

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, January 11, 2016**

**Commissioners Present:** Jim Patrick, Lee Hardy, Bob Berman, and Bill Branigan.

**Commissioners Absent:** Mike Franklin and Rod Croteau *(both excused)*.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos, Building Official Joseph Lease, and Executive Assistant Wanda Haney.

A. **Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Hardy, Berman, Patrick, and Branigan were present. Croteau and Franklin were absent, but excused.

B. **Approval of Minutes.**

1. Approval of the Planning Commission work session and regular meeting minutes of December 14, 2015.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Hardy, to approve the Planning Commission meeting minutes as presented. The motion carried unanimously in a voice vote.

C. **Citizen/Public Comment.** No public comments.

D. **Consent Calendar.** Nothing on the Consent Calendar.

E. **Action Items.**

1. **Second outreach meeting for the City's assumption of the mechanical permitting program for properties within city limits.** Tokos noted that this was the second of two outreach meetings the City is offering. He said that the City has filed to have the mechanical permit program transferred from Lincoln County to the City for mechanical permitting within city limits. He said there are a number of reasons for that, which he outlined in the original materials that he distributed to the Planning Commission; not the least of which is that it's the only type of permit we don't currently handle in house. In the past we didn't have a Building Official capable of providing that service; we do now. It allows us to bundle all the like-type permits so we'll achieve some significant efficiencies in working with property owners. Then they also do not have to deal with multiple jurisdictions. Tokos noted that the Building Official, Joseph Lease, was in attendance at this meeting as well to answer any questions. We also expanded the outreach coming out of the first meeting to include an additional range of contractors. Tokos explained that if everything proceeds as planned, the transfer of jurisdiction would be effective July 1<sup>st</sup>. He expects that we would do some additional outreach and training prior to that so that everyone knows those dates and who they need to work with moving forward.

At this point Patrick opened the meeting up to public testimony. Rich Rau of Rau Plumbing had a question. He asked if we're consolidating inspections as one way to save money, being a plumbing contractor he wondered if that will hold up his inspections. They have to do their work first, and if there are repairs, it's better for them to make repairs before the mechanical stuff is in the way. His billing is based on how he does his inspections. So it wouldn't be beneficial to him to have to wait to do his repair work until someone else is done with their work before he can get his inspections. Lease explained that first of all the contractor would have the option for example on a rough-in inspection whether he or she wanted to call the inspections all at once. For example, you could do the framing, electrical, plumbing, and mechanical all at once if you chose to; or the individual contractors and subcontractors could elect to call the inspections individually, which is typically the current practice. But, he thinks that some builders, some general contractors, and particularly some homeowners would probably like to bundle those inspections together. He said so it's really up to you how you do that; how you request the inspection. The City would honor either way. Rau said as long as there's not a cost of extra fees. He said he can see a bundled inspection on a final when the job is

complete and everybody's done; but not to have him wait so the inspections can be bundled. Lease said you don't have to wait. If you're a subcontractor working under a general, you can call your own inspections when you are ready; which is the current practice. Branigan asked, so the subs are not bound by whatever the general does. Joseph said no, generally the general would coordinate with them on whether he's calling the inspections or they are. Now, typically the subcontractors call their own inspections. Berman asked if there's any impact on cost whether they're bundled or individual. Tokos explained that we're going to be charging much the same fees and rates that Lincoln County was, and he doesn't know that we were offering up any kind of discounted rate. Joseph said, no; there's no way to control whether they call for them together or separate. Berman asked, but it's not going to cost any more to defer the mechanical; and he was told that is correct.

Tokos explained that he will take the minutes from these two meetings along with the flyers and the list of people we mailed them to and send that along to BCD so that they have the benefit of information we obtained through these two meetings. He is coordinating with Lincoln County on an amendment to the Intergovernmental Agreement that we have for mutual support of our building programs. We will be making some amendments on that front at the same time as we make this transfer.

2. Election of Commission Chair and Vice Chair for 2016.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Hardy, that given the outstanding history we have with the current officers, the Chair and Vice Chair be re-elected for the calendar year 2016. The motion carried unanimously in a voice vote. The 2016 officers will be the same.

