

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
July 14, 2011**

CONVENED: The Planning Commission met in a public meeting session at 7:00 p.m. in the City Hall Council Chambers, with Chair Jennings presiding.

ROLL CALL:

Chair	Jennings	Present
Vice-Chair	Bandelow	Present
Commissioner	Corning	Present
Commissioner	Grigorieff	Absent
Commissioner	Piper	Present
Commissioner	Ellsworth	Present

Staff Present Jim Hendryx, Economic & Development Services Director
 Jon Stuart, Assistant City Attorney
 Vicki Musser, Recording Secretary

Chair Jennings opened the workshop/meeting at 7:00pm, and Commissioner Bandelow led the Commissioners in the flag salute.

Minutes

The June 23, 2011 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

The City Council approved revisions to Sections 1, 4 and 5 of the WDO in their meeting on Monday, July 11, 2011. A question was raised about how trees are measured. Staff has prepared a response and ordinance, implementing changes which will go back to the Council at their next meeting.

Workshop

Jim Hendryx, Economic and Development Services Director, and Jon Stuart, Assistant City Attorney, tag-teamed a discussion about the amortization of non-conforming signs in Woodburn. The City Council reviewed the sign ordinance last January, together with the recommendation for approval from the Planning Commission, and gave their approval, though they directed that sign amortization be considered. Stuart presented a PowerPoint to go along with the draft of Ordinance 3.110.11 of the WDO dealing with nonconforming signs, which are signs that were legal at one time, but through subsequent ordinance changes, no longer conform to present-day rules. The ordinance would give business and property owners 10 years to bring signs into compliance. Signs that were

originally non-conforming, but now conform under the new rules, are exempt from sign amortization. This allows for an ordered change of non-conforming signs over a lengthy period of time.

The legal definition of a non-conforming sign, found in the WDO, is “a sign legally established prior to the adoption of new standards”. Because of City/government actions, these signs have become non-conforming, as differentiated from *illegal* signs, which never complied with any City standards.

The City Council considered that nonconforming signs should be brought into compliance with Section 3.110 within 10 years. It shall be accompanied by a fee, the amount of which has not yet been determined.

Assistant Attorney Stuart discussed criteria for considering hardship applications, including the original cost of the sign, the date the sign was constructed, where it is located on the site, and the nature of the hardship, among other things. He pointed out that the least amount of additional time required for the applicant to amortize any unreasonable economic loss, over and above the compliance period, was an important criterion in evaluating hardship situations.

Chair Jennings noted that most business and property owners should be able to bring their signs into compliance within the specified 10 year period. It might be difficult to persuade the Commission that even after having had 10 years to bring their sign into compliance, they were still unable to do so. A possible exception might be a sign of historic significance.

Commissioner Piper said that most nonconforming signs will be about 20 years old by the end of the amortization period, and would probably need to be updated anyway. Director Hendryx told the Commission that there are presently about 100-120 nonconforming monument and free-standing signs in the CG zone, and about 24 nonconforming church/school signs in the residential zones.

Chair Jennings brought up the issue of enforcement. Director Hendryx said that enforcement is inherent in the WDO, and that staff supports enforcement by guiding and working with property owners to bring their signs into compliance, as well as citing owners if necessary. Vice-chair Bandelow felt that there would be a greater difficulty in enforcing amortization than any present signage issues, and that enforcement might need to be more stringent. It was agreed to discuss enforcement issues at a later date.

Next Steps:

Director Hendryx said that public outreach through the Chamber of Commerce, or through holding an open house for business groups and other civic institutions, would be ways to reach out to the public in a proactive way before any public hearings take place. A hearing date will need to be set for the public hearings, using a Measure 56 notice, and using mandatory language. In the past, some people misunderstood the mandatory language and panicked, afraid that their property was being threatened. Extensive public

outreach can educate the public, so that amortization is better understood. Vice-Chair Bandelow suggested sending out a simple cover letter along with the Measure 56 notice, stating exactly what the notice entails, and this suggestion was approved.

The Commission felt that public outreach is a good tool for communicating with Woodburn citizens, and focuses on *education* as the vital tool that would make the difference in ultimate amortization success. Open houses have not been well-attended in the past, and it was decided to focus instead on contacting and educating property owners, business owners, civic groups, the Chamber of Commerce and other organizations to get the message across. Greeters begins to meet again in September, and Director Hendryx will present the information to them as well.

In response to the idea that the public might easily come in and object to the 10 year amortization span as not being long enough, Commissioner Piper noted that small business owners likely will object, since they are independent, and dislike being told what to do. His personal inclination is to not have a finite time span for amortization, but to let the natural order of things take its place. However, since the City Council has made a decision, Commissioner Piper felt that outreach and education made sense. He pointed out that many business owners are fully occupied with the short term, and may not be thinking 10 years ahead.

Commissioner Ellsworth looked at the matter from a possible citizen's point of view, who may see a nonconforming, shabby sign, and want to know when it is coming down. She made the point that a balance needs to be struck between the business owner's needs and the needs of the community.

Director Hendryx observed that the Commission can recommend a different amortization time span to the City Council, if they wish.

There was some discussion amongst the Commissioners as to what might constitute an "exceptional hardship". It was decided to not define the term further, and to let the Planning Commission 10 years from now further discuss the topic and make decisions on a case-by-case basis.

After extensive discussion, the Planning Commission concluded that removing Criteria #8 ("*Proof that the sign has not been fully depreciated for federal income tax purposes shall be required except in extraordinary circumstances where such proof is deemed inapplicable.*") from draft Ordinance 3.110.11 was in the public's best interest.

Training

There are 3 relatively new Planning Commissioners, so Director Hendryx and Assistant Attorney Stuart presented an overview of training to the Commission. The history of planning in Oregon was discussed, with a focus on 1973, when statewide planning goals were adopted. The reasoning behind Oregon's land use program is to manage growth, while preserving resource lands. Woodburn's Comprehensive Plan was adopted in 1978, and has been periodically reviewed and revised, resulting in changing laws and standards.

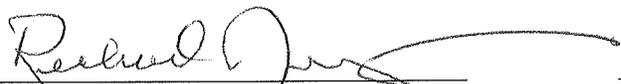
Amongst other related topics, the Land Use Board of Appeals (LUBA) was discussed at some length. Land use decisions can be brought before this Board if the applicant disagrees with the decision made by the Planning Commission. Another topic was the difference between legislative action – when a new law is being recommended – and quasi-judicial actions, which is when the law is applied in the case of one individual or group.

The Commission is interested in further training on legal issues, such as ex parte and site visits, conflict of interest and bias. It was decided to conduct further training sessions as needed.

Adjournment

Commissioner Bandelow made a motion to adjourn the meeting. Commissioner Corning seconded the motion, and the meeting was adjourned at 8:55 pm.

There is no new meeting date scheduled at this time.

APPROVED  9-8-11
Richard Jennings, CHAIR Date

ATTEST  9/9/11
James N.P. Hendryx Date
Economic & Development Services Director
City of Woodburn, Oregon