

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. (The exception is formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA
OCTOBER 4, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT

V. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the Mayor's discretion; an opportunity to speak for no more than 5 minutes per speaker allowed)

VI. CONSENT CALENDAR

1. Consider a motion approving a **proclamation** declaring October, 2010, as Domestic Violence Awareness Month. (Pgs. 3-4)
2. Consider a motion approving a **proclamation** declaring October, 2010, as Archives Month. (Pgs. 5-6)
3. Consider a motion approving **City Council Minutes** for August 16, 2010, and September 7, 2010. (Pgs. 7-21)

VII. PUBLIC HEARING

Consider a motion adopting **Ordinance No. 2010-2731** amending the Development Code pertaining to electronic signs. (Pgs. 23-189)
(Legislative Hearing)

VIII. COUNCIL BUSINESS

1. Presentation of an Eagle Scout Project for the City.
2. Update and Discussion on the UGB/URA process and status.

IX. ADJOURNMENT

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

INDEX OF ORDERS, ORDINANCES AND/OR RESOLUTIONS:

ORDINANCES:

Ordinance No. 2010-2731 amending the Newberg Development Code to allow more flexibility to operate animated signs, depending on the zone, sign size, and operating method.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Norma Alley, City Recorder, at (503) 537-1283.

Public testimony will be heard on all agenda items at the Council meeting. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 4, 2010

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve a proclamation declaring the month of October, 2010, as Domestic Violence Awareness Month.

Contact Person (Preparer) for this Motion: **Bob Andrews, Mayor**

Dept.: **Administration**

RECOMMENDATION:

Approve a proclamation declaring the month of October, 2010, as Domestic Violence Awareness Month.

EXECUTIVE SUMMARY:

Bob Silverstein from The EMILY Fund contacted the City and inquired if the City would support a proclamation declaring the month of October, 2010, as Domestic Violence Awareness Month. The EMILY Fund was incorporated as a nonprofit organization after the murder of Bob Silverstein's daughter, Emily, last year as a dedication to continue her legacy of service to the community and to raise awareness about the serious issue of dating violence. This year The EMILY Fund has distributed nearly 400,000 free wallet-sized Dating Pledge Cards requested by over 600 domestic violence agencies in all 50 states for their work educating young people about dating violence.

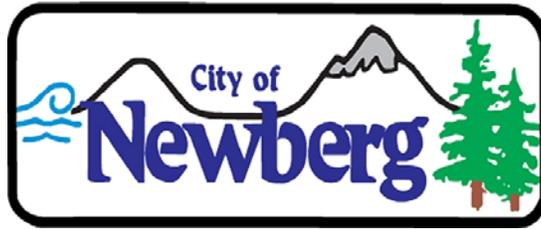
With great appreciation and gratitude, the mayor brings forward this proclamation for your consideration.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

This supports the Council's desire to be an active participant in the community by reaching out and recognizing the importance of educating young adults on domestic violence that strikes our community.



PROCLAMATION

A PROCLAMATION DECLARING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and

WHEREAS, Domestic violence is widespread and affects over four million Americans each year; and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and.

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims.

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Newberg, Oregon, proclaims the month of October as Domestic Violence Awareness Month and urge the citizens of Newberg to work together to eliminate domestic violence from our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 4th day of October, 2010.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 4, 2010

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve a proclamation declaring the month of October, 2010, as Archive Month.

Contact Person (Preparer) for this Motion: **Bob Andrews, Mayor**

Dept.: **Administration**

RECOMMENDATION:

Approve a proclamation declaring the month of October, 2010, as Archive Month.

EXECUTIVE SUMMARY:

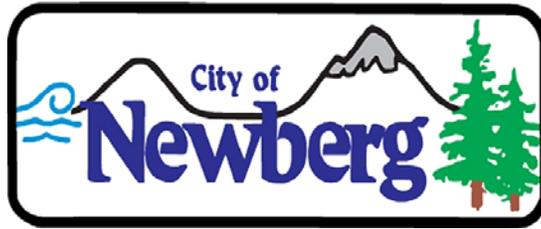
Oregon's Secretary of State, State Archivist, and State Historical Records Advisory Board (SHRAB) have recognized the importance of preserving our country's documentary heritage and encourages Cities to observe October, 2010, as Archive Month. To recognize the hard work of the City Department Records Coordinators, it is with gratitude the mayor and city recorder brings forward this proclamation for your consideration.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

This supports the Council's desire to have a transparent government and recognizes the importance of community involvement and accountability, which contributes to making Newberg a better place.



PROCLAMATION

A PROCLAMATION RECOGNIZING OCTOBER, 2010, AS ARCHIVES MONTH

WHEREAS, the records of the City of Newberg, Yamhill County, the State of Oregon, and the nation are critical to our understanding of the past and in planning for our common future; and

WHEREAS, archival institutions have a responsibility to provide the public with access to their records, and it is a goal of these institutions to increase public awareness of the vital role they play in safeguarding knowledge of our intellectual, cultural, social, and governmental heritage and providing a forum for ensuring accountability to our citizens; and

WHEREAS, archival records document and provide context to our histories and evidence of our common and individual rights and obligations; and

WHEREAS, the City of Newberg supports the intent of Archives Month and acknowledges the value of the City of Newberg's public records and recognize the hard work of those who maintain them.

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Newberg, Oregon, the month of October, 2010, as Archives Month and encourages people in our community to participate in events to observe the importance of public records and to raise awareness of the vital role public records play in preserving our history.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 4th day of October, 2010.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 4, 2010

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the August 16, 2010, and September 7, 2010, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: **Norma Alley, City Recorder**

Dept.: **Administration**

File No.:

(if applicable)

RECOMMENDATION:

Approve the August 16, 2010, and September 7, 2010, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On August 16, 2010, and September 7, 2010, the City of Newberg City Council held public meetings. At those meetings, minutes were recorded in text.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
AUGUST 16, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. A general discussion occurred. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:01 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Terrence Mahr, City Attorney	Larry Fain, Senior Engineer/CIP Manager
	Barton Brierley, Planning and Building Director	Dain Eichel, Acting Public Works Director
	Jason Wuertz, Civil Engineer	Norma Alley, City Recorder
		Jennifer Nelson, Recording Secretary

Others

Present: Roger Wiltshire, Edward Sullivan, Larry Kimmel, George Johnston, Brian Francis, Samuel Farris, and Gary Bliss

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Terrence Mahr, City Attorney, spoke of updates given during the work session on litigation with the initiative petition and the location for the City/County Dinner at the Inn at Red Hills or Farm to Fork restaurant was clarified.

V. PUBLIC COMMENTS

Mr. Roger Wiltshire spoke of comments made by the city manager at the last meeting referring to citizens as customers of the City; he argued citizens are shareholders who pay taxes, fees, charges, and all revenue received by the city and they vote for councilors like stockholders choose their board of directors. He objected to being referred to as a customer in a profit making organization and felt anyone with this opinion should rethink their position on the matter. He spoke of not becoming an egotistical hierarchy or perceiving themselves above the law and cited the City's denial of a petition submitted by Mr. Hank Grum as a denigration of the constitutional right to petition our government; he said Mr. Grum's winning the law suit should tell us something is wrong in City decision making. He felt the City squandered and wasted tax dollars trying to abort a citizen's right in a communistic manner and the person responsible should be fired or recalled from their position. He said to stop city government from squandering dollars and that he embraces capitalism, not communism.

VI. CONSENT CALENDAR

1. Consider a motion approving a **Sound Permit** for Newberg Friends Church Outdoor Music for Families and Community event on Saturday, August 21, 2010.
2. Consider a motion approving **City Council Minutes** for June 21, 2010, and July 19, 2010.

MOTION: Shelton/Rierson approving a Sound Permit for Newberg Friends Church Outdoor Music for Families and Community event on Saturday, August 21, 2010 and the City Council Minutes for June 21, 2010, and July 19, 2010 as amended. (7 Yes/0 No) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2010-2728** approving the final assessments for the Columbia Drive (Group B) Local Improvement District Project.

TIME – 7:10 PM

Mayor Andrews called for any abstentions, biases, or conflicts of interest; none appeared.

Mr. Jason Wuertz, Civil Engineer, presented the staff report (see official meeting packet for full report).

Mayor Andrews opened the public testimony.

Mr. Bill Elder said he spoke for the church located at Columbia Drive and College Street at a prior meeting raising some questions for staff. He wanted to thank the council for their reconsideration and felt an equitable assessment was reached on behalf of the church and the owner of the other two parcels.

Councilor Bart Rierson thanked the church and Mr. Elder for providing better access for the disabled community and said their willingness to participate in a Local Improvement District project helps the City to achieve their goals.

Mayor Andrews closed the public testimony. Staff recommended adoption. The public hearing was closed.

MOTION: Witherspoon/McKinney adopting **Ordinance No. 2010-2728** approving the final assessments for the Columbia Drive (Group B) Local Improvement District Project, read by title only. (7 Yes/0 No) Motion carried.

2. Consider a motion adopting **Order No. 2010-0027** affirming the Planning Commission's denial of the Fred Meyer gas station conditional use permit/design review application.

TIME – 7:17 PM

Mayor Andrews called for any conflicts of interest, abstentions, ex parte contact, or objections to jurisdiction.

Councilor Rierson mentioned emails were received through his city email account from those not supportive of the Fred Meyer gas station project for the record.

Councilor Stephen McKinney also received emails and citizens' comments.

Mayor Andrews received emails and was contacted about the matter by citizens concerned for the need to allow free enterprise, the ambient light with the drive-in theater, and traffic within the neighborhood; but, he had no extended discussions and his decision will be based on record.

Councilor Wade Witherspoon received emails.

Mr. Terrence Mahr, City Attorney, asked if everyone received the emails about the same issues as stated by Mayor Andrews. All Council members did except Councilors Denise Bacon and Ryan Howard stated they received those emails. Councilor Marc Shelton said all Councilors were named in the same mass email. Councilor McKinney added the majority of the public comments he received were in favor of the Fred Meyer gas station for more competition of gas prices in Newberg. Councilor Bacon stated she does not remember what material was received in her packet vs. what may have been in her email inbox.

Mr. Mahr made the required legal statements for quasi-judicial hearings regarding process and criteria.

Mr. Wiltshire expressed his desire to speak on this matter although he had not filled out a public comment form to do so. Mayor Andrews said it would be okay for him to speak.

Mr. Barton Brierley presented the staff report including a PowerPoint visual aide (see official meeting packet for full report).

Discussions followed about concerns for the 99W driveway approach, the traffic flow patterns, use of public streets as part of traffic circulation patterns, increase traffic volume, traffic in the neighborhood adjacent to Fred Meyer, accounting for driver error and out of town drivers, and drivers cutting around the island on Springbrook Road. Staff addressed each of the concerns and answered questions, noting that several of the mentioned concerns were part of the reason the Planning Commission denied the application. Staff also mentioned fifteen additional letters were received in the last day and a half as well and the Council may need to decide on those letters as well.

Mayor Andrews asked if an applicant must meet all of the conditions to be approved. Staff replied the applicant does need to meet all conditions unless a statement of exception is given. In large-scale retail development, those criteria do not need to be satisfied if they meet the conditional use criteria. Mayor Andrews asked if all three conditional use criteria must be met and if this is true with all prior practice; staff replied yes to both.

Councilor Shelton wanted to ensure the other evidence and emails were also brought into the record.

Mayor Andrews asked about storm water safeguards and areas of separation for potential petroleum spillage and run off. Staff said there were manholes designed to separate oil from runoff before it enters the storm drain system.

Councilor Shelton asked if the gas station across from the proposed site is protecting the water ways in the same way. Staff was unsure of what system they had in place. Councilor Shelton asked if a major spill occurred, could it wash into same drain; staff replied it could.

Councilor Rierson asked which of the original design criteria were not met that triggered the Conditional Use Permit (CUP). Staff replied it had to do with the design criteria concerning windows and façade articulation.

Councilor McKinney spoke of Fred Meyer needing the exception because it was difficult to tell how to orient a canopy towards a street and asked if the city was holding Fred Meyer to a different standard than others. Staff replied they are holding to the criteria in place when the application was submitted.

Mayor Andrews opened the public testimony.

Mr. John Bridges, Attorney for the applicant, presented a history of applicant's background using a PowerPoint. He spoke of the benefits to allowing the gas station and the customers' expectations to use the discounts they receive on gas. He showed surrounding businesses with canopies being of compatible design, spoke of intentions to do more planting and have an obscuring fence to prevent light trespass, mentioned state of the art safe operating systems and two bio-swales for protection of the stormwater system, talked about working with the Oregon Department of Transportation (ODOT) to get access permits, and using different surfaces for stopping traffic for pedestrians and improving internal traffic flow as several examples of efforts made to improve the situation while adding the gas station. He said the proposal would create a functional shopping area, improving safety and environmental impacts with all needs being met in one place.

Mayor Andrews recessed for five minutes at 8:36 PM.

