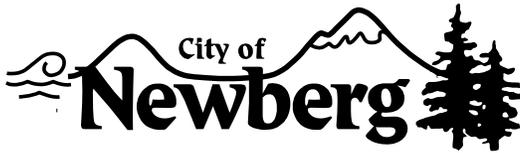


OUTLINE FOR LEGISLATIVE PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION**
- 3. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 4. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S) (IF ANY)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT (IF ANY) REBUTTAL
- 5. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 6. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 7. PLANNING COMMISSION DELIBERATION**
- 8. ACTION BY THE PLANNING COMMISSION**
 - A. RESOLUTION – Usually requires passage of resolution.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.



Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132

503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT TEMPORARY AND PORTABLE SIGNS DEVELOPMENT CODE AMENDMENT

HEARING DATE: August 13, 2015

FILE NO: DCA-14-001

APPLICANT: Initiated by Newberg City Council by Resolution 2014-3161

REQUEST: Amend the Newberg Development Code provisions regarding temporary and portable signs. Adopt Planning Commission Resolution 2015-308, replacing Resolution 2015-305 based on new information regarding signs in the public right-of-way.

ATTACHMENTS:

Resolution 2015-308 with

Exhibit "A": Proposed Development Code Text Amendment

Exhibit "B": Findings

1. New public testimony
2. Planning Commission Resolution 2015-305 – adopted 2/12/15

A. SUMMARY:

The Planning Commission adopted Resolution 2015-305 (Attachment 2) on February 12, 2015, recommending that the City Council adopt changes to the Development Code regarding portable and temporary signs. The Development Code changes included:

1. Adds a new section for a temporary sign permit program that will allow additional temporary and portable signs on private property with a coordinated appearance in the C-2, C3, and Institutional zones.
2. Adds new language to address the use of pennants, streamers, and inflatable objects.
3. Adds new language to clarify the definition of a flag display and flag use on holidays.
4. Modifies existing development code language regarding temporary and portable signs to clarify the intent of the code.
5. Allows additional signs in the public right-of-way.

The proposal to allow additional signs in the public right-of-way was not in the original code amendment draft, so Yamhill County and the Oregon Department of Transportation (ODOT) had not had a chance to comment on the proposal. Most of the public right-of-way in Newberg

is under City jurisdiction, but Yamhill County has jurisdiction over some right-of-way in the city, and the Oregon Department of Transportation (ODOT) has jurisdiction over State highway right-of-way in the city. Staff forwarded the adopted resolution to Yamhill County and ODOT, and received comments back. Based on those comments, staff is recommending that the Planning Commission consider adopting Planning Commission Resolution 2015-308, which replaces Resolution 2015-305 and clarifies where portable signs are allowed in the right-of-way.

BACKGROUND: On October 7, 2013, the City Council adopted Resolution No. 2013-3080, establishing a Temporary and Portable Sign Ad-Hoc Committee. The committee's charge was as follows: "The committee will make a determination as to what, if any, changes to the current development code regarding temporary and portable signs may be desirable. If the committee determines changes may be warranted, the committee is to draft recommended development code amendments for consideration of adoption by the city council. Such recommended changes shall meet two criteria: improve the likelihood the intended message will reach its target audience; while at the same time, meet the spirit and intent of the purpose of the sign regulations as stated in Section 15.435.010 of the Newberg development code."

The purpose of the city's sign regulations per the Newberg development code is:

15.435.010 Purpose.

A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

The committee began meeting in November 2013 and continued to do so approximately every two weeks. The committee examined the current sign code regarding temporary and portable signs, toured the city to see how the code is being implemented "on the ground", conversed with various business owners (included the owners of the three largest auto dealerships) regarding the implementation of this type of signage, and explored options on how the city may improve temporary and portable signage in a way that will benefit local businesses as well as the community in general.

On July 21, 2014, the City Council considered the recommendations by the Temporary and Portable Sign Ad-Hoc Committee. The City Council accepted the recommendations and with minor changes, initiated a development code amendment through Resolution No. 2014-3161.

B. PROCESS: A development code amendment is a Type IV application and follows the procedures in Newberg Development Code 15.100.060. The Planning Commission will hold a legislative 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 hearing to consider the matter. Important dates related to this application are as follows:

1. July 21, 2014: The Newberg City Council adopted Resolution 2014-3161, initiating the Development Code amendment.
2. October 27, 2014: Planning staff posted notice in four public places, and placed

notice on Newberg's website.

3. October 29, 2014: The *Newberg Graphic* published notice of the Planning Commission hearing.
4. November 13, 2014: The Planning Commission held a legislative hearing to consider the application. The Commission continued the hearing to their next scheduled meeting on December 11, 2014.
5. December 11, 2014: The Planning Commission held a hearing, took public testimony, closed public testimony, and began deliberations. The Commission continued the hearing to January 8, 2015.
6. January 8, 2015: The Planning Commission held a hearing, took public testimony, closed public testimony, and began deliberations. The Commission continued the hearing to February 12, 2015.
7. February 12, 2015: The Planning Commission deliberated, and adopted Planning Commission Resolution 2015-305.
8. August 13, 2015: After proper notice, the Planning Commission will reopen the public hearing to consider new information, and consider adopting Resolution 2015-308, which would replace Resolution 2015-305.

C. AGENCY COMMENTS AND ANALYSIS (The comments are summarized below, and the full comments are included in Attachment 1) :

Signs in the right of way:

Yamhill County:

*Thanks for considering the County as you seek to amend your sign ordinance in Newberg. As I'm sure you know the county roads that penetrate the city limits of Newberg are a mixed bag of grass or gravel shoulders with a few streets that are curbed with sidewalks. **County policy doesn't allow for private signs in the ROW,** however we get some of the wineries that will set out sandwich boards on occasions and we generally don't have a problem with it if doesn't create a traffic hazard. I'm sure we can work with whatever the City Council comes up with. When something is finalized I would appreciate a copy sent our way just to be up to speed on it.*

ODOT 5/28/15:

Thank you for referring this proposed code amendment to ODOT Region 2 for review and comment. ODOT staff have reviewed the proposed code amendments pertaining to placement of private temporary signs in public right-of-way and we have the following comments.

1. *ODOT does not permit signs on right-of-way except for the following: Temporary portable variable message signs, which as a rule are only for advising motorists of events or roadwork that may cause delays or detours, no advertising of any kind. ODOT has periodically permitted temporary*

electronic “Your Speed Is” signs used by police departments but other than that the only other signs allowed are temporary traffic control signs.

2. Based on the above, ODOT recommends that the following language be included in Section 15.435.110 – Signs within the public right-of-way:

Temporary and/or portable signs for other than traffic control and motorist advisories are not permitted within state highway right-of-way administered by the Oregon Department of Transportation.

[City staff had a follow-up question for ODOT regarding the sandwich board signs that the city allows on Hwy 99W (First and Hancock) sidewalks downtown. They would not be allowed under the code language above. ODOT researched the State highway rights-of-way in Newberg, and found that there were a few sections of “resoluted” highway downtown where ODOT only manages the right-of-way from curb to curb (a resoluted highway is a State highway on city streets.)]

ODOT 7/13/15:

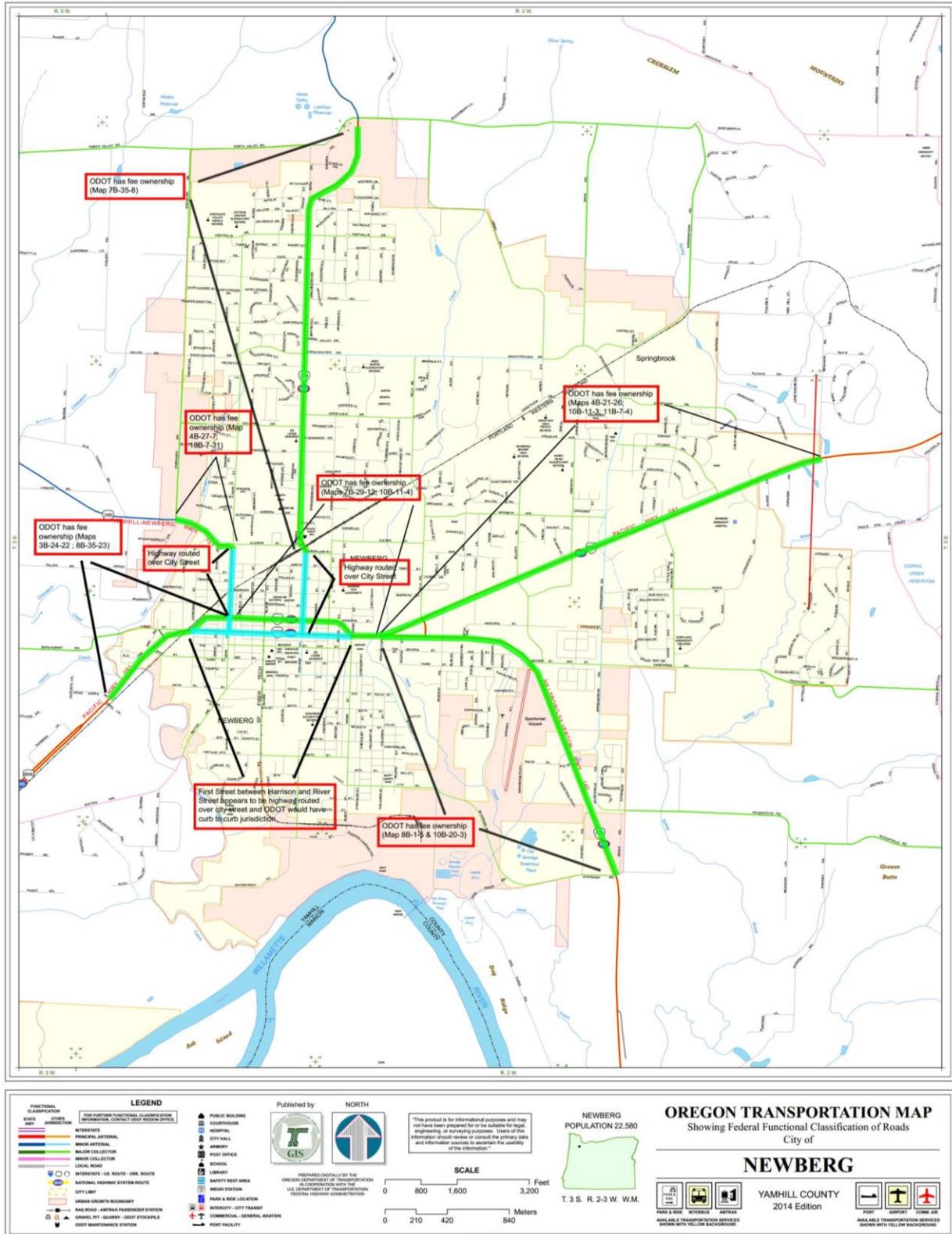
The attached map shows the status of ODOT facilities in the city. See Gerry’s explanation below. Simple answer – the streets marked with blue lines ODOT only manages curb-to-curb.

