-98. Code 2001 § 151.599.]

Penalty: See NMC 15.05.120.

Exhibit “B” to Planning Commission Resolution No. 2022-380 Development Code Amendment Findings – File DCA22-0001

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 12, 2022, and Newberg City Council on June 6, 2021, which provided the opportunity for public comment. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and based on policies outlined under the Urban Design goal in the Newberg Comprehensive Plan related to signage within the community.

The alternatives to amending the Municipal Code text would be to: 1) deny the application and follow the existing criteria in the Development Code related to portable and temporary signs.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code, Specific Plans and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

This Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Amending the Development Code does not negatively impact Goal 6.

This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's recreational goals and policies.

This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The proposed Development Code Amendment for temporary and portable signs does not hinder the opportunity for a variety of economic activities. The proposal broadens the ability to utilize temporary and portable signs within the community.

The Goal is met.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: The proposed Development Code Amendment for temporary and portable signs does not impede the development of housing in the community. The proposal broadens the ability to utilize temporary and portable signs within the community.

The Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The proposed Development Code Amendment for temporary and portable signs does is not applicable to Public Facilities and Services because signage is not a Public Facility of Service.

The proposal meets the Goal.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021, which have gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. The proposed Development Code Amendment for temporary and portable signs does not apply to Transportation because signage is not a transportation improvement.

The proposal meets the Goal.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

This Goal is met.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: Not applicable as the proposed amendment does not affect urbanization. The proposed amendment does not include an expansion of the Urban Growth Boundary. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

This Goal is met.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable as the proposed amendment does not affect the Willamette River Greenway. The City of Newberg is located along the Willamette River on its southern border. The Willamette River Greenway is located in this area.

This Goal is met.

B. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 12, 2022, and Newberg City Council on June 6, 2021, which provided the opportunity for public comment. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The Measure 56 notice, public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and based on policies outlined under the Urban Design goal Newberg Comprehensive Plan related to signage within the community.

The alternatives to amending the Municipal Code text would be to: 1) deny the application and follow the existing criteria in the Development Code related to portable and temporary signs.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICY: 1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Amending the Development Code does not negatively impact Goal 6.

This Goal is met.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code, Specific Plans and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

This Goal is met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICY: 1. General Policies. b. The City shall encourage economic expansion consistent with local needs.

Finding: The proposed Development Code Amendment for temporary and portable signs does not hinder

the opportunity for a variety of economic activities.

The Goal is met.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

Finding: The proposed Development Code Amendment for temporary and portable signs does not impede the development of housing in the community.

The Goal is met.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies
 - c. Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs.
 - f. Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort. (Ordinance 2016-2810, December 19, 2016)
2. Industrial Areas Policies
 - c. Where industrial uses abut residential zones or uses, special development standards relating to setbacks, screening, signs, building height and architectural review should be established.
3. Commercial Areas Policies
 - a. Where commercial development is permitted, such development should be subject to design requirements for ingress and egress, landscaping and sign control.
 - c. The City shall maintain sign regulations to help create a business environment that is attractive to customers and citizens. The City and appointed committees should seek to eliminate signs that detract from the aesthetics of commercial areas and that violate adopted sign design regulations. (Ordinance 98-2499, November 2, 1998; Ordinance 2016-2810, December 19, 2016).

GOAL 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: The Comprehensive Plan has a number of references to signage under the Urban Design goal. The proposed amendment for Temporary and Portable signs would apply to all planning districts throughout the city. The Oregon Department of Transportation and Yamhill County have roadways within the city and the utilization of Temporary and Portable signs will need to adhere to their respective requirements for signs placed within their rights-of-way in accordance with 15.435.110.

K. TRANSPORTATION

GOAL 1: Establish cooperative agreements to address transportation based planning, development,

operation and maintenance.

GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).

GOAL 8: Maintain and enhance the City's image, character and quality of life.

GOAL 9: Create effective circulation and access for the local transportation system.

GOAL 10: Maintain the viability of existing rail, water and air transportation systems.

GOAL 11: Establish fair and equitable distribution of transportation improvement costs.

GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.

GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.

GOAL 14: Coordinate with Yamhill County Transit Area.

GOAL 15: Implement Transit-Supportive Improvements.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021, which have gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. The proposed Development Code Amendment for temporary and portable signs does not apply to Transportation because signage is not a transportation improvement. Transportation signage is addressed separately under the Manual for Uniform Traffic Control devices (MUTCD).

The Goals are met.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: The proposed Development Code Amendment for temporary and portable signs does not apply to Public Facilities and Services because signage is not a Public Facility of Service.

The Goal is met.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland

Metropolitan area.

3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: Not applicable as the proposed amendment does not affect urbanization. The proposed amendment does not include an expansion of the Urban Growth Boundary. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

The Goals are met.

D. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council are required to finalize a decision regarding the application for the amendment to the Development Code.

This requirement can be met.

Attachment 1: City Council Resolution 2022-3798



RESOLUTION NO. 2022-3798

A Resolution initiating an amendment to the Newberg Municipal Code, Title 15 Development Code, 15.435.030, 15.435.090, and 15.435.100 related to portable and temporary signs

Recitals:


1. The City of Newberg last updated its development code regarding temporary and portable signs on September 8, 2015, with Ordinance No. 2015-2782.
2. Following many complaints in November and December of 2021 from residents about the positioning or validity of political signs the City of Newberg's Code Enforcement Officer reported to the City Manager Pro Tem that these complaints were becoming a hinderance to normal safety related code enforcement operations
3. The request is to consider initiating an amendment to the Newberg Municipal Code Title 15 Development Code (NDC), 15.435.030, 15.435.090, and 15.435.100.

The City of Newberg Resolves as Follows:

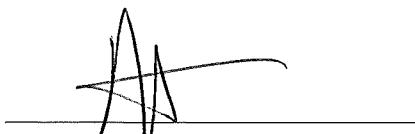
1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code, 15.435.030, 15.435.090, and 15.435.100. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the City Council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration by the Planning Commission and City Council in public hearings.