Proponents:

Mr. Edward Sullivan spoke of this already being before the Planning Commission and now the Council is being asked to come to a different decision than the one already made using the same evidence. He has three issues. The first being with transportation to a small site with fourteen pumps and no direct public access, only private access creating a pinch point for traffic flow through such a large site area; he felt there would be safety risks. He felt the use of the surrounding streets was contrary to city code and felt there was too much concentration on the internal site circulation with undercounted internal trips and unverified numbers; he did not feel they established safe, efficient, and adequate onsite circulation and said it would really make things worse. He said putting in pedestrian crosswalks will not mitigate the use or conflicts with pedestrians and felt they failed to prove pedestrians will be protected. He was concerned with impact on the neighborhood with use of city streets. He wondered if the facilities are adequate to handle the volume of users when adding the gas station. He said the site is nonconforming and does not meet current design standards. He said it is an ill-considered and unsafe design that does not meet code and felt Kroger should do better for this community. He asked the Council to uphold the Planning Commission decision and deny the application.

Mr. Larry Kimmel, Vice-President Bend Oil Co., stated this gas station would create no financial impact for him and his interest is as a spectator since Fred Meyer added a fuel facility in his town with one-thousand five-hundred (1,500) to one-thousand nine-hundred (1,900) visits to the canopy and twelve (12) to fifteen (15) gallons per vehicle a day on average. He spoke of the problem with stacking and did not feel the existing site could facilitate the possible volume of traffic.

Councilor McKinney asked what the population base was in Bend, Oregon. Mr. Kimmel said it is about eighty-thousand (80,000). Councilor McKinney said Newberg's population is only about twenty-three-thousand (23,000). Mr. Kimmel added that the traffic count in front of the Fred Meyer in Bend is lower than the traffic on 99W though.

Councilor Witherspoon asked if he lived in Newberg. Mr. Kimmel said he does not live here and does not represent any enterprise in Newberg; he was asked by colleague, Mr. George Johnston, to speak because of his knowledge of other Fred Meyer gas stations.

Mr. George Johnston said he once owned a gas station in Newberg which was torn down. He said Fred Meyer will give gas percentages but not actual numbers. He gave some estimates of daily trips and gallons served based on his experiences and said his real concerns were with the removal of parking and the need for two tanker loads of gas deliveries a day to the site needing to make wide turns at the Columbia and West Coast Bank area. He felt this alone would create a nightmare and said this would be an unsafe station with too many cars at the front entrance and to the store.

Mr. Brian Francis, owner of the 99W Drive-in Theater, stated his desire to see a photometric site study and a light study on the theater's screen before and after construction to see if it measures lighter because of ambient light. He spoke of the construction of the Coyote Homes building helping to block off ambient light from the car dealerships. His main concern was for light pollution impacting his viewers' enjoyment and wished to have a record for damage that may be caused due to increasing light from the gas station if it is built.

Councilor McKinney asked what is regularly done to block light on the screen. Mr. Francis said they plant trees to create buffer zones and other businesses have installed parking lights with lower illumination.

Mr. Samuel Farris said he lives in the neighborhood adjacent to Fred Meyer and has previously testified and submitted material. He is a proponent for the Planning Commission's denial of the CUP because of safety concerns and increased traffic; but, also because of additional noise. He felt there would be a reduction in the quality of living in that area as there are backyards only a few feet away from the Fred Meyer loading dock. He felt there would be increased traffic flow around the back side of the building with the gas station as drivers try to avoid the traffic out in front, increasing the noise of traffic for those homes. He was also concerned for livability with fuel tankers going by the houses while they are sleeping and living and for the risk of fuel spillage right in their back yards. He urged Council to support the Planning Commission for the safety, livability, and increased noise of the surrounding area.

Councilor Shelton asked when he purchased his home and if he was the first owner. Mr. Farris replied he was the first owner and he purchased the home four years ago.

Mr. Gary Bliss expressed concern for drainage and environmental impacts and argued the equipment was not "state of the art" because the use of an oil separator is 1960's technology, not 2010 technology. He said this does not prohibit hydrocarbons from getting into drainage system in any way. He spoke of placing vaults with chemicals that remove 75% of hydrocarbons as better solution. He said the two bio-swales are not designed to take mass spills and if there is an electronic failure of the devices; water with oils and hydrocarbons that flows through grasses and is sieved by swales are designed for less than two years of store. He wished to emphasize his prior testimony with this additional information.

Councilor Howard asked about his area of expertise. Mr. Bliss stated he was a licensed civil engineer in the State of Oregon and has been for forty-one years.

Undecided:

Mr. Wiltshire said he would like to see the emails discussed earlier included in the public record. He spoke of some of the opinions of both the proponents and opponents on certain elements of traffic and other issues to be inaccurate and expressed his disagreement with the Planning Director concerning traffic issues at the Safeway shopping center 4-way intersection; he has never found a back-up of traffic on 99W as reported. He said he has been to many shopping centers and said there have been no major accidents or pedestrian kills, so that argument is unfounded and the statistics do not support this. He said the addition of the service station can add jobs and is what the city needs as it embarks on an affordable housing conglomeration to help people find work in this economy. He said the Council should not follow the Planning Commission's decision and he supports reversing the denial.

Councilor McKinney asked what his area of expertise is and if he was offering opinions, not studies. Mr. Wiltshire said he is a retiree and versatile in many industries, he retired as a licensed real estate broker and loan officer and is offering his opinions only.

Mayor Andrews closed the public testimony and gave the applicant an opportunity for rebuttal.

Mr. Bridges clarified the percentages of rewards card users saying that 70% of the rewards card holders qualify for a \$0.10 discount and a 3% discount is still offered even if you do not have a rewards card. The gas station would also generate twelve to twenty jobs. He pointed out that the staff did review the application and at the Planning Commission meeting recommended approval because it met the CUP criteria; staff had no conflicts and said it was a good plan, but the Planning Commission made its own choice. He said that Fred Meyer has a vested interest to make pedestrians safe and has not had problems at this location and has other locations with gas stations without problems. He added this plan would include four aisles for cars to get gas from two ways and the Bend store location only has three aisles going one way; because of this and the fact it is a larger community the problem with queuing has occurred there. The Planning Commission did a through analysis of the surrounding area and showed how this would be compatible. Regarding the light issue, it cannot be known where the light comes from; it could be from the clouds or the moon reflecting ambient light and is out of their control. It has been calculated that the light will not reach past the property line though. As far as the trip through the neighborhood, there is no obligation to have a connection there at Brutscher Road and Fred Meyer has not necessity for it, so have it cut off if it is a concern. He announced the applicant would not be waiving their rights to submit further items and would like to take advantage of submitting additional written material after the record is closed.

Councilor Howard asked how drivers would be discouraged from going behind the Fred Meyer from the fueling station; Mr. Bridges said some sort of “no access” signage was expected to be used. He also asked about measures to prevent spillage; Mr. Bridges spoke of underground tanks with double walls and auto shut-off mechanisms along with fuel/water separators which are based on the relative weight of the materials.

Councilor Shelton asked about required parking spaces and if the removal of those designated along the fueling center would allow them to remain in code; staff replied the proposed plan with the parking space removal remains within code and added even more could be removed as they are only 75% full even at Christmas.

Councilor McKinney added the original intent from staff was a recommendation to the Planning Commission was to approve this fueling station because all criteria had been met.

Mr. Brierley noted additional written material was received today and Friday afternoon.

MOTION: Rierson/Shelton to accept the additional written testimony into the record. (6 Yes/1 No [Witherspoon]) Motion carried.

MOTION: Shelton/McKinney to have the City Attorney verify all emails received by the Councilors will be included into the record. (7 Yes/0 No) Motion carried.

Mr. Mahr made legal announcements and asked if the applicant wished to further address the record.

Mr. Bridges stated the applicant would like to use their right to address the closed record and to be allowed time to submit additional written material by noon on September 2, 2010. Deliberations will be held at the next City Council meeting on September 7, 2010.

VIII. COUNCIL BUSINESS

TIME – 10:05 PM

Mr. Mahr discussed Council’s desires regarding filing an appeal on a recent court decision. Council did not wish to take further action until they received financial backing from the League of Oregon Cities.

Councilor Shelton wished for staff to re-look at the parking and narrow street situation at the Sheridan Street from Meridian Street and College Street going east, especially at the intersection. Mr. Mahr suggested referring the situation to the Traffic Safety Commission.

Discussions were held briefly with the City Attorney regarding when to only note potential conflicts of interest and when to abstain.

IX. ADJOURNMENT

The meeting adjourned at 10:30 PM.

ADOPTED by the Newberg City Council this 4th day of October, 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 7th day of October, 2010.

Bob Andrews, Mayor

**CITY OF NEWBERG CITY COUNCIL MINUTES
SEPTEMBER 7, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. An update from Engineering on the Animal Shelter was given. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Larry Fain, Senior Engineer/CIP Manager	Dain Eichel, Acting Public Works Director
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
		Jennifer Nelson, Recording Secretary

Others

Present: Kale Rogers, Pat Haight, Hank Grum, Roger Wiltshire, Jennifer Bragar, Daniel W. Shepherd, Pat Brown, Cynthia Ziegenbein, Mary Starrett, Ryan Goosmann, Elise Hui, Philip J. Griffin, Phil Smith, Rick Rogers, Doug Bartlett, Peter Hainley, Robert Soppe, Roger P. Grahn, Kurt Ziegenbein, Larry Hill, and Lon Wall

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, announced the annual Chamber of Commerce Trilogy event is on Saturday, the League of Oregon Cities City Hall Week hosted by Newberg is September 14th, and the fire department's annual Toy & Joy Golf Tournament is September 12th. The speed signs with flashing lights will be ordered tomorrow for placement on Mountainview Road in front of Joan Austin Elementary and at other schools along College Street as approved by the current budget; and a public meeting will be held on September 15th at the Library to initiate visioning for the Cultural Center Plaza and other open spaces downtown.

V. APPOINTMENTS

Consider a motion to appoint Kale Rogers to the Planning Commission as the student representative.

Mr. Kale Rogers spoke of being a junior at Newberg High School who plays water polo and rugby; he is interested in city planning and would be grateful for the appointment as the Planning Commission student representative.

MOTION: Rierson/Shelton to ratify the appointment of Kale Rogers to the Planning Commission as the student representative. (7 Yes/0 No) Motion carried.

VI. PUBLIC COMMENTS

Ms. Pat Haight encouraged Council to approve the sound permit on the Consent Calendar this evening. She also expressed concerns for the new animal shelter money and asked the City how much money is left in that account.

Mr. Hank Grum spoke of his concerns for the City's decision to donate land on Blaine Street to Habitat for Humanity and felt such a large charitable contribution was a commitment of a taxpayer resource and not justified when the citizens are already burdened with water rate increases. He felt this land should be sold rather than donated.

Mr. Roger Wiltshire mentioned an article in The Newberg Graphic this week discussing the potential closure of N. Howard Street in front of the Newberg Public Library and the Cultural Center. He requested Council to deny any closure to that street for pedestrian purposes and felt traffic can be redesigned to come on the north side. Traffic does not have to come on the south side to interfere with library activity.

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2010-2917** initiating an evaluation and establishment of the City's Stormwater Management and Erosion Control Ordinance.
2. Consider a motion approving **Resolution No. 2010-2918** authorizing the city manager to sign an intergovernmental agreement with the City of Springfield for ambulance billing services.
3. Consider a motion approving a **Sound Permit** for Eric Cisneros' non-profit community event to be held on September 18, 2010, celebrating Mexico's Independence Day.
4. Consider a motion approving **City Council Minutes** for August 2, 2010.

MOTION: Shelton/McKinney approving the Consent Calendar including **Resolution No. 2010-2917** initiating an evaluation and establishment of the City's Stormwater Management and Erosion Control Ordinance; **Resolution No. 2010-2918** authorizing the city manager to sign an intergovernmental agreement with the City of Springfield for ambulance billing services; a Sound Permit for Eric Cisneros' non-profit community event to be held on September 18, 2010; and the City Council Minutes for August 2, 2010. (7 Yes/0 No) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion adopting **Order No. 2010-0027** affirming the Planning Commission's denial of the Fred Meyer gas station conditional use permit/design review application.

TIME – 7:19 PM

Mayor Andrews announced the oral record had been closed at the previous meeting.

Mr. Terrence Mahr, City Attorney, discussed issues brought up from the last hearing and the announcement that the record could be reopened if necessary. He spoke of an editorial in The Newberg Graphic on August 25, 2010, being read by Councilors Wade Witherspoon, Bart Rierson, and Stephen McKinney and suggested

opening the record to include this article as ex-parte contact so a rebuttal can occur. Second, based on the testimony of the applicant regarding the Fred Meyer rewards card program, any council member holding a rewards card should declare a potential conflict of interest for financial advantage; Mayor Andrews and Councilors Marc Shelton, Wade Witherspoon, Bart Rierson, Denise Bacon, and Stephen McKinney all declared this potential conflict but stated they would base their decisions on the record. He recommended opening the record to include these items and anyone who wants to address them.

