



**PLANNING COMMISSION AGENDA  
November 13, 2014 7:00 PM  
NEWBERG PUBLIC SAFETY BUILDING  
401 EAST THIRD STREET**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. PUBLIC COMMENTS** (5-minute maximum per person – for items not on the agenda)

**IV. CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)

1. Minutes from the October 9, 2014 meeting

**V. NUAMC POSITION RECOMMENDATION:** Mayor Andrews has requested that the Planning Commission make a recommendation on which commissioner should be appointed to the Newberg Urban Area Management Commission (NUAMC), and which should be the alternate. Thomas Barnes was the regular member, and Allyn Edwards was the alternate.

**VI. LEGISLATIVE PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

1. **Development Code Amendment regarding temporary and portable signs.**

The proposal:

- Adds a new section for a temporary sign permit program that will allow additional temporary and portable signs with a coordinated appearance in the C-2, C3, and Institutional zones.
- Adds new language to address the use of pennants, streamers, and inflatable objects.
- Adds new language to clarify the definition of a flag display and flag use on holidays.

File no.: DCA-14-001 Resolution no.: 2014-305

**VII. ITEMS FROM STAFF**

1. Update on Council items
2. Other reports, letters or correspondence
3. Next Planning Commission meeting: December 11, 2014

**VIII. ITEMS FROM COMMISSIONERS**

**IX. ADJOURNMENT**

FOR QUESTIONS PLEASE STOP BY, OR CALL 503-537-1240, PLANNING & BUILDING DEPT. – P.O. BOX 970 – 414 E. FIRST STREET

**ACCOMMODATION OF PHYSICAL IMPAIRMENTS:** *In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.*



2. Urban design exercise: Sketching the paths, landmarks, edges, nodes, and districts that make up Newberg.

Power point presentation was given by Mr. Steve Olson on urban design.

Mr. Olson stated the urban design of the city is the visual form of the city or urban landscape. It is good to remember the world is in 3D, while maps are only in 2D, and many of our zoning requirements affect our urban design and sense of place.

The commissioners sketched paths, landmarks, edges, nodes and districts on a map of the city of Newberg, based on what they personally think it looks like.

Mr. Olson asked if this prompts any ideas about what Newberg should encourage, change, or preserve in the urban landscape.

Mr. Gary Bliss said there is river front potential for development and preservation.

Mayor Andrews said we have natural boundaries with the mountains and river. The historic part of town is a landmark and we need to help preserve that. It would be nice to update the west entrance with the big oak tree. He also said the Bypass will be a landmark in the future.

Mr. Steve Olson said there will be some improvements at the west end with the classic car company going in, and I feel we need a link on the east end between the college kids and downtown, similar to the coffee cottage but larger and more of a draw.

## **VI. ITEMS FROM STAFF**

1. Update on Council items

Steve Olson said the UGB mediator has been picked and we will have a meeting with him this month. We have a trio of projects which are: the TSP update, downtown revitalization grant, and the downtown transformation vision.

2. Other reports, letters or correspondence

No discussion.

3. Next planning Commission meeting: November 13, 2014 (Portable sign code hearing)

## **VII. ITEMS FROM COMMISSIONERS**

Gary Bliss discussed the silt fences and erosion control that is left behind on projects and needs to be removed.

## **VIII. ADJOURNMENT**

The meeting adjourned at 8:55 PM.

**Approved** by the Newberg Planning Commission this 13<sup>th</sup> day of November, 2014.

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**Minutes Recorder**

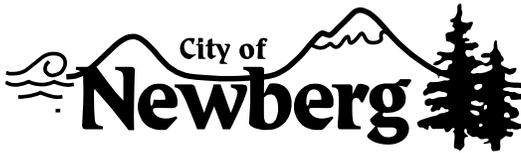
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**Planning Commission Chair**

## **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.



## Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132  
503-537-1240 ▪ Fax 503-537-1272 ▪ [www.newbergoregon.gov](http://www.newbergoregon.gov)

### PLANNING COMMISSION STAFF REPORT USE OF TEMPORARY AND PORTABLE SIGNS DEVELOPMENT CODE AMENDMENT

HEARING DATE: November 13, 2014

FILE NO: DCA-14-001

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

REQUEST: Amend the Newberg Development Code provisions regarding the use of temporary and portable signs