Effective Date of this resolution is the day after the adoption date, which is: February 23, 2022.

Adopted by the City Council of Newberg, Oregon, this 22nd day of February, 2022


Sue Ryan, City Recorder

Attest by the Mayor this 24th day of February 2022.


Rick Rogers, Mayor

Attachment 2: Staff/Agency Comments



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: April 29, 2022. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: City of Newberg
REQUEST: Amending the Newberg Municipal Code, Title 15 Development Code
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA22-0001
ZONE: N/A
HEARING DATE: May 12, 2022

RECEIVED

4/18/2022

batesf

The Information is attached

- ☒ Reviewed, no conflict.
- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)

Russ Thomas

Digitally signed by Russ Thomas
 DN: C=US, OU=Public Works Director, O=City of Newberg, CN=Russ Thomas,
 E=russ.thomas@newbergoregon.gov
 Reason: I am approving this document
 Location: your signing location here
 Date: 2022.04.15 15:28:48-0700
 Foxit Pkcs11v2 Version: 10.1.0

4/15/22

Reviewed By:

Date:

City of Newberg Public Works Director

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Public Works: Maintenance Supervisor: Carl Ramseyer

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Reviewed By:

4/20/22
Date:



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April Catan

Digitally signed by April Catan
DN: cn=US, ou=Operations, o=City of Newberg, cn=April Catan,
E=april.catan@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2022.04.18 06:25:51-0700
Foxit PrintForm DP Version: 10.1.0

Reviewed By:

City of Newberg

Organization:

4/18/22

Date:



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Greg Haffner

Digitally signed by Greg Haffner
DN: E=haffnerg@co.yamhill.or.us, CN=Greg Haffner, OU=Public
Works, OU=County, DC=co, DC=yamhill, DC=or, DC=us
Date: 2022.04.18 09:53:26-0700

Reviewed By:

Yamhill Co. Roads

Organization:

4/18/22

Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Building Official: Brooks Bateman

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REQUEST: Amending the Newberg Municipal Code, Title 15 Development Code
SITE ADDRESS: N/A
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ZONE: N/A
HEARING DATE: May 12, 2022



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☐ Meeting requested.
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Reviewed By:

5-1-22
Date:



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Digitally signed by Will
DN: cn=US, ou=Worthey, o=City of Newberg, cn=Will,
Email=worthey@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
P Date: 2022.04.18 09:09:25-0700
Foxit PrintForm DP Version: 10.1.3

Reviewed By:

Will Worthey CM P/T

Organization:

4/18/22

Date:



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- ☐ Comments. (Attach additional pages as needed)

Barbara Davis

04/18/2022

Reviewed By:

Date:

Finance Department

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Public Works: Maintenance Supervisor: Vance Barton

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☐ Meeting requested.
☐ Comments. (Attach additional pages as needed)

Vance Barton
Reviewed By:

4/20/2022
Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Public Works: Maintenance Supervisor: Carl Ramseyer

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☐ Meeting requested.
☐ Comments. (Attach additional pages as needed)


Reviewed By:

4/20/22
Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

REFERRAL TO: Senior Engineer: Brett Musick

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TAX LOT: N/A
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☐ Meeting requested.

☐ Comments. (Attach additional pages as needed)



Reviewed By:



Date:



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HEARING DATE: May 12, 2022

RECEIVED

4/15/2022

Batesf

The Information is attached

____ Reviewed, no conflict.

____ Reviewed; recommend denial for the following reasons:

____ Require additional information to review. (Please list information required)

____ Meeting requested.

____ Comments. (Attach additional pages as needed)

Reviewed By:

Date:

Organization:

Attachment 3: Public Comments

Doug Rux

From: Kenneth Bunn <Kbunn@MIV-Home.com>
Sent: Thursday, May 5, 2022 4:12 PM
To: Doug Rux
Subject: The Zoom meeting May 12th at 7:00 pm. Is there a password to access the meeting and will citizens be allowed comments?

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Letter to be read in the public Zoom Meeting May 12th to protest the amendments to the Sign Code regarding temporary and portable signs

I'm writing today to share my strong disapproval of the proposed changes to the existing City of Newberg sign code.

I understand that over the recent year, political tensions over the recalls and elections have been ramped up and the city has been called to police and remove signs per the current city code.

I support the current signage code and believe, if followed keeps our city clean and free of hazards on the public sidewalks. I believe it is important to limit the number of signs displayed for election/recall and the length of time they may be displayed.

This is in our best interest of our citizens and neighborhoods to keep our city clean and reduce the divisive signs and flags that we have been experiencing over the past year. At the same time, I understand the time and resources needed to enforce the current code. I would support a system of fines for breaking the code, rather than deleting the code or reducing the restrictions in order to reduce the hours required to enforce.

I vote to keep the code as written and it has served the city well.

No need to change!

It has worked well for the 40+ years I have lived here in Newberg.

If this information is needed to allow this letter to be read, and I not would prefer it, then my name and address are:

Kenn Bunn

2514 Roger Smith Dr
Newberg OR 97132

Doug Rux

From: John Newman <john.floyd.newman@gmail.com>
Sent: Monday, May 9, 2022 11:54 AM
To: Doug Rux; PLANNING
Subject: DCA 22-0001: Proposed Code Amendment- Temporary and Portable Signs

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Doug and members of the Newberg Planning Commission,

I have looked over the above DCA 22-0001 Code Amendment and would like to offer these comments, concerns, observations for your consideration in your public hearing on May 12, 2022:

2. Allow 2 flags

Why put a limit on flags on private property? Why not let the property owner make this choice?

3 Number of signs on property

Again why limit the number of signs on private property? In an election cycle there may be a need to have more than 2 signs to support views of the property owner. Please let common sense determine the number of signs on a private lot.

c.d. 5/12/2022 The Planning Commission HELD a public hearing, TOOK public testimony and...

How could your original notification say you have HELD the meeting before the date of the meeting??? Has a decision already been made? This may in part be why there were no reported public comments! :)

THIS IS OUR KEY PART:

Section 2 Section 15.435.090

A. Why limit to 2 portable signs on street frontage? Why not let homeowners use common sense on numbers on private property?