MOTION: McKinney/Shelton to reopen the record for **Order No. 2010-0027** accepting an article as ex-parte contact and declaring the potential conflict of interest for those owning a Fred Meyer rewards card. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed at 7:31 PM for five minutes so council could review the editorial accepted into the record. He opened public testimony for one citizen who signed up to speak.

Ms. Jennifer Bragar stated she supported the editorial suggesting Fred Meyer re-craft the application to adhere to city standards so the Planning Commission (PC) and City Council can approve it.

Mr. Barton Brierley, Planning and Building Director, spoke of two additional letters being submitted and the two top reasons the PC denied the application; the circulation on site was not adequate and the use of public streets as part of the traffic pattern. He also spoke of the need to draft a new order with conditions and findings of fact if Council chooses not to uphold the PC denial.

Councilor Stephen McKinney said he did not support the staff recommendation to deny the application because past councils recommended Fred Meyer to place a gas station on the west side of the property. He felt the traffic patterns would not substantially be changed in the neighborhood. He did think there would be mitigation to the light and sound issues and felt the ambient light situation on the drive-in theater was proven to be dead at the property line by good science. He felt it was in the public's best interest to be able to have access to gas at the best price and he believed traffic could be handled at the fourteen proposed fueling pumps. He also based his decision on the criteria of previous councils.

Councilor Denise Bacon also supported overturning the PC decision based on finding number two.

Councilor Wade Witherspoon stated he would vote to uphold the PC denial because he did not feel the Fred Meyer property was well laid out. He felt it is already congested and inefficient and adding a gas station would only make the traffic flow through the property worse. He spoke of his concern for people traveling west turning at Springbrook Road, realizing they cannot make a left turn to get to the gas station, and then using the neighborhood. He also felt drivers would use the area behind the building as a shortcut too. He was not convinced the majority of Newberg wants this and he did not feel a few cents saved with a new gas station outweighed the cost of livability. He said he respects the Planning Commission and he would have to feel strongly enough in favor to vote against their decision, but he does not and he asked to uphold their denial.

Councilor Bart Rierson also supported upholding the PC decision because of concerns with the traffic circulation and the safety of pedestrians walking from the parking lot to the store. He was also concerned about drivers not being able to turn left once they saw the gas station because they would further impact the livability of the neighborhoods. Although Fred Meyer has a good plan for handling the lighting issue, he is concerned there could be an impact on the drive-in theater; he is not convinced the light will stop at the edge of the parking lot. He will vote to uphold the PC decision.

Councilor Marc Shelton said if a business comes up with a product to sell, regardless of the commodity, and it fits in the criteria, then he is not in a position to deny that just because there might be a problem with traffic flow. Based on the record, Fred Meyer assured us changes around the main entrance to prevent pedestrian

injury and whatever is done to improve it will be beneficial; they have also not experienced any hits currently. He cannot confirm the ability to bring down gas prices, but he feels Fred Meyer is contributing to the livability of Newberg and he supports that.

Mayor Andrews said he will be voting to deny the PC decision because of concerns with traffic patterns and he feels some things cited by testimony were more anecdotal rather than supported by facts. He also appreciates the concerns for those supporting the denial, but wonders if it could be passed to support the gas station if staff returned with a written order including conditions to resolve those concerns.

MOTION: Shelton/Bacon to amend the denial of **Order No. 2010-0027** to direct staff to prepare new findings of fact for the September 20, 2010, City Council meeting to support the conditional use permit application for a gas station at Fred Meyer if the motion to deny prevails. (7 Yes/0 No) Motion carried.

MOTION: to deny **Order No. 2010-0027** not affirming the Planning Commission's denial of the Fred Meyer gas station conditional use permit/design review application with the amendment to direct staff to return with new findings of fact supporting the gas station on September 20, 2010. (4 Yes/3 No [Howard, Witherspoon, Rierson) Motion carried.

2. Consider a motion adopting **Ordinance No. 2010-2730** amending the Newberg Comprehensive Plan and Newberg Development Code to promote affordable housing and to create residential design standards.

TIME – 7:58 PM

Mayor Andrews asked for any abstentions, biases, or conflicts of interest; none appeared.

Mr. Brierley presented staff report with a PowerPoint as visual aide (see official meeting packet for full report).

Mayor Andrews opened the public testimony.

Opponents:

Mr. Daniel Shepherd had concerns for fast-track development occurring and felt the rule concerning the number of stories allowed when R-1 is up against R-3 zones. He spoke of the problems with allowing developers to give land to nonprofit organizations to develop affordable housing without actually building affordable houses within their project. He said this allows for a “not in my backyard” attitude by keeping the expensive homes from being mixed in with the affordable ones. He spoke of payment-in-lieu of credits allowing for the “good ‘ole boy network” to remain in effect of “you take care of me, I take care of you” and was concerned that less expensive building just means relaxing codes and using cheaper materials. He also wondered if supporting and promoting for employers meant they get tax breaks or help paying some of their expenses; this was pretty vague. He felt the idea of building affordable housing for the people who work in Newberg was putting the cart before the horse because Newberg does not have the jobs yet. Focus should remain with bringing revenue and income into Newberg rather than building more houses and the “if we build it they will come” mentality.

Mr. Pat Brown was concerned about reading the builder would be able to subsidize the required parking spaces by using street parking which would not put anything towards repairing the streets already in poor condition. Leaving that up to the builder would really mean it will be laid upon the residents on the street to deal with it.

Ms. Cynthia Ziegenbien spoke of her letter being received on August 13, 2010, regarding this matter and it was the first time she had heard of it even though there were six to seven meetings held previously. She wondered why this decision does not go to the entire city. She felt flexible development would decrease the standard of

living and the City already has a problem with traffic and the loss of individual rights; she felt something this big should go to the voters.

Ms. Mary Starrett spoke of the idea that these low-income homes will be filled with occupants filling the shortage of labor in Newberg does not make sense. She felt there were too many vacant homes in Newberg that are not affordable to those who lived in them and the neighborhoods would be further harmed or devalued by the introduction of affordable housing.

Ms. Pat Haight said twenty years ago Newberg was self-sustaining; there were jobs and right amount of housing. Then the jobs went and development became more important. She said there were subdivision maps that included affordable housing but for some reason they were not built and now were being told there are not enough affordable homes. She said the city needs more jobs rather than cramming more homes onto every available space. She spoke of this affecting the use of or changing the value of properties that are already low.

Mr. Ryan Goosman spoke of the current traffic impacts from subdivisions already built on people's ability to walk around Newberg since five or six years ago. He spoke of population and traffic volume increases on roads that cannot handle it. He said he had been homeless and understands wanting to provide affordable homes instead of having people living on the street. However, he is concerned because he understands Yamhill County Housing Authority is now dumping properties and taking losses and low income housing funding is hard to maintain. He spoke of Newberg being centered on beautiful neighborhoods and having low-income dwelling units right next to a nice resort; he felt something different has to be done in the next ten years.

Mr. Grum said tax payers need to have money left after paying their bills to put food on the table and supports sustainable government and livability in Newberg. He has issues with developers being able to transfer their titles to nonprofit developers because they remove land from the tax base and restrict the sale of donated properties for twenty years, which is interference on the operation of the free market. He spoke of public oversight being evaded by having this set by ordinance to go into a fund that is not even established yet. He also said income requirements need to be set for affordable housing which pits social classes against each other.

Proponents:

Ms. Elyse Hughie, Yamhill County Housing Authority, said she appreciated all the years of work that have gone into the code amendments and is supportive of the ordinance. She said there are already over one thousand families waiting for affordable housing in the area and over two hundred are in Newberg. They are already here in the community working and doubling up in homes or living on couches to stay here; this needs to be addressed.

Mr. Phillip J. Griffin, Board of Commission for Yamhill County Housing Authority, responded to misinformation given in previous testimony about the Housing Authority losing money; he argued they sell single family homes at fair market value and have done so with everyone they sold. They have studied the need for affordable housing thoroughly and there are currently people who are employed that cannot buy any of the housing on the market here. Concerning vacant housing, many were occupied by owners who overspent on their mortgages and anyone at the median income level would have trouble paying overhead of three hundred and fifty thousand to four hundred thousand for a home. He supports the Planning Commission and has been to the hearings which anyone in Newberg could have attended; he felt this was a well-devised plan.

Mr. Phillip Smith, Planning Commission, said he served as Chair on the Affordable Housing Task Force for the first year and spoke of the diverse group of Newberg citizens that eventually compromised and agreed on a comprehensive proposal to address a need in Newberg. There are people working in Newberg that cannot afford to live here and policies are needed to get more affordable housing available. The real driving cause for the lack of affordable housing was determined to be the price of land and city fees, since more land cannot be created; increasing density makes smaller lots which can be bought for less.

Mr. Rick Rogers, Habitat for Humanity, spoke of people being from different backgrounds with different outlooks attended the meetings attacking a difficult problem to come up with a workable plan. He spoke of affordable housing being given a bad connotation which is not fair; it just means making homes affordable for the median income or less, not just the very bottom poor people. The idea is not to make Newberg a “bedroom community” where people only sleep here and commute elsewhere. He encouraged approval.

Mr. Doug Bartlett served on the Affordable Housing committee representing non-city dwellers as he lives in Dundee. He spoke of having an opportunity to hear from people who were not like-minded and learning of the frustrations and obstacles in respect to affordable housing. He does not know the proposal will solve all the problems, it is an experiment with no guarantees; but, if there are no changes things will be worse down the road. He is in favor of the plan and trying something different, if it is not perfect corrections can be made down the road. It just relaxes some standards so opportunities can be given to others to have a good life in Newberg.

Mr. Peter Hainley applauded staff and the work done; he spoke of the group being made up of lenders, private developers, bankers and all those involved in the housing process sitting at the same table to meet housing goals. He spoke of asking workers in various businesses where they live and he believes about 30% are working in Newberg and living outside of the City according to his own polling. He clarified this is not property tax exemption or rent control; they are middle-of-the-road types of changes to benefit the city and asked to please adopt the ordinance.

Undecided:

Mr. Robert Soppe was concerned with grouping two subjects together that should be separate and provided a list of questions, concerns, and corrections in writing which addressed the proposed plan directly (please see official meeting record for full report).

Mr. Roger Grahn said he is a builder of affordable housing which means you build more for less money. He is a proponent of the concepts but an opponent of the details. He spoke of the need to build more units in order to cover costs of construction and thinking outside of the box with public/private funding of System Development Charges (SDC's); but he is opposed to design standards because they make costs go up, not down.

Mr. Kurt Ziegenbein says he remembers this town when it used to be a great place to live and now it is only about growth and on the fast-track to destroying a nice small town. He was concerned for cramming so much in and making the street minimum so small you cannot drive a car beside the house to get to the back yard. He said the town has gone far enough and although he agrees with affordable housing, he does not agree with the pictures he saw in the presentation because those pictures are not affordable. He hates to see the town destroyed any more than it has been.

Mr. Larry Hill spoke of other cities sending people to Newberg because they do not want to do affordable housing, the diminishing middle class and wanting to protect his property. He understands wanting a place being built for affordable homes, but not next to him. He said there is nothing protecting him and his property.

Mr. Lon Wall spoke of civilized society not being able to ignore the needs of those less fortunate. He felt it was reasonable to help those in situations who want to work here and live here and contribute to the community. He did not believe it was the case that this would bring an end to the market and property rights. He encouraged council to pay close attention to the points brought up by Mr. Soppe and he thought the affordable housing plan should be kept separate from the design standards.

Mayor Andrews closed the public testimony. Staff made recommendations with corrections and clarified some items brought up in testimony. The public hearing was closed.

Councilor McKinney said he was reluctant to support this for the philosophical differences on infilling and because the public does not seem willing to endorse or accept it wholeheartedly. It is possible the cost may be too great if it is not successful.

Councilor Ryan Howard spoke of references to low income and affordable housing being the same and people alluded to not preferring these people as neighbors. He spoke of many of his classmates being examples of those entering the work force right out of college or high school, starting families, and having a hard time finding work and a place that is affordable to live. He spoke of the difference of those desiring a back yard and those that would enjoy it, but it is not feasible; this proposal does not prevent those who want a big yard, it just allows for those who do not see it as a necessity.

Councilor Rierson supported the comprehensive plan and development code changes. He did not think anyone is getting exactly what they want but he supports at least trying to see if things can be made better by providing more affordable options for those families.

MOTION: Shelton/Rierson to postpone the decision until October 18, 2010, directing staff to separate the design standards and the affordable housing elements, bringing it back as two different items incorporating testimony received and clarifying ambiguous items. (7 Yes/0 No) Motion carried.

Mayor Andrews called a brief recess at 10:34 PM.

IX. COUNCIL BUSINESS

Mr. Mahr announced the upcoming deadlines to the Land Use Board of Appeals (LUBA) regarding the Economic Opportunities Analysis.

Mr. Danicic discussed the upcoming auction for property the city was interested in purchasing.

Mr. Witherspoon asked the City Attorney to further clarify what they are at liberty to discuss outside of the confines of a meeting and what is considered ex-parte contact. Mr. Mahr clarified points for him.

X. ADJOURNMENT

The meeting adjourned at 10:54 PM.