#### ATTACHMENTS:

Resolution 2014-305 with

Exhibit "A": Proposed Development Code Text Amendment

Exhibit "B": Findings

1. Recommendations to City Council by Temporary and Portable Sign Ad-Hoc Committee
2. Newberg City Council Resolution 2014-3161 initiating text amendments
3. Comments from Robert Soppe, 7/21/14 City Council meeting

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#### A. **SUMMARY:** The proposed amendments do the following:

1. Adds a new section for a temporary sign permit program that will allow additional temporary and portable sign usage 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.

**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 committee was formed at the recommendation of Mayor Bob Andrews. That recommendation came about as a response the following events. On May 6, 2013, three local auto dealers came to the city council and requested a review of Newberg’s provisions on temporary and portable signs, particularly relating to the types of devices that fall under the sign regulations, such as advertising flags, banners, and streamers. On June 17, 2013, the city council heard a staff presentation discussing the city’s current sign regulations.

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. Attachment 1 describes the final recommendations from the committee to the council.

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 (Attachment 2).

**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 will hold a legislative hearing to consider the application.

**C. ANALYSIS:** The Temporary and Portable Sign Ad-Hoc Committee spent considerable time

and effort in identifying potential changes intended to improve temporary and portable signage within Newberg. The proposed code amendments were designed to allow businesses more signage while keeping Newberg “*clean, attractive, economically vibrant*”. The City Council has reviewed these changes and felt they deserved further consideration, with the clarification that the temporary sign permit program only applies to private property and that the Council did not want to exempt umbrella signs from the code.

The proposed changes will require additional staff time to develop and implement. The proposed sign permit program would develop some revenue to help offset administration and enforcement of the program.

Since the City Council meeting, city staff met to further review the proposed changes and consider how the proposal could be amended to improve it from an implementation standpoint. The proposed code language in the resolution in front of the Planning Commission includes some recommended formatting changes and a few substantive changes (highlighted) by staff.

At the July 21, 2014 City Council meeting, citizen Robert Soppe expressed concerns regarding current sign enforcement and the proposed changes to the sign code. Attachment 3 is copy of Mr. Soppe’s written comments. Below is a discussion of his concerns and staff’s analysis of those concerns and other code issues that the Planning Commission should consider.

1. **Lack of enforcement of sign code in C-3 and throughout the city.**

Staff Response: The city is responsible for the enforcement of the municipal code. However, there has been a sign code enforcement moratorium in place (except for cases of safety) by City Council since July 15, 2013, which was lifted by the Council on October,6, 2014. Therefore, the sign code is currently being enforced.

2. **C-3 portable sign in right of way: The “5 foot clear area” is not a clear requirement – does it mean 5 feet clear all around the sign? It is rarely complied with.**

Staff Response: The sign code says “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.” Staff feels that the intent of this code requirement is that a useable clear area for pedestrian and wheelchair travel must be available on at least one side of the sign, not all around the sign. If this code requirement seems to be unclear, the following are some options to make the requirement clearer:

- i. Add a drawing to the code.
- ii. Amend the current code language, such as: “If located on a sidewalk, the sign must leave a clear area for pedestrian and wheelchair travel on one side of the sign of at least five feet measured horizontally and may not be located on a wheelchair ramp.”

3. **The proposed changes allow more signs in C-3 than are presently allowed.**

Staff Response: The proposed code amendments would allow more temporary and portable signage, but only under a permit given where the applicant has demonstrated that additional signage that will have an attractive and coordinated appearance. Signage under the permit system would only be applicable to private property, not in the public right of way.

4. **The proposed sign permit criteria based on color, style and font may be considered regulating content and not legally valid criteria (e.g. free speech).**

Staff Response: The law generally allows for codes regarding signage that regulates “time, place and manner”. Staff feels that the proposed sign permit regulation falls under these acceptable parameters. The proposed code does not require a certain size, color, shape, material, and/or font; it only requires that these design elements are coordinated for the sign permit.

