

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:04 pm by Vice President Anne Learned-Ellis. Commissioners present: Stuart Miller, Linda Brodeur, Dawn Grafe, and Terri Strom. Excused were President Joyce Mackenroth and Paul Schneidecker.

Staff present: Community Development Coordinator (CDC) Rusty Klem and Secretary Arlene Inukai.

VISITORS: Becky Miller

ELECTION OF OFFICERS: Vice President Learned-Ellis nominated Joyce Mackenroth for another term for President. Commissioner Brodeur nominated Vice President Learned-Ellis for President, but she declined the nomination. It was moved and seconded (Brodeur/Grafe) to nominate Terri Strom to serve as Planning Commission President. The **motion passed** unanimously, noting the absence of Mackenroth and Schneidecker.

It was moved and seconded (Strom/Grafe) to nominate Commissioner Brodeur to serve as Planning Commission Vice President. The **motion passed** unanimously, noting the absence of Mackenroth and Schneidecker.

Newly elected President Strom accepted chair of the meeting.

APPROVAL OF THE JUNE 10, 2009, MINUTES:

It was moved and seconded (Brodeur/Miller) to approve the June 10, 2009, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, noting the absence of Mackenroth and Schneidecker.

DISCUSSION ITEM: INDUSTRIAL ZONE REVIEW:

CDC Klem explained that last month's discussion on revising the Industrial Zone included a suggestion to create a new zone for the Toledo Industrial Park (TIP). CDC Klem phoned DLCD Field Representative Laren Woolley to talk about noticing requirements for creating the new section and discussion lead to including Economic Development Planning Specialist Thomas Hogue. It was suggested to set up a pilot program for the State's model code for industrial zones for stand-alone rural cities and the State may have funds available to write the zone. This type of project would involve a consultant. CDC Klem will meet with Mr. Woolley and Mr. Hogue on July 9th. He requested this topic be tabled until he hears DLCD's suggestions. Commissioners agreed and wanted to make sure they keep moving forward. An update will be presented at the August meeting.

CDC Klem stated that DLCD has become more helpful and offers assistance, especially to rural communities. The industrial park concept will benefit DLCD and other small cities. In many small cities, industrial lands are located near city centers and impact other zones. Larger cities have the option to have industrial zones on the outskirts of the city and away from the city center. CDC

Klem explained that the original question to DLCDC for notification requirements is if a City-wide notice must be sent out if a new zone is created (known as a Measure 56 notice). Affected properties in the TIP area must be notified of any potential changes, but if a City-wide Measure 56 notice is required, it is very expensive and complex. A determination must be made from DLCDC.

DISCUSSION: FEMA REGULATIONS:

CDC Klem reported that less than one year ago, FEMA sent notice that they were re-mapping the flood zones. The City has recently received those reports. Nothing in Toledo's map changed, except some language and the formula calculations. The City needs to update the Flood Hazard Protection Ordinance to reflect the new language and the State has provided recommendations for the City's ordinance amendments. The deadline to amend the code has been set for December 18, 2009. This project will become priority, as the City does not want to lose eligibility to participate in the flood insurance program. He wants to begin the amendment process now, before tackling the design review and sign code topics. He explained that if the City does not participate in the program, the entire community is not eligible for flood insurance for losses. He reviewed the areas inside the 100-year floodplain, including the TIP area, A Street towards the Library, along Depot and Olalla Sloughs, and the East Slope Road area. The recommended changes are mainly for manufactured homes and manufactured home parks. It should not change any of the current policy holders. After discussion, it was recommended to submit the amending ordinance directly to City Council. This will streamline the process and get a more timely adoption. CDC Klem can submit a draft of the code to the Planning Commissioner for information. It was moved and seconded (Learned-Ellis/Brodeur) to recommend the document go straight to the City Council and Commissioners asked that a copy of the document be presented to the Planning Commission. The **motion passed** unanimously, noting the absence of Mackenroth and Schneidecker.

DISCUSSION: SIGN ORDINANCE:

CDC Klem reported that one issue on the Planning Commission's list is to address sign codes and how to prepare a sign ordinance. Commissioners invited Becky Miller to attend the meeting. Mrs. Miller introduced herself and reviewed her background working with sign regulations. She spent nine years working with a renowned sign expert in the country. A lot of her time was spent working for the US Small Business Administration (SBA), writing portions of their website, courses for appraisers, workshops, and continued education materials, and meeting with experts. She distributed the best practices manual, a handout from SBA. She also noted her help as a writer for college text books. She has knowledge about signs, as it was her full-time job. She extended herself as a resource during the City's process for developing a new sign code.