ADOPTED by the Newberg City Council this 4th day of October, 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 7th day of October, 2010.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 4, 2010

Order ____ Ordinance XX Resolution ____ Motion ____ Information ____
No. No. 2010-2731 No.

SUBJECT: Consider a Development Code text amendment to allow more flexibility to use electronic signs, depending on the zone, sign size, and mode of operation.

Contact Person (Preparer) for this Ordinance: Steve Olson, AICP

Dept.: Planning & Building
File No.: DCA-09-002

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION: Adopt **Ordinance No. 2010-2731**, approving a development code text amendment to allow more flexibility to use electronic signs, depending on the zone, sign size, and mode of operation.

EXECUTIVE SUMMARY: The Newberg Development Code currently limits the size of animated electronic signs to 10 square feet. Some sign owners feel this is overly restrictive, and that larger animated signs could benefit both businesses and the larger community. The City Council adopted Resolution 2009-2840 on May 4, 2009, which authorized the Mayor to establish an ad-hoc committee to identify and recommend appropriate changes to the animated sign code to balance community and business needs. The resolution also established a pilot program, which allowed owners of electronic signs who became members of the program to experiment with animated messages.

The Mayor appointed nine community members to the Electronic Sign Ad Hoc Committee, representing a wide range of interests, and the Council consented to the appointments on August 3, 2009. The committee was charged with conducting a thorough evaluation of potential code amendments and their impacts on the local economy, information dissemination, community aesthetics, and safety. The committee was also charged to meet with members of the pilot program to discuss the results of the program.

The committee held ten meetings, beginning on September 3, 2009 and concluding on June 3, 2010. The committee's final recommendation was that electronic signs provide a valuable means of communication for the community and for businesses, and that the sign code could allow more flexibility to use electronic signs, depending on the zone and the sign size, while protecting the livability of residents. The recommended code changes would allow electronic signs in most zones to use more animation, depending on the zone, size, and operating method. Signs in the Community Commercial zone along Portland Road, for example, would be allowed to have up to a 30 square foot animated display with almost unlimited animation; the only restrictions would be no flashing or rapid scrolling would be allowed. If a sign owner in the Community Commercial zone wanted a larger animated sign then it would either be restricted in how it could operate or it would require a special review process. The code amendment would create a Site Element review process for some larger signs, based on size and operating method in certain zones. It would leave the prohibition on animated signs in the downtown (C-3 zone) in place, although the Ad Hoc Committee recommended that the Downtown Coalition revisit that issue as part of their process.

The City Council accepted the Electronic Sign Ad Hoc Committee's final recommendation at their July 6, 2010 meeting and initiated a development code amendment to consider the recommended code changes. The Planning Commission held a workshop on July 8, 2010 to learn about the committee's

final recommendation. The Planning Commission held a public hearing to consider the proposed code amendment on August 12, 2010. They approved Planning Commission Resolution 2010-281, which recommended that the City Council adopt the development code amendment as proposed by the Electronic Sign Committee, with one minor addition to the text to clarify the definition of a “business” in section § 151.597.5 (C)(1)(e)9.

FISCAL IMPACT: No fiscal impact to the City.

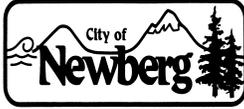
STRATEGIC ASSESSMENT: The proposed changes may help local businesses prosper, and may help local community groups through voluntary public service messages run by the electronic sign owners. The limitations on mode of operation and size, based on the zone, will protect residential areas from potential negative impacts.

Attachments:

Ordinance 2010-2731

Exhibit A: Findings

1. Planning Commission Resolution No. 2010-281
 - Exhibit A: Proposed Amendments
 - Exhibit B: Findings
2. City Council Resolution 2010-2909
3. Electronic Sign Ad Hoc Committee (ESAHC) final recommendation
4. Background information from ESAHC meetings:
 - a. 6/3/10: Draft code language, test cases – existing sites, size of existing signs
 - b. 5/6/10: Draft code language, test cases
 - c. 4/1/10: Sign standards discussion - display method, size, zoning, site review
 - d. 3/4/10: Review process discussion, preliminary code language
 - e. 2/4/10: Summary tables of sign codes (17 cities), Workshop on value statements
 - f. 1/7/10: Size of existing signs, field trip agenda
 - g. 12/3/09: Safety/driver distraction issues
 - h. 11/5/09: Summaries of sign codes – Spokane, Salem. C-3 electronic sign example
 - i. 10/1/09: Summaries of sign codes – model code, Beaverton, Tigard, Sherwood, McMinnville
 - j. 9/3/09: Review of existing code, draft work plan
5. Public comments received to date
6. Comments from animated sign Pilot Program participants
7. Minutes of ESAHC meetings
8. City Council Resolution 2009-2840



ORDINANCE No. 2010-2731

**AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE
TO ALLOW MORE FLEXIBILITY TO OPERATE ANIMATED SIGNS,
DEPENDING ON THE ZONE, SIGN SIZE, AND OPERATING METHOD**

RECITALS:

1. The Newberg Development Code limits the size of animated signs to 10 square feet, regardless of the zone the sign is located in. Some sign owners felt this was overly restrictive, and that larger animated signs could benefit both businesses and the larger community.
2. The Electronic Sign Ad Hoc Committee was established by the City Council to identify and recommend appropriate changes to the sign code to balance business and community needs. Their final recommendation was that electronic signs provide a valuable means of communication for the community and for businesses, and that the sign code could allow more flexibility to use electronic signs, depending on the zone and the sign size, while protecting the livability of residents. The recommendation included a proposed development code amendment.
3. On July 8, 2010, the City Council accepted the recommendation of the Electronic Sign Ad Hoc Committee and initiated a development code amendment to consider the potential changes to the Newberg sign ordinance.
4. On August 12, 2010 the Newberg Planning Commission held a public hearing and approved Resolution 2010-281, which recommended that the City Council adopt the code amendment as proposed by the Electronic Sign Ad Hoc Committee, with the addition of one sentence clarifying the definition of a business.
5. On October 4, 2010, after proper notice, the City Council held a public hearing to consider the proposed changes and found that the code amendment was in the best interests of the city and consistent with the Newberg Comprehensive Plan and State-wide planning goals.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Development Code is amended to add the new text and table below after section § 151.597:

§ 151.597.5 ELECTRONIC MESSAGE CENTERS

- (A) Electronic message center (EMC) signs are permitted subject to the limitations shown in the table below.

Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process

Zoning	Size of EMC [1]	Display Method				
		Static Message	Alternating Message	Animated Message	Extended Video Message	Flashing or rapid scrolling
Community Commercial and Industrial (C-2, M-1, M-2, M-3, M-4); other zones not listed	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Allowed	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Site element review	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
Central Business District (C-3)	Up to 30 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
Institutional (I), Neighborhood Commercial (C-1), and Residential-Professional (R-P)	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Prohibited	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Site element review	Site element review	Prohibited	Prohibited
All Residential Zones (Including R-1, R-2, & R-3) [3]	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed[2]	Allowed[2]	Allowed[2]	Prohibited	Prohibited

[1] Maximum size of EMC is limited by the maximum size of sign allowed in that zone. Therefore, EMCs of the size shown may or may not be allowed.
 [2] Allowed if setback from front property line is greater than 30 feet.
 [3] Must be turned off between the hours of 11 p.m. and 6 a.m.

- (B) Review process for allowed EMC:
 The table above lists the zones where EMCs are allowed, based on the display method, size, and review process. EMCs that are allowed in the zone will use the standard Type I administrative review process.

- (C) Review process for EMCs that require site element review:
 Site element review is a Type I process with a decision by the Planning Director.
- (1) Criteria: The review body must find that the sign will be compatible with surrounding uses, based on all of the following factors:
- (a) Proposed sign operation complies with the code.
 - (b) Setback: At least 15 feet from the front property line
 - (c) Hours of operation: May be required to be turned off between the hours of 11 p.m. and 6 a.m. if sign is abutting and visible from a residential district.
 - (d) Site landscaping is maintained and is up to code. If the site is nonconforming and cannot be brought up to code then efforts have been made to bring the site as close to code as practical.
 - (e) Freestanding signs include 3 of the following design elements:
 1. Includes prominent brickwork, masonry, naturally-finished wood, or naturally-finished metal in frame or supports.
 2. Includes neon type tube lighting on portions of the sign outside the EMC.
 3. Uses two support poles or a full-width support structure.
 4. Outline or top of the frame is predominantly non-rectangular or curved.
 5. Includes landscaping around the base equal in area to the size of the sign.
 6. More than 40% of sign is EMC.
 7. Height is 20% lower than otherwise required.
 8. Setback is 20% greater than otherwise required.
 9. Sign will be used by two or more businesses on site. Each business must have two or more employees on site at least 15 hours per week.
- (2) Appeals: Appeal of the Director's decision will be to the Planning Commission.
- (D) Size incentive:
 If any freestanding EMC sign includes 4 of the design elements in (C)(1)(e) above then the allowable sign area is increased by 10%. If any freestanding EMC sign includes 5 or more of the design elements in (C)(1)(e) above then the allowable sign area is increased by 20%.
- (E) Electronic Scoreboards: Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field.
- (F) Sign maintenance: All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.
- (G) Brightness: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions. This standard shall only apply to signs approved after October 4, 2010.

2. Section § 151.003 of the Newberg Development Code is amended to add the following new definitions:

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

ELECTRONIC MESSAGE CENTER DISPLAY METHODS:

- (1) **Static message.** The display on the entire electronic message center stays constant for a period of at least ten minutes, and does not appear to change, move, scroll, vary color, or vary light intensity.
- (2) **Alternating message.** The display on the entire electronic message center is held constant for a period of at least 5 (five) seconds, and does not appear to change, move, scroll, vary color, or

vary light intensity during that period, and where the image transitions to another image instantly or in a transition of less than ½ second.

- (3) **Animated message.** The display on all or part of the electronic message center changes or appears to move, scroll, vary color, or vary light intensity. *Animated message* excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.
- (4) **Extended video message.** A display on an electronic message center that contains images that vary in a continuous, non repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one second intervals. It also excludes flashing or rapid scrolling displays.
- (5) **Flashing or rapid scrolling.** *Flashing* means a display that includes a pattern of sudden alteration (less than ½ second) between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (in less than ½ second). *Rapid scrolling* means any letter or character in a message moves or appears to move across an EMC face faster than 10 feet in two seconds. *Flashing or rapid scrolling* excludes a transition of less than ½ second between messages on an alternating message display. Flashing or rapid scrolling is prohibited.
- (6) **Strobe lights.** *Strobe lights* are high intensity flashing lights that may impair vision. Strobe lights are prohibited on signs.

3. Sections § 151.593, 151.594, 151.596 and 151.599 of the Newberg Development Code are amended as follows:

Note: deletions are ~~struck through~~, additions are underlined.)

151.593 GENERAL REQUIREMENTS; ALL SIGNS.

(C) ~~No animated sign shall exceed ten square feet in area.~~ In the C-3 Zone, animated signs are prohibited.

151.594 MAJOR FREESTANDING SIGNS.

(B) Size.

(1) Residential Zones: No major freestanding sign shall be larger than 0.2 square foot per foot of street frontage, up to a maximum of ~~30~~ 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single family dwelling or duplex.

151.596 MAJOR ATTACHED.

(B) Size:

(1) R-1, R-2, and R-3 Zones: The total of all major attached signs on any building frontage shall not exceed 0.2 square foot for each foot of building frontage. At least six square feet of signage will be allowed up to a maximum of ~~30~~ 50 square feet. Major attached signs are not allowed on lots containing only one single family dwelling or duplex.

151.599 TEMPORARY SIGNS FOR EVENTS.

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by § 151.598 above, during events as listed below:

(A) Grand opening event: A grand opening is an event of up to 30 days duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary

signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

(B) Election event: An election event begins 90 days prior to and end 14 days after any public election. During this event a lot may contain up to two additional temporary signs not to exceed 12 square feet total area for both signs. These signs shall not be located in the public right-of-way.

(C) Other events: A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

(D) Flag displays: One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg City Council designated festival.

4. The findings in Exhibit "A" are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 4, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of October, 2010, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 7th day of October, 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Planning Commission Committee at the 8/12/10 meeting. Or, ___ None.
(committee name) (date) (check if applicable)

Exhibit “A”: Findings

Newberg Development Code § 151.590 PURPOSE.