5. **Portable signs in the public right-of-way. The code requires that private signs in the C-3/C-4 public right-of-way have permission from adjacent property owners before being placed, but does not require this in other zones. Why is there a difference? Wouldn't residential property owners want the same say over private signs placed in the right of way next to their homes?**

Staff Response: It is staff's sense that these current regulations were written to address a problem that was occurring at a specific point in time for the C-3 zone (downtown). Since the C-4 zone (riverfront commercial) is envisioned to develop in a similar manner as the C-3 zone, it made sense to regulate its signage in a similar manner as the C-3 zone. If the Planning Commission wishes to make this language the same in all zones, then in Section 15.435.110.C(2) below, the “6” could be simply changed to a “7”.

The following is current code language for signs in the public right-of-way:

*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.*

## **6. Proposed regulation of umbrella signs**

Some types of signs are exempt from the sign code, such as public signs or signs that cover less than 50% of a window. The sign committee added “umbrellas used in conjunction with seating” to the exempt list. The City Council did not support making this change, so it was removed from the code amendment. The Planning Commission should discuss this issue and make a recommendation.

**D. PRELIMINARY STAFF RECOMMENDATION:** The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

*Move to adopt Planning Commission Resolution 2014-305, which recommends that the City Council adopt the requested amendments.*



## **PLANNING COMMISSION RESOLUTION 2014-305**

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

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### **RECITALS**

1. The Newberg City Council adopted Resolution 2014-3161, 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 deliberated.

### **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 13<sup>th</sup> day of November, 2014.**

ATTEST:

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Planning Commission Chair

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Planning Commission Secretary

List of Exhibits:

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

**Exhibit “A” to Planning Commission Resolution 2014-305  
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.

**Section 1. The definitions in Newberg Development Code Section 15.435.105 shall be amended as follows:**

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 with an attractive, coordinated appearance.

B. Process: Applications for a permit under the sign permit program will be reviewed under a Type I process. Moreover, 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 any number of months up to one year. Permits may be renewed, as long as they continue to meet the permit requirements.

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

1. Number 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. Only one sign permit per property is allowed.
2. Size and location: Maximum total signage for all temporary and portable signs on a property 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. 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 property line and 10 feet from the property line, then maximum

sign is 10 square feet; if a sign is between the 10 feet and 20 feet from the property line, then the maximum sign is 20 square feet in size, and so on.

3. Coordinated appearance: All signage approved under the sign permit program must have a cohesive, coordinated appearance. Applicants must meet three of the following five criteria: similar signage size, colors, shape, materials, and/or font.

## **Section 2. Newberg Development Code Section 15.435.100 shall be amended as follows**

### *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. Flag Displays. One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg city council designated festival. [Ord. 2731 § 3, 10-18-10; Ord. 2499, 11-2-98. Code 2001 § 151.599.]

Penalty: See NMC 15.05.120.

## **Section 3. Newberg Development Code Section 15.435.100 shall be amended as follows**

### *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:

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. Flag 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. [Ord. 2731 § 3, 10-18-10; Ord. 2499, 11-2-98. Code 2001 § 151.599.]

**Penalty:** See NMC 15.05.120.

#### **Section 4. Newberg Development Code Section 15.05.030 shall be amended as follows**

##### *Section 15.05.030 Definitions*

“Flag display” means one or more flags attached to a permanently affixed single pole.

**Exhibit “B” to Planning Commission Resolution 2014-305  
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 community's aesthetic norms. 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.

**Newberg Temporary and Portable Sign Ad Hoc Committee  
Recommendations to Newberg City Council  
July 21, 2014**

**1. Develop a downtown wayfinding system**

The city of Newberg should develop a wayfinding sign system for the downtown area (C-3 zone). The purpose of the system would be to help visitors to the downtown to locate and discover public and private destinations. An ad hoc committee of the Newberg City Council should be created (members appointed by the Mayor) and the committee's goal should be to develop recommendation for council's consideration of adoption regarding the general appearance of the signs, where they are to be located, how the sign system shall be installed and maintained (both private and public operators should be considered), and any other goals that the council feels is necessary to ensure that the wayfinding sign system will be an attractive and useful addition to the city's historic downtown area. The committee should coordinate with other entities within the community with existing and/or intended wayfinding signage entities (CPRD, Cultural District, Chamber of Commerce, etc.) to ensure all such signage achieves a coordinated appearance.