In a nutshell; any portion of the map with a light blue line indicates resoluted highway where ODOT manages from curb to curb. The green line is portions of highway where ODOT has acquired in fee right-of-way and manages from right-of-way boundary-line on both sides of the highway.

ODOT ROW map – downtown area. Blue lines show where the city can allow portable signs on the sidewalks. Blue lines extend on First Street from Harrison St. to River St., on Main St. from First St. to Illinois St., and on College St. from First St. to Vermillion St.



ODOT ROW map – full city



Analysis: Yamhill County policy does not allow portable signs in the public right-of-way, although their code enforcement focuses on signs that create safety issues. ODOT does not allow portable signs in the State highway right-of-way for Highways 99W, 219 and 240, with the exception of the resolved highway downtown where the City manages the sidewalks. The

Newberg Development Code does not currently allow portable signs in the right-of-way outside of downtown, so the County and ODOT rules do not change the status quo outside of downtown. The one significant change downtown is that portable signs are not allowed by ODOT on Hancock Street, except at the College Street and Main Street intersections with Hancock Street.

Based on the agency comments, staff is recommending that the Planning Commission revise the code amendment recommendation and adopt Resolution 2015-308 to clarify where portable signs are not allowed in the right-of-way.

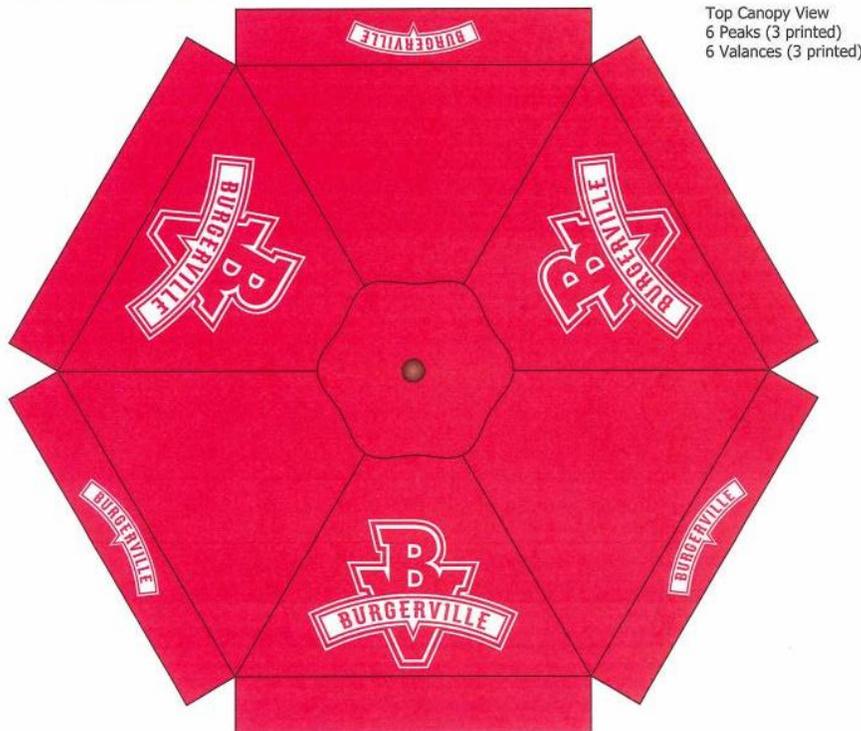
D. ADDITIONAL PUBLIC TESTIMONY RECEIVED SINCE FEBRUARY 12, 2015
(Summarized below – the full text is included in Attachment 1)

Burgerville: Burgerville sent a copy of their standard umbrella sign, which they would like the Planning Commission to consider allowing in Newberg. The Planning Commission should consider the proposed umbrella sign, and decide if they would be willing to allow larger umbrella signs. The adopted Planning Commission proposal would allow signs only on the lowest 12 inches of the umbrella, measured from the lowest edge.

1875 Burgerville LLC: Burgerville CREATIVE

Qty:(200); ART Layout: Series PG II Cafe Umbrella - 6.5' 400D Nylon (Red) Canopy;- Polygonal (6) (Peaks/Valances); 1 Color (White) Imprint on Alternating Peaks & Valances (Top Side); 1Design; Structure Aluminum w/ Crank; Warranty 1.5 Year

SEE PAGE 2 for LOGO DETAIL



Robert Soppe:

- a. Confiscation of signs in the right-of-way – He wanted to reaffirm that the code should not be changed to require notification to the owner before confiscation. The code needs to allow the staff doing code enforcement some discretion. Staff should notify owners after sign confiscation.

- b. Clarifying language in section 15.435.110(B)8 – see discussion box in the code amendment.
- c. The Planning Commission should consider whether it is appropriate to allow portable signs in bulb-outs downtown. They are currently allowed at corners as long as they are not blocking ADA/pedestrian access, and meet the vision clearance standards.
- d. Portable signs during events – does the event have to occur on the lot where the additional signs are placed? Is this code section clear about when additional temporary signs are allowed? See the discussion box in the code amendment.

E. STAFF RECOMMENDATION: Staff recommends that the Planning Commission should:

Move to adopt Planning Commission Resolution 2015-308, which replaces Resolution 2015-305 and recommends that the City Council adopt the proposed amendments to the Development Code.



PLANNING COMMISSION RESOLUTION 2015-308

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE
NEWBERG DEVELOPMENT CODE REGARDING THE USE OF TEMPORARY AND
PORTABLE SIGNS**

RECITALS

1. The Newberg City Council adopted Resolution 2014-3161 on July 21, 2014, which initiated amendments to the Newberg Development Code.
2. After proper notice, the Newberg Planning Commission held a hearing on November 13, 2014 to consider the amendment. The Commission considered testimony and continued the public hearing to their next scheduled meeting on December 11, 2014.
3. On December 11, 2014, the Planning Commission considered additional testimony, deliberated, and continued the hearing to January 8, 2015.
4. On January 8, 2015 the Planning Commission considered additional testimony, deliberated, and continued the hearing to February 12, 2015.
5. On February 12, 2015 the Planning Commission deliberated and adopted Resolution 2015-305, including a recommendation to allow portable signs in the right-of-way outside downtown.
6. Staff forwarded the resolution to Yamhill County and the Oregon Department of Transportation for comments, as both have jurisdiction over some rights-of-way within city limits. Both agencies commented.
7. After proper notice, the Newberg Planning Commission reopened the hearing to consider adopting Planning Commission Resolution 2015-308, which would replace Resolution 2015-308.

The Newberg Planning Commission resolves as follows:

1. The Commission recommends that the City Council adopt the amendments to the Newberg Development Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.

2. The findings shown in Exhibit “B” are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 13th day of August, 2015.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit “A”: Development Code Text Amendments

Exhibit “B”: Findings

**Exhibit “A” to Planning Commission Resolution 2015-308
Development Code Amendments –File DCA-14-001
Temporary and Portable Signs**

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

15.05.030 Definitions.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Building face” means an exterior wall of a building that generally faces one direction and that is visible from the public right-of-way. A building face is broken by a change in building direction of 60 degrees or more, except for minor extensions or indentations that are shorter than 50 percent of the building frontage (see Appendix A, Figure 15).