- (A) *The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.*
- (B) *These regulations are designed:*
- (1) *To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.*
 - (2) *To enhance the attractiveness of Newberg as a place to conduct business.*
 - (3) *To enable the identification of places of residences and business.*
 - (4) *To allow the freedom of expression.*
 - (5) *To reduce distractions and obstructions from signs which would adversely affect safety.*
 - (6) *To reduce the hazards from improperly placed or constructed signs.*

Newberg Comprehensive Plan

H. THE ECONOMY

GOAL: *To develop a diverse and stable economic base.*

POLICIES:

1. General Policies

- p. *The City shall strive to develop and promote a high quality of life in the community in order to attract and retain a diverse and highly skilled workforce.*
- q. *The City shall foster an environment of business innovation so that the community may remain economically competitive.*

J. URBAN DESIGN

GOAL 1: *To maintain and improve the natural beauty and visual character of the City.*

POLICIES:

1. General Policies

- c. *Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs.*
- g. *Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.*

Findings: As stated in the above policies, visual appearance and economic vitality are both very important to the community. Signs are by their nature designed to be visible and are therefore a significant part of the city's visual appearance. Sign regulations are necessary to control the visual impact of signs. Local businesses and institutions need sufficient signage to communicate with the public and help their businesses or organizations prosper. The proposed code regulations would allow more animated messages on signs, which would aid local businesses and institutions but could have a negative visual impact if unlimited. The code would limit the impact, however, by keeping existing controls on the overall height and size of all signs, and by limiting the operating method of the animated sign based on the size of the sign and the zone it was located in. Signs in or near residential areas would have the most limitations on animated signs, thus protecting the livability of residential neighborhoods. The proposed development code amendment therefore conforms to the Newberg Comprehensive Plan by balancing the goals of protecting the visual character of Newberg and fostering a strong economic environment.

PLANNING COMMISSION RESOLUTION NO. 2010-281

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG
RECOMMENDING THAT THE CITY COUNCIL MODIFY THE DEVELOPMENT
CODE RELATING TO ELECTRONIC SIGNS**

RECITALS:

1. The Electronic Sign Ad Hoc Committee has recommended that the Newberg Development Code be amended to allow more flexibility to operate animated signs, depending on the zone, sign size, and operating method.
2. The Newberg Development Code currently restricts animated sign size to 10 square feet, regardless of the size of the sign.
3. The code could allow some additional flexibility to use electronic signs, depending on the zone, sign size and operating method, while protecting the livability of residents.
4. On July 6, 2010, the Newberg City Council adopted Resolution 2010-2909, initiating amendments to the Development Code.
5. On July 28, 2010, notice of a public hearing on the proposed changes was published in the Newberg Graphic.
6. On August 16, 2010, the Newberg Planning Commission held a public hearing on the proposed amendments.

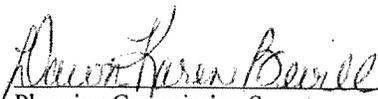
NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendment to the Newberg Development Code as shown in Exhibit A.

This recommendation is based on the staff report, the findings in Exhibit B, and testimony.

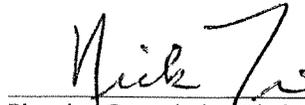
Adopted by the Newberg Planning Commission on this 12th day of August, 2010.

AYES: **5** NAYS: **1** ABSTAIN: **0** ABSENT: **1 (Duff)**

ATTEST:



Planning Commission Secretary



Planning Commission Chair

Exhibit A: Development Code Text Amendments

Exhibit B: Findings

**Exhibit A to Resolution 2010-281
Proposed Amendment to Newberg Development Code**

Newberg Development Code shall be amended as follows:

A. Add the new text and table below after section § 151.597:

§ 151.597.5 ELECTRONIC MESSAGE CENTERS

- (A) Electronic message center (EMC) signs are permitted subject to the limitations shown in the table below.

(see table on next page)

Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process

Zoning	Size of EMC [1]	Display Method				
		Static Message	Alternating Message	Animated Message	Extended Video Message	Flashing or rapid scrolling
Community Commercial and Industrial (C-2, M-1, M-2, M-3, M-4); other zones not listed	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Allowed	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Site element review	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
Central Business District (C-3)	Up to 30 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
Institutional (I), Neighborhood Commercial (C-1), and Residential-Professional (R-P)	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Prohibited	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Site element review	Site element review	Prohibited	Prohibited
All Residential Zones (Including R-1, R-2, & R-3) [3]	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed[2]	Allowed[2]	Allowed[2]	Prohibited	Prohibited

[1] Maximum size of EMC is limited by the maximum size of sign allowed in that zone. Therefore, EMCs of the size shown may or may not be allowed.

[2] Allowed if setback from front property line is greater than 30 feet.

[3] Must be turned off between the hours of 11 p.m. and 6 a.m.

- (B) **Review process for allowed EMC:**
The table above lists the zones where EMCs are allowed, based on the display method, size, and review process. EMCs that are allowed in the zone will use the standard Type I administrative review process.
- (C) **Review process for EMCs that require site element review:**
Site element review is a Type I process with a decision by the Planning Director.
- (1) **Criteria:** The review body must find that the sign will be compatible with surrounding uses, based on all of the following factors:
- (a) Proposed sign operation complies with the code.
 - (b) Setback: At least 15 feet from the front property line
 - (c) Hours of operation: May be required to be turned off between the hours of 11 p.m. and 6 a.m. if sign is abutting and visible from a residential district.
 - (d) Site landscaping is maintained and is up to code. If the site is nonconforming and cannot be brought up to code then efforts have been made to bring the site as close to code as practical.
 - (e) Freestanding signs include 3 of the following design elements:
 1. Includes prominent brickwork, masonry, naturally-finished wood, or naturally-finished metal in frame or supports.
 2. Includes neon type tube lighting on portions of the sign outside the EMC.
 3. Uses two support poles or a full-width support structure.
 4. Outline or top of the frame is predominantly non-rectangular or curved.
 5. Includes landscaping around the base equal in area to the size of the sign.
 6. More than 40% of sign is EMC.
 7. Height is 20% lower than otherwise required.
 8. Setback is 20% greater than otherwise required.
 9. Sign will be used by two or more businesses on site. Each business must have two or more employees on site at least 15 hours per week.
- (2) **Appeals:** Appeal of the Director's decision will be to the Planning Commission.
- (D) **Size incentive:**
If any freestanding EMC sign includes 4 of the design elements in (C)(1)(e) above then the allowable sign area is increased by 10%. If any freestanding EMC sign includes 5 or more of the design elements in (C)(1)(e) above then the allowable sign area is increased by 20%.
- (E) **Electronic Scoreboards:** Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field.
- (F) **Sign maintenance:** All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.
- (G) **Brightness:** Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions. This standard shall only apply to signs approved after _____
(insert date code revision adopted).

B. Add the following new text to section § 151.003 Definitions:

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

ELECTRONIC MESSAGE CENTER DISPLAY METHODS:

- (1) **Static message.** The display on the entire electronic message center stays constant for a period of at least ten minutes, and does not appear to change, move, scroll, vary color, or vary light intensity.
- (2) **Alternating message.** The display on the entire electronic message center is held constant for a period of at least 5 (five) seconds, and does not appear to change, move, scroll, vary color, or vary light intensity during that period, and where the image transitions to another image instantly or in a transition of less than ½ second.
- (3) **Animated message.** The display on all or part of the electronic message center changes or appears to move, scroll, vary color, or vary light intensity. *Animated message* excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.
- (4) **Extended video message.** A display on an electronic message center that contains images that vary in a continuous, non repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one second intervals. It also excludes flashing or rapid scrolling displays.
- (5) **Flashing or rapid scrolling.** *Flashing* means a display that includes a pattern of sudden alteration (less than ½ second) between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (in less than ½ second). *Rapid scrolling* means any letter or character in a message moves or appears to move across an EMC face faster than 10 feet in two seconds. *Flashing or rapid scrolling* excludes a transition of less than ½ second between messages on an alternating message display. Flashing or rapid scrolling is prohibited.
- (6) **Strobe lights.** *Strobe lights* are high intensity flashing lights that may impair vision. Strobe lights are prohibited on signs.

C. Make the changes below in the existing code sections

Note: deletions are struck through, additions are underlined.)

151.593 GENERAL REQUIREMENTS; ALL SIGNS.

(C) ~~No animated sign shall exceed ten square feet in area.~~ In the C-3 Zone, animated signs are prohibited.

151.594 MAJOR FREESTANDING SIGNS.

(B) Size.

(1) Residential Zones: No major freestanding sign shall be larger than 0.2 square foot per foot of street frontage, up to a maximum of ~~30~~ 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single family dwelling or duplex.

151.596 MAJOR ATTACHED.

(B) Size:

(1) R-1, R-2, and R-3 Zones: The total of all major attached signs on any building frontage shall not exceed 0.2 square foot for each foot of building frontage. At least six square feet of signage will be allowed up to a maximum of ~~30~~ 50 square feet. Major attached signs are not allowed on lots containing only one single family dwelling or duplex.

151.599 TEMPORARY SIGNS FOR EVENTS.

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by § 151.598 above, during events as listed below:

(A) Grand opening event: A grand opening is an event of up to 30 days duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

(B) Election event: An election event begins 90 days prior to and end 14 days after any public election. During this event a lot may contain up to two additional temporary signs not to exceed 12 square feet total area for both signs. These signs shall not be located in the public right-of-way.

(C) Other events: A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

(D) Flag displays: One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg City Council designated festival.

Exhibit B to Resolution 2010-281
Findings

Newberg Development Code § 151.590 PURPOSE.

(A) *The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.*

(B) *These regulations are designed:*

(1) *To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.*

(2) *To enhance the attractiveness of Newberg as a place to conduct business.*

(3) *To enable the identification of places of residences and business.*

(4) *To allow the freedom of expression.*

(5) *To reduce distractions and obstructions from signs which would adversely affect safety.*

(6) *To reduce the hazards from improperly placed or constructed signs.*

Newberg Comprehensive Plan

H. THE ECONOMY

GOAL: *To develop a diverse and stable economic base.*

POLICIES:

I. General Policies

p. *The City shall strive to develop and promote a high quality of life in the community in order to attract and retain a diverse and highly skilled workforce.*

q. *The City shall foster an environment of business innovation so that the community may remain economically competitive.*

J. URBAN DESIGN

GOAL 1: *To maintain and improve the natural beauty and visual character of the City.*

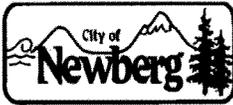
POLICIES:

1. **General Policies**

- c. *Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs.*

- g. *Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.*

Findings: As stated in the above policies, visual appearance and economic vitality are both very important to the community. Signs are by their nature designed to be visible and are therefore a significant part of the city's visual appearance. Sign regulations are necessary to control the visual impact of signs. Local businesses and institutions need sufficient signage to communicate with the public and help their businesses or organizations prosper. The proposed code regulations would allow more animated messages on signs, which would aid local businesses and institutions but could have a negative visual impact if unlimited. The code would limit the impact, however, by keeping existing controls on the overall height and size of all signs, and by limiting the operating method of the animated sign based on the size of the sign and the zone it was located in. Signs in or near residential areas would have the most limitations on animated signs, thus protecting the livability of residential neighborhoods. The proposed development code amendment therefore conforms to the Newberg Comprehensive Plan by balancing the goals of protecting the visual character of Newberg and fostering a strong economic environment.

**RESOLUTION No. 2010-2909**

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE ELECTRONIC SIGN AD HOC COMMITTEE AND INITIATING A DEVELOPMENT CODE AMENDMENT REGARDING POTENTIAL CHANGES TO THE NEWBERG SIGN ORDINANCE

RECITALS:

1. The City Council adopted Resolution 2009-2840 on May 4, 2009, which authorized the Mayor to establish an ad-hoc committee to identify and recommend appropriate changes to the animated sign code to balance community and business needs.
2. The Mayor appointed nine community members to the Electronic Sign Ad Hoc Committee, representing a wide range of interests, and the Council consented to the appointments on August 3, 2009. The committee was charged with conducting a thorough evaluation of potential code amendments and their impacts on the local economy, information dissemination, community aesthetics, and safety. The committee held ten meetings, beginning on September 3, 2009 and concluding on June 3, 2010.
3. The Electronic Sign Ad Hoc Committee's final recommendation is that electronic signs provide a valuable means of communication for the community and for businesses, and that the sign code could allow more flexibility to use electronic signs, depending on the zone and the sign size, while protecting the livability of residents. The recommendation includes: 1) amended development code language; and 2) actions that City Council could take, such as considering creating a low-interest loan fund for sign upgrade projects, and encouraging a community-based group to create an annual award for signs that show public service messages.

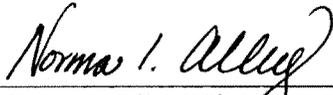
THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Council hereby initiates a development code amendment to consider the changes to the Development Code recommended by the Electronic Sign Ad Hoc Committee as well as consideration of the non-Code options as recommended by the committee.
2. The Planning Commission shall hold a public hearing on the proposed changes and forward a recommendation to the City Council for consideration. The City Attorney shall review the recommendation for legal sufficiency, as stated in Resolution 2009-2840.

3. By so doing, the Council does not commit to any particular action on the amendments. It wishes to consider the issue through a public hearing process.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 7, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of July, 2010.



Norma I. Alley, City Recorder

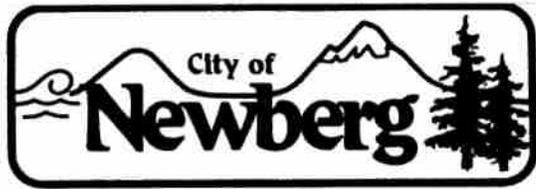
ATTEST by the Mayor this 8th day of July, 2010.



Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at / /200x meeting. Or, None.
(committee name) (date) (check if applicable)



June 3, 2010

FINAL RECOMMENDATION:

The Electronic Sign Ad Hoc Committee believes that electronic signs provide a valuable means of communication for the community to give and receive information about business products, events, and current conditions. The committee believes that the City could allow more flexibility to use electronic signs, depending on the zone and the sign size, while protecting the livability of residents. The committee recommends that the City Council initiate a development code amendment to allow more flexibility to use electronic signs in most zoning districts. The committee also recommends that the prohibition on animated signs in the C-3 downtown district be revisited in the future as part of the downtown coalition process. The committee further recommends that the City consider other options, such as annual sign awards or low-interest loans for sign upgrades, to encourage better signs in Newberg.

I. RECOMMENDED DEVELOPMENT CODE AMENDMENT

A. Add the text and table below:

§ 151.597.5 ELECTRONIC MESSAGE CENTERS

Electronic message center (EMC) signs are permitted subject to the limitations below.

(see table on next page)

Table 1: Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process

Zoning	Size of EMC [1]	Display Method				
		Static Message	Alternating Message	Animated Message	Extended Video Message	Flashing or rapid scrolling
Portland Road Commercial and Industrial (C-2, M-1, M-2, M-3, M-4); other zones not listed	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Allowed	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Site element review	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
Downtown (C-3) Zone	Up to 30 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
Institutional (I), Neighborhood Commercial (C-1), and Residential-Professional (R-P)	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Prohibited	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Site element review	Site element review	Prohibited	Prohibited
All Residential Zones (Including R-1, R-2, & R-3) [3]	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed[2]	Allowed[2]	Allowed[2]	Prohibited	Prohibited

[1] Maximum size of EMC is limited by the maximum size of sign allowed in that zone. Therefore, EMCs of the size shown may or may not be allowed.

[2] Allowed if setback from front property line is greater than 30 feet.

[3] Must be turned off between the hours of 11 p.m. and 6 a.m.

Review process:

The table above lists the zones where EMCs are allowed, based on the display method, size, and review process. EMCs that are allowed in the zone will use the standard Type I administrative review process. EMCs that require Site element review will use the process described below.

1. Site element review process: A Type I process with a decision by the Planning Director.
 - a. Criteria: The review body must find that the sign will be compatible with surrounding uses, based on all of the following factors:
 - i. Proposed sign operation complies with code.
 - ii. Setback: At least 15 feet from front property line
 - iii. Hours of operation: May be required to be turned off between the hours of 11 p.m. and 6 a.m. if sign is abutting and visible from a residential district.
 - iv. Site landscaping is maintained and is up to code. If the site is nonconforming and cannot be brought up to code then efforts have been made to bring the site as close to code as practical.
 - v. Freestanding signs include 3 of the following design elements:
 - a. Includes prominent brickwork, masonry, naturally-finished wood, or naturally-finished metal in frame or supports.
 - b. Includes neon type tube lighting.
 - c. Uses 2 support poles or a full-width support structure.
 - d. Outline or top of the frame is predominantly non-rectangular or curved.
 - e. Includes landscaping around the base equal in area to the size of the sign.
 - f. More than 40% of sign is EMC.
 - g. Height is 20% lower than required.
 - h. Setback is 20% greater than required.
 - i. Sign will be used by 2 or more businesses on site.
 - b. Appeals: All appeals of the site element review process shall be heard by the Planning Commission.

Size incentive:

If any freestanding EMC sign includes 4 of the design elements in 1.a.(v) above then the allowable sign area is increased by 10%. If any freestanding EMC sign includes 5 or more of the design elements in 1.a.(v) above then the allowable sign area is increased by 20%.

Electronic Scoreboards: Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field.

Sign maintenance: All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.

Brightness: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions. This standard shall only apply to signs approved after _____ (*insert date code revision adopted*).

B. Add the following to the existing Definitions section:

§ 151.003 DEFINITIONS

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

ELECTRONIC MESSAGE CENTER DISPLAY METHODS:

1. **Static message.** The display on the entire electronic message center stays constant for a period of at least ten minutes, and does not appear to change, move, scroll, vary color, or vary light intensity.

2. **Alternating message.** The display on the entire electronic message center is held constant for a period of at least 5 (five) seconds, and does not appear to change, move, scroll, vary color, or vary light intensity during that period, and where the image transitions to another image instantly or in a transition of less than ½ second.
3. **Animated message.** The display on all or part of the electronic message center changes or appears to move, scroll, vary color, or vary light intensity. *Animated message* excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.
4. **Extended video message.** A display on an electronic message center that contains images that vary in a continuous, non repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one second intervals. It also excludes flashing or rapid scrolling displays.
5. **Flashing or rapid scrolling.** *Flashing* means a display that includes a pattern of sudden alteration (less than ½ second) between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (in less than ½ second). *Rapid scrolling* means any letter or character in a message moves or appears to move across an EMC face faster than 10 feet in two seconds. *Flashing or rapid scrolling* excludes a transition of less than ½ second between messages on an alternating message display. Flashing or rapid scrolling is prohibited.
6. **Strobe lights.** *Strobe lights* are high intensity flashing lights that may impair vision. Strobe lights are prohibited on signs.

C. Make the changes below in the existing code sections (deletions are ~~struck through~~, additions are underlined.)

151.593 GENERAL REQUIREMENTS; ALL SIGNS.

(C) ~~No animated sign shall exceed ten square feet in area.~~ In the C-3 Zone, animated signs are prohibited.

151.594 MAJOR FREESTANDING SIGNS.

(B) Size.

(1) Residential Zones: No major freestanding sign shall be larger than 0.2 square foot per foot of street frontage, up to a maximum of ~~30~~ 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single family dwelling or duplex.

151.596 MAJOR ATTACHED.

(B) Size:

(1) R-1, R-2, and R-3 Zones: The total of all major attached signs on any building frontage shall not exceed 0.2 square foot for each foot of building frontage. At least six square feet of signage will be allowed up to a maximum of ~~30~~ 50 square feet. Major attached signs are not allowed on lots containing only one single family dwelling or duplex.

151.599 TEMPORARY SIGNS FOR EVENTS.

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by § 151.598 above, during events as listed below:

(A) Grand opening event: A grand opening is an event of up to 30 days duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days

immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

(B) Election event: An election event begins 90 days prior to and end 14 days after any public election. During this event a lot may contain up to two additional temporary signs not to exceed 12 square feet total area for both signs. These signs shall not be located in the public right-of-way.

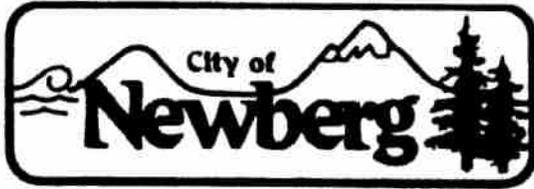
(C) Other events: A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

(D) Flag displays: One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg City Council designated festival.

II. RECOMMENDED NON-CODE OPTIONS

Non-code options

The Electronic Sign Ad Hoc Committee also believes that there are other actions that can be taken outside of the sign code to improve signs in Newberg. The committee recommends that the City Council encourage a community-based group to create an annual award for signs that show public service messages. The committee also recommends that the City Council consider creating a low-interest loan fund for sign upgrade projects in Newberg.



Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: May 27, 2010
Re: June 3 final recommendation

The committee has considered many different issues relating to electronic signs, and is now trying to make a final recommendation on what kind of electronic signs should be allowed where, and under what conditions. The following is a draft recommendation based on the discussion at the last meeting. Please review for our discussion on June 3rd.

DRAFT RECOMMENDATION:

The Electronic Sign Ad Hoc Committee believes that electronic signs provide a valuable means of communication for the community to give and receive information about business products, events, and current conditions. The committee believes that the City could allow more flexibility to use electronic signs, depending on the zone and the sign size, while protecting the livability of residents. The committee recommends that the City Council initiate a development code amendment to allow more flexibility to use electronic signs in most zoning districts. The committee also recommends that the prohibition on animated signs in the C-3 downtown district be revisited in the future as part of the downtown coalition process. The committee further recommends that the City consider other options, such as annual sign awards or low-interest loans for sign upgrades, to encourage better signs in Newberg.

I. RECOMMENDED DEVELOPMENT CODE AMENDMENT

A. Add the text and table below:

§ 151.597.5 ELECTRONIC MESSAGE CENTERS

Electronic message center (EMC) signs are permitted subject to the limitations below.

Electronic message centers are not permitted on vehicles, on trailers, as portable signs, or for residential uses in residential zones, unless otherwise permitted by this code. EMCs used on a bus to display the destination or route are permitted.

(see table on next page)

Table 1: Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process

Zoning	Size of EMC [1]	Display Method				
		Static Message	Alternating Message	Animated Message	Extended Video Message	Flashing or rapid scrolling
Portland Road Commercial and Industrial (C-2, M-1, M-2, M-3, M-4); other zones not listed	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Allowed	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Site element review	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
Downtown (C-3) Zone	Up to 30 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
Institutional (I), Neighborhood Commercial (C-1), and Residential-Professional (R-P)	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Prohibited	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Site element review	Site element review	Prohibited	Prohibited
All Residential Zones (Including R-1, R-2, & R-3) [3]	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed[2]	Allowed[2]	Allowed[2]	Prohibited	Prohibited

[1] Maximum size of EMC is limited by the maximum size of sign allowed in that zone. Therefore, EMCs of the size shown may or may not be allowed.

[2] Allowed if setback from front property line is greater than 30 feet.

[3] Must be turned off between the hours of 11 p.m. and 6 a.m.

Review process:

The table above lists the zones where EMCs are allowed, based on the display method, size, and review process. EMCs that are allowed in the zone will use the standard Type I administrative review process. EMCs that require Site element review will use the process described below.

1. Site element review process: A Type I process with a decision by the Planning Director.
 - a. Criteria: The review body must find that the sign will be compatible with surrounding uses, based on all of the following factors:
 - i. Proposed sign operation complies with code.
 - ii. Sign does not shine on bedroom windows in residential districts.
 - iii. Setback: at least 15 feet from front property line
 - iv. Hours of operation: must be turned off between the hours of 11 p.m. and 6 a.m. if sign is visible from a residential district.
 - v. Site landscaping is maintained and is up to code. If the site is nonconforming and cannot be brought up to code then efforts have been made to bring the site as close to code as practical.
 - vi. Freestanding signs include 3 of the following design elements:
 - a. Includes prominent brickwork, masonry, naturally-finished wood, or naturally-finished metal in frame or supports.
 - b. **Includes neon type tube lighting.**
 - c. Uses 2 support poles or a full-width support structure.
 - d. Outline or top of the frame is predominantly non-rectangular or curved.
 - e. Includes landscaping around the base equal in area to the size of the sign.
 - f. Less than 80% of sign is EMC.
 - g. Height is 20% lower than required.
 - h. Setback is 20% greater than required.
 - i. **Sign will be used by 3 or more businesses on site.**
 - b. Appeals: All appeals of the site element review process shall be heard by the Planning Commission.
2. **Size incentive: If any freestanding EMC sign includes 4 of the design elements in 1.a.(vi) above then the allowable sign area is increased by 10%. If any freestanding EMC sign includes 5 or more of the design elements in 1.a.(vi) above then the allowable sign area is increased by 20%.**

Electronic Scoreboards (committee needs to choose one option)

Option A (Treated as sign if visible from public right of way) Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are not visible from the public right of way. If the scoreboard is visible from the public right of way then when an event is not taking place at the site the scoreboard display must meet the requirements (display method and size) for an electronic message center in that zoning district.

or

Option B (No size limit but has a curfew) Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field. If the scoreboard is visible outside the property, then the scoreboard shall not be used prior to two hours before an event at the stadium or field, or used longer than one hour after an event has ended.

or

Option C (No size limit or curfew – could operate as an electronic billboard before or after events) Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field.

Sign maintenance: All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.

Brightness: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions. **This standard shall only apply to signs approved after _____ (insert date code revision adopted).**

B. Add the following to the existing Definitions section:

§ 151.003 DEFINITIONS

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

ELECTRONIC MESSAGE CENTER DISPLAY METHODS:

1. **Static message.** The display on the entire electronic message center stays constant for a period of at least ten minutes, and does not appear to change, move, scroll, vary color, or vary light intensity.
2. **Alternating message.** The display on the entire electronic message center is held constant for a period of at least 5 (five) seconds, and does not appear to change, move, scroll, vary color, or vary light intensity during that period, and where the image transitions to another image instantly or in a transition of less than ½ second.
3. **Animated message.** The display on all or part of the electronic message center changes or appears to move, scroll, vary color, or vary light intensity. *Animated message* excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.
4. **Extended video message.** A display on an electronic message center that contains images that vary in a continuous, non repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one second intervals. It also excludes flashing or rapid scrolling displays.
5. **Flashing or rapid scrolling.** *Flashing* means a display that includes a pattern of sudden alteration (less than ½ second) between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (in less than ½ second). *Rapid scrolling* means any letter or character in a message moves or appears to move across an EMC face faster than 10 feet in two seconds. *Flashing or rapid scrolling* excludes a transition of less than ½ second between messages on an alternating message display. **Flashing or rapid scrolling is prohibited.**
6. **Strobe lights.** *Strobe lights* are high intensity flashing lights that may impair vision. Strobe lights are prohibited on signs.

