

**City of Lafayette**  
**Planning Commission Meeting Minutes**  
**February 20, 2020 at 7:00 p.m.**

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1. **CALL TO ORDER:** Vice Chair Mike Karl called the meeting to order at 7:01pm.
2. **ROLL CALL:** Community Development Clerk Danielle Oliveira called the Roll
  - a. **Present:** Mike Karl, Jeff Bosworth, Lee Gilgan, Ron Kerr
  - b. **Excused:** Marion Chasse, Doreen VanTyne, Brienne Carpenter
  - c. **City Staff Present:** City Planner Jim Jacks, Assistant City Administrator Kevin Perkins, Community Development Clerk Danielle Oliveira
  - d. **Others:**
3. **APPROVAL OF MINUTES:** May 23, 2019 minutes and November 21, 2019 minutes. Commissioner Kerr made a motion to approve the May 23, 2019 minutes. Commissioner Bosworth seconded the motion, which passed unanimously. Commissioner Gilgan noted two errors on November 21, 2019 minutes on his comments. These errors are to be fixed and approved at the next meeting. Assistant City Administrator Kevin Perkins recommended approving the November 21, 2019 minutes as amended, but no motion was made to approve the minutes as amended.
4. **PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA.**

Kevin Perkins would like to speak about Planning Commission public records concerns after the work session.

Commissioner Bosworth stated at the January City Council meeting comments were made about new neighborhoods being built in Lafayette that have not been discussed at the Planning Commission. He stated that residents have approached him due to City Administrator Preston Polasek making comments about the new development. Commissioner Bosworth cautioned towards making comments due to the Planning Commission not knowing anything about a possible new development.

Danielle Oliveira noted that no applications have been received by the City for new subdivision developments.

Commissioner Kerr explained that while there may be comments about a subdivision in the works, the Planning Commission does not officially find out about it until someone officially turns in an application. Then Planning Commission would meet to discuss the development application.

Jim Jacks asked if there was any comment about what the development was or its location in town. Commissioner Bosworth stated that he was aware of the possible development on the West side at the end of Abbey road, but it was indicated to him that the East side of Abbey road was wanting to be developed.

Commissioner Kerr explained the property of the West side of Abbey road, past 16<sup>th</sup> Street, was brought into the Urban Growth Boundary, however the East side was not.

Commissioner Bosworth noted he wanted to mention it because comments can lead residents to panic and confusion regarding new developments.

Jim Jacks noted that there have been pre application meetings regarding to the West side of Abbey Road and there are plans to develop that area once the additional acreage is annexed into the City. He also spoke about the plans for the development having both R-1 and R-2 zoning throughout the building phases.

Commissioner Bosworth noted that we should not be commenting on things that we do not have applications for yet.

Kevin Perkins advised the Planning Commission to always have people with questions call City Hall to help keep the Planning Commission out of that situation.

Vice-Chair Karl asked if there was anyone else who had things they wanted to discuss.

Commissioner Gilgan noted while it was off point, he asked if himself and Assistant City Administrator Kevin Perkins had met before. Kevin noted he believed they had and introduced himself.

5. **Work Session:** Lafayette Zoning and Development Ordinance amendments to (1) delete off-street parking and owner occupancy for Accessory Dwelling Units (ADU) and (2) amend the sign standards for Public and Semi-Public uses in the C-1 District.

City Planner Jim Jacks reviewed the staff report, beginning with the ADU amendments.

Commissioner Bosworth asked Commissioner Gilgan if in section H (LZDO 2.312.02) a modular dwelling is similar to a manufactured home.

Commissioner Gilgan stated it would depend on how the work modular is defined in a contract.

Jim Jacks explained that a manufactured home has a badge on it saying that is manufactured in a factory in accordance to federal minimum standards.

Commissioner Gilgan asked if modular is like a kit. Jim Jacks explained that is correct, a modular home is something brought on to the property and put together.

Commissioner Gilgan asked if someone could use a Tuff Shed if it was otherwise compliant.

Jim Jacks explained that a Tuff Shed does not meet the Oregon Residential Specialty Code, but something similar to that could be used. He noted that every year the legislature could pass another bill to keep the ADU Ordinances ever changing.