“Building frontage” means the longest horizontal distance between lines perpendicular to a building face (see Appendix A, Figure 15).

“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 permanently affixed single pole.

“Readerboard” means a portable sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. “Readerboard” does not include animated signs, nor does it include signs where less than 20 percent of the sign area can be so changed or rearranged.

“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, animated” means a sign that has a display that changes more than once in any 10-minute period.

“Sign area” means the area of a sign which is computed by means of the smallest square, circle, rectangle, triangle, or combination of the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this code and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding the area of all sign faces visible from any one point. When two sign faces are placed back to back or at an angle of less than 45 degrees to one another so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of

the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of the largest face (see Appendix A, Figure 16).

“Sign, attached” means any sign attached to any part of a building, as contrasted to a freestanding sign. Attached signs are of two types:

1. Minor Attached. A sign not to exceed six square feet in area (three square feet in residential zones) that does not extend above the roof line of the building it is attached to.
2. Major Attached. All other attached signs.

“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:

1. Minor Freestanding. A freestanding sign that is less than or equal to six square feet in area (three square feet in residential zones) and three feet in height.
2. Major Freestanding. All other freestanding signs.

“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, public” means any sign that is placed within public right-of-way by or under direction of a governmental agency.

“Sign, temporary” means a portable sign that is limited by law to placement for a specified period of time.

15.435.010 Purpose.

A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community’s success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

B. These regulations are designed:

1. To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.
2. To enhance the attractiveness of Newberg as a place to conduct business.
3. To enable the identification of places of residence and business.
4. To allow freedom of expression.
5. To reduce distractions and obstructions from signs which would adversely affect safety.
6. To reduce the hazards from improperly placed or constructed signs. [Ord. 2499, 11-2-98. Code 2001 § 151.590.]

15.435.020 Applicability and exemptions.

A. All signs placed or maintained anywhere within the city shall comply with the standards of this chapter, with the exception of the following:

1. Public signs.
2. Signs that are required to be placed by law and that are no more than 50 percent larger than the minimum size required by law or, if there is no minimum size specified, signs with lettering height no more than four inches.
3. Signs painted on or attached to windows that do not cover more than 50 percent of the surface of that window.
4. Signs located entirely within a building and not on a window.
5. Signs not legible from the public right-of-way.

B. 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 issuance of such permit.

C. Nothing in this chapter shall be construed to allow placement of a sign on a property without the authority of the property owner. [Ord. 2499, 11-2-98. Code 2001 § 151.591.]

15.435.030 Permit required.

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.
5. Flag display (one allowed on each street frontage)

6.5. 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. 2499, 11-2-98. Code 2001 § 151.592.]

15.435.040 General requirements – All signs.

A. All signs shall comply with the standards contained in the current edition of the Oregon Structural Specialty Code. If the standards of that code and this development code conflict, this development code shall prevail. All signs shall be kept in repair and in a proper state of preservation as required under the current edition of the Oregon Structural Specialty Code.

B. No sign shall have bright or flashing lights shining on a public way that blind or impair the vision of drivers. No sign shall be constructed such that it may be confused with any traffic sign, signal or device.

C. In the C-3 zone, animated signs are prohibited.

D. All signs shall comply with the vision clearance standards of NMC 15.410.060.

E. Signs located in the airport overlay subdistrict shall comply with the height and visual interference restrictions of that district. [Ord. 2731 § 3, 10-18-10; Ord. 2565, 4-1-02; Ord. 2561, 4-1-02; Ord. 2499, 11-2-98. Code 2001 § 151.593.]

15.435.080 Minor attached signs, ~~and awning signage, and umbrella signage.~~

A. Minor Attached Signs.

1. Spacing. No two minor attached signs on one building that are both visible from any one point shall be closer than 25 feet.
2. Size.
 - a. Residential Zones. Minor attached signs shall not exceed three square feet in area.
 - b. Other Zones. Minor attached signs shall not exceed six square feet in area.
3. Height. Minor attached signs shall not extend above the roof line of the building they are attached to.
4. Projections.
 - a. C-3 Zone. Minor attached signs may project no more than three feet into a public right-of-way, but no closer than two feet from the curb line. The lower edge of any minor attached sign shall be at least eight feet above ground level. This requirement supersedes the relevant sign standards in the current edition of the Oregon Structural Specialty Code.
 - b. Other Zones. The same projection is allowed as for major attached signs, NMC 15.435.070.

B. Awning Signage. Awnings are encouraged along the frontage of buildings in the C-3 district.

1. C-3 Zone. Back-lit translucent awnings are not allowed. Lettering may appear on curved surfaces, but shall be limited to the lowest 12 inches of the awning (measured vertically from the lowest edge). Freestanding letters mounted on top of the front vertical surface are also allowed, though they shall not exceed eight inches in height.
 - a. Other minor attached signs may be attached to or suspended from an awning or canopy, provided they are less than six square feet in size.
 - b. The lower edge of any awning shall be at least eight feet above ground level. This requirement supersedes the relevant sign standards in the Uniform Sign Code.
 - c. Signage is not allowed on any awning surfaces that are not specifically permitted in this section.
2. Other Zones. Awning signs in other zones shall be regulated as either minor or major attached signs.

C. Umbrella Signage. Signs on umbrellas are allowed without a sign permit but are limited to the lowest 12 inches of the umbrella (measured along the umbrella surface from the lowest edge). Umbrella signs shall comply with all other municipal code requirements.

15.435.090 Portable signs.

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 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, ~~or~~ 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 readerboard 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. 2499, 11-2-98. Code 2001 § 151.598.]

15.435.100 Temporary signs for events.

Discussion box: Staff has read the code section below as allowing an unlimited number of temporary signs during the events listed below. Staff has also read this section as only allowing the temporary signs for events on the lot where the event takes place. One public comment thought this code section was unclear and suggested amended language. The Planning Commission should consider whether or not this section is unclear and needs to be amended.

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.

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 up to 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.

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.

D. Flags. Displays. One flag display is permitted on each street frontage. An unlimited number of displays is flags are permitted on any legal holiday or Newberg city council designated festival 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, or on any festival day designated by the Newberg City Council.

15.435.105 Sign Permit Program for Portable Signs on private property

A. Purpose: The purpose of the sign permit program is to allow additional temporary and portable signage for properties within the C-2, C-3, and Institutional zones than is otherwise allowed by the municipal code. The goal of the permit program is to allow additional signage on private property with a coordinated appearance.

B. Process: Applications for a permit under the sign permit program will be reviewed under a Type I process. Signage allowed under the permit must be well-maintained both physically and operationally. Signage under the permit that is found to not be well-maintained may result in the permit being revoked. Permits may be obtained for up to one year. Permits may be renewed, as long as they continue to meet the permit requirements. Only a property owner or their designee is allowed to obtain a permit under the sign permit program. A property owner is allowed one sign permit per property.

C. Criteria: The following criteria must be met for permit approval under the sign permit program:

1. Number of signs per property: 1 per 100 feet of street frontage in C-2 zone; 1 per 15 feet of street frontage, with a maximum of 4 signs total within the C-3 zone; and, 1 per 100 feet of street frontage within the Institutional zone. If more than one business is located on a property, at least one sign per business is allowed, as long as the business occupies a discrete space and possesses its own business license.
2. Size and location of signs: Maximum total signage for all temporary and portable signs under a sign permit shall be 1 square foot per 1 foot of street frontage. Maximum size allowed for any specific sign will be based on the location of the sign, up to a maximum of 40 square feet. The farther the distance a sign is from the front property line, the greater size that will be allowed for a specific sign. Maximum size for signage within the first 10 feet from the property line is 10 square feet. For every additional 10 feet from the property line, the maximum square footage for a sign will be an additional 10 square feet larger. Example: if a sign is between the front property line and 10 feet from the property line, then maximum sign size is 10 square feet; if a sign is between 10 feet and 20 feet from the property line, then the maximum sign size is 20 square feet in size, and so on.
3. Coordinated appearance: Every sign approved under an individual sign permit must have a cohesive, coordinated appearance. Signs must meet three of the following five criteria: similar size, colors, shape, materials, and/or font.

15.435.110 Signs within the public right-of-way.

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

Discussion box: Staff proposes the following language to clarify where portable signs are not allowed

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. This applies to Highway 219, Highway 240, and Highway 99W, with the following exception. The city manages the portion of the right-of-way behind the curb on the following streets and can permit portable signs on the sidewalk in the following areas: 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. 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 ~~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 except as stated in 15.435.110B, 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 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 ~~area~~ of at least five feet wide measured horizontally across the main part of the sidewalk and may not be located on an ADA 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 owner must have the sign removed ~~be removed~~ during nonbusiness hours when the business being advertised is closed, ~~or hours the adjoining property is uninhabited~~. In addition, signs must not be present between the hours of 2 AM and 5 AM.
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 ~~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. 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 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.

Discussion box: Consider changing 8 to “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 (E) of this section.” This avoids setting up a conflict with language in the following section.

Discussion box: Add “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.”