C. Make the changes below in the existing code sections (deletions are ~~struck through~~, additions are underlined.)

151.593 GENERAL REQUIREMENTS; ALL SIGNS.

(C) ~~No animated sign shall exceed ten square feet in area.~~ In the C-3 Zone, animated signs are prohibited.

151.594 MAJOR FREESTANDING SIGNS.

(B) Size.

(1) Residential Zones: No major freestanding sign shall be larger than 0.2 square foot per foot of street frontage, up to a maximum of ~~30~~ 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only ~~one~~ one single family dwelling or duplex.

151.596 MAJOR ATTACHED.

(B) Size:

(1) R-1, R-2, and R-3 Zones: The total of all major attached signs on any building frontage shall not exceed 0.2 square foot for each foot of building frontage. At least six square feet of signage will be allowed up to a maximum of ~~30~~ 50 square feet. Major attached signs are not allowed on lots containing only one single family dwelling or duplex.

151.599 TEMPORARY SIGNS FOR EVENTS.

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by § 151.598 above, during events as listed below:

(A) Grand opening event: A grand opening is an event of up to 30 days duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

(B) Election event: An election event begins 90 days prior to and end 14 days after any public election. During this event a lot may contain up to two additional temporary signs not to exceed 12 square feet total area for both signs. These signs shall not be located in the public right-of-way.

(C) Other events: A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

(D) Flag displays: One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg City Council designated festival.

II. RECOMMENDED NON-CODE OPTIONS

Non-code options

The Electronic Sign Ad Hoc Committee also believes that there are other actions that can be taken outside of the sign code to improve signs in Newberg. The committee recommends that the City Council encourage a community-based group to create an annual award for signs that show public service messages. The committee also recommends that the City Council consider creating a low-interest loan fund for sign upgrade projects in Newberg.

End of recommendation.

Test Cases for discussion:

Existing signs: One way to evaluate the draft recommendation above is to test how existing signs and businesses would fare under it.

Location	Size of EMC	Total size of sign	Percent of sign that is EMC
Walgreens	28 sf	85.3 sf	33%
Lewis AV	21 sf	49 sf	43%
Storage Place	20.8 sf	50.8 sf	41%
Mtview MS	15 sf	26 sf	58%
Newberg Dodge	23 sf	93 sf	25%

- Walgreens: C-2 zone, under 30 sq. ft. Allowed under a standard review to use static messages, alternating messages, animated messages, and extended video messages. Prohibited from flashing or rapid scrolling.
- Lewis Audio-Video: Same.
- Storage Place: Same.
- Newberg Dodge: Same.
- Best Western Newberg Inn: Same.
- Mountain View Middle School: Residential zone, 15 sq. ft. Allowed under a standard review to use static messages, alternating messages, and animated messages. Prohibited from using extended video messages, flashing, or rapid scrolling.

Possible sign scenarios:

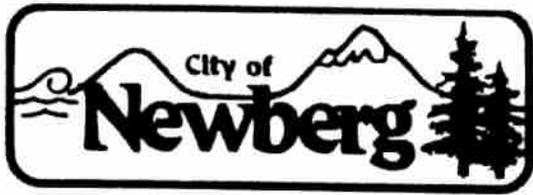
- Sherwin Williams: C-2 zone, not near residential.
 - If they replaced the lower part of their sign (approx. 30 sf) with an EMC they would be allowed under a standard review to use any display method except flashing and rapid scrolling.
 - If they replaced their entire sign with a 100 sf EMC then under a standard review they could display static messages and alternating messages. If they wanted to display animated messages they would need to apply under the site element review process. Extended video messages, flashing, and rapid scrolling would be prohibited.
 - Site element review for a 100 sf EMC: The sign is not near a residential district, so there is no concern about shining on bedroom windows, and no need to limit hours of operation. The sign is setback 15 feet from the front property line, so it meets that standard. The sign will be used by 3 or more businesses. The site landscaping is new and up to code. Under design elements, the sign would get credit for landscaping around the base, and for multiple business users. The sign is rectangular, on a single support pole, all metal/plastic, and at the maximum size and minimum setback. They would need to modify the sign to include one other design element. Options include: adding a curved top to the sign, enclosing the support pole in brick, widening the support pole to a full-width structure, decreasing the size of the EMC to 80 sf, or lowering the sign from 15 feet to 12 feet.
 - Size incentives: If the freestanding sign incorporates 4 design elements the maximum sign size would increase to 110 square feet. If the sign incorporates 5 design elements the maximum size would increase to 120 square feet.

- **Muchas Gracias/KFC:** C-2 zone, not near residential. If they replaced their sign with a 100 sf EMC then under a standard review they could display static messages and alternating messages. If they wanted to display animated messages they would need to apply under the site element review process. Extended video messages, flashing, and rapid scrolling would be prohibited.
 - Site element review for a 100 sf EMC: The sign is not near a residential district, so there is no concern about shining on bedroom windows, and no need to limit hours of operation. The sign is setback 20 feet from the front property line, so it meets that standard. The site landscaping is nonconforming, as it does not have a 10 foot deep landscaped front yard. The only way to meet the front yard landscaping standard would be to remove the drive through lane, which is not a practical solution for the business. The owner would need to make other landscaping improvements on the site, and bring the site as close to conformance as practical. The sign does not include any of the design elements, as it is rectangular, on a single support pole, all metal/plastic, and at the maximum size and minimum setback. They would need to modify the sign to include three design elements. Options include: adding a curved top to the sign, adding landscaping around the base, enclosing the support pole or base in brick, widening the support pole to a full-width structure, decreasing the size of the EMC to 80 sf, or lowering the sign from 20 feet to 16 feet.
 - Size incentives: If the freestanding sign incorporates 4 design elements the maximum sign size would increase to 110 square feet. If the sign incorporates 5 design elements the maximum size would increase to 120 square feet.

- **Bizeau Dental:** C-1 neighborhood commercial, across the street from residential. Corner of College and Foothills. If they added a 50 sf EMC it could display alternating messages under a standard review. If they wanted to show animated messages they would either need to set the sign back over 30 feet or apply under site element review. They could have up to a 100 sf EMC at this site, but would need to apply for site element review to show alternating or animated messages.
 - Site element review for a 100 sf EMC: They would have difficulty getting approval under site element review if the sign faced a residential area (west or north), but could probably place it on the south face of the building, setback 15 feet from the front property line. They would need to turn the sign off at night (between 11 p.m. and 6 a.m.). The site landscaping is up to code. If the sign was a rectangular wall sign then it could be approved. If it was a freestanding sign then it would need to be designed to include at least 3 of the design elements (the size incentive would apply if it included 4 or more design elements).

- **The Armory:** R-2 residential, surrounded by residential. If they added a 30 sf EMC they could be approved under a standard review and display static messages, alternating messages, and animated messages. Extended video messages, flashing and rapid scrolling would be prohibited. They could instead add a 50 sf EMC under a standard review, but would have to set it back at least 30 feet from the front property line. The size incentives would apply if this was a freestanding sign.

- **Grace Baptist Church:** R-1 residential, with residential to the south, a church to the west, and commercial north and east. If they added a 30 sf EMC they could be approved under a standard review and display static messages, alternating messages, and animated messages. Extended video messages, flashing and rapid scrolling would be prohibited. They could instead add a 50 sf EMC under a standard review, but would have to set it back at least 30 feet from the front property line. The size incentives would apply if this was a freestanding sign.



Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: April 29, 2010
Re: May 6 workshop/recommendation

The committee has considered many different issues relating to electronic signs, and is now trying to make a recommendation on what kind of electronic signs should be allowed where, and under what conditions. The following is a summary of the last meeting and a draft recommendation based on that discussion.

Summary of the last meeting:

- **Process:** The committee generally liked the idea of having a two-track review process to allow a little more flexibility for some types of signs. The question was where to draw the line - which signs will need a simple non-discretionary review, and which signs will need a site element review. The committee asked staff to revise the criteria for the next meeting to make the site element review as objective as possible, so that it could possibly be reviewed by staff instead of having to go to the Planning Commission (would make it faster and cheaper for applicants). The code language should also explain what the appeal options would be.
- **Size & Zoning:**
 - For Portland Rd commercial, the committee wanted to continue to allow small signs (under 10 sf) to use any display method because these small signs have little impact, even if they have flashing or rapid scrolling. The committee had more concerns about larger signs (50-100 sf) and were considering greater limits on these. One idea was to allow larger signs or more flexible operation if the setbacks were greater.
 - For Institutional/Neighborhood Commercial areas, the committee wanted staff to redraft language allowing animated messages on medium sized signs, and require site element review on larger signs. They wanted to consider allowing signs to be larger if they were attached instead of freestanding.
 - In residential areas, they wanted to consider allowing animated messages but add language requiring the signs to be turned off at night, and to allow larger signs (larger than the current 30 sf limit) on buildings or freestanding signs that were set farther back from the street.
- **Stadium scoreboards:** The committee preferred to set a time limit, rather than require a special review.
- **Mobile signs:** The committee asked staff to draft language prohibiting animated signs on vehicles.

DRAFT RECOMMENDATION:

The Electronic Sign Ad Hoc Committee believes that electronic signs provide a valuable means of communication for the community to give and receive information about business products, events, and current conditions. The committee believes that the City could allow more flexibility to use electronic signs, depending on the zone and the sign size, while protecting the livability of residents. The committee recommends that the City Council initiate a development code amendment to allow more flexibility to use electronic signs in most zoning districts. The committee also recommends that the prohibition on animated signs in the C-3 downtown district be revisited in the future as part of the downtown coalition process. The committee further recommends that the City consider other options, such as annual sign awards or low-interest loans for sign upgrades, to encourage better signs in Newberg.

I. RECOMMENDED DEVELOPMENT CODE AMENDMENT

A. Add the text and table below:

§ 151.597.5 ELECTRONIC MESSAGE CENTERS

Electronic message center signs are permitted subject to the limitations below.

Electronic message centers are not permitted on vehicles, on trailers, as portable signs, or for residential uses in residential zones.

(see table on next page)

Table 1: Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process

Zoning	Size of EMC [1]	Display Method				
		Static Message	Alternating Message	Animated Message	Extended Video Message	Flashing or rapid scrolling
Portland Road Commercial and Industrial (C-2, M-1, M-2, M-3, M-4); other zones not listed	10 sq. ft. or less	Allowed	Allowed	Allowed	Allowed	Allowed
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Allowed	Allowed	Allowed	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Site element review	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
Downtown (C-3) Zone	10 sq. ft. or less	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
Institutional (I), Neighborhood Commercial (C-1), and Residential-Professional (R-P)	10 sq. ft. or less	Allowed	Allowed	Allowed	Allowed	Allowed
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Prohibited	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Site element review	Site element review	Prohibited	Prohibited
All Residential Zones (Including R-1, R-2, & R-3) [3]	10 sq. ft. or less	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed[2]	Allowed[2]	Allowed[2]	Prohibited	Prohibited

[1] Maximum size of EMC is limited by the maximum size of sign allowed in that zone. Therefore, EMCs of the size shown may or may not be allowed.

[2] Allowed if setback from front property line is greater than 30 feet.

[3] Must be turned off between the hours of 11 p.m. and 6 a.m.

Review process:

The table above lists the zones where EMCs are allowed, based on the display method, size, and review process. EMCs that are allowed in the zone will use the standard Type I administrative review process. EMCs that require Site element review will use the process described below.

- I. Site element review process: A Type (I or III) process with a decision by the (Planning Director or Planning Commission or Sign Review Commission).
 - a. Criteria: The review body must find that the sign will be compatible with surrounding uses, based on the following factors:
 - i. Proposed sign operation complies with code.
 - ii. Sign does not shine on bedroom windows in residential districts.
 - iii. Setback: at least 15 feet from front property line
 - iv. Hours of operation: must be turned off between the hours of 11 p.m. and 6 a.m. if site abuts a residential district.
 - v. Site landscaping is maintained and is up to code. If the site is nonconforming and cannot be brought up to code then efforts have been made to bring the site as close to code as practical.
 - vi. Freestanding signs include 3 of the following design elements:
 - a. Includes prominent brickwork, masonry, naturally-finished wood, or naturally-finished metal in frame or supports.
 - b. Uses 2 support poles or a full-width support structure.
 - c. Outline of the frame is predominantly non-rectangular or curved.
 - d. Includes landscaping around the base equal in area to the size of the sign.
 - e. Less than (60-70-80)% of sign is EMC.
 - f. Height is 20% lower than required.
 - g. Setback is 20% greater than required.
 - h. (Building maintenance or appearance standard?)
 - b. Appeals: All appeals of the Site element review process shall be heard by the (Planning Commission or City Council).

Electronic scoreboards: Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field. If the scoreboard is visible outside the property, then the scoreboard shall not be used prior to two hours before an event at the stadium or field, or used longer than one hour after an event has ended.