Temporary Signs NMC 15.435.100

PLEASE DO NOT strike out "B" Elections section. The two added signs are already allowed with your other adjustments above and below. These four signs should be enough for property owners to express their views in an election cycle.

If this is taken out then 2 signs are likely too few for sharing home owner views.

I suspect a lot of the problems recently have been caused by the number of elections we have had in close proximity to each other. In a normal election cycle these election signs would be spaced out over many months.

Thanks for your kind consideration of this request. Thanks for allowing us to share our concerns and observations.

Sincerely yours,

John and Bonnie Newman
517 Villa Rd.
Newberg, OR 97132

5/9/2022

To the Planning Commission:

The following are my comments on Resolution 2022-380 regarding amendments to the Development Code regarding signs.

I will summarize my different points here before providing details:

- 1) Code regarding when a sign in the public ROW is allowed in C-3 and C-4 zones
- 2) Issues created by selective enforcement
- 3) Misinformation by the City regarding the Sign Code
- 4) Need to redefine Minor Freestanding and Portable Signs so they don't overlap
- 5) Misunderstanding about what a flag is
- 6) No need to remove political events from the Code
- 7) Code regarding signs for home occupations
- 8) Code regarding sign maintenance
- 9) Inconsistency with 15.435.110(D)

Hours when signs are allowed in the C-3 and C-4 public ROW

I think there is a serious issue with 15.435.110(C)(6) which I raised to Staff shortly after it was adopted 7 years ago as well as to organizations that would be affected by it if it were enforced. This section is in regard to when a portable sign is allowed to be displayed. The typical scenario is an A-frame sign on the sidewalk downtown. The Code reads: "The sign owner must have the sign removed during hours when the business being advertised is closed. In addition, signs must not be present between the hours of 2:00 a.m. and 5:00 a.m."

An issue arises when one considers such events as the Old Fashion Festival (as well as several other events). If the Code were enforced, signs promoting the OFF would not be allowed prior to the event or on the days of the event before and after the OFF is closed. I sincerely doubt that was the intention of the Commission when the Code was clarified 7 years ago. My recommendation is to replace "the business being advertised" with "the business being advertised and the business where the sign is located". The end result is that a downtown business could advertise the OFF (or the other events) during the hours when the downtown business is open, just as it could advertise its own business. If the use of "and" here causes confusion, the entire sentence could be replaced with: "The sign may only be displayed during the hours when the business being advertised or the business where the sign is located is open".

Issues created by selective enforcement

I believe that a lot of the issues regarding enforcement of the Code last year had to do with both a misunderstanding of the Code as well as the selective enforcement. Numerous citizens were concerned about how the Code is so rarely enforced and then it became a priority when there was a contentious political matter that was being debated with signs. To some, it appeared that the City was taking a political stand by selectively enforcing the Code. Rather than change what is allowed (which won't resolve the issue of selective enforcement) I think that the City should be more accurate about what is and is not allowed and also be more consistent with enforcement of the existing Code.

I visited the Farmers' Market last week and took a walk around downtown afterwards. After seeing a few non-compliant signs, I started counting. I counted no fewer than 16 signs that were in violation of NMC. They generally fell under violations of signs in unallowed parts of Hancock (15.435.110(B)), more than one sign per frontage (15.435.090(A)), and signs advertising businesses during hours when they are closed (15.435.110(C)(6)). Based on years of experience of walking around downtown Newberg, this was not unusual. I think it is understandable if a citizen objects to their political sign being removed for violating the Code when these violations occur regularly and visibly downtown and the Code is very rarely enforced.

I have filled out a complaint about one location that has numerous signs that cover more of the window than is allowed in violation of numerous parts of 15.435.070 since 15.435.020(A)(3) does not apply. I was told by Code Enforcement that this wouldn't be enforced because "These window signs are not anything that will get someone killed, injured, or poisoned and are not detracting from anyone's quality of life or the peaceful enjoyment of their property". I don't question if that is the case, but when IS it the case with violations of the Sign Code?

I should note that Code Enforcement used a "guesstimate" of the amount of coverage of the windows (despite my providing clear and detailed measurement of it) in deciding what was correct.

I have mentioned to the City Manager another location with the same over-coverage of windows by signs. I have not filled out a complaint as I have no reason to believe it will be acted on.

I suggest that the Commission consider carefully if there is any point to revising the Code if there is no willingness to enforce it by Code Enforcement.

Misinformation by the City regarding the Sign Code

I think it is difficult to expect citizens to follow the Sign Code when the City publishes false statements about it. If you go to the City's site at <https://www.newbergoregon.gov/planning/page/newberg-sign-ordinances-and-election-signs?fbclid=IwAR06ulU3ALnA8L6P8vHPVtn8QYL-bG7H1qH75ypHQd3WG-INotgQwzl8OnQ> you'll find the statement: "No signs are permitted in the right-of-way, except downtown (C-3 District)". I have had numerous citizens cite that to me as evidence that signs in the ROW in residential zones are not allowed. I presume that the Commission is aware of the fact that this statement is false. In particular, 15.435.110(D) allows two portable signs per street frontage with some restrictions.

I brought this issue to the attention of the previous City Attorney years ago as well as to Doug Rux (with a link to the site) last year. As of 5/8/2022 this error still is on the City's site. Again, how can citizens be expected to follow the Code when the City publishes inaccurate information about it?

I suggest that the Commission recommend that Staff change the web site to be consistent with NMC. I'll suggest the following wording to replace that statement: "Signs are permitted in the right-of-way in some locations, with restrictions. Please refer to NMC 15.435.110 Signs within the public right-of-way".

Need to redefine Minor Freestanding and Portable Signs so they don't overlap

I think there is a significant issue with the definitions of Minor Freestanding and Portable signs. The City Manager agreed with me on this last year, but it doesn't appear to have been addressed. I provide the definitions here:

"Sign, portable" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs connected to A- or T-frames; menu and sandwich board signs; umbrellas, balloons, flags, or banners containing signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said sign is permanently affixed to the vehicle and said vehicle is licensed for movement on public streets.