~~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. For lots in other zones, two portable signs per street frontage may be allowed in the public right-of-way except as stated in 15.435.110B provided:

1. _____ The standards of subsection C above shall be met with the exception of subsection (C)(6).

2. _____ Signs may be displayed only during the following hours:

Monday: _____ 6am to 10pm

Tuesday: _____ 6am to 10pm

Wednesday: _____ 6am to 10pm

Thursday: _____ 6am to Midnight

Friday: _____ 24 hours

Saturday: _____ 24 hours

Sunday: _____ Midnight to 10pm

In addition, no sign may be displayed for more than 4 consecutive days.

3. Any sign installed or placed in the public right-of-way within these zones not in conformance with subsection (C)(7) above shall be forfeited to the owner of the property abutting the right-of-way and is subject to confiscation by said owner.

Discussion box: Add “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 B above.”

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

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 city public 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. 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 2015-305
Findings –File DCA-14-001
Temporary and Portable Signs**

Newberg Development Code § 151.590 PURPOSE.

- (A) *The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.*
- (B) *These regulations are designed:*
- (1) *To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.*
 - (2) *To enhance the attractiveness of Newberg as a place to conduct business.*
 - (3) *To enable the identification of places of residences and business.*
 - (4) *To allow the freedom of expression.*
 - (5) *To reduce distractions and obstructions from signs which would adversely affect safety.*
 - (6) *To reduce the hazards from improperly placed or constructed signs.*

Newberg Comprehensive Plan

H. THE ECONOMY

GOAL: *To develop a diverse and stable economic base.*

POLICIES:

1. General Policies

- p. The City shall strive to develop and promote a high quality of life in the community in order to attract and retain a diverse and highly skilled workforce.*
- q. The City shall foster an environment of business innovation so that the community may remain economically competitive.*

J. URBAN DESIGN

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

POLICIES:

1. General Policies

- g. *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.*

3. Commercial Areas Policies

- 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 shall 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).*

Findings: As stated in the above policies, visual appearance and economic vitality are both very important to the community. Signs are by their nature designed to be visible and are therefore a significant part of the city's visual appearance. Sign regulations are necessary to control the visual impact of signs. Local businesses and institutions need sufficient signage to communicate with the public and help their businesses or organizations prosper. The proposed code regulations would allow more temporary and portable signs with a permit than is currently allowed, which would aid local businesses and institutions but could have a negative visual impact if unlimited. However, the criteria that must be met to obtain a permit will ensure that the signs allowed under the permit will meet the goals of § 151.590 of the Newberg Development Code regarding the purpose of sign regulations. Also, the code changes regarding the use of other signage (pennants, streamers, inflatable objects, flags) clarify how and when these types of temporary signs are to be used. The proposed development code amendment therefore conforms to the Newberg Comprehensive Plan by balancing the goals of protecting the visual character of Newberg and fostering a strong economic environment.

Steve Olson

From: FRICKE Daniel L <Daniel.L.FRICKE@odot.state.or.us>
Sent: Thursday, May 28, 2015 10:27 AM
To: Steve Olson
Cc: JUSTER Gerard P *Gerry; CHUCULATE David L; JORDAN Donald L
Subject: ODOT Comments on DCA-14-001

Steve –

Thank you for referring this proposed code amendment to ODOT Region 2 for review and comment. ODOT staff have reviewed the proposed code amendments pertaining to placement of private temporary signs in public right-of-way and we have the following comments.

1. ODOT does not permit signs on right-of-way except for the following: Temporary portable variable message signs, which as a rule are only for advising motorists of events or roadwork that may cause delays or detours, no advertising of any kind. ODOT has periodically permitted temporary electronic “Your Speed Is” signs used by police departments but other than that the only other signs allowed are temporary traffic control signs.
2. Based on the above, ODOT recommends that the following language be included in Section 15.435.110 – Signs within the public right-of-way:

Temporary and/or portable signs for other than traffic control and motorist advisories are not permitted within state highway right-of-way administered by the Oregon Department of Transportation.

These comments should be included in the record as ODOT testimony. Please feel free to contact me or Gerry Juster if you have questions or need additional information.

Dan Fricke, Senior Transportation Planner
Oregon Department of Transportation
Region 2
 455 Airport Road SE Building B
 Salem, OR 97301-5395
 Ph: 503-986-2663 Fax: 503-986-2840
 e-mail: daniel.l.fricke@odot.state.or.us

From: Steve Olson [mailto:steve.olson@newbergoregon.gov]
Sent: Friday, May 01, 2015 10:17 AM
To: 'phelanj@co.yamhill.or.us'; Ken Friday; ODOT Reg 2 Planning Manager
Subject: 6498_City_of_Newberg

To: Yamhill County Public Works, Yamhill County Planning, and ODOT Region 2:

Re: File DCA-14-001 – potential development code amendment for portable signs

Newberg is considering a development code amendment for portable signs. The Planning Commission recently approved the attached resolution, which recommends changes to Newberg’s Development Code for signs in the public right of way. Most of the public right of way in Newberg is under city jurisdiction, but some is under State jurisdiction and some under County jurisdiction. We would like your comments on the proposed changes before we send the Planning Commission recommendation to our City Council.

Please respond by **May 20, 2015**.

Steve Olson

From: FRICKE Daniel L <Daniel.L.FRICKE@odot.state.or.us>
Sent: Monday, July 13, 2015 11:30 AM
To: Steve Olson
Subject: FW: Map of Newberg
Attachments: Newberg.pdf

Steve –

The attached map shows the status of ODOT facilities in the city. See Gerry's explanation below. Simple answer – the streets marked with blue lines ODOT only manages curb-to-curb. Let me know if you need anything else.

Dan

*Dan Fricke, Senior Transportation Planner
Oregon Department of Transportation
Region 2
455 Airport Road SE Building B
Salem, OR 97301-5395
Ph: 503-986-2663 Fax: 503-986-2840
e-mail: daniel.l.fricke@odot.state.or.us*

From: JUSTER Gerard P *Gerry
Sent: Monday, July 13, 2015 11:21 AM
To: FRICKE Daniel L
Subject: FW: Map of Newberg

Hi Dan,

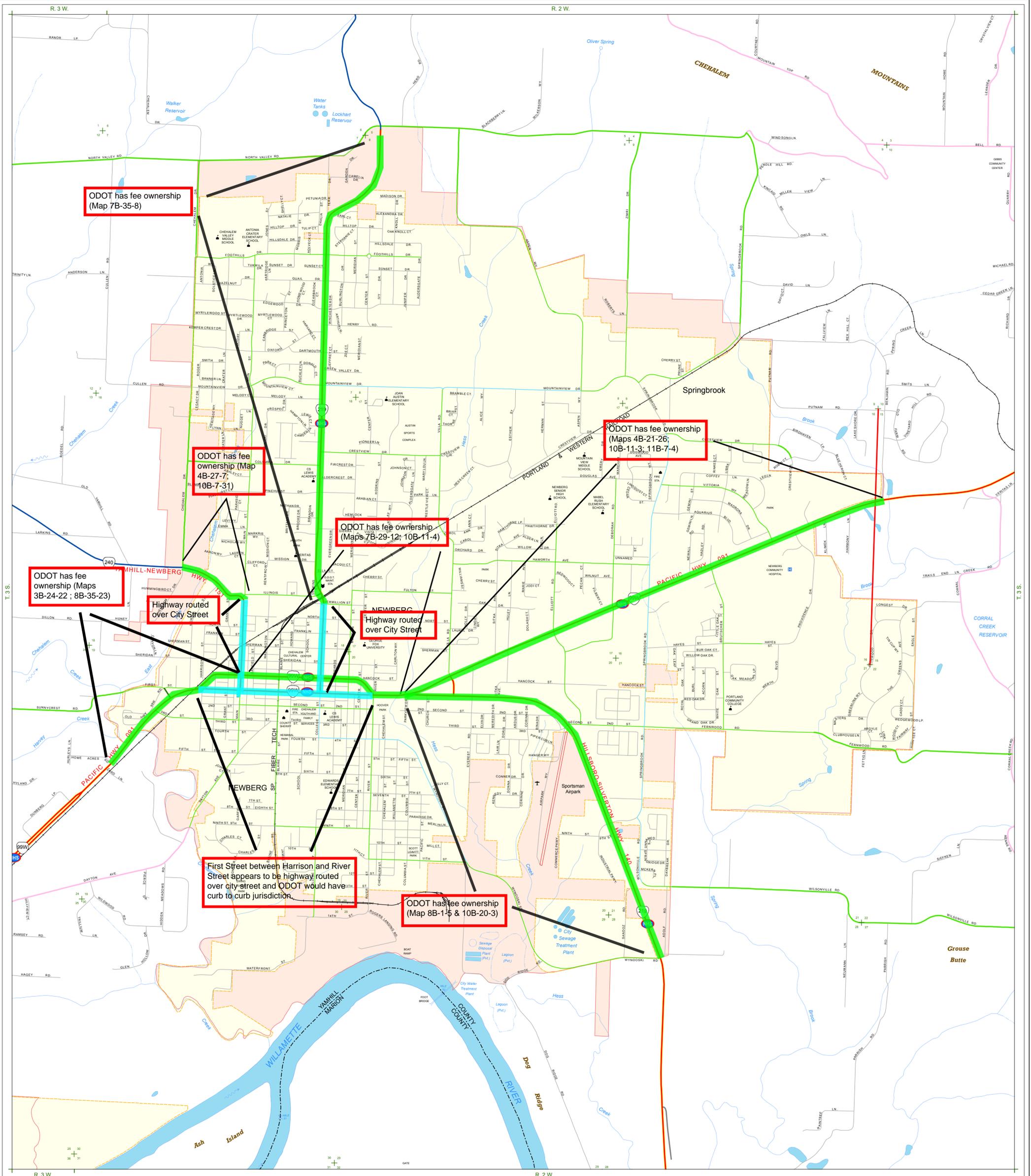
I got this information from Nancy this morning related to the portions of highway inside the city limits of Newberg.