3. Discussion about the Parking Study RFP and possible action should the Commission wish to recommend a Planning Commission member to sit on the Advisory Committee. Tokos noted that the packets included a copy of the RFP that is out there. He has had significant interest from a number of different consultants on this one. He will be meeting with the City Council on January 19<sup>th</sup> to talk about an advisory committee. His recommendation will be to take the three existing parking district advisory committees and pull that group together as a single panel for the purpose of acting as an advisory committee for the study; but then also to bring on a Planning Commission representative. That would give us about fourteen people, which is still manageable. The Council may have one or two other people they would like to have on there as well. He said if the Council's inclined to go that way, it would be great if he could offer up a name at the meeting on the 19<sup>th</sup> as to who the Planning Commission representative would be. Branigan volunteered to fill that role.

Berman had a question on the RFP. He noted that at one point it says the contractor will be provided a copy of the north end urban renewal plan. He wondered if that's just terminology. Tokos said that's probably the Northside Urban Renewal Plan; so they would get a copy of that just for background purposes. Berman wondered if that's the old one or the new one. Tokos said it would be the new one. Berman said there isn't a plan. Tokos said there is an urban renewal plan for the north side. Berman thought that was to be developed during Phase 1. Tokos said Berman's probably thinking of the corridor plan for the city center core area, which is a refinement plan that will be done in a few years. The Urban Renewal Plan is just the general framework plan.

**F. Public Hearings.** Patrick opened the public hearing portion of the meeting at 7:10 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Hardy, Berman, Patrick, and Branigan all declared site visits. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

1. File No. 1-VAR-15. Continued hearing on a request for approval of a Type III Variance submitted by Jayanti & Saroj Patel (Motel 6) (Dennis Bartoldus, authorized representative) to allow a wall sign on the north side of the motel to be placed at a height of 43 feet and a wall sign to be placed at a height of 38 feet on the south side of the building. The applicant is further requesting a variance to allow a total of five signs; four of which would be wall signs, and the fifth a freestanding sign. The Commission opened this hearing on December 14, 2015, and at the request of the applicant, continued the hearing to this meeting.

Patrick continued the hearing for File No. 1-VAR-15 at 7:12 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos said that as noted what we have here is a request to deviate from the numerical or dimensional limitations of the City's sign code. There are three requests before the Commission. One is to allow

wall signs on the north and south elevations of the motel. This was originally the Ashley Inn, later the Inn at Yaquina Bay, and now Motel 6 at 2633 SE Pacific Way. So the first is to allow wall signs to be installed on the north and south ends of the motel that exceed the City's 30-foot maximum height limitation for such signs. The second is to allow a total of five signs; four of which would be wall signs on the north, south, east, and west elevations, along with an existing monument sign that's there now. The third is, if approved as proposed, the maximum display area would be just over 324 square feet, which exceeds the 200 square-foot maximum limit that the City imposes for the display area for any business. In the staff report, Tokos went ahead and listed the specific citations of the sign code that are relevant. He noted that the property is zoned C-2 (Tourist Commercial). This is a location in South Beach where you have an existing RV park to the north and east, the Rogue Brewery to the north, the Oregon Coast Aquarium to the east and south, and US 101 to the west along with Safe Haven Hill and then residential further to the west. Tokos noted that the relevant criteria are found in Section 10.10.130. He said there's really one specific clause that's pertinent, which states that "approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant." Tokos thought that the applicant's attorney, Dennis Bartoldus, did a nice job of framing this with respect to the signs on the north and the south. He was able to show and demonstrate in the record and in the materials that the original motel was constructed with signage at the height that they're requesting for the wall signs on the north and on the south elevations. This provides visibility to the motel from US 101, which is set down below the elevation of the highway; so signage at that elevation on the north and south faces of the structure will provide visibility along the US 101 corridor, which is a big deal for lodging establishments because they cater to individuals who are driving in from out of town or passing through town typically on a highway corridor. Tokos thought it was reasonable for the Commission to find in this case that with respect to those two wall signs it would be a practical difficulty to the applicant not to be able to advertise in a manner that's comparable to how the original motel advertised. It's also outside of their control in that they did not design the motel; they had no influence over how it was constructed, oriented on the property, how the site was graded, etc. He thought there's enough information that's been provided by the applicant's attorney and that's in the packet for the Commission to find that there are grounds to approve that variance request. He thought it's a little tougher with respect to the wall signs on the east and west elevations. He doesn't think that the applicant's really provided a compelling case in that regard. He thought it was important for the Commission to look hard at what is the minimum necessary in terms of a deviation from these provisions because they are asking to do something that most folks can't do. Sign provisions set the limits for what folks can do, and there have to be compelling reasons as noted with the criteria in order to deviate from that. He noted that Bartoldus had mentioned that the applicant is likely to propose here some deviations to the display area that would take it under the 200 square feet. They may not be requesting that variance. Bartoldus will need to talk about that.