"Sign, freestanding" means any sign supported by structures or supports that are anchored in the ground and that are independent from any other building or structure. Freestanding signs are of two types:

I ask you to consider the typical sign used in residential neighborhoods (political, open house, yard sale, etc.) that has one or two metal spikes that push into the ground to support the sign. Does such a spike "permanently attach" the sign to the ground? I think it would be quite a stretch to claim that it does. Is it "designed to be transported"? I think not. Therefore, the sign fits the definition of a portable sign.

On the other hand, do the spikes make the sign "anchored in the ground"? I would think that this is clearly the case. It's not sitting ON the ground and it IS anchored in place. I think it is clear that such a sign is also a freestanding sign. I sincerely doubt that the Code is intended to allow such a common sign to be treated as both a portable and a freestanding sign.

I usually try to recommend very specific ways to resolve the issues that I raise. I'll not be doing that on this issue as I think it is more complicated than I care to deal with. Regardless, I urge the Commission to have Staff come up with revised definitions for portable and for freestanding signs such that it is clear that the common sign I mentioned is very clearly only one of those two types. My opinion is that it should be considered to be exclusively a portable sign, but the Commission may prefer freestanding. In any case, a reasonable person should be able to read the Code and correctly determine which it is. That's not the case now.

Misunderstanding about what a flag is

In the Background for this Resolution, there appears to be a lack of understanding of what a flag is under NMC. Specifically: “Increase the total number of flags a person can fly from 1 to 2 to allow for the flying of a personal flag along with old glory, for example a state flag and old glory, or the flag of a person’s nation of birth and old glory” and “Add a section to allow for extra flags to be flown when Old Glory is flown at half-staff to allow for the celebration of the life of exceptional Americans”. I have to assume that this Commission understands that a flag need not have anything to do with “Old Glory”, a “state flag”, or any other display that we commonly think of as flags.

To be more specific, I’ll cite the definition of “flag” from the NMC:

“Flag” means fabric that is attached to a pole on one end only that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Clearly that has no reference to the content of what is on the display (consistent with the Oregon and U.S. Constitution). For example, a flag could merely state “buy my hamburgers”, “Vote for Fred”, or any other advertising slogan.

I think such misinformation (even if merely implied) is counter-productive. A citizen reading the Background would very likely get the mistaken impression that a “flag” has to do with a political entity when that is not at all the case in NMC. I suggest that these statements should be removed from the Background.

To be very clear, I have no objection to the recommended change from allowing one flag to allowing two flags. My objection is that the Background will create further misunderstanding among the citizenry.

I appreciate the input from the Police Department regarding the regulations on flags. I suggest that without clarification, their recommendation further pushes the misunderstanding about what a flag is in NMC. I would suggest that if the Commission cares to address the issue about the US Flag Code, the statement should be specific about what is being covered as well as incorporating the entire Flag Code, not merely one specific part. I’d suggest something such as: “If the American Flag is included in a display, the US Flag Code shall be respected”.

No need to remove political events from the Code

I think that the Background reinforces a misunderstanding of the NMC and is therefore counter-productive. Specifically, item 4 states: “The sign code will respect peoples first amendment rights and be based on form and quantity not content”. That implies that the existing code does otherwise when, in fact, it does not. The only part of the Code that could be construed as being “political” is 15.435.100(B) which allows additional temporary signs prior to an election. As is appropriate, there is

nothing in that regulation that in any way restricts the content of the signs. It merely allows additional signs when citizens often want additional signs, specifically before an election.

The suggested revisions are more restrictive on political signs than is in the current NMC. Presently, I can have one portable sign at any time and two additional temporary signs in the 90-day period before a public election, for a total of three signs. As I read the recommended changes, they would only allow me to have two signs. I ask the Commission why it is appropriate to allow fewer signs prior to an election.

I think the real issue with the “election event” has to do with the uncertainty of when an election will occur, as arose last year. As you must be aware, a recall election occurred on January 18 of this year. Based on the NMC, the “election event” began on October 20, 2021, 90 days prior. The issue was that it wasn’t known whether or not there would be an election in January until signatures were submitted and counted in December. That created a “grey area” through the end of October, all of November, and the start of December where it may have been an “election event” but that wasn’t known at the time. I suggest that this is easily resolved.

I suggest changing 15.435.100(B) text from “any public election” to “any scheduled public election” to simply resolve this issue. I think it reasonable to conclude that the January 18 election wasn’t “scheduled” until the County Clerk declared a date for it. Until then, it would not be an “election event” under my recommended revision.

Code regarding signs for home occupations

The Background mentions: “to allow for a wide range of purposes like marketing home business”. I think it appropriate to address a conflict in NMC regarding Home Occupations with regard to signs.

I refer to 15.415.060(A) and (B) regarding Home occupation:

A. Signs shall comply with the standards of NMC 15.435.010 et seq.

B. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.

How could one have a sign advertising their home occupation, even if compliant with (A), that doesn’t violate (B)? Wouldn’t any such sign indicate that the building is used in part for something other than a dwelling? I have always taken (B) to prohibit any advertising of the presence of a home occupation business and have followed it carefully.

I suggest that the Commission request that Staff provide language that resolves this conflict.

Code regarding sign maintenance

I have observed that Newberg rarely addresses issues in the Sign Code, so I feel compelled to raise an issue that has been raised before and was disregarded. It has not been an issue because of lack of

enforcement, but I don't think that's an appropriate way to construct a Code. I refer to NMC 15.435.085(F) which reads:

"F. Sign Maintenance. All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible."

I suggest a very simple change of "possible" to "practical". Clearly the City doesn't really want to require that businesses with EMCs employ all "possible" measures to detect and to replace burned out lights or LEDs. That would require monitoring 24x7, replacement parts on hand, and access to someone who can immediately replace the failed item. I do hope that this Commission and the City in general don't want that requirement. I'm suggesting a very simple change that may avoid future problems if this part of the Code is enforced.