In a nutshell; any portion of the map with a light blue line indicates resolute highway where ODOT manages from curb to curb. The green line is portions of highway where ODOT has acquired in fee right-of-way and manages from right-of-way boundary-line on both sides of the highway.

Feel free to share this with Steve Olson.

Gerry Juster
Development Review Coordinator
Oregon Department of Transportation
855 Airport Rd SE, Bldg. Y | Salem, Oregon 97301
Office: 503.986.2732 | FAX: 503.986.2630
e-mail: gerard.p.juster@odot.state.or.us

From: WARNICKE Nancy A
Sent: Monday, July 13, 2015 10:54 AM
To: JUSTER Gerard P *Gerry
Subject: Map of Newberg



LEGEND

FOR FURTHER FUNCTIONAL CLASSIFICATION INFORMATION, CONTACT ODOT REGION OFFICE.

	STATE HWY		PUBLIC BUILDING
	OTHER JURISDICTION		HOSPITAL
	INTERSTATE		CITY HALL
	PRINCIPAL ARTERIAL		ARMORY
	MINOR ARTERIAL		POST OFFICE
	MAJOR COLLECTOR		SCHOOL
	MINOR COLLECTOR		LIBRARY
	LOCAL ROAD		SAFETY REST AREA
	INTERSTATE - US ROUTE - ORE. ROUTE		WEIGH STATION
	NATIONAL HIGHWAY SYSTEM ROUTE		PARK & RIDE LOCATION
	CITY LIMIT		INTER-CITY - CITY TRANSIT
	URBAN GROWTH BOUNDARY		COMMERCIAL - GENERAL AVIATION
	RAILROAD - AMTRAK PASSENGER STATION		PORT FACILITY
	GRAVEL PIT - QUARRY - ODOT STOCKPILE		
	ODOT MAINTENANCE STATION		

Published by

PREPARED DIGITALLY BY THE OREGON DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

NORTH

SCALE

0 800 1,600 3,200 Feet

0 210 420 840 Meters

NEWBERG POPULATION 22,580

T. 3 S. R. 2-3 W. W.M.

OREGON TRANSPORTATION MAP

Showing Federal Functional Classification of Roads

City of

NEWBERG

YAMHILL COUNTY 2014 Edition

PARK & RIDE

INTERBUS

AMTRAK

AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND

PORT

AIRPORT

COMM. AIR

AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND

Steve Olson

From: Bill Anderson <andersonb@co.yamhill.or.us>
Sent: Monday, May 04, 2015 9:27 AM
To: Steve Olson
Cc: John Phelan
Subject: Private signs in ROW

Steve,

Thanks for considering the County as you seek to amend your sign ordinance in Newberg. As I'm sure you know the county roads that penetrate the city limits of Newberg are a mixed bag of grass or gravel shoulders with a few streets that are curbed with sidewalks. County policy doesn't allow for private signs in the ROW, however we get some of the wineries that will set out sandwich boards on occasions and we generally don't have a problem with it if doesn't create a traffic hazard. I'm sure we can work with whatever the City Council comes up with. When something is finalized I would appreciate a copy sent our way just to be up to speed on it.

Regards, Bill Anderson

Steve Olson

From: Jim Gilbert <jimg@burgerville.com>
Sent: Thursday, May 14, 2015 11:09 AM
To: Steve Olson
Subject: FW:
Attachments: 1875 Art Approval Burgerville March 16 2015.pdf

Steve,

Please let me you received this email.

Thank you

Jim

From: Jim Gilbert
Sent: Thursday, May 14, 2015 11:05 AM
To: steve.olson@newberg.gov; Jim Gilbert
Subject:

Steve,

Thank you for your time this morning, I have attached a copy of our umbrella are design. I hope this helps.

Thank you

Jim Gilbert
Director of Facilities
360-608-0270

March 16, 2015

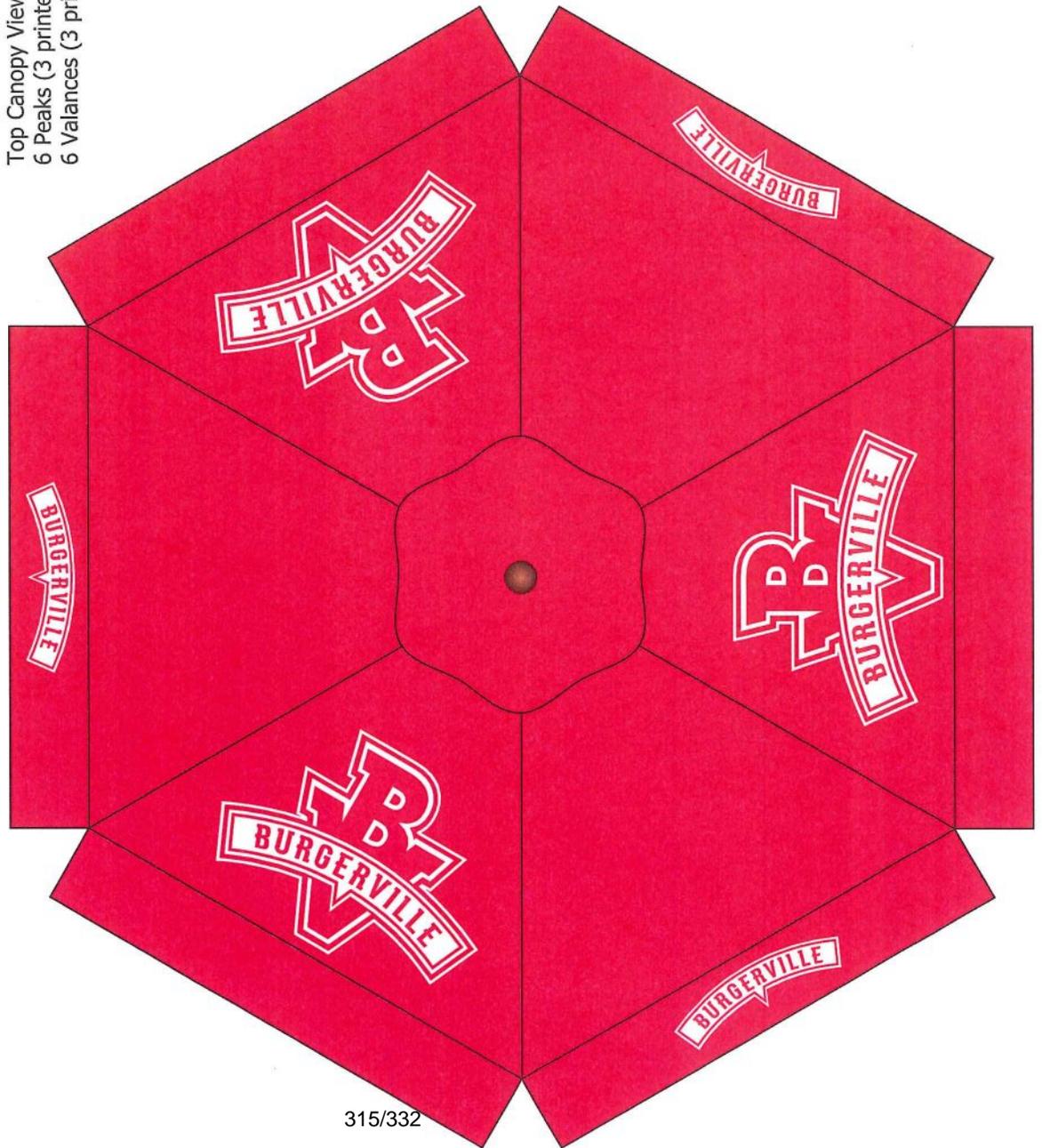
472 Meadowland Drive, Unit #5 South Burlington, VT 05403
Phone: 1-800-655-7311 Website: www.projectgraphics.com

1875 Burgerville LLC: Burgerville CREATIVE

Qty: (200); ART Layout: Series PG II Cafe Umbrella - 6.5' 400D Nylon (Red) Canopy;- Polygonal (6) (Peaks/Valances); 1 Color (White) Imprint on Alternating Peaks & Valances (Top Side); 1Design; Structure Aluminum w/ Crank; Warranty 1.5 Year

SEE PAGE 2 for LOGO DETAIL

Top Canopy View
6 Peaks (3 printed)
6 Valances (3 printed)