Jim Jacks asked if there was any other comments or questions regarding the ADU Amendments.

No one had any further questions or comments.

Jim Jacks continued with the staff report, covering the sign amendments. He noted that in 2019 the City submitted a CUP to change the reader board outside of City Hall from a mechanical reader board to an electronic message sign. He noted that there were several concerns raised with the CUP and the sign code which lead to the City withdrawing the application.

Commissioner Kerr stated that the sign itself through the CUP is okay however things added to the sign were either prohibited or questionable. He noted that he wanted to get the additions to the sign clarified.

Jim Jacks continued with the staff report and reviewed the proposed changes to the sign code and CUP process.

Commissioner Gilgan stated his and Commissioner Carpenter's (who is not present) biggest concerns were why most codes are that way for public signs right now, referring to the sign height. Stating he was looking to see some legislative history and until he has a background of that he has no interest of changing the code.

Jim Jacks stated he looked in the Council of Governments (COG) files and they have not been the City's Planning except for the last 10-11 years, prior to that it was a private consultant. Jim noted that Danielle has looked through the City's files for any background information about the sign code and was not able to find any history as to why Public and Semi-Public uses have different height regulations.

Danielle Oliveira commented that is far back as she could see, the sign code has always been based on use and there was no explanation as to why, or why there is a different height limit for Public/Semi-Public uses. She also noted that he spoke with Don Leard, a previous mayor and longtime property owner, and he does not recall any specific reasoning behind that as well. Danielle also noted that she looked through old Planning Commission minutes as well as City Council minutes and was not able to find any legislative history.

Jim Jacks speculated that from a planning perspective when talking about signage, some planners think that if you have a monument sign, it may be a more aesthetically pleasing sign. Noting that back when the height regulations were adopted, the thought may have been that public signs needed to be more aesthetically pleasing, by not letting them have pole signs which could have been thought to be less aesthetically pleasing. Now, the way it has turned out is that City Hall and the Lafayette Community Church and other things that are in a C-1 zone and are surrounded by other uses that have pole signs it doesn't seem... (was interrupted)

Commissioner Gilgan asked if we should let Public use signs be less aesthetically pleasing because they are located in the C-1 district.

Jim Jacks continuing, stated that's the point. Some people think that monument signs are not more aesthetically pleasing because they are short and fat.

Commissioner Gilgan stated the whole situation has gotten to feeling a little yucky. Noting that the commission is changing this now because the City passed the budget to put up the sign and they can't put up the sign because it's not with codes and now they're going to change it, saying it just feels a little dirty.

Commissioner Kerr stated Commissioner Gilgan is looking at where did this code come to be in the first place, then from there an informed decision can be made.

Commissioner Gilgan stated now it feel like planning commission is trying to shove sign code changes through so the City can put up the sign.

Jim Jacks stated it's not that the City wants to shove sign changes through, it's that a reader board sign has been on the City's mind for many years, and up until recently it has not been the most important thing. Now City Council has supported putting money behind the new message sign and that is what led to the CUP application in November 2019. With the failed CUP attempt, the effort is then to make changes to the sign code to allow for the City to have a sign similar to the uses next to it in the C-1 district.

Commissioner Gilgan stated that was his point, stating what other applicant would the Planning Commission change the rules for when what they want to do is not allowed.

Jim Jacks stated changes to the code happen all the time. Stating that over the years he has worked with 18 other small cities in the area providing planning services and it is not uncommon that when something in the code is found to be not good or clear.... (was interrupted)

Commissioner Gilgan states he believes that on a grand scheme. States he sat in the meeting in November 2019 when City Administrator Preston Polasek told Planning Commission the City did not want special treatment and he has sat in Planning Commission meetings multiple times when Don Leard has asked for rules to change for his properties to be more favorably treated and the Planning Commission has never done that.

Jim Jacks explained that Don Leard's specific request for code changes had been resolved at a staff level and found the code had already allowed him to do what he was wanting to do.

Commissioner Gilgan stated that Planning Commission still has not changed rules for an applicant before. Stating that the sign code is being targeted only to allow the City to put in a new sign.

Jim Jacks noted the Lafayette Community Church is a semi-public use that would fall under the new sign rules, along with any new nonprofit that may come along.

