



## YACHATS PLANNING COMMISSION

February 5, 2019

### Work Session Draft Minutes

#### I. Call to Order

Vice Chair Lance Bloch called the February 5, 2019 special work session of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Jacqueline Danos, Doug Conner, Helen Anderson, Lance Bloch, Christine Orchard, and Mary Ellen O'Shaughnessey. Absent: none. Staff Present: City Planner Dave Mattison Audience: 1.

#### II. Sign Ordinance

Bloch noted the Commission would work from the draft that was the fourth document in the packet. Bloch noted the definitions included all recommended definitions except for foot-candle and lumens, which should be in Title 5. Commissioner Anderson reported Commissioner Orchard had revised the definition document to get consistent formatting on sign types so that sign types are presented as "Sign, Type of Sign."

#### Menu Boards

Commissioner Danos asked if a definition for a menu board should be added with the definition referring to having a free standing menu board with a two way speaker system for a drive through window. Danos suggested this definition might be helpful in the future. Planner Mattison noted the code only allows for one freestanding sign. Anderson suggested the attorney might interpret allowing an exception for a free-standard menu board to be illegal because one would have to read the content. Mattison asked if a freestanding menu board would be counted as an internal sign. Anderson noted the attorney had issues with section 9.44.040.B.1.d referring to directional signs for vehicular access because a regulation on a directional sign would be content-based. Anderson suggested they could regulate this issue by allowing a drive through business to have an additional freestanding sign. Bloch suggested this exception could be allowed if strict scrutiny interpretations were applied. Danos suggested the allowance for a menu board could be addressed through the variance process.

#### Murals

Danos reported she researched code around murals. Commissioners discussed whether murals were art or signs. Commissioners agreed to add a definition for murals in the definition exceptions. Commissioner Anderson noted Section 9.44.020.N exempted Original Art Displays. Commissioners agreed to modify that section to state, "that do not constitute commercial speech, including murals."

#### Projecting Signs

Danos noted there might be inconsistencies in the distance from the wall for projecting signs (is it 16 or 14 inches?).

#### Open/Closed Signs

Commissioners discussed whether a definition was needed for Open/Closed signs and agreed it should be included.

1 Integral Signs

2 Commissioner Conner asked for clarification on integral signs and whether those would be a wall  
3 sign. Conner asked if the definition of linear street frontage was recursive. Commissioner Orchard  
4 noted the definition of street frontage was a given and the definition was about linear street  
5 frontage.

6  
7 Sign definition

8 Conner noted the definition of signs mentions public right of way but does not mention private  
9 streets. Commissioners agreed to change the language from “visible from the public right of way”  
10 to “visible from the tax lot access street.”

11  
12 Temporary Sign

13 Danos noted there were two definitions for temporary signs. Commissioners agreed to a definition  
14 of, “Temporary Sign” means any sign that is not permanently installed or affixed to any sign.  
15 Structure. or building.”

16  
17 Commissioners discussed whether the document would need another review from the attorney and  
18 whether they needed to explain items that need not be regulated with strict scrutiny.

19  
20 Abandoned Signs

21 Conner wanted to further clarify the definition of abandoned signs, particularly around the tie to the  
22 person who constructed the sign in part a. Commissioners agreed to change the language from  
23 “used by the person who constructed the sign” to “used by the entity for which the sign was  
24 erected.”

25  
26 Commissioners agreed to review the sign code from the fourth document that was emailed.

27  
28 9.44.010 Purpose

29 Section A. Change to read, “To ensure that signs are designed, constructed, installed and  
30 maintained so that public safety and traffic safety are not compromised. The intent is to regulate the  
31 number, location, size, type, illumination, and other physical characteristics of signs within the  
32 City;”

33 Section C. Maintain should have a lower case “m”

34 After Section F. “and do not seek” should read, “and does not seek”

35  
36 9.44.020 Exempt Signs

37 Mattison pointed out there were two types of exemptions: exemption from requiring a permit and  
38 exempt from regulation. Commissioners discussed whether some of the signs listed would fall  
39 under the content-based prohibition. Conner noted many of these signs were temporary signs.  
40 Anderson had concern that the code was stipulations for the signs the code lists as exempt, such as  
41 the regulations on Construction Activity Signs. Commissioners agreed to use the Exempt Sign  
42 section xx.xxx.025 from the model code for this section. Commissioners discussed including flags  
43 and whether flags were signs by definition, and agreed to not put flags in this section.

44  
45 Commissioners agreed to add a section for, “Signs Not Requiring Permits” before the section on  
46 Permits Required in Zones “(9.44.060).

47  
48 9.44.030 Prohibited Signs

1 Commissioners agreed to change the introductory sentence to read, "Except for Non-Conforming  
2 Signs, the following signs are unlawful and are considered nuisances:"

3  
4 Bloch noted A-Frame signs are prohibited in B, but they are also regulated elsewhere in the code,  
5 and Commissioners agreed to strike item B.

6  
7 Commissioners discussed the definition of Flying Signs and agreed to use the language from the  
8 model code to have Item J read, "Flying signs designed to be kept aloft by mechanical, wind,  
9 chemical or hot air means that are attached to the property, ground or other permanent structure,  
10 such as blimps, kites or other inflatable devices." Commissioners agreed a definition for flying  
11 signs should be added.

12  
13 Commissioners discussed inflatable signs and balloons. It was noted that one business puts a  
14 inflatable floppy in the bed of their truck. Commissioners discussed whether balloons were or  
15 should be prohibited and noted the inflatable floppy would be prohibited by covered under Item A  
16 in 9.44.030 A.

17  
18 Commissioners agreed to remove item K for Inflatable Signs and to change the definition of  
19 Balloon Signs to Inflatable Signs. Commissioners agreed to include inflatable devices in the above  
20 definition for Flying signs.

21  
22 Danos suggested item O could be generalized under dynamic signs. Commissioners agreed to use  
23 for O, "Signs with a dynamic element, including but not limited to video and digital signs;"

24  
25 Commissioners agreed to revise Item T to read, "Any sign (other than a governmental sign) within  
26 the clear vision area provisions contained in these development codes;

27  
28 Danos noted there was no mention of blinking or rotating lights that shine upon a sign. Mattison  
29 believed these could fall under the "flashing parts" statement in Item A.

30  
31 Commissioners discussed adding some language for the lights that shine onto a sign, especially ones  
32 that flash or change colors. They also discussed what language should be included in this section  
33 versus included in Title 5. One possibility was to add a prohibition for, "Signs with an external  
34 light source where the light source is visible from the public right of way."

35  
36 Commissioners agreed to add a prohibition for, "Signs with an external light source that changes  
37 intermittently."

38  
39 Orchard suggested adding "other emergencies" to Item R, and Commissioners agreed.

40  
41 \_\_\_\_\_  
42 Lance Bloch, Vice Chair

\_\_\_\_\_ Date

43  
44 Minutes prepared by H H Anderson on February 15, 2019.