**Proponents:** The applicant's agent, Dennis Bartoldus, PO Box 1510, Newport, came forward to testify. He noted that he is representing the Patels, and Jay Patel, who is one of the owners, was joining him and would be glad to answer any questions the Commission may have. Bartoldus said he would try to be as brief as possible in summarizing this. He said that in his comments tonight he wants to talk primarily about the wall signs on the west and the east and maybe an alternate proposal for that and try to address some of the concerns that Tokos expressed in the staff report. Bartoldus said as the Commissioners are all aware, this is a uniquely-situated property just off to the east side of the bridge. You have the bridge structure that you're pretty much contending with to make this property visible as a motel. He noted that the property was developed as a motel in 1996 when the Ashley Inn was built there. Later it became the Inn at Yaquina Bay. Looking at the historical records for both of those properties, they both had signs on the ends at the locations of the upper signs that the applicant is proposing. He noted that one of the reasons they weren't able to go forward in December is that the ordinance says they need to provide survey information; and Gary Nyhus was tied up on some major jobs and wasn't able to get that. That was the reason they requested this set-over, and they appreciate the Commission's indulgence in doing that. Bartoldus said that at the top of the signs the elevations are going to be at about 42 feet and at about 36 feet; it drops off a little bit at the north and there's a difference in the top of the building although they appear to be at the same height. He said that the signs they are requesting are quite a bit smaller than what was on the Ashley Inn and the Inn at Yaquina Bay. Those higher signs were between 65 square feet and about 80-some square feet according to records that were on file with the City. The signs that they are requesting are the typical Motel 6 logo signs that are backlit. Those would be 5' x 5' or 25 square feet; or about a third of the size of the signs that were there previously. They would be at the same locations as the previous signs. In fact, according to the sign person, Kevin Wells, the conduit is there and they will be using that.

Bartoldus said as he understands it, there has only been the one variance request on height, and that was the Holiday Inn a few years ago. He said to give perspective, that's a four-story motel, and where that sign's located is right at

