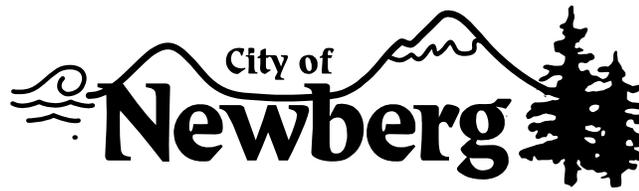


**NEWBERG TEMPORARY AND  
PORTABLE SIGN AD HOC COMMITTEE**  
**Wednesday, February 19, 2014**  
**4:00 p.m., Newberg City Hall**  
**Permit Center Conference Room**  
**414 E. First Street, Newberg, OR**

- I. Welcome and introductions**
- II. Approval of January 15, 2014 and February 5, 2014 meeting minutes (Note: minutes are unavailable at the time of the meeting packet production)**
- III. Public input**
- IV. Potential sign issues and change options discussion**
- V. Next Meeting – Wednesday, March 5, 2014**
- VI. Other Business**
- VII. Adjourn**

**ATTACHMENTS**

1. – Staff memo regarding potential sign issues and change options



# Memorandum

**To:** Temporary and Portable Sign Ad Hoc Committee  
**From:** Barton Brierley, Planning and Building Director  
 David Beam, Economic Development Planner  
**Date:** 02/13/2014  
**Re:** Potential issues and options

At our last meeting on February 5<sup>th</sup>, the committee continued its discussion regarding potential issues with temporary and portable signs. The following is staff's summary of what we feel were the main areas of concern expressed by the committee members and some of the potential options in which those concerns could be addressed.

## *1. Sign Regulations for public right-of-way, front yard, and interior yard*

### **Potential Issues**

The Newberg Development Code defines public right-of-way, front yard and interior yard as follows:

*“Right-of-way” means a strip of land over which public facilities such as [streets](#), railroads, or power lines are built.*

*“Yard, front” means a [yard](#) extending between [lot](#) lines which intersect a [street line](#), the depth of which is the minimum horizontal distance between the [street line](#) and a line parallel thereto on the [lot](#). It includes a [yard](#) adjacent to a [private street](#) on any [lot](#) that accesses that [private street](#). It does not include a [yard](#) adjacent to an alley only*

*“Yard, interior” means a [yard](#) adjacent to any [lot](#) line(s) which is not a [street line](#), the depth of which [yard](#) shall be the horizontal distance measured at right angles to the [interior lot](#) line(s) and a line(s) being parallel with said [interior lot](#) line(s)*

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The following is a picture that demonstrates where these areas are generally located. This scenario is similar to conditions in the C-2 zone in Newberg (along Highway 99W from the east entrance of town (about where the hospital is) to the downtown flagpole at the River Street intersection).



From the above picture, you can see that the right-of-way includes the roadway and often will include the sidewalk. The front yard is between the right-of-way and the buildable interior yard. The front yard in the C-2 zone must be at least 10 feet wide. The front yard may be landscaped or it may be part of a parking lot, which may be due to when the property was developed. Regardless of how it looks, this minimum 10 foot area is still a front yard. In the downtown area (C-3 zone), there is no front yard required.

In both the C-2 and C-3 zones, each property is allowed to have only one portable sign. The location of that one portable sign can be chosen by the property/business owner. The portable sign can be on the wall of the building, in the interior yard, in the front yard, or in the right-of-way (with proper permissions). Regardless of location, each property is only allowed one portable sign.

**Potential changes/actions**

Staff feels that the ad-hoc committee seems to want to keep signs in the front yard limited. Also, staff feels that the committee may want to further explore the possibility of expanding the ability to place temporary/portable signs on walls and interior yards.

The following are some options for the committee to consider that may address this issue.

(1) Wall signs (usually banners):

(a) Any portable sign or sign frame that is up for more than 6 months requires a permit and counts against your permanent sign total. (to deal with maintenance)

(b) Possibly adjust limits for wall signs

(1) stay with one wall sign limit, but count it separately from interior yard and front yard signs.

(2) allow more wall signs (2,3+)

(3) Limit total square footage of wall signs (same limit as for permanent signs?)

(4) Limit total % of coverage of wall signs.

(2) Interior Yard Signs (usually banners on light poles)

(a) Any portable sign or sign frame that is up for more than 6 months requires a permit and counts against your permanent sign total. (to deal with maintenance)

(b) Possibly adjust limits

(1) stay with one interior yard sign limit, but count it separately from wall and front yard signs.

(2) allow more interior yard signs (2,3+)

(3) Limit total square footage of interior yard signs (same limit as for permanent signs?)