Inconsistency with 15.435.110(D)

Lastly, I'll raise an issue that I think needs to be resolved. NMC 15.435.110(D) allows two portable signs per street frontage under some circumstances. 15.435.090(A) states: "A. Number. Not more than one portable sign may be located on any one street frontage, except temporary signs allowed per NMC 15.435.100." That needs to be updated to reflect 15.435.110(D), with consideration to other changes that the Commission may make. At present, 090(A) is incorrect in that two signs are allowed by 110(D). Under the recommended changes, it is not clear if 090(A) includes the two that are allowed in the ROW by 110(D) or are in addition to those two. The lack of clarity should be resolved.

In closing, I'll summarize my recommendations:

- 1) In 15.435.110(C)(6) replace "the business being advertised" with "the business being advertised and the business where the sign is located" or replace the sentence entirely.
- 2) Consider carefully if there is any point to revising the Code if there is no willingness to enforce it by Code Enforcement.
- 3) Recommend that Staff change the web site to be consistent with NMC. Suggested language is above.
- 4) Request that Staff provide updated definitions for Freestanding Signs and for Portable Signs.
- 5) Remove the text in the Background that mischaracterizes what a "flag" is in NMC
- 6) If the Commission wishes to add a reference to the US Flag Code, use something more appropriate such as "If the American Flag is included in a display, the US Flag Code shall be respected".
- 7) Change 15.435.100(B) text from "any public election" to "any scheduled public election.
- 8) Request that Staff provide language to clarify whether or not signs are allowed to advertise a Home Occupation.
- 9) Change "possible" to "practical" in 15.435.085(F).
- 10) Correct 15.435.090(A) to be consistent with 15.435.110(D) and to be clear whether it is in addition to (D) or constructs a total limit.

I thank the Planning Commission for consideration of my comments.

Robert Soppe

rs@CompProbSolv.com

Fe Bates

From: Alex P <canterlandfarm@gmail.com>
Sent: Tuesday, May 10, 2022 4:42 PM
To: Fe Bates
Subject: Sign code



This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I value Free Speech it's My First Amendment right. I think most of the people complaining about the yard signs are on the left and they're the usual complainers they wish to limit our freedoms. If you move to restrict the number of days and the amount of time a sign can be put in the yard you will kill our chance to support our candidates publicly on our own property. I feel that this is very wrong for our Democratic process. Therefore please do not restrict our right to put signs in our during political campaigns it's our first amendment right. You will be challenged in court. And that will cause your city useless expenditures. Paulette Alexandria Yamhill County

Fe Bates

From: Amber Dawson <jawamom@gmail.com>
Sent: Tuesday, May 10, 2022 3:18 PM
To: Fe Bates
Subject: Sign enforcement code change



This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City counselors,

I appreciate the time that you take to do public hearings unfortunately I'm not able to attend a meeting so in lieu of that meeting I hope that you can understand my concerns.

I moved to this town many years ago and thought it was a quaint little town. Since then personally I've been involved in some of the political campaigns going on. Unfortunately I have had multiple yard signs stolen off of Morton Street I've had antennas broken off of my vehicles, rear windshield wipers broken off my vehicles.

I guess my concern is that without discipline of adults acting like adults we have to make rules. Some of those rules include sign enforcement which I understand during covid was not a priority. My concern with removing the political portion of that code, heaven forbid we have another recall, that the divisiveness of those signs in our community should be limited. For Pete's sake people were arrested for stealing signs and a number of signs were recovered dumped in a ravine that is ridiculously unacceptable and an assault on the First Amendment.

I know that bringing back common decency is probably out of your control but having a sign enforcement is part of something that you have control over.

I would respectfully ask to consider very carefully the unintended consequences of removing rules that I would hope would bring back a bit of decency.

During the recall there weren't even enough signatures collected before many many signs were put out which was a huge disadvantage to those who were being recalled who followed the existing rules. This is totally become politically divisive and unfortunately removing rules doesn't make it better.

Thanks for your consideration
Amber Dawson

Fe Bates

From: Dan Carpenter <drdancarpenter@gmail.com>
Sent: Tuesday, May 10, 2022 4:04 PM
To: Fe Bates
Cc: Dan Carpenter
Subject: Public comment on signage code



This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I don't think that the signage code needs to be dramatically changed or dropped. Political signs are divisive enough without allowing them to remain indefinitely in the public eye.

Keep the current code and a 14 day timeframe post-election to remove the political signs. Enforce it, not with the compliance officer, but with issuing a fine for violations. This could easily be done with a simple online citizen complaint form which reports the location of the sign violation and a photo (optional) so a police officer can merely drive by to verify the violation and the city then mail a citation for the sign violation to the property owner... available in public records. I can't imagine that there would be so many violations reported (after the first "educational" wave) that this would be burdensome to the city, and it would help to limit the divisiveness presently inherent with political signs.

Sincerely,

Dan Carpenter Newberg Oregon 97132.

From: James Goings <james.goings1967@gmail.com>
Sent: Wednesday, May 11, 2022 8:55 AM
To: PLANNING <planning@newbergoregon.gov>
Subject: DCA22-0001: Proposed Code Amendment -Temporary and Portable Signs

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

After reading most of the Planning Staff recommendations it appears that striking all of item B., signs to do with election events would no longer be allowed. That is cancelling freedom of speech as it applies to lawn and field signs.

These actions by your city is targeting the first amendment rights of freedom of speech of the citizens of Newberg and this needs to go to the people for a vote. If you are going to infringe or target their first

amendment rights of freedom of speech. Just because a small number of partisans are complaining.

Thanks

James Goings

YCRP Vice Chair

Vicechair@yamhill.gop

503-434-7646

Fe Bates

From: Jesse Cadd <jesse.cadd@gmail.com>
Sent: Wednesday, May 11, 2022 11:47 AM
To: Fe Bates
Subject: Sign rules changes

Follow Up Flag: Follow up
Flag Status: Flagged

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I would like to submit these public comments formally for the planning commission hearing on 5/12 relating to sign rules changes.