about 48 feet. One of the reasons they requested that in lieu of other signage is so it could be seen better from 101 because they sit back behind the LaQuinta Inn. He tried to submit some photographs that kind of walk through the process. He explained that Photo 1 is taken south on 101 kind of in the area where Toby Murry's is. He said as you notice when you view that building what you see is the upper part of the building. You can kind of see the small vinyl sign that's there now as a temporary sign. He walked down the road for Photos 2 and 3. Photo 4 shows the motel. Bartoldus explained that this is a 51-room motel. The Patels purchased the property through a receiver in December 2014; a judge signed an order allowing the Patels to buy the motel. The previous owner was apparently not able to make a go of it. The bank was foreclosing on it, a receiver was appointed, and the Patels purchased the property and have been operating it as a Motel 6 for about a year. They have dramatically increased the revenues in the way they operate a motel. He said it's interesting to take a look at the fact that, in terms of the taxes that are paid, the Patels have paid taxes on the motel last year right in the vicinity of \$35-\$36 thousand. Of those property taxes, \$10 thousand of that was paid to the City of Newport. They paid approximately \$60 thousand in room taxes last year. They are hoping with better signage to increase those volumes and pay more in room taxes because that will show their business is doing better. One of the things they are looking at is to have reasonable signage. Bartoldus said as he drove around in this area, he tried to look at it from a number of angles to see what would be reasonable signage. He said, just because it sits down lower, he thinks the signs up on top are very reasonable, and this is not a situation that most motels face. He said basically this motel in essence is kind of on a triangle. It's fronted on one side by Highway 101 and SW Pacific Way. On the north it's fronted by Marine Science Drive. On the east side you also have a heavy traffic road that runs by the aquarium; SE Ferry Slip Road. So, really what you have are three street sides in essence to this motel because on the north side and the east side you have the Port of Newport trailer park facility. So as he drove around and walked around, he was trying to see from the different angles how you can view the signage on this property. On Highway 101, the bridge abutment and the heavy railings on the bridge are obviously a factor. When he took Photo 5, he basically set the camera on the railing on the south end of the bridge. You can see the light pole that's by the stairway as you're walking up to the bridge from below. That's really what you can see of the motel when you're on the bridge. You can really just see the top of the motel. So, to see it from 101, a sign at the top would be important. That's where there's historically been a sign. Likewise on Photo 6, it also shows on the north side where the sign would be located. This shot was also taken by setting the camera on the railing there. Photo 7 and a couple that are following show the property basically from Marine Science Drive and into the Rogue parking lot shooting back. Again the most visible place given the trees and everything there would be on the upper portion of the building. That's what he tried to depict in Photos 7, 8, and 9.

Berman asked if the signs the Commissioners are seeing here, which Bartoldus had said were vinyl temporary signs, are roughly the same size as the permanent signs. Bartoldus said the other signs would be a little bit bigger. He would say these maybe are roughly 2' x 3'; and the others would be 5' x 5'. With 5' x 5' we're talking 25 square feet. By comparison the Inn at Yaquina Bay and the Ashley Inn were in the neighborhood of 65 square feet to 80-some square feet. The difference is this is going to be more of a square. The others were more elongated. They will be a little bigger than the ones that are depicted in the photo. Berman asked if they will all be backlit; and Bartoldus said they will be. There won't be any light shining up on them; you'll just see blue sign. Bartoldus said, looking at Photo 10, he took that right approximately as you're coming out of the aquarium entrance/exit looking at the Motel 6 property. Photo 11 is right there in that same vicinity. He noted that when you're looking at those signs, it's hard to see other signage on the building. That's why there has been a request for a sign on the east side of the building. SE Ferry Slip Road and also Marine Science Dr. are heavy traffic areas with the recreational fishing going on there, with the Rogue Brewery there, and with the aquarium. That's why a sign was being proposed on the east side. Photo 12 shows the building coming out of the parking lot by the Rogue where it aligns with Ferry Slip Road. There are trees in that area too keeping you from seeing the sign that would be on the upper portion of the building.

Bartoldus said that he spoke with the client's about the concern Tokos raised saying that the 97 and the 87 square-foot sign would be pretty big signs; is there some way we could mitigate that. They are thinking they could basically cut that in half, and they wouldn't need signs that big with some identifying sign on the east side. Bartoldus talked to the sign person, Kevin Wells, and he said really from these distances if the signs are going to be anything less than 5' x 5' it's going to be hard to be visible. So he didn't think we'd go anything less than 5' x 5'. The applicant is hoping for something a little bit bigger; but that's the Planning Commission's call. But, just in doing the math, if they had 5' x 5' signs on the east and the west sides, along with the pole sign and those signs at the top, those signs all combined would be less than 200 square feet. In fact if he did the math right, it would be 192 square feet. If they could get up to about 231 square feet, which would be about 7' x 7' signs on the west and the east sides, that would certainly be preferable from the client's point of view. Bartoldus just wanted to throw that out there as an option after he read the

staff report and talked with Tokos and understood what the concerns are. The main concern the applicant has is if you're driving by and look over there you see this is a motel property where you might want to stay. So, that's something they would like to propose; that the size of those wall signs could be reduced.