Any potential wayfinding system that may be adopted should be intended to augment signage that is currently allowed and be an additional option to the current sign code.

**2. Develop a sign permit program**

The committee heard from some representatives of the business community that current regulations regarding portable and temporary signs are too restrictive. To address this concern, the committee recommends the city develop a sign permit program that would allow additional temporary and portable signage with a city approved sign plan. The program would include regulations and a review process that would ensure that such signage has an attractive, coordinated, and maintained appearance.

The following general criteria would be used to develop specific code language for the proposed sign permit program:

- 1) Multiple signs allowed by approved sign plan and permit
- 2) Time: up to one year. Request to extend existing, approved sign plan would be quick and easy.
- 3) Number: C-2 zone: 1 per 100 feet of street frontage. C-3 zone: 1 per 15 feet of street frontage, with a maximum of 4 signs. Institutional zone: 1 per 100 of street frontage.

At least one per business allowed. Business must have a business license and occupy a discrete space.

- 4) Square footage and size: Total signage for a property will be 1 square foot per 1 foot of street frontage. Maximum allowed for any specific sign will be based on the location of the sign.

The farther the distance a sign is from the front property line, the greater size that will be allowed for a specific sign. For every 10 feet from the property line, the maximum square footage for a sign may be an additional 10 square feet larger. In other words, if a sign is between the property line and 10 feet from the property line, then the sign may be up to 10 square feet in size; if a sign is between the 10 feet and 20 feet from the property line, then the sign may be up to 20 square feet in size, and so on.

- 5) Review criteria for signage in plan:
  - Size
  - Colors
  - Style
  - Font
  - Size appropriate for setback location
- 6) Fee: \$10 for each month a permit is in effect or \$100 per year. Permit application form simple to complete.
- 7) Maintenance: Condition of permit approval would be that the business would maintain signage in good condition. A permit may be revoked at any time the city deems this condition is not being met.

Sign plan applications shall be reviewed and approved by the city's planning division. Plan approval/disapproval will be based on a set of criteria that is intended to achieve attractive, coordinated portable signage on a property. An appeal to the application decision may be made to a hearing officer appointed by the city manager.

### **3. Pennants, streamers, and inflatable objects**

The use of pennants, streamers and inflatable objects as signage are not addressed in the development code. Therefore, the committee recommends that Section *15.435.100 Temporary signs for events* of the Newberg Development Code be amended as follows (NOTE: amendments are double underlined; code language deletions are ~~strikeouts~~):

*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

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Penalty: See NMC 15.05.120.

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#### **5. Flags**

The committee has found that there may be insufficient language in the development code regarding the difference between a flag display and flags as portable signs (e.g. teardrop style flags). Therefore, the committee recommends the following amendments to the Newberg Development Code. (NOTE: amendments are double underlined; code language deletions are ~~strikeouts~~):

##### *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:

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**Penalty:** See NMC 15.05.120.

### *Section 15.05.030 Definitions*

“Flag display” means one or more flags attached to a permanently affixed single pole.

## **6. Umbrellas**

It is the committee’s understanding that the use of umbrellas in conjunction with outdoor seating under the current temporary and portable sign code has been an issue. The committee feels that umbrellas provide an important service to business patrons as protection from the elements, especially with restaurants. Therefore, the committee feels that such umbrellas, with or without signage, should be exempted from the sign code. The committee recommends the following amendments to the Newberg Development Code. (NOTE: amendments are double underlined):

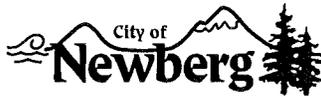
### *15.435.020 Applicability and exemptions.*

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.
6. Umbrellas used in conjunction with outdoor seating.

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.]



## RESOLUTION No. 2014-3161

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**A RESOLUTION ACCEPTING THE TEMPORARY AND PORTABLE SIGN  
AD-HOC COMMITTEE'S RECOMMENDATIONS PRESENTED IN EXHIBIT  
A REGARDING CHANGES TO TEMPORARY AND PORTABLE SIGNAGE  
WITHIN THE CITY OF NEWBERG.**

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### RECITALS:

1. 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 is 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 committee was formed in response to concerns expressed by members of the business community regarding the current sign code for temporary and portable signs.
2. The purpose of the city's sign regulations per the Newberg development code is as follows:
 

***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.*
3. 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.
4. Exhibit A describes the final recommendations from the committee to the council. Some of the recommendations include changes to the Newberg Development Code.

### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Newberg City Council accepts the Temporary and Portable Sign Ad-Hoc Committee's report as described in Exhibit A.

**Newberg Temporary and Portable Sign Ad Hoc Committee  
Recommendations to Newberg City Council  
July 21, 2014**

**1. Develop a downtown wayfinding system**

The city of Newberg should develop a wayfinding sign system for the downtown area (C-3 zone). The purpose of the system would be to help visitors to the downtown to locate and discover public and private destinations. An ad hoc committee of the Newberg City Council should be created (members appointed by the Mayor) and the committee's goal should be to develop recommendation for council's consideration of adoption regarding the general appearance of the signs, where they are to be located, how the sign system shall be installed and maintained (both private and public operators should be considered), and any other goals that the council feels is necessary to ensure that the wayfinding sign system will be an attractive and useful addition to the city's historic downtown area. The committee should coordinate with other entities within the community with existing and/or intended wayfinding signage entities (CPRD, Cultural District, Chamber of Commerce, etc.) to ensure all such signage achieves a coordinated appearance.

Any potential wayfinding system that may be adopted should be intended to augment signage that is currently allowed and be an additional option to the current sign code.

**2. Develop a sign permit program**

The committee heard from some representatives of the business community that current regulations regarding portable and temporary signs are too restrictive. To address this concern, the committee recommends the city develop a sign permit program that would allow additional temporary and portable signage with a city approved sign plan. The program would include regulations and a review process that would ensure that such signage has an attractive, coordinated, and maintained appearance.

The following general criteria would be used to develop specific code language for the proposed sign permit program:

- 1) Multiple signs allowed by approved sign plan and permit
- 2) Time: up to one year. Request to extend existing, approved sign plan would be quick and easy.
- 3) Number: C-2 zone: 1 per 100 feet of street frontage. C-3 zone: 1 per 15 feet of street frontage, with a maximum of 4 signs. Institutional zone: 1 per 100 of street frontage.

At least one per business allowed. Business must have a business license and occupy a discrete space.

- 4) Square footage and size: Total signage for a property will be 1 square foot per 1 foot of street frontage. Maximum allowed for any specific sign will be based on the location of the sign. The farther the distance a sign is from the front property line, the greater size that will be allowed

for a specific sign. For every 10 feet from the property line, the maximum square footage for a sign may be an additional 10 square feet larger. In other words, if a sign is between the property line and 10 feet from the property line, then the sign may be up to 10 square feet in size; if a sign is between the 10 feet and 20 feet from the property line, then the sign may be up to 20 square feet in size, and so on.

- 5) Review criteria for signage in plan:
  - Size
  - Colors
  - Style
  - Font
  - Size appropriate for setback location
- 6) Fee: \$10 for each month a permit is in effect or \$100 per year. Permit application form simple to complete.
- 7) Maintenance: Condition of permit approval would be that the business would maintain signage in good condition. A permit may be revoked at any time the city deems this condition is not being met.

Sign plan applications shall be reviewed and approved by the city's planning division. Plan approval/disapproval will be based on a set of criteria that is intended to achieve attractive, coordinated portable signage on a property. An appeal to the application decision may be made to a hearing officer appointed by the city manager.

### **3. Pennants, streamers, and inflatable objects**

The use of pennants, streamers and inflatable objects as signage are not addressed in the development code. Therefore, the committee recommends that Section *15.435.100 Temporary signs for events* of the Newberg Development Code be amended as follows (NOTE: amendments are double underlined; code language deletions are ~~strikeouts~~):

#### *15.435.100 Temporary signs for events.*

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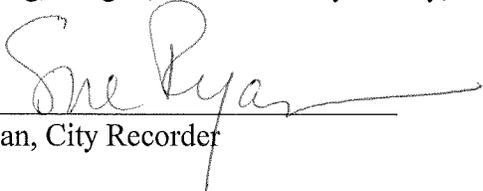
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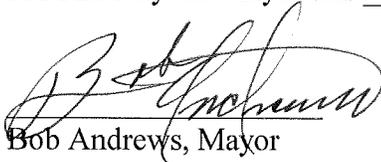
2. The Newberg City Council initiates the development code amendment process for proposed changes to the Newberg Development Code as described in Exhibit A, with the following changes:
  - a. The sign permit program in item two only applies to private property and non-public right of way.
  - b. The proposed change in item six to allow umbrella signs was not supported by the Council and was deleted from the code amendment initiation.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 22, 2014.