(4) Set separation (must be at least 50 feet apart)

(3) Front yard signs

(a) Any portable sign or sign frame that is up for more than 6 months requires a permit and counts against your permanent sign total. (to deal with maintenance)

(b) Maybe just stay with what we have?

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**Issue 2      Signs in the right-of-way outside of downtown (C-3 zone)****Current code language****15.435.110 Signs within the public right-of-way.**

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

B. 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, provided it meets the following standards:

1. The sign may not be less than two feet nor more than four feet high.
2. The sign may not be located within the vehicular path.
3. If located on a sidewalk, the sign must leave a clear area of at least five feet measured horizontally and may not be located on a wheelchair 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 must be removed during nonbusiness hours or hours the adjoining property is uninhabited.

7. The property owner abutting the right-of-way shall grant permission for any sign, other than a public sign, that is placed within that right-of-way fronting the property owner's lot.

8. If more than one sign is located in the right-of-way fronting one lot, all signs may be forfeited as per subsection (E) of this section.

C. For lots in other zones, one portable sign per street frontage may be allowed in the public right-of-way, provided:

1. The applicant first obtains a sign permit from the director approving the location of the sign. Approval is at the sole discretion of the director. The permit shall be affixed to the sign.

2. The standards of subsections (B)(1) through (B)(6) of this section are met.

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

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E. 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 public and subject to confiscation. 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. 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.

### Potential issues

Private signs are being placed in the public right-of-way without obtaining a permit from the planning and building director. Current fee for permit application is \$10. Permits are rarely granted.

### Potential changes/actions

- A. Allow one portable sign with an annual business license. This option would only apply to a “business” that has full, clear separation from other uses: in other words, a large flea market area where businesses are separated by a 6 foot partitions would be considered as on business. Code enforcement officer would check on condition of portable sign(s) before or after issuance of business license; issue request, warning, citation to signs in poor condition, if needed. (NOTE: This action would likely result in multiple portable signs in close proximity to each other on deep lots with short street frontages).
- B. Implement more code enforcement.

### *Issue 3 Signs in the right-of-way in downtown (C-3 zone)*



**Current code language**

See language listed under Issue 1, section “B”.

**Potential issues**

- A. Signs remain outside in the right-of-way “...during nonbusiness hours or hours the adjoining property is uninhabited.”
- B. Sign in the right-of-way of an adjoining property can be of someone that is not of the adjoining property owner (with the adjoining property owner’s permission).

**Potential changes/actions**

- A. Develop and implement a proactive sign regulation education program aimed at property owners.
  - B. Develop and implement a way-finding sign system, based upon a portable sign type.
  - C. Implement more code enforcement.
4. *Teardrop flags versus flag display - sign type definitions*



**Current code language**

**15.05.030 Definitions.**

“Sign” means any device, fixture, placard, or structure 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. “[Sign](#)” includes banners, [flags](#), balloons with graphics, letters, or advertising, and murals.

“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, temporary” means a [portable sign](#) that is limited by law to placement for a specified period of time.

“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.

“Flag display” means one or more [flags](#) attached to a single pole.

### **Potential issues**

The current development code has a definition for a “flag” as a portable sign and a separate definition for “flag display”, which could be interpreted to include teardrop style flags.

### **Potential changes/actions**

- A. Ad language to “Flag display” definition that the pole must be permanently mounted in place. This would more clearly differentiate a flag display from a teardrop style flag, which is a portable sign type.

## **5. *Sign Regulations Education***

### **Potential Issues**

Lack of sign regulations by business/property owners contributes to non-compliance with the code.

**Potential changes/actions**

- A. Develop sign regulation information pamphlet that is written in simple, layman terms. This information could be distributed as deemed effective, such as the issuance of business licenses and/or sign code enforcement actions.
- B. Develop sign regulation information that is written in simple, layman terms for the city's website.
- C. Partner with Chamber of Commerce to better spread the word on sign regulations, such as through workshops, greeters program, written materials at the Chamber's office, and through the Chamber's website.

**6. *Sign Regulations Enforcement***

**Potential Issues**

Lack of adequate temporary and portable sign regulation enforcement is confusing and encourages violations.

**Potential changes/actions**

- A. Develop a plan where compliance to temporary and portable sign regulations are enforced on a consistent schedule (e.g., on an on-going, iterative process).
- B. Non-compliance with temporary and portable sign regulations to be consistently addressed as a three-part process: polite notice of non-compliance and changes needed; second notice with description of continued non-compliance consequences within a specific time period; and, final notice of citation for non-compliance.