315/332

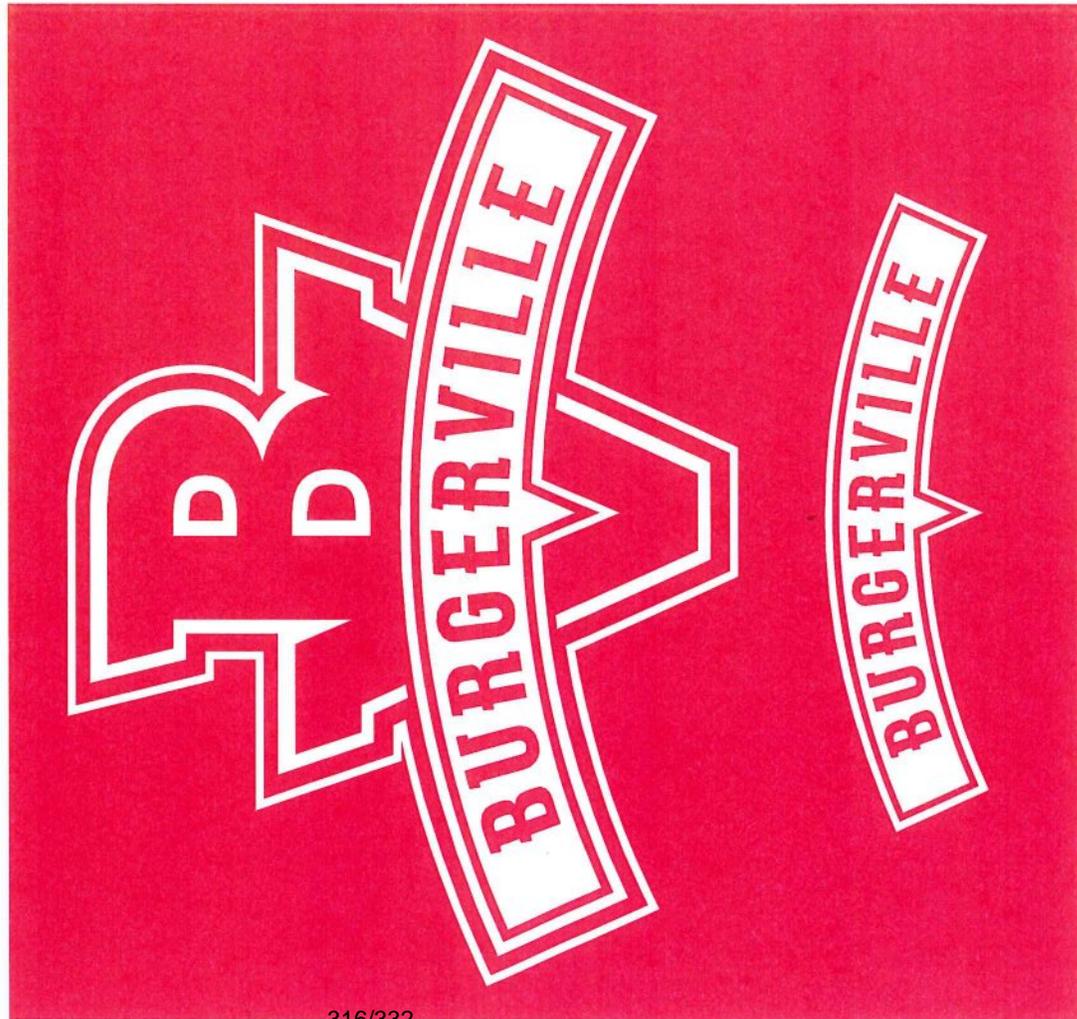
Customer Approval: _____
Date: _____
Please sign and fax to 1-866-794-1489
Colors Specified <input type="checkbox"/> White
Substrate Specified <input checked="" type="checkbox"/> 400D Nylon (Red)
Required to start production - Signed customer approval - Signed quote - Deposit
Shipping Address: Burgerville LLC 109 W 17th St Vancouver, WA 98660 US Shipping Method: Ground

March 16, 2015

472 Meadowland Drive, Unit #5 South Burlington, VT 05403
Phone: 1-800-655-7311 Website: www.projectgraphics.com

LOGO ORIGIN: Burgerville To Go Menu 0814_web.pdf
Logo used in this proof is obtained from the link below, and modified to print as 1-Color.
http://www.burgerville.com/wp-content/uploads/Burgerville%20To%20Go%20Menu%200814_web.pdf

If logo is incorrect please provide logo file in vector file type in Adobe Illustrator or EPS format.



316/332

Customer Approval: _____
Date: _____
Please sign and fax to 1-866-794-1489
Colors Specified <input type="checkbox"/> White
Substrate Specified <input checked="" type="checkbox"/> 400D Nylon (Red)
Required to start production - Signed customer approval - Signed quote - Deposit
Shipping Address: Burgerville LLC 109 W 17th St Vancouver, WA 98660 US Shipping Method: Ground

Steve Olson

From: Robert Soppe <rs@compprobsolv.com>
Sent: Sunday, February 15, 2015 2:08 PM
To: Steve Olson; Jacque M. Betz
Subject: Follow up on Planning commission meeting

I wanted to follow up on an important item regarding Thursday's Planning Commission meeting.

There was an extended discussion about the requirement of notification before confiscation. I realize that the amendment didn't get support of the Commission, but it will come up again before the Council. I think that it would be in the best interest of the City for Staff to continue to push to have the notification issued dealt with on a discretionary basis and not an actual requirement. There will be instances where immediate confiscation is important and a requirement of prior notification will block such an action.

Imagine that a sign is placed in front of City Hall without authorization, but there is nothing on the sign to indicate the owner. For example, an a-frame sign that meets all standards except for those related to written approval that has nothing displayed on it except for "I don't like Newberg". You can certainly imagine something much worse, but this works for my example. How would you notify the "owner"? If notification is a requirement before confiscating the sign, does this mean that the sign must remain in place indefinitely?

As another example, imagine that I place a sign with a very offensive point of view in front of someone's house or property. Again, the sign meets all standards except for those related to written approval. As proposed, the sign could not be removed for at least a full day to satisfy the "second offence" requirement. How quickly would I be notified?

I will use the incident described by the local business owner at the Planning Commission as my last example. How would prior notification have benefitted her? Under the proposed amendment, her sign would have had a second violation in another day (every night is a violation), so the confiscation would have been delayed by only one day. Yes, she would have had the opportunity to remove the sign herself, but she still has the option to retrieve the sign from the City although it is a bit further away. By her own admission (and by her action of leaving the sign at the City for storage) she doesn't have a place to store the sign.

I do think that notification (where practical) should be a requirement AFTER confiscation. That is, if there is a phone number on the sign, an address, or an easily identified business name, the City should make some effort to notify the owner that the sign has been confiscated and can be retrieved (if that is the policy) from the City. A form letter (with a space to write or type the location of where the sign had been) could be a reasonable solution to this. I would also suggest that such a letter mention that there is a potential for a financial penalty for the improperly displayed sign (15.435.110E could be cited), but that it is being waived in this instance. It does not seem reasonable that the sign owner has no clue as to why the sign disappeared.

Thank you for your consideration of these comments and the excellent work so far on the revisions to the sign code.

Robert Soppe
RS@CompProbSolv.com
(503) 538-5495

Steve Olson

From: Robert Soppe <rs@compprobsolv.com>
Sent: Wednesday, February 18, 2015 9:38 AM
To: Steve Olson
Subject: Suggested correction to sign code (non-c3/c4 ROW)

Steve:

I wanted to add a suggested correction to the language I provided that the PC adopted. Commissioner Stuhr was correct (please let her know!) about the discrepancy on forfeiting signs. The language that I suggested for 15.435.110C is somewhat in conflict with 15.435.110B8. To be clear, B8 states:
 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.

The new section C1 includes all of section B except for B6, so B8 is included. Since B8 refers to "one sign" and C allows two signs, there is a conflict. Fortunately, I think it is easily resolved.

Option A:

Change 15.435.110B8 to read:

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

(change "one sign is" to "more signs than are allowed in this Code are")

Option B:

Change 15.435.110C1 to read:

The standards of subsection B above shall be met with the exception of subsections (B)(6) and (B)(8).

(change "subsection" to "subsections" and add "and (B)(8)")

And add 15.435.110C4:

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

I think Option A is the better solution as it minimizes the likelihood of a similar conflict in the future and has fewer changes. When duplicate data exists in more than one place ("one sign" in this case), there is the risk that it is changed in one place but not the other. The "more signs than are allowed" will track any other changes that are made without revision. For example, if the code regarding election events were to allow additional signs in the ROW downtown, under the present language, B8 would have to be revised. With the Option A revision, it would not.

I would think that you could make the change yourself when you send it to the City Council as a "scrivener's error" if properly noted. They seem pretty fond of that term! This would not change the intent behind the Commission's recommendation, only clean up a discrepancy.