Mrs. Miller stressed that the City does not want to be challenged in court and noted that signs are different than any other land use policy. If an owner does not like the regulations related to the use of the property, they can take the City to court and the owner bears the burden of proof. However, signs are the opposite. Signs are forms of speech, which is one of the most sacred rights in the constitution. If sign regulations go to court, the government has to prove that they haven't burdened their rights. Any new sign regulation has to be very careful and a lot of precedent is available for new codes to avoid known pitfalls. Usually, a sign code is created in response to one new sign that goes up. Mrs. Miller asked Commissioners why the City wants to write a sign code and what specific thing is the community trying to accomplish? The sign code will need to fulfill that goal and, if challenged, the courts will need to know this. In the sign book handout, there are many myths about signs and common traps that cities fall into. When posed the question "Why regulate signs?", many cities list traffic hazards or devalued properties. However, there is science to prove

that these factors are not true and many purpose statements cannot be proven. As for as the business community, Mrs. Miller asked, "What do owners want signs to do for their business?" Signs are very important to their well-being. If a potential customer is not familiar with the area, they will look for signs. She pointed out that when she first arrived in Toledo two years ago, the only businesses she could tell on Main Street were McBarrons, Micky's Café, Magic Mirror and The Timbers. These businesses have signs that stick out and are visible from the top of Main Street. The street trees are beautiful, but often block signs. Many businesses currently use sandwich-board style signs. Mrs. Miller encouraged the continued use of sandwich board signs on Main Street because the trees block the clear vision of the protruding signs located over the door.

Signs tell travelers and newcomers what is available and changeable signs tell locals of specials or sales. It is extremely important to remind locals that the business is there. During the March Madness event, Mrs. Miller noted that many people had the opportunity to see the wonderful businesses in Toledo they never visited. She also noted the newly installed business signs on Highway 20 are hard to read while traveling the speed limit. She urged the importance for signs to be seen and understood. If a size limit is included in a sign code, wording may be too small for motorist to read. There is a lot of science available for letter size in relation to speed zones. Also, everything in the sign code should be covered by a variance process. In response to Commissioner questions, Mrs. Miller provided the following information:

- Requiring staggered or varied height and size for multiple businesses is not common practice.
- Often, landlords will not allow signs to be mounted on the structure, therefore, the use of temporary signs and sandwich board signs are essential.
- Many businesses do not understand the importance of quality signs—correct spelling, hand lettering, etc. Aesthetically, hand lettering is not as nice as professional signage, but it may be burdensome to require professional signs versus homemade.

Mrs. Miller suggested a sign workshop for business owners to educate them on signage. This could involve storefront suggestions and provide stencils for sandwich boards. Stencils are inexpensive and it is often better than hand lettering. Commissioners discussed the concept of conducting a sign workshop for businesses and providing materials or design options for sign boards. Also, a short informational packet (2 page max) could be distributed to all businesses.

Mrs. Miller reported that a recent survey across the northwest asked thousands of business owners who recently installed a new sign how first-time customers reached them. The response: 50% found the business because of the sign, 33% from word of mouth, and 17% from all other resources combined (radio, paper, etc). The SBA has determined that the most effective, least expensive form of advertising is the use of on-premise signs. Business owners need to have landlord support. Also, the business storefront should look nice. In Toledo, the Wednesday market and various events allow people to see the charming businesses on Main Street that you cannot view from driving down Main Street. This is a mobile society and it must be encouraged for residents to shop Toledo and let them know what is offered. Mrs. Miller noted the dramatic transformations in McMinnville and SE Portland with storefront renovation.

It is very important to educate business and property owners on proper signage, but also for the City not to be over zealous in setting too many restrictions. If there is a size limit, it may make the sign non-effective. If creating a sign code is triggered because of one sign, the code goes into effect after that fact and the community is either stuck with it or must buy it. In reference to one new sign recently located in Toledo, Mrs. Miller's opinion was that it does not create a traffic safety hazard

nor block views. Although, for aesthetic reasons, a smaller sign could function just as well.

When it comes to traffic safety, only poor construction, blocking views, or too small to read can be addressed under traffic safety. Even though traffic safety should be listed, Mrs. Miller does not recommend basing the sign code purpose on traffic safety, but rather aesthetics and economics. Economics are very important and the code needs to show support of good signs. If the City restricts a sign too much, a court challenge will not win based on economics.

Mrs. Miller focused on five sections necessary for a new sign code: 1) Purpose/Scope/Intent, 2) Definitions, 3) Regulation, 4) Administration, and 5) Safety.