Commissioner Gilgan stated the City is just the one that happened to apply.

Danielle Oliveira stated that the Lafayette Community Church may not be far behind in applying for a sign, as they went through a Site Development Review to remodel the Church.

Commissioner Kerr comment that the proposed sign changes would benefit the Church and that Washer Elementary in the R-1 could someday want to put up a reader board, they may want to make a change to the code at a later date. Commissioner Kerr asked what the code would look like if it were amended in such a way that both signs could co-exist in all zones as opposed to just one zone, discussing examples for different zones. He noted that a change to all zones may allow for the sign code to be more uniform throughout the City.

Commissioner Gilgan stated he has clients downtown who would be furious to hear the sign code changes passed because of their specific situation and experiences with signs along the main street, referring to Third Street. He commented that there is no way he could support these changes right now. Stating that the changes are targeted to favor the Government entity of whose staff writes the staff reports, which in his opinion looks bad and self-serving.

Jim Jacks asked if the Church came in to ask for amendments to the semi-public sign code to allow to match all other businesses in the C-1 District, then the Planning Commission should be prepared to tell them no also.

Commissioner Gilgan stated yes, the Planning Commission does not change rules for an applicant. Stating that the sign code changes feel rushed through and he will personally do research on the legislative history of why so many Cities have monument signs and there would be no reason to rush and pass the sign code amendments. Stating at the last meeting the City was denied a CUP and our very next meeting the law they need changed is in front of us with amendments.

Jim Jacks stated that was what was said at the November 2019 Meeting. The reason the City withdrew was to address the situation in a different way which means changing the code and by the way it scoops in all other semi-public uses also. And it would make some rational sense to people who might be told you see this corridor, it's a commercial corridor, private businesses they get to have a sign that is a pole sign 12 feet high and you got these other public and semipublic uses like the city offices their limited to six feet, the church is limited to six feet, fraternal organizations would be limited to six feet, how much sense they'd say well functionally this is all the same. An office in the city hall is the same as an office in a private sector office building why should there be different sign regulations.

Commissioner Gilgan noted he thinks a business just past City Hall might be upset if a tall reader board sign instead of a monument sign blocked the view of their potential reader board sign. And I think they would also argue with the language, what was it, the importance and activity level of the location. I think that some small businesses in downtown would take issue with that language as well.

Jim Jacks stated if we were to address business signs, wherever the business is the market down the street, that's a high activity area, the meat market that's a high activity area, there's a lot of high activity areas this talks about public and semipublic uses, the city hall and the church, as high activity areas because they are it doesn't say and by the way all the other private sector companies are low activity.

Commissioner Kerr provided another possible interpretation to the sign code, stating the Church is in the business of administering to its parishers, City Hall is in the business of administering to the needs of the community of Lafayette. Even though everybody thinks it's a public place it's also a business. If the code is interpreted that way, City Hall would be subject to the business sign regulations as opposed to the public sign regulations.

Jim Jacks commented that if timing is an issue, potentially the sign code changes could wait a year and then look at changing them.

Commissioner Gilgan stated as somebody who has business clients in the city, this would get flack.

Jim Jacks asked Commissioner Gilgan if his business clients had a concern with the business sign regulations that they cannot have a free-standing sign.

Commissioner Gilgan stated he should get more information from them. Perhaps it could be who their dealing with, I have no idea. But they seem to find the sign issues here quite the pain.

Jim Jacks stated if its anecdotal and it's not clear what their issue is and they cannot point a position. (was interrupted)

Commissioner Gilgan stated he knows what their issues are and he may be the only one who votes against this but it would be for that reason.

Ron Kerr stated it sounds like Commissioner Gilgan is looking for more information on the background on the reason the code limits Public and Semipublic uses to a monument sign. He also noted that Commissioner Gilgan can do his own research and come back at a later time to review the code again.

Jim Jacks noted that the sign code could be reevaluated in a year and a position could be that this is being brought up again too quickly, it's only been a year.

Commissioner Gilgan stated he didn't care about the time frame; he was looking at the appearance of impropriety for self-serving the City.