Robert Soppe
 Computer Problem Solvers
RS@CompProbSolv.com
 (503) 538-5495

Steve Olson

From: Robert Soppe <rs@compprobsolv.com>
Sent: Monday, June 29, 2015 10:27 AM
To: Steve Olson
Cc: Brad Allen
Subject: Sign code consideration

Steve:

I have a couple more things to consider as part of the ongoing revisions to the Sign Code.

The first is pretty simple. Does it seem appropriate to allow portable signs in bulb-outs downtown? Though that is a convenient place for advertising, one could certainly argue that it takes away some of the safety benefits of the bulb-out. I would suggest that this is something to be added as a possible change to be considered when the Code gets back to the Planning Commission or to the Council.

The other is something that we've not discussed before. I think you've done an excellent job in the revision process to try to clean up the language of the Code so that it is understandable. I think that is important and that it benefits everyone involved. I've seen far too many issues come up in Newberg because of poorly written regulations that would likely not have occurred had the language been clearer. I'm concerned that 15.435.100 "Temporary signs for events" may have some issues here.

My concern has to do with confusion about the lot where an event is located and the lot where a sign for it is displayed. While they are typically the same lot, this need not be the case. For example: "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". I would presume that these limits apply to the events themselves, but not about placement of signs on other lots that advertise them. Specifically, if can I place an electronic messaging center on a lot and keep it there all year if I can keep associating it with an "Other event" on different lots around town? That is, the first week of the year I use it for an event at one lot, the next week associate it with an event on another lot, third with yet another lot, etc.

Lastly, I want to make sure that I am reading 15.435.100 correctly. As I read it, all it allows as an addition to the standard Code are the following:

- 1) A temporary EMC during a grand opening event
- 2) Two additional temporary signs during Election Events
- 3) A temporary EMC up to twice a year during Other Events
- 4) Flag displays during legal holidays or designated festivals

Am I reading this correctly?

Robert Soppe
Computer Problem Solvers
RS@CompProbSolv.com
(503) 538-5495

Steve Olson

From: Robert Soppe <rs@compprobsolv.com>
Sent: Monday, June 29, 2015 2:00 PM
To: Brad Allen
Cc: Steve Olson
Subject: RE: Signs.....

Brad:

This was what motivated me to write the previous email to Steve (copied to you) about this part of the Code. I'm not disagreeing with your interpretation of the Code (though I interpret it differently), just finding the Code to be very unclear. This is likely more of an issue for Steve to deal with as it really refers to how the Code is written. As with other parts of the Code I think that Staff/PC/Council should decide what is desired and then make sure the Code actually reads that way. I don't think this section fits that criteria at the moment.

My impression is that you are interpreting this section in this way:

For a Grand Opening Event, you are allowed an unlimited number of temporary signs whose size is also not regulated, for up to 30 days. This authority comes not from 15.435.100(A), but from the initial sentence of 15.435.100: "... a lot may contain temporary signs in excess of the number and size....". In addition to the temporary signs, a temporary EMC may be used. This is authorized explicitly by 15.435.100(A). So far, I can follow, though think clearer writing of the Code is in order.

Note that there are only things that (A) explicitly authorizes: a temporary sign for 60 days after the event and a temporary EMC. It does not authorize any other additional signs. If other temporary signs are allowed (in addition to ones always allowed) during the Event, the authorization must come from somewhere else in the Code. That is how I determined that you must be using the initial sentence to authorize additional signs.

When it comes to Election Events, there is a 104-day period during which two additional temporary signs of regulated size may be displayed. What I find inconsistent is that the authority for additional signs for Grand Opening Events comes from the header to the section where it is explicitly mentioned in (B).

I think the real problem comes when trying to interpret (C). Following the logic used for (A), this section allows an unlimited number of temporary signs whose size is also not regulated up to 8 consecutive days twice a year. As with (A), a temporary EMC is explicitly allowed in (C).

It gets worse when one looks at (D) if one uses the same logic as was used in the previous subsections. That is, the logic seems to be that the header of the section allows for unlimited temporary signs unless the subsection puts specific limits on them, as is done in (B). There is no such limitation in (D), so consistency would say that unlimited temporary signs are allowed by (D) during legal holidays and Council-designated festival (days). In addition, just as (A) explicitly allows a temporary EMC, (D) explicitly allows unlimited flag displays on those same days.

The real question here is what is the subject of "as listed" in the first sentence? Is it referring to the signs (my interpretation) or to the events (your interpretation)? If it refers to the signs, then grammatically it is saying that the additional signs listed below are allowed. Since the only additional sign listed for (A) and (C) is a temporary EMC and (D) only allows additional flags, those are all that would be allowed under my interpretation.

If "as listed" refers to the events (as it appears you are reading it when (A) is used to allow Shari's to have the additional signs), then consistent logic says that during the events listed in (A)-(D), unlimited temporary signs are allowed unless the subsection specifically limits them. (B) is the only one that has this limit.

I find it unlikely that this is what was intended with the Code. Fortunately, I think the resolution of this is pretty easy. The solution is to add the specific additional signs that are allowed in each specific section. For example:

For (A), before the last sentence, add "An unlimited number and size of temporary signs may be used during a grand opening event."

If it is the intent to allow unlimited temporary signs for Other Events, then the same sentence could be added before the last sentence in (C). If that is not the intent, then the following could be added before the last sentence of (C): "This subsection does not change the permitted number of temporary signs on these days".

If it is not the intent to allow unlimited temporary signs on legal holidays or festival days, that same sentence could be added as the last sentence in (D).

Lastly, something would need to be done to change the first sentence of the section to make it clear that "as listed" refers to signs and not events. I would suggest simply dropping "during events".



PLANNING COMMISSION RESOLUTION 2015-305

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE
NEWBERG DEVELOPMENT CODE REGARDING THE USE OF TEMPORARY AND
PORTABLE SIGNS**

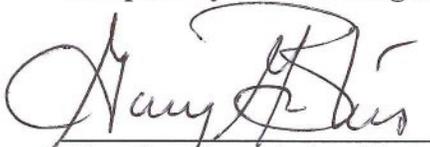
RECITALS

1. The Newberg City Council adopted Resolution 2014-3161 on July 21, 2014, which initiated amendments to the Newberg Development Code.
2. After proper notice, the Newberg Planning Commission held a hearing on November 13, 2014 to consider the amendment. The Commission considered testimony and continued the public hearing to their next scheduled meeting on December 11, 2014.
3. On December 11, 2014, the Planning Commission considered additional testimony, deliberated, and continued the hearing to January 8, 2015.
4. On January 8, 2015 the Planning Commission considered additional testimony, deliberated, and continued the hearing to February 12, 2015.

The Newberg Planning Commission resolves as follows:

1. The Commission recommends that the City Council adopt the amendments to the Newberg Development Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 12th day of February, 2015.



 Planning Commission Chair

ATTEST:



 Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Development Code Text Amendments
- Exhibit "B": Findings

**Exhibit “A” to Planning Commission Resolution 2015-305
Development Code Amendments –File DCA-14-001
Temporary and Portable Signs**

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

15.05.030 Definitions.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Building face” means an exterior wall of a building that generally faces one direction and that is visible from the public right-of-way. A building face is broken by a change in building direction of 60 degrees or more, except for minor extensions or indentations that are shorter than 50 percent of the building frontage (see Appendix A, Figure 15).

“Building frontage” means the longest horizontal distance between lines perpendicular to a building face (see Appendix A, Figure 15).

“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 permanently affixed single pole.

“Readerboard” means a portable sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. “Readerboard” does not include animated signs, nor does it include signs where less than 20 percent of the sign area can be so changed or rearranged.

“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, animated” means a sign that has a display that changes more than once in any 10-minute period.

“Sign area” means the area of a sign which is computed by means of the smallest square, circle, rectangle, triangle, or combination of the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this code and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding the area of all sign faces visible from any one point. When two sign faces are placed back to back or at an angle of less than 45 degrees to one another so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of

the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of the largest face (see Appendix A, Figure 16).

“Sign, attached” means any sign attached to any part of a building, as contrasted to a freestanding sign. Attached signs are of two types:

1. Minor Attached. A sign not to exceed six square feet in area (three square feet in residential zones) that does not extend above the roof line of the building it is attached to.
2. Major Attached. All other attached signs.

“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:

1. Minor Freestanding. A freestanding sign that is less than or equal to six square feet in area (three square feet in residential zones) and three feet in height.
2. Major Freestanding. All other freestanding signs.

“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, public” means any sign that is placed within public right-of-way by or under direction of a governmental agency.

“Sign, temporary” means a portable sign that is limited by law to placement for a specified period of time.

15.435.010 Purpose.

A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community’s success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

B. These regulations are designed:

1. To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.
2. To enhance the attractiveness of Newberg as a place to conduct business.
3. To enable the identification of places of residence and business.
4. To allow freedom of expression.
5. To reduce distractions and obstructions from signs which would adversely affect safety.
6. To reduce the hazards from improperly placed or constructed signs. [Ord. 2499, 11-2-98. Code 2001 § 151.590.]