1. The purpose statement should answer the question of what will the code be regulating and what is the objective.
2. Definitions must list the terms that are being regulated. There should be exceptions laid out very clearly and the code should be content neutral. The City cannot look at the content to consider on- or off- premise signage and directional signs should also be allowed. Examples of definitions are available.
3. Regulations should address time, place, and manner. Time can be the hours of display, place is the location of the sign, and manner is the size, height and illumination. It was noted that there are some good technologies for sign lighting to be used without having miss directed lighting. There are ways to allow illuminated signs while avoiding some of the problems.
4. Administration should list the options for variances, exceptions, and penalties. Most small businesses will not have the ability to fight the regulation, but the City does not want to rely to heavily on variances or there will be over-regulation. If a lot of variances are issued, the code should be scaled back.
5. Safety concerns should include building code requirements.

President Strom reported from a business perspective, it would be beneficial to get help with signs. She does not want a complicated code, since she does not view signs as a major problem today. Commissioner Miller added that one particular sign just installed is spurring this conversation, but it has since lost its initial impact. Commissioner Learned-Ellis felt that the subject sign is not a problem. President Strom stressed the need for business owners to maintain and clean existing signs. She also believes getting awning back on Main Street would be good. Mrs. Miller agreed that awnings are good for pedestrian traffic and stated that Main Street speed limits determine that projection signs do not have to be very large. Commissioner Miller suggesting the code address signs to avoid and the code can always be amended if issues come up. Mrs. Miller reported that codes could be based on minimums rather than maximums, because the sign must be able to be read by passing traffic. There is a lot of research out there for lettering size and contrasting colors. Commissioner Learned-Ellis felt that correct spelling should be mandated. If the misspelled words are not part of the business name, signs should be spelled correctly. Mrs. Miller stated that misspelled words could be regulated for aesthetics, which would not infringe on speech. She believes a deliberate misspelled logo or business name is acceptable, but is not ok for the remaining portions of the sign. Any new sign code must encourage "readable" and "understandable" signs. She noted that "understandable" is subjective, but "readable" is not. Commissioners discussed options for setting minimum sizes, determining averages for the town, and allowing variances. Commissioners liked the idea of encouraging store owners to re-evaluate their signs and agree a workshop is perfect. Mrs. Miller even suggested taking photos of three businesses to present as examples to give a "photo shop" facelift to see the value in good signs.

CDC Klem reported the City's zoning code restricts signs in the residential zone for home occupations and for all conditional use permits. Mrs. Miller noted that she has never written a code, but believes setting standards by zone is good. It was suggested to review a copy of McMinnville's code. CDC Klem also questioned the definition of signs, specifically if window advertisement and specials are considered part of the business sign. Mrs. Miller pointed out that it is hard to control every word and believes the market will reward the effective use of signage. One way to clean up the visual clutter is to allow electronic message centers.

CDC Klem stressed that if a new sign code is created, the City has to enforce it and we are lacking a code enforcement officer. As more regulations are created, it gets more and more difficult to enforce. At this time, there is no funding for a dedicated code enforcement position and the planning department staff are only part-time. Commissioner Learned-Ellis felt it just as effective to make improvements to existing signs than regulate all new signs. Commissioners discussed providing information to businesses for good signage, enforcing new codes, setting minimum and maximums to follow, and creating a new code. CDC Klem explained that commercial properties need to apply for a building permit when attaching a sign to the building, but it only needs to comply with Uniform Building Codes, since there are no City sign codes. Mrs. Miller offered that since a building permit review is already necessary, the City could provide some minimum and maximums to watch during the permit process. Commissioners discussed having a general purpose statement for the sign code and standards based on the best practices manual. Code enforcement is complaint driven. If no one complains, an enforcement case is not opened. It is not effective to have a 40-page document if the code cannot be enforced. Commissioner Learned-Ellis suggested setting a size limit based on the size of the building or lot, so that the sign is proportional to the site. Mrs. Miller mentioned that many communities require signs go through design review, but she does not recommend this program because it deals with sign content. Specific criteria, such as letter height and spacing, are easier to review and if it does not meet the criteria, a variance is necessary. A worksheet could be created to help business owners determine the correct lettering height based on speed limits and if the checklist is complete, staff can "rubber-stamp" the project. Staff could help with the worksheet and have an application fee. CDC Klem reported something like this could work, but the City currently receives some poor applications and it is labor intense to go through the application to make sure basic information is provided. He stressed staff's limitations with each new program or application process created. Commissioner Learned-Ellis noted that this holds up the process, even if it is a "rubber-stamp" program. Commissioners discussed keeping regulations to a minimum and maximum size, readable, and safe. This is less labor intensive to administrate and keeps the process simple. The Planning Commission, City Council, and community must determine the purpose, scope, and intent of any new sign code regulation. A draft can be created to see if community members want to move forward. Mrs. Miller has some examples to bring forward. Commissioner Brodeur asked to research the McMinnville codes to determine how their improvements were implemented.