Bartoldus said the same argument on the east side applies on the west side. He explained that he took Photos 13 and 14 coming down from the west access road coming off the bridge. When you look at the building from that angle, you don't see any signage because of the bridge and the way the property's configured. If they could have a sign on that side, even if it's just a 5' x 5', they would have the opportunity to have people see it. Bartoldus said that he knows some Motel 6s that you see have some digital signage; and they're not requesting anything of that nature. These are just Motel 6 logo signs. He understands that these can be made custom signs. When Bartoldus talked to Kevin Wells, he indicated they're not bound by certain parameters; they can cut these to any size that might be required. Bartoldus said that is one of the alternatives they would like to propose for the east side and for the west side of the property.

Again, Bartoldus said he thought this property is unique in the sense that it does have three streets surrounding it. It's in an area that's pretty much developed with tourist-oriented properties. To the south of it you have two other motels. One of those, the Holiday Inn, had a sign height variance. He knows there was some discussion about that; and that actually went to the City Council and was approved. He has not heard any complaints about the sign on the Holiday Inn building because of the variance that was granted there. Over the years, he never heard that the Ashley Inn or the Inn at Yaquina Bay signs on the north and south sides were too high. In fact, if they were not there, he would say a lot of people would probably drive by and not even see the motel there. He thinks it's a big deal in the sense that you want people to know about the property before they get there. He thinks good signage is important. He understands on the other hand, we have a sign ordinance, and we don't want to be too glitzy about the whole thing. That's one reason why they're thinking maybe there's some reduced proposal on the east wall and the west wall that we can discuss and hopefully get some relief on those. Bartoldus said that the Patels really want to make a go of this motel. The fact that they bought it from a receiver shows that there have been some struggles with the motel in the past. So far what they've done has turned everything around. They're hoping that good signage will even further increase their ability to pay room taxes to the City of Newport. Bartoldus said, again, with the properties that are around there he doesn't think the additional signage is going to affect the Rogue at all, the aquarium, and there's basically that parking area under the bridge that's not going to be affected, nor the parking area to the south as well. There are no residential uses that are adjoining this. The closest residential is across 101 kind of behind Safe Haven Hill; and so all of that area is pretty much sheltered from this. Bartoldus noted that he lives on the north side of the bay and has a bay view. He enjoys seeing the lights in South Beach. He doesn't think these signs are offensive in any way. He thinks they would promote the business, which provides local jobs. Tourism is an important component of our economy. The Patels are really hoping to do this right. They want to make a go of it. So they have submitted the request for this signage.

Bartoldus said when he was talking to Tokos one question that came up was what variances they are actually requesting. Do they address the variance set forth in the variance requirements, or do they address variance requirements to the eight things that are listed there in the sign ordinance. He wasn't quite sure, so he tried to address them both and hopefully have shown that they meet the criteria in both of those ways.

Branigan asked how big the sign that is up 43 feet is going to be. Bartoldus answered that that's a 5' x 5'. The ones on the north side and the south side up high are both 5' x 5'. Branigan asked then if the applicant is requesting that the signs on all sides be 5' x 5'. Bartoldus said they could live with that certainly. Originally the request on the east side was 97.37 square feet as opposed to 25 square feet. The one on the west was 85 square feet as opposed to 25 square feet. He said, ideally if they could meet at 40-some square feet on the east side and the west side that would be great; but having a 5' x 5' beats having nothing at all. Bill asked if what they're really requesting then is 85 square feet, 97 square feet, plus three more at 25 square feet. Bartoldus said it actually would be four signs at 25 square feet each, which is 100 square feet. The pole sign that's been there historically is 60 square feet at the top, and there's a reader board of 32 square feet; so 92 square feet for the pole sign. He paced it off, and it's about 30 feet off the curb. So all total that would be 192 square feet. The variance would still be needed because they would have more than the required number of signs. One of the arguments for trying to put them on the different sides is because of the location of that property. With a lot of motels you're on one street so you have one sign and you can see it from there. Some have two, like Best Western in Agate Beach. They have two streets and have a sign on each side. Here we kind of have three; and given the configuration of the building it would be great if they could have some type of signage on this that would be seen from 101 and could be conveniently seen by people driving on those streets in the area so they

could view it easily. Branigan asked if the most important signs would be the ones on the north and the west. Bartoldus said the north and south; the ones that would be seen from 101. The ones on the east and on the west wouldn't need any height variance. The streets around there too are at a lower level so when you're looking at the building you can hopefully see it easily. Branigan asked again how big the sign on the north side was going to be; and Bartoldus answered 5' x 5'. Branigan asked, and the one on the south; and Bartoldus replied, 5' x 5'.