Jim Jacks replied that was an opinion that a person can have, what the City is trying to do is have a reader board sign and instead of having ... (was interrupted)

Commissioner Gilgan stated he understand what the City is trying to do, his point is that if People's Market was trying to put up at 80 foot billboard above and they came in with the application and we told them no, the amendments wouldn't be in front of us at our next meeting. We would be like that's not the code, period.

Jim Jacks replied that he thought that was not good example, began explaining... (was interrupted)

Commissioner Gilgan stated a billboard period. We would deny their application and that would be it. They wouldn't be in front of us with amendments the next month. That's the impropriety appearance that I'm talking about.

Jim Jacks replied it appears that the city can never propose amendments to the code that would benefit the city, because it would seem to be an impropriety.

Commissioner Gilgan stated no they absolutely can he just didn't think that it makes sense that they, we had this application in front of us that the city probably should have known would not fit the code. Then after it's denied, in a way that really felt like it was trying to be snuck by us a little bit with the language in the staff report then all of a sudden we're going to amend the law to make that application work the next month, it just doesn't feel right.

Jim Jacks replied, he was focusing on certain reasons. There are other reasons such as the corridor is the corridor and if there's an office at City Hall, why can't it have the same signage as an office across the street in a private sector business.

Commissioner Gilgan stated as far as he knows it can, he wants to look at the history of why all these cities around here have these monument signs. He thinks it's a little coincidental that several cities have those and that's in our code. So, he would like to look at that first. It's not the problem with them having it. It's the way in which we're going about it. It seems very self-serving for the city government.

Jim Jacks noted that definitely any amendment that would benefit the city would be self-serving, you can't get away from that.

Commissioner Gilgan stated he cannot recall a single other time that somebody had a problem with the code and the very next month it was in front of us with amendments.

Commissioner Karl noted that Commissioner Gilgan been on the Planning Commission for two years.

Commissioner Gilgan stated he has been on for five years actually.

Vice-Chair Karl stated he has been here eight and this has happened before.

Kevin Perkins stated, a lot of the way the Code gets amended is the Planning Commission will turn somebody down, those folks go to the council and complain about it and then council directs staff to look into an amendment. So, you may not see who is pushing that amendment because they are not sitting in front of you. It will come through staff via our elected officials or occasionally through a ballot measure. You think about the chickens and rabbit ordinance is a good example of that so many times what you're seeing with changes like this, especially clarifications of language which some of this is. That's the way it comes through. So, it looks like it's coming from staff but its initiated by a member of the public who it would benefit. So, it's not quite as straight line as this one is, typically.

Jim Jacks asked the Commission if there were any other comments on the proposed amendments.

Commissioner Kerr commented on sign code section G, noting that the total reduced signage could be reduced by 25% if the use is a flashing, rotating or message sign.

Discussion ensued about the language of 2.206.12 section G.

Jim Jacks explained the word "use" instead of "business" includes public and semi-public uses which would help even things up so public and semi-public uses would not have a leg up on private businesses.

Commissioner Kerr commented that section G would be clearer if it read "The total allowed sign area shall be reduced by 25% if the type of sign used/desired has a flashing, rotating/revolving or message sign".

Discussion continued about if the 25% reduction should be kept as is, applied to all uses or taken out completed.

Commissioner Bosworth asked what other cities do in reference for allowed signs. He commented that Lafayette does not have a very large main street, and if section G was eliminated would that take up the already small space we have on our main street. Commissioner Bosworth asked the Planning Commission if they are doing what's best for Lafayette. Curious as to how to move forward, what would be best for the City.

Commissioner Kerr commented that he recalls working on the sign code years ago and as one city adopts a methodology and then you begin to see the same language throughout cities surrounding.

Commissioner Bosworth stated he can see the need for a business to have a sign on its physical store front, but sometimes feels like there is too much sign pollution. Noting that he drove through McMinnville and noticed pole signs throughout town.

Jim Jacks discussed the progression of signs throughout the past and that some cities allowed message

Commissioner Bosworth noted his issues that there is not much variety of business we have along third street, if Section G in the sign code is eliminated and businesses were not required to reduce their total allowed signage 25%, would there be four new applications for large signs right away. He stated he was concerned about third street turning into a Las Vegas style, drive down the street and there are flashing light etc.

