

**WOODBURN PLANNING COMMISSION MEETING MINUTES
APRIL 22, 2010**

CONVENED: The Planning Commission met in a regular session, followed by a workshop, at 7:00 p.m. in the City Hall Council Chambers with Chairperson Bandelow presiding.

ROLL CALL:

Chairperson	Bandelow	Present
Commissioner	Gregorieff	Present
Commissioner	Hutchison	Present
Commissioner	Jennings	Absent (pre-arranged)
Commissioner	Kenagy	Present

Staff Present Jim Hendryx, Director of Economic and Development Services
 Don Dolenc, Associate Planner
 Jon Stuart, Assistant City Attorney
 Vicki Musser, Recording Secretary

Minutes

A. Woodburn Planning Commission Meeting Minutes of April 8, 2010

Commissioner Hutchison moved to accept the minutes as written, and Commissioner Grigorieff seconded the motion, which was carried unanimously.

Business From The Audience

There was none.

Communication

Public Hearing

A. Design Review 2010-01, Variance 2010-01
 1850 Lawson Avenue
 Exxon – Applicant

The applicant requests a Type II Sign Design Review and Variance to replace an existing monument sign with a pole sign, 25 feet high and 125 square feet in area. The maximum allowance for a pole sign on a complex is 15 feet in height and 50 square feet in area. A Design Review is a Type II decision. A Variance is a Type III, which comes before the Planning Commission for final approval. Both applications are being processed concurrently as required by WDO 4.101.02.

Chairperson Bandelow asked if there were any conflicts of interest or challenges. There were none.

Staff Report

Associate Planner Don Dolenc read the applicable ORS.

Dolenc indicated that the property is located in the CG zone, and is currently developed for fuel usage as well as a car wash. It is surrounded by commercial businesses, with some residential properties to the south. The proposed sign is 25 feet high by 125 square feet in area, and would be internally illuminated, and portions of it would be electronically changeable copy. The revised site plan shows where the existing sign is, which is proposed to be moved out of the visual clearance area. The Planning Division recommends approval of both the Design Review and the Variance, subject to conditions. Dolenc asked that the person making the motion authorize the chair to approve both the Design Review and the Variance and sign the final order.

There were no questions.

Chairperson Bandelow noted that paperwork was very recently received, altering the variance. The applicant requested a further change in regards to the 5 foot setback. The WDO requires that no part of the sign may be located closer than 5 feet from the property line.

The applicant, Ben Altman with the SFA Design Group, spoke, stating that they concur with the staff report, with exceptions to conditions 4 and 6.

Condition 4 states: "The sign shall be relocated to be at least 5 feet from any property line, in accordance with WDO 3.110.08B". Mr. Altman argued that there is a problem with sign visibility, which will put Exxon at a competitive disadvantage, and proposed that the Planning Commission allow them to raise the proposed sign. The City's ROW is 37 feet at that address, which pushes the sign even further back than it would be otherwise. Exxon would like to have the sign one foot from the property line. Mr. Altman also noted that a tree is blocking the sign from the south, which further impedes visibility.

Condition 6 states: “The poles shall be enclosed in a pole cover at least 30 percent of the sign display width, in accordance with WDO 3.110.09E”. Mr Altman observed that he does not feel the added coverage is necessary, and would like to keep the sign’s coverage as it is. Chairperson Bandelow asked if the side view of the sign showed a 2 foot coverage, and Mr. Altman responded that the coverage is close to 30%. Commissioner Hutchison asked if Mr. Altman was proposing to move the tree obscuring the sign, and was told that they were not proposing it at this time, though if they cannot change the setback requirement something may need to be done to aid visibility.

Hendryx asked City Assistant Attorney Stuart if, since they advertised the variances, the latest issue of setback would also need to be advertised. The original variance addressed only the size and height of the sign. The applicant was not aware of the setback standard. Stuart responded that it would be best to re-notify the public of the revised proposal, varying the height, size, and setback for the proposed sign. Mr. Altman requested approval of the sign variance itself at this meeting, so that the owner could go ahead and order it, and then continue the setback issue. Stuart pointed out that a separate variance would need to address the setback issue. The property owner, Gary LaPoint, said that a separate variance would be very expensive, as well as time-consuming, and requested a decision about the sign at this meeting, so he would know whether there were grounds for the separate variance. The next Planning Commission meeting will be held on May 13th. A new application would require a 20 day application, and would be heard two meetings from now; whereas a continued application would need 10 days notice and one meeting from now. In addition, Hendryx noted that there is no guarantee that a second application would be approved, even if sign variance was granted. The applicant decided to request approval for the sign at this meeting, and request a setback variance in a separate application. Commissioner Hutchison noted that the trees could be trimmed or relocated. Associate Planner Dolenc stated that staff can work with the applicant on landscaping and tree issues.