Berman asked in Photo 15 if that sign is meant to depict the 97.375 square feet, or was that just slapped on there in Photo Shop or something. Bartoldus said Photo 15 is one that was done by the sign company; and given the location of that sign, he believes it shows that's what a 97 square-foot sign would look like. He said it's Photo Shopped on there, but it was done by the sign company and is pretty close to scale if not exactly. So if they went 5' x 5', it would be about a quarter of that size. There was some discussion that the 97 square-foot sign would be a little under 10' x 10'.

Trying to get clarification, Patrick said the Commission actually has two requests; the original request and a modified request. Hardy said so what Patrick's saying is the Commission has a choice between two requests; and Berman said or make up a new one somewhere in between. Patrick said he's kind of leaning toward the 5' x 5' because it stays under the 200 square feet. He asked the Commissioners if anybody was having a problem with the height variation; and the answer was no. Patrick said, so the discussion is actually about the east and the west signs. The original proposal would have been about 300-some total square feet, and now a new proposal that meets the square footage. Branigan said it meets the size, but it's more total signs than what's allowed. Patrick said but everything added up together adds up to the 200 limit. Bartoldus confirmed that's the total square footage of all of the signs because the free-standing sign is 92 and the total of the others would be 100. Patrick said he's kind of willing to go with the 200 square feet because of the odd position that motel's in; that's not normal.

Tokos noted that at some point the Commission will need to close the hearing and initiate deliberation. He said whichever way the Commission goes, what's important for him because he has to put together findings of fact and a final order is that the Commission explain how your decision comports to that standard, which is "the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant." So Tokos asked the Commission to provide at least some sense of how they see it connecting to that, he can put those together for the Commission.

Berman said how about asking the applicant that question. Bartoldus said why it would be the minimum necessary is because, as the Commissioners have indicated, the irregular configuration of the properties down there. That would give the Commission the basis to grant a sign variance for them to put on an additional two signs. The other is with the testimony from the sign fellow that a 5' x 5' sign is really the minimum necessary that can be seen from any distance. Bartoldus said if you put those two factors together, he thinks the Commission comes up with the basis for granting the variance in this case. He would be glad to provide some additional findings as well that he could submit to Tokos.

There were no other proponents present to testify.

**Opponents or Interested Parties:** There were no opponents or interested parties present to testify, so rebuttal was waived.

Patrick closed the hearing at 7:45 p.m. for Commission deliberation. Branigan said he would vote to grant the variance. He thought the height is a given because we're not changing anything whatsoever and the property is located at a height that you can't see a sign. He spends a lot of time down at the aquarium and in that area, and there's a fair amount of traffic that comes around there by Rogue and down Ferry Slip Road. It is kind of a unique property the way it sits with 101, Ferry Slip, and Marine Science Drive. He said based on that he would agree to go with 5' x 5' signs as presented so that the total will still be under 200 square feet but will cover what they need to in order to recommend their property to visitors. Berman agreed with Branigan. He said what he's having trouble with is what Tokos is asking; which is what is the special hardship or practical difficulty that we're trying to alleviate. He said there isn't any special hardship or practical difficulty that he can see with not putting up those signs. They're asking for something more than the status quo as opposed to just maintaining the status quo of the old property, which is essentially what the other half of the request is about. The east and west signs bother him a little bit; but given the nature of the neighborhood, there isn't anybody going to be in a blue glow all of the time. For the people in the RV