15.435.020 Applicability and exemptions.

A. All signs placed or maintained anywhere within the city shall comply with the standards of this chapter, with the exception of the following:

1. Public signs.
2. Signs that are required to be placed by law and that are no more than 50 percent larger than the minimum size required by law or, if there is no minimum size specified, signs with lettering height no more than four inches.
3. Signs painted on or attached to windows that do not cover more than 50 percent of the surface of that window.
4. Signs located entirely within a building and not on a window.
5. Signs not legible from the public right-of-way.

B. 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 issuance of such permit.

C. Nothing in this chapter shall be construed to allow placement of a sign on a property without the authority of the property owner. [Ord. 2499, 11-2-98. Code 2001 § 151.591.]

15.435.030 Permit required.

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.
5. Flag display (one allowed on each street frontage)

6.5. 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. 2499, 11-2-98. Code 2001 § 151.592.]

15.435.040 General requirements – All signs.

A. All signs shall comply with the standards contained in the current edition of the Oregon Structural Specialty Code. If the standards of that code and this development code conflict, this development code shall prevail. All signs shall be kept in repair and in a proper state of preservation as required under the current edition of the Oregon Structural Specialty Code.

B. No sign shall have bright or flashing lights shining on a public way that blind or impair the vision of drivers. No sign shall be constructed such that it may be confused with any traffic sign, signal or device.

C. In the C-3 zone, animated signs are prohibited.

D. All signs shall comply with the vision clearance standards of NMC 15.410.060.

E. Signs located in the airport overlay subdistrict shall comply with the height and visual interference restrictions of that district. [Ord. 2731 § 3, 10-18-10; Ord. 2565, 4-1-02; Ord. 2561, 4-1-02; Ord. 2499, 11-2-98. Code 2001 § 151.593.]

15.435.080 Minor attached signs, and awning signage, and umbrella signage.**A. Minor Attached Signs.**

1. Spacing. No two minor attached signs on one building that are both visible from any one point shall be closer than 25 feet.
2. Size.
 - a. Residential Zones. Minor attached signs shall not exceed three square feet in area.
 - b. Other Zones. Minor attached signs shall not exceed six square feet in area.
3. Height. Minor attached signs shall not extend above the roof line of the building they are attached to.
4. Projections.
 - a. C-3 Zone. Minor attached signs may project no more than three feet into a public right-of-way, but no closer than two feet from the curb line. The lower edge of any minor attached sign shall be at least eight feet above ground level. This requirement supersedes the relevant sign standards in the current edition of the Oregon Structural Specialty Code.
 - b. Other Zones. The same projection is allowed as for major attached signs, NMC 15.435.070.

B. Awning Signage. Awnings are encouraged along the frontage of buildings in the C-3 district.

1. C-3 Zone. Back-lit translucent awnings are not allowed. Lettering may appear on curved surfaces, but shall be limited to the lowest 12 inches of the awning (measured vertically from the lowest edge). Freestanding letters mounted on top of the front vertical surface are also allowed, though they shall not exceed eight inches in height.
 - a. Other minor attached signs may be attached to or suspended from an awning or canopy, provided they are less than six square feet in size.
 - b. The lower edge of any awning shall be at least eight feet above ground level. This requirement supersedes the relevant sign standards in the Uniform Sign Code.
 - c. Signage is not allowed on any awning surfaces that are not specifically permitted in this section.
2. Other Zones. Awning signs in other zones shall be regulated as either minor or major attached signs.

C. Umbrella Signage. Signs on umbrellas are allowed without a sign permit but are limited to the lowest 12 inches of the umbrella (measured along the umbrella surface from the lowest edge).
Umbrella signs shall comply with all other municipal code requirements.

15.435.090 Portable signs.

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 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, or 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 readerboard 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. 2499, 11-2-98. Code 2001 § 151.598.]

15.435.100 Temporary signs for events.

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.

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 up to 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.

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.

D. ~~Flags. Displays.~~ One flag display is permitted on each street frontage. An unlimited number of displays is ~~flags are~~ permitted on any legal holiday or Newberg city council designated festival 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, or on any festival day designated by the Newberg City Council.

15.435.105 Sign Permit Program for Portable Signs

A. Purpose: The purpose of the sign permit program is to allow additional temporary and portable signage for properties within the C-2, C-3, and Institutional zones than is otherwise allowed by the municipal code. The goal of the permit program is to allow additional signage on private property with a coordinated appearance.

B. Process: Applications for a permit under the sign permit program will be reviewed under a Type I process. Signage allowed under the permit must be well-maintained both physically and operationally. Signage under the permit that is found to not be well-maintained may result in the permit being revoked. Permits may be obtained for up to one year. Permits may be renewed, as long as they continue to meet the permit requirements. Only a property owner or their designee is allowed to obtain a permit under the sign permit program. A property owner is allowed one sign permit per property.

C. Criteria: The following criteria must be met for permit approval under the sign permit program:

1. Number of signs per property: 1 per 100 feet of street frontage in C-2 zone; 1 per 15 feet of street frontage, with a maximum of 4 signs total within the C-3 zone; and, 1 per 100 feet of street frontage within the Institutional zone. If more than one business is located on a property, at least one sign per business is allowed, as long as the business occupies a discrete space and possesses its own business license.
2. Size and location of signs: Maximum total signage for all temporary and portable signs under a sign permit shall be 1 square foot per 1 foot of street frontage. Maximum size allowed for any specific sign will be based on the location of the sign, up to a maximum of 40 square feet. The farther the distance a sign is from the front property line, the greater size that will be allowed for a specific sign. Maximum size for signage within the first 10 feet from the property line is 10 square feet. For every additional 10 feet from the property line, the maximum square footage for a sign will be an additional 10 square feet larger. Example: if a sign is between the front property line and 10 feet from the property line, then maximum sign size is 10 square feet; if a sign is between 10 feet and 20 feet from the property line, then the maximum sign size is 20 square feet in size, and so on.
3. Coordinated appearance: Every sign approved under an individual sign permit must have a cohesive, coordinated appearance. Signs must meet three of the following five criteria: similar size, colors, shape, materials, and/or font.

15.435.110 Signs within the public right-of-way.

A. Public signs are allowed ~~permitted~~ in the public right-of-way as allowed ~~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. The sign must also conform to 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 ~~area~~ of at least five feet wide measured horizontally across the main part of the sidewalk and may not be located on an ADA 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 owner must have the sign removed ~~be removed~~ during ~~nonbusiness~~ hours when the business being advertised is closed, or hours the adjoining property is uninhabited. In addition, signs must not be present between the hours of 2 AM and 5 AM.
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 ~~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. 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 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.~~

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

1. _____ The standards of subsection B above shall be met with the exception of subsection (B)(6).

2. _____ Signs may be displayed only during the following hours:

Monday: _____ 6am to 10pm

Tuesday: _____ 6am to 10pm

Wednesday: _____ 6am to 10pm

Thursday: _____ 6am to Midnight

Friday: _____ 24 hours

Saturday: _____ 24 hours

Sunday: _____ Midnight to 10pm

In addition, no sign may be displayed for more than 4 consecutive days.

3. Any sign installed or placed in the public right-of-way within these zones not in conformance with subsection (B)(7) above shall be forfeited to the owner of the property abutting the right-of-way and is subject to confiscation by said owner.

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

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 city public 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. 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 2015-305
Findings –File DCA-14-001
Temporary and Portable Signs**

Newberg Development Code § 151.590 PURPOSE.

- (A) *The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.*
- (B) *These regulations are designed:*
- (1) *To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.*
 - (2) *To enhance the attractiveness of Newberg as a place to conduct business.*
 - (3) *To enable the identification of places of residences and business.*
 - (4) *To allow the freedom of expression.*
 - (5) *To reduce distractions and obstructions from signs which would adversely affect safety.*
 - (6) *To reduce the hazards from improperly placed or constructed signs.*

Newberg Comprehensive Plan

H. THE ECONOMY

GOAL: *To develop a diverse and stable economic base.*

POLICIES:

1. General Policies

- p. The City shall strive to develop and promote a high quality of life in the community in order to attract and retain a diverse and highly skilled workforce.*
- q. The City shall foster an environment of business innovation so that the community may remain economically competitive.*

J. URBAN DESIGN

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

POLICIES:

1. General Policies

“Working Together For A Better Community-Serious About Service”

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- g. *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.*

3. Commercial Areas Policies

- 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 shall 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).*

Findings: As stated in the above policies, visual appearance and economic vitality are both very important to the community. Signs are by their nature designed to be visible and are therefore a significant part of the city's visual appearance. Sign regulations are necessary to control the visual impact of signs. Local businesses and institutions need sufficient signage to communicate with the public and help their businesses or organizations prosper. The proposed code regulations would allow more temporary and portable signs with a permit than is currently allowed, which would aid local businesses and institutions but could have a negative visual impact if unlimited. However, the criteria that must be met to obtain a permit will ensure that the signs allowed under the permit will meet the goals of § 151.590 of the Newberg Development Code regarding the purpose of sign regulations. Also, the code changes regarding the use of other signage (pennants, streamers, inflatable objects, flags) clarify how and when these types of temporary signs are to be used. The proposed development code amendment therefore conforms to the Newberg Comprehensive Plan by balancing the goals of protecting the visual character of Newberg and fostering a strong economic environment.