**ADOPTED** by the City Council of the City of Newberg, Oregon, on the 21<sup>st</sup> day of July, 2014.

  
\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTEST** by the Mayor this 4<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
Bob Andrews, Mayor

07-21-14 City Council Minutes Exhibit A Robert Soppe Testimony

Newberg City Council 7/21/2014 meeting

I would like to address some issues that are in the recommendations before you tonight as well as some that are not. Most of my concerns have to do with signs in the public right-of-way. I urge you to give careful consideration to all of them.

One concern of mine has to do with the proliferation of free-standing signs in our C-3 zone that are in violation of numerous parts of the Development Code. 15.435.110B3 mandates that they must have a clear area of at least five feet. B5 mandates that they cannot be within 3 feet of a fire hydrant. B6 mandates that they must be removed during non-business hours or when the adjoining property is uninhabited. B7 requires that permission of the property owner abutting the right-of-way is required. B8 mandates that there may be only one sign per property frontage. All of these are frequently violated and little seems to be done about it.

Virtually all of the signs in the public right-of-way outside of the C-3 zone are in violation of the Code, yet they are allowed. The number of these is easily in the hundreds annually. Please think carefully about this. If you have ever seen a sign in the planter strip between the sidewalk and curb, if it not in the C-3 zone, it is almost certainly in violation of our code. I am not arguing for or against the current code, only that it should reflect the intent behind the code and should be enforced. Nothing in the recommendation appears to address this.

I recognize that this Council issued some directive to staff about suspending enforcement of these codes about a year ago. While the issues I have just cited appear to have gotten much worse since that directive, the issues have existed for years before that with little consequence. Mr. Olson mentioned "a return to enforcement". I am very curious to when he is referring as it goes before any time I can remember.

I think this raises a key issue that the Council should address before making any revisions to the Code. That issue is whether or not there is an honest desire and plan to enforce the Code after the revisions are approved. I hope that there will be and that this will not be a wasted effort.

One of the frequently-violated Codes that I just cited is that there must be a clear area of at least five feet around a portable sign in the public right-of-way. It is difficult to know exactly what that means as "clear area" is defined in our code only having to do with FAA regulations. I think that a common reading of that term would be an unobstructed area around the sign that extends for five feet. If my common reading of this is accurate, I would suggest that there are very few places that such a sign

07-21-14 City Council Minutes Exhibit A Robert Soppe Testimony

could be placed in the C-3 zone. I would suggest that this particular item be written to accurately describe what is intended.

The proposed changes allow more signs in the C3 zone that are presently allowed. I would encourage all of you to walk around downtown and ask yourself if we really don't have enough signs on the sidewalk.

The proposed changes include review criteria for sign permits. Some of the criteria are colors, style, and font. I would, of course, defer to the opinion of the City Attorney, but I suspect that those are legally considered content and may not be valid criteria.

The section on Education, Enforcement, and Maintenance seems reasonable, but recent experience raises the concern of how well it will be implemented. The City issued a letter in April of this year regarding the Newberg sign ordinances. The letter contained two very significant factual errors with regard to our Code. I hope that the education program that is proposed here is more accurate.

My last issue is one that I have raised numerous times, including to this Council and to the Sign Committee, but there appears to be no one else concerned about it. With the current Code, if I want to place a sign in the public right-of-way in front of your house, I don't need your permission. While I do need a permit from the City, your approval is not an explicit requirement. Is it really the Council's view that residential property owners should not have a say over what signs are placed in front of their property? I would certainly like that authority with my property and am amazed that it appears to be of so little concern to Newberg decision makers. As I have testified before to this Council, it would take the change of a single letter in the Code to resolve this.

Thank you for your consideration of my comments.