I am concerned that the changes to the rules by eliminating the section on Election Events could lead to categorizing election signs under "other events" which has much more rigorous restrictions. Would it be possible to clarify the language to ensure that political signs in relation to Elections will be permitted throughout the year without any limit on the number of events?

Also, I agree with the Police departments comments that the rules pertaining to Old Glory should include a comment that in compliance with the flag code the US flag should be flown above all others.

Thanks,

Jesse Cadd
Resident of Newberg

-JC

Fe Bates

From: atalt@aol.com
Sent: Thursday, May 12, 2022 10:47 AM
To: Fe Bates; Rick Rogers; Elise Yarnell Hollamon; Denise Bacon; Jefferson Mildenberger; Mike McBride; Stephanie Findley; Bryan Corn; PLANNING
Subject: Newberg File: DCA22-0001 related to portable and temporary signs

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ref: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1361616/DCA22-0001_Signs_Portable_-_Temporary_w_Attachments.pdf

Planning Commission and City Council,

I just became aware of the subject proposed amendment and tonight's public hearing so this letter will not be as complete as I would like.

This amendment is unnecessary. The existing ordinance is quite adequate.

The reason cited for the need of the new ordinance:

"Following many complaints in November and December of 2021 from residents about the positioning or validity of political signs, the City of Newberg's Code Enforcement Officer reported to the City Manager Pro Tem that these complaints were becoming a hindrance to normal safety related code enforcement operations."

Where is the record of actual complaints and how truly were sign complaints actually a hindrance to safety code operations?

Let us see complaint metrics and real data to replace the nicely crafted wordsmithing of this proposal. Let us see further evidence of similar complaints

occurring during this primary election cycle.

And how will creating a revised ordinance that tightens restrictions reduce complaints? It's more likely that complaints will increase with tighter restrictions.

The proposed change further states:

"The proposed Development Code Amendments would modernize the sign code to more closely **match the way residents desire** to use signs today. "

Based on the purported complaints from residents about sign displays by other residents, it would seem that many 100's of residents are already displaying signs in the way they desire and no "modernization" is required.

Finally, it occurs to me that this proposed change is possibly, in itself, as politically motivated as the signage it seeks to suppress before the November elections.

Please include this letter in the record for public comments.

Jim Talt
Newberg

file link: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1361616/DCA22-0001_Signs_Portable_-Temporary_w_Attachments.pdf

Fe Bates

From: atalt@aol.com
Sent: Thursday, May 19, 2022 4:24 PM
To: Fe Bates; Rick Rogers; Elise Yarnell Hollamon; Denise Bacon; Jefferson Mildenberger; Mike McBride; Stephanie Findley; Bryan Corn; PLANNING
Subject: Re: Newberg File: DCA22-0001 related to portable and temporary signs

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council and Planning Commission,

I withdraw my earlier (below) objections to the subject proposed code changes.

I more closely read the entire code related to signage and now have a better understanding of the Newberg code.

Please accept my apology for my somewhat knee-jerk reaction.

Sincerely,

Jim Talt



-----Original Message-----

From: atalt@aol.com <atalt@aol.com>
To: fe.bates@newbergoregon.gov <fe.bates@newbergoregon.gov>; rick.rogers@newbergoregon.gov <rick.rogers@newbergoregon.gov>; elise.yarnell@newbergoregon.gov <elise.yarnell@newbergoregon.gov>; denise.bacon@newbergoregon.gov <denise.bacon@newbergoregon.gov>; Jefferson.Mildenberger@newbergoregon.gov <Jefferson.Mildenberger@newbergoregon.gov>; mike.mcbride@newbergoregon.gov <mike.mcbride@newbergoregon.gov>; stephanie.findley@newbergoregon.gov <stephanie.findley@newbergoregon.gov>; bryan.corn@newbergoregon.gov <bryan.corn@newbergoregon.gov>; planning@newbergoregon.gov <planning@newbergoregon.gov>
Sent: Thu, May 12, 2022 10:47 am
Subject: Newberg File: DCA22-0001 related to portable and temporary signs

Ref: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1361616/DCA22-0001_Signs_Portable_Temporary_w_Attachments.pdf

Planning Commission and City Council,

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the positioning or validity of political signs, the City of Newberg's Code Enforcement

Officer reported to the City Manager Pro Tem that these complaints were becoming a hindrance to normal safety related code enforcement operations."

Where is the record of actual complaints and how truly were sign complaints actually a hindrance to safety code operations?

Let us see complaint metrics and real data to replace the nicely crafted wordsmithing of this proposal. Let us see further evidence of similar complaints occurring during this primary election cycle.

And how will creating a revised ordinance that tightens restrictions reduce complaints? It's more likely that complaints will increase with tighter restrictions.

The proposed change further states:

"The proposed Development Code Amendments would modernize the sign code to more closely **match the way residents desire** to use signs today. "

Based on the purported complaints from residents about sign displays by other residents, it would seem that many 100's of residents are already displaying signs in the way they desire and no "modernization" is required.

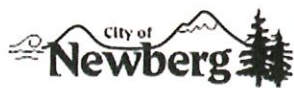
Finally, it occurs to me that this proposed change is possibly, in itself, as politically motivated as the signage it seeks to suppress before the November elections.

Please include this letter in the record for public comments.

Jim Talt
Newberg

file link: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1361616/DCA22-0001_Signs_Portable_-Temporary_w_Attachments.pdf

Attachment 4: Planning Commission Resolution No. 2022-380



PLANNING COMMISSION RESOLUTION 2022-380

**A RESOLUTION RECOMMENDING CITY COUNCIL AMEND
THE NEWBERG COMPREHENSIVE PLAN, NEWBERG
MUNICIPAL CODE, TITLE 15, 15.435.030, 15.435.090, 15.435.100,
AND 15.435.110 RELATED TO PORTABLE AND TEMPORARY
SIGNS**

RECITALS

1. The Newberg City Council initiated the Development Code Amendment by Resolution No. 2022-3798.
2. After proper notice, the Newberg Planning Commission opened the hearing on May 12, 2022, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed Newberg Development Code amendments for NMC, Title 15 Development Code.
2. This recommendation is based on the staff report, Exhibit "A" Development Code language and the Findings in Exhibit "B".

