



**PLANNING COMMISSION AGENDA
February 12, 2015 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 (The January minutes are not available yet due to a problem posting audio recordings on the new website. The problem has been fixed, and staff will bring the minutes current at the March meeting)

V. LEGISLATIVE PUBLIC HEARINGS

1. Development Code Amendment regarding temporary and portable signs (continued from January 8, 2015).

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.: 2015-305

VI. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters or correspondence – SEI form
3. Next Planning Commission meeting: March 12, 2015

VII. ITEMS FROM COMMISSIONERS

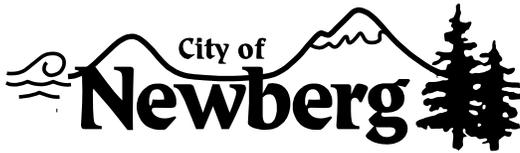
VIII. ADJOURNMENT

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.*

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

PLANNING COMMISSION STAFF REPORT TEMPORARY AND PORTABLE SIGNS DEVELOPMENT CODE AMENDMENT

HEARING DATE: February 12, 2015 (continued from January 8, 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

ATTACHMENTS:

Resolution 2015-305 with
Exhibit "A": Proposed Development Code Text Amendment
Exhibit "B": Findings

1. New public testimony
2. Previous public testimony (by reference – see previous packets)

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 signs 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.

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 to local business concerns. 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 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.

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.

Prior to the Planning Commission’s public hearing on November 13, 2014, city staff met to further review the proposed changes and consider how the proposal could be amended to make it simpler to implement. At the Planning Commission’s public hearings on November 13, December 11, 2014, and January 8, 2015, the Commission reviewed the proposed changes to the development code and suggested some additional changes to consider.

D. PRELIMINARY STAFF RECOMMENDATION: At this writing, staff recommends that the Planning Commission discuss the proposed amendments and determine if they agree on a recommendation. If there is a general consensus on the proposed changes then the Planning Commission should:

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



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.

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 2015-305
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 permit approved under the sign permit program 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.~~

Discussion point: There has been a broad range of opinion on this topic. The existing code language above allows private portable signs in the public right of way, outside of the C-3/C-4 zones, at the discretion of the Planning Director. Barton Brierley, the previous Planning Director, did not believe it was a good idea to allow portable signs in the right of way, outside of the C-3/C-4 zones, and did not approve any permits for private portable signs in the right of way. The current Planning staff agrees with this approach, and has continued this approach due to concerns about sign clutter and public safety. Staff believes that allowing portable signs in the right of way will lead to more sign clutter, make code enforcement more difficult, increase vision clearance problems, and will distract people from paying attention to traffic control signs in the right of way.

The proposal above was suggested at a previous meeting, and would delete the ability of the Planning Director to approve portable signs in the public right of way, outside of the C-3/C-4 zones.

Robert Soppe has submitted a counter proposal, which would allow portable signs in the public right of way, outside of the C-3/C-4 zones, but establish criteria for when and where they can be installed. He also provided an example of an authorization form the city could use. His proposal is discussed in more detail in the attached public testimony; his final wording, from his 1/28 email, is pasted in below. His rationale is explained in more detail in his testimony, but can be summarized: Many people routinely violate this code provision, and if it was enforced there would be a negative reaction. He felt the primary objection most people have to these signs is how long they are left up. He has suggested code language below that would clarify when and where these signs would be allowed. The Planning Commission should discuss this proposal, and give direction to staff on how they wish to proceed:

15.435.110C:

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: All day
Saturday: All day
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.*

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

DE. 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”

Z:\WP5FILES\FILES.DCA\DCA-14-001 Temporary and Portable Signs\PC.Resolution 2014-305. 2.12.15.doc

- 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: Robert Soppe <rs@compprobsolv.com>
Sent: Friday, January 09, 2015 3:31 PM
To: Steve Olson
Cc: Brad Allen
Subject: Notes from last night's PC meeting
Attachments: Notes for Planning Commission 01-08-2015 (Sign Ordinance) as submitted.docx

Steve:

Attached are my revised notes from last night's meeting. It should be a fairly accurate representation of what I spoke at the meeting. Please pass them along to whomever is appropriate if you want them in the record.

I will have some other comments as a follow up on this. As Public Testimony is closed, I'll just send them to you to handle as you see fit.

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

Planning Commission 01-08-2015 (Signs)

Staff did an excellent job on implementing many of the changes and clarifications. I won't cite each but would like to commend them on their work.