No one else spoke in favor of the applicant or in conflict.

Discussion by Commissioners

Chairperson Bandelow feels that pole coverage is important on pole signs in general, but in this case the “lollipop” look is absent, so she is favorable to vote for the applicant.

Dolenc observed that the 30% pole coverage is a guideline, and doesn’t have to be followed unless the Planning Commission says it’s mandatory.

Commissioner Kenagy agreed with Chairperson Bandelow.

Chairperson Bandelow led a motion to approved DR 2010-01 and Variance 2010-01. Commissioner Hutchison seconded the motion, and it was unanimously approved by the Planning Commission.

Since the Planning Commission Board members had expressed various questions about code enforcement in previous meetings, Assistant City Attorney Stuart asked Police Captain Doug Garrett to give a presentation about code enforcement. One of Captain Garrett's duties at the Woodburn Police Department is to manage the Code Enforcement Unit, and he came to the meeting and gave a Power Point presentation. A Code Enforcement officer is under the general supervision of the Police Sergeant, and currently, Nick Weathermon is Woodburn's only Code Enforcement officer. A second person is in the final stage of being hired and trained before being assigned Code Enforcement duties. This will provide Woodburn with 7 day-a-week coverage.

A Code Enforcement officer's goal is to meet all the needs of the community. Each day, he starts with clear goals, but as the day progresses, he has to triage and incorporate health and safety calls. Some of his duties are to work with citizens and resources, fill out documents and reports on code violations, perform follow-up inspections, receive and investigate complaints, identify, contact and manage a compliance plan, deal with animal control, and testify in court presentations and hearings if necessary. He frequently works with angry or upset citizens, and needs to be organized and a good communicator. A Code Enforcement officer has three-fold approach to his work: education, compliance and enforcement. His first job is to inform/educate citizens about the WDO code, and explain how they are in violation. Next, he gives citizens in violation a certain amount of time to comply, checking back at intervals to see if the required changes have been made. Thirdly, if his education and efforts at receiving compliance have been ignored, then enforcement action is taken, such as giving out citations and going to Municipal Court.

In response to Board member questions, Captain Garrett stated that a Code Enforcement officer is not a police officer, and does not carry a firearm. People in this position have gone through both field and verbal training, and are considered a classified employee. Presently, the job can be made even more difficult because of the way the WDO is written. Chairperson Bandelow felt that the Code Enforcement officer should be in the loop with the City Council when they make new ordinances, since many of the old ordinances are very complicated and confusing.

In regards to sign violations, Commissioner Hutchison wondered if it would be helpful to give the Police Department a Planning Commission priority list of sign violations. Captain Garrett agreed that it would be useful. There are times when the Code Enforcement officer has time to do self-initiating activities, and he could then review the sign list and proceed to search for those violations; though blatant violations tend to get dealt with first.

Commissioner Grigorieff asked Captain Garrett to review the procedure from the beginning phone call to final action in regards to signs. He stated that education is the first priority after the citizen is contacted, and then that citizen is given a certain number of days to comply. He/she is given written notice of the violation, as well as a verbal assessment of the problem. The Code Enforcement officer checks back after a period of time, and if the violation has not been corrected, they may be given more time on the chance that they did not really understand the first time. If there is still no compliance, then the officer will proceed to enforcement procedures, such as a fine.

Assistant City Attorney Stuart noted that the severity and type of ordinance violation affects what happens procedurally. Some violations require formal written notice, and there are different levels of formality involved.

Commissioner Kenagy asked where sign enforcement is on the list of violations, and Captain Garrett replied that safety and health are top priority. Most of the Code Enforcement officer's duties are complaint-driven. However, a sign priorities list would be useful, should the Planning Commission wish to submit one.