Adopted by the Newberg Planning Commission this 12th day of May 2022.

ATTEST:


Planning Commission Chair


Planning Commission
Secretary

List of Exhibits:

Exhibit "A". Development Code Amendments
Exhibit "B": Findings

**Exhibit “A” to Planning Commission Resolution No. 2022-380
Development Code Amendment – File DCA22-0001**

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~strikethrough~~.

The Newberg Development Code shall be amended as follows:

Section 1. Newberg Development Code, 15.435.030 shall be amended to read as follows:

A. Except as follows, no person or entity shall place any sign within the city without first obtaining a permit from the director.

B. The following do not require sign permits, but must otherwise comply with the standards of this chapter:

1. Minor freestanding signs.
2. Minor attached signs.
3. Temporary signs.
4. Portable signs (except as stated in NMC 15.435.105).
5. Flag display (one allowed on each street frontage, except as authorized by 15.435.100C).
6. If any of the signs listed above require permits under the current edition of the Oregon Structural Specialty Code, the sign shall be placed only following the issuance of such permit. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.592.]

Penalty: See NMC 15.05.120

Section 2. Section 15.435.090 is amended to read as follows:

A. Number. Not more than one portable sign may be located on any one street frontage, except temporary signs allowed per NMC 15.435.100.

B. Size.

1. Residential Zones.

a. Residential Uses. One portable sign. Each sign not to exceed six square feet.

b. All Other Permitted Uses. One portable sign not to exceed six square feet if located in the front yard, or 16 square feet if located elsewhere on the property.

2. Other Zones. The one portable sign may not exceed 12 square feet if located in the front yard, or 40 square feet if located elsewhere on the property.

C. Design. No portable sign shall be permanently affixed to any structure or the ground. No portable sign shall be attached to a tree, utility pole, traffic sign, street sign, or any publicly owned pole, post, wire or cable, except as authorized by the city. All signs shall be designed to be removed quickly. No portable sign shall be animated or internally illuminated. No reader-board shall be used as a portable sign, except as a temporary sign as permitted NMC 15.435.100.

D. Location. No portable sign shall be located within the public right-of-way except as allowed under NMC 15.435.110.

E. Height. The height of a portable sign shall not exceed the maximum height of buildings in that zone. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.598.]

Penalty: See NMC 15.05.120

Section 3. Section 15.435.100 is amended to read as follows:

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by NMC 15.435.090 during events as listed below. Pennants, streamers, and inflatable objects may be used during these events.

A. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event. An unlimited number of temporary signs are allowed during a grand opening event.

~~B. Election Event. An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain no more than two additional temporary signs, not to exceed 12 square feet in total area for both signs. These signs shall not be located in the public~~

~~right-of-way.~~

B. C. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart. A temporary electronic message center may be used during the event. An unlimited number of temporary signs are allowed during the event. The applicant shall notify the city in writing of the beginning and ending dates prior to the other event.

C. D. Flags. An unlimited number of flags are permitted on Memorial Day, Presidents' Day, Independence Day, Veterans' Day, Labor Day, Flag Day, Peace Officers Day, the Friday of the Camellia Festival, the Friday of the Old Fashioned Festival, on days when flags are normally flown at half-mast, or on any festival day designated by the Newberg city council. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2731 § 3, 10-18-10; Ord. 2499, 11-2-98. Code 2001 § 151.599.]

Penalty: See NMC 15.05.120.

Section 4. Section 15.435.110 is amended to read as follows:

A. Public signs are allowed in the public right-of-way as allowed by the governmental agency responsible for the right-of-way.

B. Temporary and/or portable signs for other than traffic control and motorist advisories are not allowed within state highway right-of-way administered by the Oregon Department of Transportation except on resolute highways. In 2015, the resolute highways in Newberg were: on First Street from Harrison Street to River Street, on Main Street from First Street to Illinois Street, and on College Street from First Street to Vermilion Street. On a resolute highway, the city manages the portion of the right-of-way behind the curb and can permit portable signs on the sidewalk. Portable and/or temporary signs are not allowed by ODOT on Hancock Street except within the College Street or Main Street rights-of-way. Portable and/or temporary signs are not allowed within county road right-of-way administered by Yamhill County.

C. For lots in the C-3 and C-4 zones, the one allowed portable sign per street frontage may be located, without permit, in the public right-of-way fronting that lot except as stated in subsection (B) of this section, provided it meets the following standards:

1. The sign may not be less than two feet nor more than four feet high. The sign must also conform to NMC 15.410.060 if it is within the clear vision zone.
2. The sign may not be located within the vehicular path.
3. If located on a sidewalk, the sign must leave a clear access path at least five feet wide measured horizontally across the main part of the sidewalk and may not be located on an ADA ramp.

4. If the sign is located adjacent to a striped on-street parking area, the sign must be located adjacent to the stripe.
5. The sign may not be located within three feet of a fire hydrant.
6. The sign owner must have the sign removed during hours when the business being advertised is closed. In addition, signs must not be present between the hours of 2:00 a.m. and 5:00 a.m.
7. The person placing the sign in the right-of-way must obtain written permission from the owner, or their designee, of the property abutting the right-of-way for any sign, other than a public sign, that is placed within that right-of-way fronting the property owner's lot. The written permission must be attached to the sign, and may be attached to the inside surface of an A-frame sign.
8. If more signs than are allowed by this code are located in the right-of-way fronting one lot, all signs may be forfeited as per subsection (F) of this section.
9. Portable and/or temporary signs are not allowed by ODOT on sidewalks along Hancock Street except within the College Street and Main Street rights-of-way.

D. For lots in other zones, two portable signs per street frontage may be allowed in the public right-of-way except as stated in subsection (B) of this section, provided:

1. The standards of subsection (C) of this section shall be met with the exception of subsection (C)(6) of this section.
2. Signs may be displayed only during the following hours:

Monday:	6:00 a.m. to 10:00 p.m.
Tuesday:	6:00 a.m. to 10:00 p.m.
Wednesday:	6:00 a.m. to 10:00 p.m.
Thursday:	6:00 a.m. to midnight
Friday:	24 hours
Saturday:	24 hours
Sunday:	Midnight to 10:00 p.m.