park, that's just where the RV park is. Without any residences to be affected or other businesses who might be affected, he intends to vote for it. But to support Tokos' finding of fact, he's still having trouble enumerating the hardship and difficulty; but he would vote for it anyway. Hardy thought the Commissioners might want to consider the fact that the stop light will be moved a little further south, which means that your opportunity to slow down and pay attention is further away. She doesn't see any reason to minimize the sign on either the north or the south. Regarding the east and the west, from the west down below you're coming under the bridge from a residential property so that should be small. On the east side, it's all commercial anyway. From that standpoint Hardy doesn't have a problem granting the variance on the size of the sign or the height. Patrick thought we have existing rationale for why we got the extra height signs; it's basically topographical. We granted it originally for Ashley Inn; and he thinks the Inn at Yaquina Bay just swapped out signs. He thinks we have a good rationale and good reasoning for why we did that. Now what we're asking about is the east and the west signs. If we keep it under the 200 square feet and allow the 5' x 5' signs on either side, he thinks you can make a case that it's an odd-shaped lot. He said that it's the same reasoning we used for the geographical location for getting the height variance because of the distance from the highway this is the way it works. You can see the buildings, but you can't tell what it is. He thinks you can make a reasonable case for a practical difficulty there. Hardy added that it will get worse when the stop light is moved; and Patrick agreed. He said there will be more traffic on Marine Science Drive and Ferry Slip Road. That's where the majority of the traffic will be and that will actually be more of a draw. He said the signs on the north and on the south from the bridge, yes you need those. He thinks you can make a good case that there's rationale to do that; and we're doing the minimum so we won't violate that. He just can't see a rationale to make the signs bigger. He can see saying they can distribute their signs how they like. We're giving the height variance because of the location. Branigan agreed. Patrick said they can distribute the square footage however they want, we're not particular about that. If they want to make the north and south signs bigger than the other two, that's up to them; just stay below the 200 square feet. Most motels don't have what is actually a four-sided access problem. Patrick said that's his rationale. He said he's arguing for the 5' x 5' signs because that doesn't break the limit on square footage. He said if we're trying to do the minimum necessary, then he thinks that's reasonable; and it's something he can defend later on if we ever get another request like this.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Branigan, to approve File No. 1-VAR-15 to allow the height variance for the two signs on the north and the south elevations and to allow signs to be placed on all four elevations of the building provided the total combined square footage of the wall signs and the free-standing sign, however distributed, does not exceed the 200 square-foot limit. The motion carried unanimously in a voice vote.

**G. New Business.** No new business to discuss.

**H. Unfinished Business.**

1. Patrick informed Tokos that he won't be able to attend the visioning meeting next Friday.

**I. Director Comments.**

1. Tokos noted that the Commission won't have these approval standards again for signs. This was a standard that the Commission eliminated in 2010, and they didn't get worked into the Municipal Code correctly. Back when the Commission did the variance and adjustment work to the zoning code, you added adjustment and variance provisions to the sign code. It was adopted as Ordinance Number 1992 in November 2009. Then we had those electronic message sign amendments come through first for Walgreens and then later for the PAC. We didn't have any variance request since Holiday Inn. With that original ordinance, the City Recorder didn't update the Municipal Code to show that the variance provision changed. So when several years later we did the Walgreens amendment, it readopted the old variance standards. It was just a housekeeping error. Tokos couldn't apply the new stuff because it wasn't in the Municipal Code. The motel filed under the standards as they are. The City Council at its next meeting is going to re-adopt the stuff that was supposed to be in there. It is a little bit different. But there wasn't anything he could do about it. It was just one of those things that didn't get reflected in the Municipal Code and a couple of years later we do amendments to the sign code and we still have the old stuff sitting in the Municipal Code, which is what we have to use as our base for making an amendment. That new ordinance gets adopted superseding the one that was done earlier inadvertently. It's that "the adjustment or variance is consistent with the Purpose section of the sign code, and there are a number of provisions there; the adjustment or variance will allow for placement of a sign with exceptional design, style, or circumstances, or will allow a sign that is more consistent with the architecture and

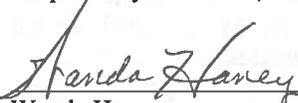
development of the site; that the adjustment or variance will not significantly increase or lead to street-level sign clutter or will create a traffic or safety hazard.” Patrick said it would have been an easier one for the applicant to make his case. Tokos said yes, these were tougher provisions. Tokos said hardships are hard for a reason. If we were still working with those standards, and you started issuing decisions allowing people to have five or six signs when you’re not allowed to have that many, it just compounds on itself. That’s why they’re in place, and variances are supposed to be hard to get because everybody is supposed to play by the same rules.