- 1) Pg. 16, 15.435.100D Flags: The listing of specific dates to allow unlimited flags is a significant improvement. I would suggest adding "or on any festival day designated by the Newberg City Council" at the end. This restores the Council's flexibility without having to revise the Code.
- 2) Pg. 18, Signs in the public right-of-way: 15.435.110B1 allows for signs between two and four feet in height. As I read 15.410.060 regarding vision clearance standards at intersections, signs taller than 2 ½ feet would violate these standards. I would suggest adding at the end of 15.445.110B1: "The sign must also conform to 15.410.060 if it is within the clear vision zone". Otherwise it would be easy to miss this restriction or to think that the two to four foot designation overrides the clear vision zone restrictions.
- 3) Pg. 18, I like Staff's revisions to the five foot clearance around signs in the public right-of-way. I think that it is clear enough that it doesn't require a drawing.
- 4) Pg. 18, 15.435.110B6, regarding when signs in the right-of-way may be displayed:
 - a. Rather than "The sign owner must remove the sign..." I would suggest "The sign owner must have the sign removed..." to be clear that he does not have to remove it himself.
 - b. The revised code requires that the sign be removed "when the abutting business is closed". I want to point out that the Commissioners were generally talking about the hours of the business being advertised rather than the one where it is located. While I agree that the proposed revision helps with enforcement, I think it more appropriate to allow the sign to be displayed while the advertised business is open. I will provide a suggestion later to make enforcement easier.
 - c. There was discussion about putting time restrictions on signs in the right-of-way. I would suggest adding the following at the end of 15.435.110B6: "In addition, signs must not be present between the hours of 2AM and 5AM".
 - d. B7 requires that the written permission must come from the property owner. I would suggest adding "or his designee" here and anywhere else it is appropriate or adding a general statement to that effect. As mentioned before, it may be difficult to track down the owner for such permission. If written permission is required, would it not make sense to require that it be attached to the sign as proof? That would be easy to do on the inside of an a-frame sign, for example inside a plastic bag affixed to the sign by adhesive tape, and would make the Enforcement Officer's job much easier. The City could design a simple form for this and could have it include a declaration of the business hours when it is expected to be displayed.
- 5) Pg. 19, clarifying that signs in the public right-of-way outside of C-3 and C-4 are not allowed. I suggest that the Commission has not fully considered the implications of this prohibition and the sort of reaction that is likely to result in the enforcement of it. I have previously provided some photos of examples that are in violation of the Code that need to be carefully considered. For example, the 2nd Street Church uses two such signs for short periods of time to announce their

Sunday services. The Masonic Lodge uses them to advertise plays and other events. F.I.S.H. on Elliott Street uses such a sign to advertise their presence.

Of course, there is also the issue of Garage Sale and Real Estate signs that violate this part of the Code.

Since the last meeting, I have asked close to a dozen local residents for their view on this. The primary objection that I heard about them was how long they are left up. I would suggest that with a handful of rules, these signs could be accommodated in a reasonable way. My suggestion is to allow such signs with the same restrictions as in the C-3 and C-4 zones, with two changes. I'd restrict the hours further during which they could be displayed and I'd allow the abutting property owner to confiscate the signs if written permission has not been granted. I propose the following as 15.435.110C:

For lots in other zones, one portable sign 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. The sign must be removed when the event being advertised is not open to the general public. In addition, signs must not be present between the hours of 11PM and 5AM.
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.

Thank you for your consideration of these comments.

Steve Olson

From: Robert Soppe <rs@compprobsolv.com>
Sent: Wednesday, January 21, 2015 11:55 PM
To: Steve Olson
Subject: Additional comments on the Sign Ordinance revisions
Attachments: Portable Sign Authorization.docx

Steve:

The comments that I'd like to add have to do with signs in the public ROW outside of the C-3/C-4 zones. The proposed language that I included in my testimony has a number of significant shortcomings, so I've revised them and included them below for your consideration.

I believe that our present situation of prohibiting signs in these is an unworkable one. We've "lived" with it by pretty much ignoring the Code in this case. One of the many problems with this is that the proliferation of such signs gives people the understandable feeling that they are, in fact, allowed. If the Code as written were actually enforced, I think it would become a serious amount of work for Code Enforcement and would make many citizens angry. I'm hoping that we can come up with something that is workable.

I think that the main objections to these signs are that they are left up so long and that there can be so many in one small area. My suggested Code should help with that.

I've tried to consider what sort of signs are usually found in this area and I think it comes down to the following:

- 1) Garage Sale signs
- 2) Real Estate signs
- 3) Political signs
- 4) General product advertising
- 5) Lost or found animals

I believe that what I am proposing handles the first two fairly well. I would expect that those placing the political signs will find the time limits unworkable. My personal view is that the general product advertising signs are inappropriate in these locations. As far as the lost and found animal signs, I'm not sure there is a reasonable solution at all so I've not tried to address it.