Jim Jacks explained that the proposed amendments would allow for the city to have a 12-foot-high sign as that is what the private business is allowed in the C-1 District.

Commissioner Gilgan explained that if the public use sign height is changed to 12 foot the City would not have to lower the current sign.

Jim Jacks explained that when the structure of the City's sign is changed, the sign would have to be brought into compliance. He also explained the non-conforming status of the current sign, and that the city planned to stay within the 12-foot height requirement if the sign code was changed and public uses were allowed a 12-foot message sign. Discussion continued.

Commissioner Bosworth stated that he would be curious to see what Commissioner Gilgan can find out about the legislative history of the signs.

Vice-Chair Karl asked if there was any other discussion about the work session.

Jim Jacks asked if there was any consensus about keeping or deleting sign code section G.

Vice-Chair Karl asked the Commission if there was a consensus to keep or eliminate section G.

Commissioner Kerr suggested eliminating it or changing to make all uses have to reduce 25%.



Jim Jacks suggested postponing the decision to keep or eliminate Section G of the sign code in abeyance until there are more Commissioners present to discuss further, the Commission agreed.

Vice-Chair Karl asked if there were any other problems or issues the Commission wanted to deal with.

Jim Jacks asked the Commission if they were okay with the proposed changes in section E to remove the phrase "such signs" to make the code clearer.

Vice-Chair Karl asked if anyone had a problem with the wording, the message, the intent of the section and suggested adopting.

No one responded.

Vice-Chair Karl stated that must be a consensus if no one said anything and asked if there were any other problems to deal with.

Jim Jacks stated that was the extent of the proposed amendments for ADU's and Signs.

Vice-Chair Karl asked if the issue Commissioner Gilgan had with the proposed sign code changes would be dealt with at a different meeting.

Commissioner Gilgan stated he was sorry, and was still regrouping from the distasteful retort regarding my experience here, which is either based in ageism or condescension.

Vice-Chair Karl stated it wasn't meant to be distasteful, he just meant that some commissioners have more experience. They've been here longer; they've heard this before and Commissioner Gilgan probably wasn't here when it happened.

Jim Jacks apologized that staff couldn't find an answer for the why the public sign height for a free-standing sign is limited to six feet but we did the best we could.

Danielle noted that staff looked through everything at the City Hall.

Commissioner Kerr noted that it is probably something that came in at some point because it was happening other places.

Jim Jacks noted that the sign code could have possibly been brought in 30 years ago when the city had 1,200 to 1,500 people and very easily whatever got adopted probably had no legislative history with it at all. Through the Planning Commission and City Council process this language is what was proposed and verbally they said yes that's what we want, what we want to do and did not record no real explanation as to why each requirement was put into the code.

Commissioner Kerr stated tonight discussion has two issues: (1) The ADU amendments, based off of what the State says and what the commission has discussed there is no problem with the proposed ADU amendments; and (2) The sign code, we want to hold off on doing anything now; and allow Commissioner Gilgan to gather his information, he is curious about it as well. Stating that if the Commission is going to make a change, make a change that is best for Lafayette.

Vice-Chair Karl asked if anyone else had any opinions or notes before the work session was closed.

Commissioner Bosworth states he agrees with Commissioner Kerr that he doesn't want to rush anything though without it being in the best interest of Lafayette.

**6. NEW BUSINESS**

Kevin Perkins discussed the use of personal e-mail use in regards to Planning Commission e-mails. He reviewed the retention schedule and the public records request process. There was documents discussion about the City being the official record keeper for all Planning Commission.

Vice-Chair Karl noted that Planning Commissioners will be required to complete their Statement of Economic Interest, due April 15, 2020.

**7. OLD BUSINESS: None**

**8. NEXT MEETING: March 19, 2020 or April 16, 2020.**

**9. ADJOURNMENT: Commissioner Kerr made a motion to adjourn the meeting. Commissioner Bosworth seconded the motion. Motion passed unanimously. Meeting was adjourned at 8:28pm.**

Minutes approved on 30 day of Sept, 2021.

CERTIFIED:

  
Michael Karl Chair vice chair

ATTESTED:

  
Danielle Oliveira, Community Development Clerk