President Strom liked the idea of a sign workshop and will discuss the topic with the Toledo Development Association. This benefits the entire community. Mrs. Miller suggested a power point presentation to illustrate examples and give suggestions to existing businesses. Guidelines could be determined and it gives a starting point for applications. The City does not want to discourage businesses, but wants good signage. Commissioners thanked Mrs. Miller for the very informative presentation and thanked her for her help.

POTENTIAL DISCUSSION ITEMS:

Design Standards:

CDC Klem does not have much to report on this topic. He noted that City Councilor Mark Camara provided examples from two other cities. They want to move forward on this topic, but would like to have information back from the historic preservation survey. Commissioner Learned-Ellis pointed out the example programs are very costly to implement and very expensive for the property owners to maintain. Commissioner Miller suggested a list be created for certain building to prohibit, since there seems to be consensus to avoid these materials on historic buildings. It was noted that any improvement to a building is better than no maintenance. Commissioner Learned-Ellis reported design is subjective and everyone has a personal opinion. Implementing a design review program will be costly. CDC Klem stated he will bring in copies of the historic review when they are submitted. Further discussion on this topic will be held.

Overgrown Vegetation on Sidewalks and Street Signs:

CDC Klem will discuss City policies with Public Works Director Adam Denlinger. President Strom reported overgrown vegetation encroaches over street signs and sidewalks and causes a safety problem. She would like to see information in the City's newsletter or provided to the newspaper.

Renters Rights:

CDC Klem expressed confusion how to move forward with this topic. Currently, there are laws protecting renters and this issue may not be Planning related. Once the City Attorney is fully onboard, there should be a worksession to determine if anything can be done. Commissioner Miller reported that information should be available at the courthouse and there are State statutes in place. He is also unsure how the City should be involved, but there could be a joint worksession to provide information to renters. Commissioner Brodeur explained that a lot of renters are afraid to complain because they do not want to loose housing, but there are a lot substandard properties that are subsidized. Commissioners discussed the need for reliable enforcement/inspection process for subsidized rentals, the need to have information available to renters, and a contact resource for tenants. Commissioner Miller suggested a way for citizens to report substandard housing, alleviating the tenants from jeopardizing their housing needs. CDC Klem noted they should research this type of format before beginning any new program. There could be county, state, or federal programs already established, which they should take advantage of. Commissioner Brodeur stressed the need for a community advocate, protecting citizens from substandard housing, and providing information to renters. Commissioner Miller noted that many rental agreements cite specific ORS chapters for renters, but renters need to report problems with their homes.

M&R Auto Repair:

CDC Klem reported that they are not complying with the on-site parking requirements. The business owner is not getting paid for repairs and he cannot release the car until payment is made, therefore, a lot of cars remain on the lot. He is trying to do the right thing, but is getting overwhelmed with the bad part of business. The business owner is considering other options to phase out the repair business and to begin selling cars. Commissioners discussed the parking situation and the neighbor's concerns with on-street parking. CDC Klem noted that the owner may clear up the problem on his own by changing the use or he could discuss the problems with the property owner.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS:

Commissioner Grafe thanked Mrs. Miller for her presentation. She believes small improvements towards signage will benefit the community and even though they are being reactive to a situation, it gives a chance to take a proactive approach for new signs. It is good to have Mrs. Miller as a resource. She also likes the revised agenda format for potential discussion items.

Commissioner Learned-Ellis also thanked Mrs. Miller for her information.

President Strom asked if any improvements to the railroad tracks near the post office are expected. CDC Klem stated the railroad company is responsible for improvements, but he was unaware of improvements. She also reported the Main Street Block Party on July 3rd was a lot of fun. She encouraged all to attend the next party on August 6th and the final party on September 3rd.

Commissioner Brodeur asked if they can discuss the attendance policy for missed meetings. She also asked if the City can assist renters of downtown buildings whose property owners will not maintain buildings. She expressed frustration that property owners are not maintaining structures.

Commissioner Miller voiced appreciation with the sign conversation. Mrs. Miller added that if they can get volunteers to tackle storefront repairs and acquire inexpensive paint and salvaged materials, it would be a good starting point.

There being no further business before the Commission, the meeting was adjourned at 9:25 pm.

Secretary

President