Stuart discussed code enforcement of the Woodburn Development Ordinances. Violation of the WDO is a Class 1 civil infraction, and a person can be charged up to \$750 for a class 1 infraction. He noted that each violation is a separate infraction. The procedure for an infraction involves the issuance of a uniform citation and complaint. Next a summons is issued, and personal service is required for delivering the summons. The alleged violator must appear at Municipal Court to make a plea, pay forfeiture, or request a hearing. Stuart said that each day of the violation can be considered its own separate infraction, though that's seldom enforced. The City must prove a violation by a preponderance of evidence. Municipal Court may order forfeiture and costs, or the City may seek to enforce the forfeiture in circuit court, such as a lien on the property. Chairperson Bandelow brought up the system "gamer", who complies at the last minute, but then repeatedly commits the same violation again, time after time.

Hendryx summed up an overview of code enforcement by saying that the Code Enforcement officer and the Police Department goal is to balance ALL ordinance violations, of which sign violations are only a part.

Sign Workshop

Melissa Hayden and Mike Sumner from the Woodburn Sign Focus Group, and Steve Clark from Daktronics, were present for the sign workshop. Steve brought a mobile display of LED brightness to show the Planning Commission Board members, Hendryx gave an in-depth sign Power Point presentation, pointing out all the recommended changes by the Sign Focus Group in a repeat of his April 8th discussion, and then asked the Planning Commission for direction.

One new facet of the sign issue that was brought out dealt with the disconnect between the WDO sign code and the property owner. There is no notification process presently in place when a sign is abandoned and must be removed, so the property owner may not know that his sign is illegal. Many of the illegal signs are going away with the I-5/Hwy 214 interchange improvements, but the basic notification problem remains.

Hendryx said that the next part of this process will involve hearings and consultation with legal staff, as well as Measure 56 notice. Since the size of the pole wrap is a proposed increase, the electronic sign area is changing, (which means sending out notice to all business owners in the CG and industrial zones), and there are possible amortization issues, Measure 56 is required. Hearings are tentatively scheduled for the first and second meetings in May. More discussion concerning amortization is needed, and public hearings should be delayed to accommodate that.

It was decided that another work session was needed and will be scheduled, to further discuss amortization and pole wraps, and to look at a revised ordinance draft. There are three land use cases and two Design Reviews to include in the May meetings as well.

Status Reports

The Woodburn Development Ordinance Focus Group continues to meet monthly to work on landscaping standards. They will be looking next at design standards.

The Planning Division has contracted with the Mid-Willamette Valley Council of Governments (MWV-COG) to put together an Economic Development Plan. The group is scheduled to meet on May 10, to discuss the Enterprise Zone application and hear the results of a survey. Larry Grosjacques, formerly a member of the Planning Commission, was also involved with the Economic Development Plan, and it might be useful in future to consider having a member of the Planning Commission also be a part of that group.

An Enterprise Zone application has been submitted to the State of Oregon, which would be applicable to industrial businesses. Under this program, an eligible business that creates a 10% increase of jobs, and invests \$50,000 or more into capital improvements, can qualify for Enterprise Zone benefits. Property taxes would be waived for three years on the capital investments made under the program. Under provisions in the state statutes, the City can extend the tax abatement for five years, provided the business pays 150% of the average County wage. At present, the enterprise zone would extend only as far as the City limits, but that could be expanded in the future.

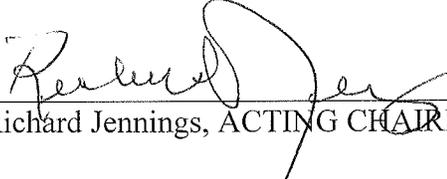
The City applied for, and received, a \$210,000 grant to study the Highway 99E corridor. Building design, land uses and access management are all a part of the study. Consultant selection is now underway.

The Interchange project is going slowly. The money has not all been received, though the cost of the project continues to grow. The City Council is going to appoint a group of citizens to do a design study of the area in an effort to decide what the interchange area should look like in the end. It will be functional from an engineering standpoint, but there are many choices in regards to landscaping and overall appearance that could turn a typical interchange into something more attractive.

The Planning Commission went outside to view a large electronic reader board that Steve Clark from Daktronics had brought to show LED electronic reader board brightness levels. The effect of a reader board depends on color and brightness, and seeing the varying levels of brightness aided the Board in working towards their decisions about the Sign Focus Group's proposed electronic reader board changes.

ADJOURNMENT

Commissioner Hutchison moved to adjourn the meeting. Commissioner Kenagy seconded the motion, which carried unanimously. The meeting was adjourned at 10:20 pm.

APPROVED  5-13-10
Richard Jennings, ACTING CHAIRPERSON Date

ATTEST _____
James N.P. Hendryx
Economic & Development Services Director
City of Woodburn, Oregon