2. Branigan asked what the City is going to do with Golf Course Drive. Tokos said the water line there needs to be replaced; it’s chronically failing such that the residents are constantly subjected to periods when they don’t have water service. The road has no storm drainage, and it causes flooding of homes from time to time. It’s ridiculously narrow. The Public Works Department is working on a project that would replace the water line, probably slip-line the sewer line, put in storm drainage, and widen the road. The question is how it’s to be paid for. We’re at the same time working through changes to our Local Improvement District (LID) code. That code will go into effect before work happens on Golf Course Drive. One of the two pilot cases we’re using as part of the LID work is Golf Course Drive. It’s going to be pitched as an LID project. There has not been any design work done for the new project. He knows people have expressed some concern about trees being removed, how wide and where the road would be located. There hasn’t been any design at this point. We’re not that far along. Tim Gross is in the process of getting an actual survey done so that we know where a lot of these features are; where the existing road is, where the right-of-way boundaries are, how much of the golf course is actually in the right-of-way, how much of the neighbors’ front yards are in the public road right-of-way. Retrofitting existing residential areas with improvements is challenging. We need that baseline information before we can pick up conversation with the community. That conversation needs to happen, it’s just going to happen down the road. Branigan asked how wide the road would be if paved. Tokos said the bottom line for Public Works is 24 feet, and that’s kind of becoming bottom line for Fire as well. He noted that Golf Course Drive is a very long dead-end road; it exceeds our standards at this point. It definitely could stand to be widened for safety purposes. Branigan noted that the golf course is not in the city limits; and Tokos said no, just the clubhouse. Branigan wondered if that doesn’t cause a problem for widening the road. Tokos said anything that’s in the right-of-way is actually in the city. So if part of the golf course extends into the right-of-way then it’s in the city. Anything that’s in the right-of-way is fair game. Patrick said he would be surprised if parts of that road are actually in the right-of-way. Tokos said that’s a good point. We’ve had to legalize several roads since he got here because of sloppy work in the past where roads weren’t put where they were supposed to be or rights-of-way weren’t well thought out really well when they were platted. That survey is a big piece; just to have something. To start a conversation, we have to have that information. Patrick said if we have to widen it onto the golf course property, we do have a procedure for that. We just have to reimburse them for it. Tokos said we would want to avoid it. His guess is they would probably work with us; it’s to their benefit too. Although he doesn’t think anyone wants to see a bunch of mature trees taken down. He can appreciate concerns about golf balls going through windows and everything else. Trees do serve as a nice buffer.

3. Berman asked if the agreement on Big Creek Road was worked out between the County and the City. Tokos said it was just towards the end of last year when the Country finally wrapped up the legalization of the road. He’s been talking to Tim Gross about what his timing is on any kind of reservoir work. So, we’ll start picking up that conversation here shortly because we have to move that annexation forward now that the road is legalized. We had a brief conversation with the County; and we’ll have more about that. Patrick said, so we haven’t annexed that yet. Tokos said no we haven’t annexed those properties yet. He thought the County may have been going slow on that. That road legalization took a long time. They ran into some odd situations past our property that they had to get sorted out. They ended up legalizing it quite a bit past the City property. It took a while for it to get sorted out. Plus he’s not sure they wanted us to annex that property before the Urban Renewal Plans were done. That’s additional acreage and could have justified even larger Urban Renewal areas.

**J. Adjournment.** Having no further business, the meeting adjourned at 8:04 p.m.

Respectfully submitted,

  
Wanda Haney  
Executive Assistant