In addition, no sign may be displayed for more than four consecutive days.

3. Any sign installed or placed in the public right-of-way within these zones not in conformance with subsection (C)(7) of this section shall be forfeited to the owner of the property abutting the right-of-way and is subject to confiscation by said owner.
4. Portable and/or temporary signs are not allowed in the right-of-way along Highway 99W, Highway 240 or Highway 219 except as noted in subsection (B) of this section.

E. No other signs shall be placed within the public right-of-way except as specifically permitted by this code.

F. Any sign installed or placed in the public right-of-way, except in conformance with the requirements of this code, shall be forfeited to the city and subject to confiscation by city employees. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. Identifying information on the sign shall be prima facie evidence that the individual or entity so identified is the violator. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2706 § 1 (Exh. A(2)), 10-6-08; Ord. 2564, 4-15-02; Ord. 2499, 11-2-98. Code 2001 § 151.600.]

Penalty: See NMC 15.05.120.

Exhibit “B” to Planning Commission Resolution No. 2022-380 Development Code Amendment Findings – File DCA22-0001

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 12, 2022, and Newberg City Council on June 6, 2021, which provided the opportunity for public comment. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and based on policies outlined under the Urban Design goal in the Newberg Comprehensive Plan related to signage within the community.

The alternatives to amending the Municipal Code text would be to: 1) deny the application and follow the criteria in the Development Code related to portable and temporary signs.

Implementation measures proposed are consistent with and adequate to carry out comprehensive

plan policies and designations as noted in these findings.

The Goal is met.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code, Specific Plans and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

This Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Amending the Development Code does not negatively impact Goal 6.

This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's recreational goals and policies.

This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The proposed Development Code Amendment for temporary and portable signs does not hinder the opportunity for a variety of economic activities. The proposal broadens the ability to utilize temporary and portable signs within the community.

The Goal is met.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: The proposed Development Code Amendment for temporary and portable signs does not impede the development of housing in the community. The proposal broadens the ability to utilize temporary and portable signs within the community.

The Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The proposed Development Code Amendment for temporary and portable signs does is not applicable to Public Facilities and Services because signage is not a Public Facility of Service.

The proposal meets the Goal.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021, which have gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. The proposed Development Code Amendment for temporary and portable signs does not apply to Transportation because signage is not a transportation improvement.

The proposal meets the Goal.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

This Goal is met.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: Not applicable as the proposed amendment does not affect urbanization. The proposed amendment does not include an expansion of the Urban Growth Boundary. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

This Goal is met.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable as the proposed amendment does not affect the Willamette River Greenway. The City of Newberg is located along the Willamette River on its southern border. The Willamette River Greenway is located in this area.

This Goal is met.

B. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 12, 2022, and Newberg City Council on June 6, 2021, which provided the opportunity for public comment. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and based on policies outlined under the Urban Design goal Newberg Comprehensive Plan related to signage within the community.

The alternatives to amending the Municipal Code text would be to: 1) deny the application and follow the criteria in the Development Code related to portable and temporary signs.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICY: 1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Amending the Development Code does not negatively impact Goal 6.

This Goal is met.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal

Code, Specific Plans and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

This Goal is met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICY: 1. General Policies. b. The City shall encourage economic expansion consistent with local needs.

Finding: The proposed Development Code Amendment for temporary and portable signs does not hinder the opportunity for a variety of economic activities. The proposal actually broadens the ability to utilize temporary and portable signs within the community.

The Goal is met.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

Finding: The proposed Development Code Amendment for temporary and portable signs does not impede the development of housing in the community. The proposal broadens the ability to utilize temporary and portable signs within the community.

The Goal is met.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies
 - c. Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs.
 - f. Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort. (Ordinance 2016-2810, December 19, 2016)
2. Industrial Areas Policies
 - c. Where industrial uses abut residential zones or uses, special development standards relating to setbacks, screening, signs, building height and architectural review should be established.
3. Commercial Areas Policies

- a. Where commercial development is permitted, such development should be subject to design requirements for ingress and egress, landscaping and sign control.
- c. The City shall maintain sign regulations to help create a business environment that is attractive to customers and citizens. The City and appointed committees should seek to eliminate signs that detract from the aesthetics of commercial areas and that violate adopted sign design regulations. (Ordinance 98-2499, November 2, 1998; Ordinance 2016-2810, December 19, 2016).

GOAL 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: The Comprehensive Plan has a number of references to signage under the Urban Design goal. The proposed amendment for Temporary and Portable signs would apply to all planning districts throughout the city. The Oregon Department of Transportation and Yamhill County have roadways within the city and the utilization of Temporary and Portable signs will need to adhere to their respective requirements for sign placed within their rights-of-way in accordance with 15.435.110.

K. TRANSPORTATION

GOAL 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance.

GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).

GOAL 8: Maintain and enhance the City's image, character and quality of life.

GOAL 9: Create effective circulation and access for the local transportation system.

GOAL 10: Maintain the viability of existing rail, water and air transportation systems.

GOAL 11: Establish fair and equitable distribution of transportation improvement costs.

GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.

GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.

GOAL 14: Coordinate with Yamhill County Transit Area.

GOAL 15: Implement Transit-Supportive Improvements.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021, which have gone through the Post

Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. The proposed Development Code Amendment for temporary and portable signs does not apply to Transportation because signage is not a transportation improvement. Transportation signage is addressed separately under the Manual for Uniform Traffic Control devices (MUTCD).

The Goals are met.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: The proposed Development Code Amendment for temporary and portable signs does is not applicable to Public Facilities and Services because signage is not a Public Facility of Service.

The Goal is met.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: Not applicable as the proposed amendment does not affect urbanization. The proposed amendment does not include an expansion of the Urban Growth Boundary The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

The Goals are met.

D. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council are required to finalize a decision regarding the application for the amendment to the Development Code.

This requirement can be met.