I think it is critical to remember that the proposed rules need to be viewed in context of the present rules, where no signs are allowed. While what I am proposing may seem restrictive (especially in terms of hours allowed), it is far more generous than the present situation.

** See 1/28 email for revised code language*
 I propose the following as 15.435.110C:

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. The sign may be displayed between the hours of 6am and 10pm (this seems like a reasonable range for garage sale signs; others need not be up as long) for no 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.

Note: (B)(7) is the requirement for written permission by the property owner.

This accomplishes a number of things:

- 1) Two sign limit per frontage (should that be changed to 1 as with downtown?)
- 2) Abutting property owner's written permission must be obtained (just as you have proposed for C-3/C-4)
- 3) Standard height, attachment, and other restrictions apply
- 4) Signs must be removed every night as with downtown. (Many will object to the inconvenience of this, of course.)
- 5) If you go with my suggestion from the previous meeting, a copy of the written permission will need to be attached. This is not quite as simple as with A-frame signs (most of these signs are more like political signs in construction), but I think it is still workable. I would repeat the argument that if you are requiring written permission, attaching it to the sign should not be a great burden. I would imagine it being placed in a plastic sealable bag and taped to the sign. For a political-type sign (flat sign attached to a post), I would expect that the bag would be wrapped around the post and taped to it.
- 6) To minimize the burden on enforcement, the property owner has the right to remove signs that he didn't authorize. It doesn't allow him that authority for signs that are otherwise non-compliant (size, height, etc.), but I suspect that this would be much less of a problem.

I think that the language needs to somewhere specify that the written approval (in all zones) may be granted by the property owner's designee. I don't know if you should change "property owner" to "property owner or his designee" everywhere or if a single statement to that effect will suffice. Though not strictly correct, I would assume that such a designation would not have to be in writing by the owner and that a fair assumption would be that the tenant is the implied designee unless the owner objects. Of course, it would be better to have language that makes that explicit, but I'll leave that to your talents to craft it if you think it worth the effort!

I have attached a rough draft of what I would recommend as the Portable Sign Authorization document. I threw it together fairly quickly and it could use a lot of refining, but I think it makes for a good start. I would expect it to be posted with other forms on the City web site to make it readily accessible.

It might be wise to mention some specific limitations on the authorization documents. I think if you state it in casual language it can be clear that it is a guideline and that the Code should be referenced for actual language. The main items I'd consider mentioning are how signs must be free standing (not attached to poles or to trees), are limited to one or two per frontage (depending on zone and what is decided for the Code language), and that they must be taken down every night. I think those are the three areas that would not be obvious to everyone. Of course, the other one is that you need the property owner's approval, but the mere presence of the form itself should make that clear.

I hope this helps with making for a more workable Code!

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

Portable Sign Authorization

(A copy must be posted on any sign placed in the public right-of-way)

Sign owner/responsible party name:

Phone number:

E-mail address (Optional):

Address of location where the sign will be placed in the public right-of-way:

Start date of sign placement:

End date of sign placement (can be left open):

(For C-3 or C-4 zone) Hours of operation of the establishment that is being advertised on the sign:

Name of property owner (or his designee) of the location where the sign will be placed authorizing the placement of the sign:

Phone number or e-mail address of person granting the authority to place the sign:

Signature authorizing the placement of the sign:

Date signed:

Note: signing above states that you are either the property owner at the location where the sign will be placed or have been designated with approval authority by the property owner. This approval is granted for the dates and times shown on this document but may be revoked at any time by the signatory by notifying the sign owner or responsible party listed above.

Signs placed in the public right-of-way have specific requirements which are listed in Newberg Development Code section 15.435.110. Some of the Code limits include size, placement, hours displayed, and number of signs. Signs not in conformance of the Code may be confiscated. The complete details of the code are available at newbergoregon.gov or at Newberg City Hall.

Steve Olson

From: Robert Soppe <rs@compprobsolv.com>
Sent: Wednesday, January 28, 2015 2:56 AM
To: Steve Olson
Subject: Additional (final?) recommendation on sign ordinance revision

Steve:

I've spoken with some more local residents and would like to revise what I recommended before. The change from my last recommendation is in item 2 below. The following is what I would recommend for consideration:

I propose the following as 15.435.110C:

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 between the hours of 6am and 10pm on Mondays, Tuesdays, and Wednesdays, and any time between 6am on Thursdays until 10pm on the following Sunday. 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.

It was suggested to me that it would put an unreasonable burden on a garage sale operator to require the removal of their signs every night. Considering that garage sales almost always run on weekends, it seemed a fair compromise to allow the signs to be left up on Thursday, Friday, and Saturday nights.

It may be clearer to list the allowed times as follows:

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: All day
Saturday: All day
Sunday: Midnight to 10pm

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

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