Sign maintenance: All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.

Brightness: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions.

B. Add the following to the existing Definitions section:

§ 151.003 DEFINITIONS

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

ELECTRONIC MESSAGE CENTER DISPLAY METHODS:

1. **Static message.** The display on the entire electronic message center stays constant for a period of at least ten minutes, and does not appear to change, move, scroll, vary color, or vary light intensity.
2. **Alternating message.** The display on the entire electronic message center is held constant for a period of at least 5 (five) seconds, and does not appear to change, move, scroll, vary color, or vary light intensity during that period, and where the image transitions to another image instantly or in a transition of less than ½ second.
3. **Animated message.** The display on all or part of the electronic message center changes or appears to move, scroll, vary color, or vary light intensity. *Animated message* excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.
4. **Extended video message.** A display on an electronic message center that contains images that vary in a continuous, non repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one second intervals. It also excludes flashing or rapid scrolling displays.
5. **Flashing or rapid scrolling.** *Flashing* means a display that includes a pattern of sudden alteration (less than ½ second) between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (in less than ½ second). *Rapid scrolling* means any letter or character in a message moves or appears to move across an EMC face faster than 10 feet in two seconds. *Flashing or rapid scrolling* excludes a transition of less than ½ second between messages on an alternating message display.

C. Make the changes below in the existing code sections (deletions are ~~struck through~~, additions are underlined.)

151.593 GENERAL REQUIREMENTS; ALL SIGNS.

(C) ~~No animated sign shall exceed ten square feet in area.~~ In the C-3 Zone, animated signs are prohibited.

151.594 MAJOR FREESTANDING SIGNS.

(B) Size.

(1) Residential Zones: No major freestanding sign shall be larger than 0.2 square foot per foot of street frontage, up to a maximum of ~~30~~ 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single family dwelling or duplex.

151.596 MAJOR ATTACHED.

(B) Size:

(1) R-1, R-2, and R-3 Zones: The total of all major attached signs on any building frontage shall not exceed 0.2 square foot for each foot of building frontage. At least six square feet of signage will be allowed up to a maximum of ~~30~~ 50 square feet. Major attached signs are not allowed on lots containing only one single family dwelling or duplex.

II. RECOMMENDED NON-CODE OPTIONS

Non-code options

The Electronic Sign Ad Hoc Committee also believes that there are other actions that can be taken outside of the sign code to improve signs in Newberg. The committee recommends that the City Council encourage a community-based group to create an annual award for signs that show public service messages. The committee also recommends that the City Council consider creating a low-interest loan fund for sign upgrade projects in Newberg.

End of recommendation.

Test Cases for discussion:

Existing signs: One way to evaluate the draft recommendation above is to test how existing signs and businesses would fare under it.

Location	Size of EMC	Total size of sign	Percent of sign that is EMC
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Lewis AV	21 sf	49 sf	43%
Storage Place	20.8 sf	50.8 sf	41%
Mtview MS	15 sf	26 sf	58%
Newberg Dodge	23 sf	93 sf	25%

- Walgreens: C-2 zone, under 30 sq. ft. Allowed under a standard review to use static messages, alternating messages, animated messages, and extended video messages. Prohibited from flashing or rapid scrolling.
- Lewis Audio-Video: Same.
- Storage Place: Same.
- Newberg Dodge: Same.
- Mountain View Middle School: Residential zone, 15 sq. ft. Allowed under a standard review to use static messages, alternating messages, and animated messages. Prohibited from using extended video messages, flashing, or rapid scrolling.
- Best Western Newberg Inn: C-2 zone, 10 sq. ft or less. Allowed to use any type of display method.

Possible sign scenarios:

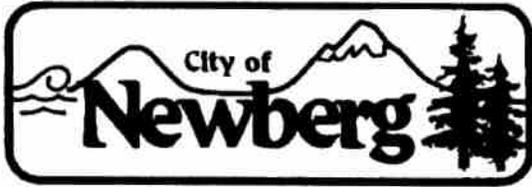
- Sherwin Williams: C-2 zone, not near residential.
 - If they replaced the lower part of their sign (approx. 30 sf) with an EMC they would be allowed under a standard review to use any display method except flashing and rapid scrolling.
 - If they replaced their entire sign with a 100 sf EMC then under a standard review they could display static messages and alternating messages. If they wanted to display animated messages they would need to apply under the site element review process. Extended video messages, flashing, and rapid scrolling would be prohibited.
 - Site element review for a 100 sf EMC: The sign is not near a residential district, so there is no concern about shining on bedroom windows, and no

need to limit hours of operation. The sign is setback 15 feet from the front property line, so it meets that standard. The site landscaping is new and up to code. Under design elements, the sign would only get credit for landscaping around the base. The sign is rectangular, on a single support pole, all metal/plastic, and at the maximum size and minimum setback. They would need to modify the sign to include two other design elements. Options include: adding a curved top to the sign, enclosing the support pole in brick, widening the support pole to a full-width structure, decreasing the size of the EMC to 80 sf, or lowering the sign from 15 feet to 12 feet.

- Muchas Gracias/KFC: C-2 zone, not near residential. If they replaced their sign with a 100 sf EMC then under a standard review they could display static messages and alternating messages. If they wanted to display animated messages they would need to apply under the site element review process. Extended video messages, flashing, and rapid scrolling would be prohibited.
 - Site element review for a 100 sf EMC: The sign is not near a residential district, so there is no concern about shining on bedroom windows, and no need to limit hours of operation. The sign is setback 20 feet from the front property line, so it meets that standard. The site landscaping is nonconforming, as it does not have a 10 foot deep landscaped front yard. The only way to meet the front yard landscaping standard would be to remove the drive through lane, which is not a practical solution for the business. The owner would need to make other landscaping improvements on the site, and bring the site as close to conformance as practical. The sign does not include any of the design elements, as it is rectangular, on a single support pole, all metal/plastic, and at the maximum size and minimum setback. They would need to modify the sign to include three design elements. Options include: adding a curved top to the sign, adding landscaping around the base, enclosing the support pole or base in brick, widening the support pole to a full-width structure, decreasing the size of the EMC to 80 sf, or lowering the sign from 20 feet to 16 feet.
- Bizeau Dental: C-1 neighborhood commercial, across the street from residential. Corner of College and Foothills. If they added a 50 sf EMC could display alternating messages under a standard review. If they wanted to show animated messages they would either need to set the sign back over 30 feet or apply under site element review. They could have up to a 100 sf EMC at this site, but would need to apply for site element review to show alternating or animated messages.
 - Site element review for a 100 sf EMC: They would have difficulty getting approval under site element review if the sign faced a residential area (west or north), but could probably place it on the south face of the building, setback 15 feet from the front property line. They would need to turn the sign off at night (between 11 p.m. and 6 a.m.). The site landscaping is up to code. If the sign was a rectangular wall sign then it could be approved. If it was a freestanding sign then it would need to be designed to include at least 3 of the design elements.
- The Armory: R-2 residential, surrounded by residential. If they added a 30 sf EMC they could be approved under a standard review and display static messages,

alternating messages, and animated messages. Extended video messages, flashing and rapid scrolling would be prohibited. They could instead add a 50 sf EMC under a standard review, but would have to set it back at least 30 feet from the front property line.

- Grace Baptist Church: R-1 residential, with residential to the south, a church to the west, and commercial north and east. If they added a 30 sf EMC they could be approved under a standard review and display static messages, alternating messages, and animated messages. Extended video messages, flashing and rapid scrolling would be prohibited. They could instead add a 50 sf EMC under a standard review, but would have to set it back at least 30 feet from the front property line.



Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: March 25, 2010
Re: April 1 code amendment workshop/recommendation

The committee has considered many different issues relating to electronic signs, and now is trying to determine what kind of electronic signs should be allowed where, and under what conditions. The following is intended to help the committee frame this discussion.

Staff recommends the following definitions for electronic signs:

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Standards based on four factors

Staff recommends that the committee consider standards for EMCs that vary depending on four main factors:

1. **Display method.**
2. **Size of electronic message center.**
3. **Zoning.**
4. **Site elements and design review.**

The following defines each of these four factors.

1. **Display methods:** Staff recommends the committee define five different categories of display methods on electronic message centers, defined as follows:
 - **Static message.** The display on the entire electronic message center stays constant for a period of at least ten minutes, and does not appear to change, move, scroll, vary color, or vary light intensity.
 - **Alternating message.** The display on the entire electronic message center is held constant for a period of at least (3-5-8) seconds, and does not appear to change, move, scroll, vary color, or vary light intensity during that period, and where the image transitions to another image instantly or in a transition of less than ½ second.
 - **Animated message.** The display on all or part of the electronic message center changes or appears to move, scroll, vary color, or vary light intensity. *Animated message* excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.

- **Extended video message.** A display on an electronic message center that contains images that vary in a continuous, non repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one second intervals. It also excludes flashing or rapid scrolling displays.
 - **Flashing or rapid scrolling.** *Flashing* means a display that includes a pattern of sudden alteration (less than ½ second) between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (in less than ½ second). *Rapid scrolling* means any letter or character in a message moves or appears to move across an EMC face faster than 10 feet in two seconds. *Flashing or rapid scrolling* excludes a transition of less than ½ second between messages on an alternating message display.
2. **Size of EMC.** Staff suggests that the committee consider standards that vary by size of electronic message center. Staff suggests three different size categories:
- **10 square feet or less.** This would include small message strips such as seen at Rivermark Credit Union, Newberg Inn, and time and temperature displays.
 - **Over 10 square feet and up to 30 square feet.** This would include signs such as at Walgreens, Newberg Dodge, the Storage Place, Lewis Audio-Video, and Mountainview Middle School.
 - **Over 30 square feet and up to 100 square feet.** Note that the maximum size of the sign would be governed by the sign limits already in place, so a 100 square foot sign may not always be possible.
3. **Zoning.** Staff suggests that the committee consider standards that vary by zoning district. Staff suggests four different categories of zoning.
- **Portland Road Commercial (C-2) and Industrial zones.** This would include C-2, I, M-1, M-2, M-3, and M-4 zones.
 - **Institutional (I), Neighborhood Commercial (C-1), and Residential Professional (R-P) zones.** These zones are separated because they tend to be near residential areas.
 - **Downtown (C-3) zone.** At the last meeting, the committee chose to leave the standards in the C-3 zone alone (i.e. allow only static messages) until the downtown coalition has completed its work. After that time, the committee recommended the City review the issue.
 - **Residential.** This would include R-1, R-2, and R-3 zones.
4. **Site elements and design review.** Some of the committee discussion suggested that one reason some electronic signs were acceptable was due to the context that sign was placed in. The sites were attractive: they had nice landscaping, the landscaping was well maintained, and the buildings were painted and maintained. The sign design itself was attractive and matched the site. Staff suggests the committee consider requiring site element and design review for larger EMCs or EMCs that will use more aggressive display methods. Thus, there would be two categories of review:
- **Standard review.** Under standard review (Type I), site elements and sign design are *not* taken into consideration when approving a sign. The sign is simply reviewed to insure it complies with size and height limits, setbacks, and so forth.

- **Site elements and design review.** Under site element review, site elements and design *would* be taken into consideration when approving the sign. The review criteria could consider factors such as:
 - Is the landscaping installed to code and maintained?
 - Are the buildings on the site well maintained? Do they exclude bright or bold colors? Do they match their surroundings?
 - Is the sign visible from or would it be disturbing to other properties, including nearby residential areas?
 - Does the sign itself contain attractive design elements outside the EMC (brick work, non-rectangular shape, other art work)?

Conditions could be added to approval such as requiring additional setbacks, orientation away from residential properties, limiting hours of operation, installing additional landscaping, and so forth.

The committee would have to decide whether this review was done by the Planning Commission (Type III) or at the staff level (Type II).

Tables applying the four factors

Using the four factors described above, the committee’s recommendations could be described in a table or matrix form. On the next page is a table with suggested standards. Staff recommends the committee review the table, and determine whether the suggested standard is acceptable. If not, the committee could modify it. Highlighted within the table are areas where the committee seemed not to have consensus or the topic otherwise should be discussed.

Table 1: Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process

Zoning	Size of EMC*	Display Method				
		Static Message	Alternating Message	Animated Message	Extended Video Message	Flashing or rapid scrolling
Portland Road Commercial and Industrial (C-2, M-1, M-2, M-3, M-4); other zones not listed	10 sq. ft. or less	Allowed	Allowed	Allowed	Allowed	Allowed
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
Downtown (C-3) Zone	10 sq. ft. or less	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
Institutional (I), Neighborhood Commercial (C-1), and Residential-Professional (R-P)	10 sq. ft. or less	Allowed	Allowed	Allowed	Allowed	Allowed
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Site element review	Site element review	Prohibited	Prohibited
All Residential Zones (Including R-1, R-2, & R-3)	10 sq. ft. or less	Allowed	Allowed	Site element review	Site element review	Prohibited
	> 10 sq. ft. up to 30 sq. ft.	Allowed	Site element review	Prohibited	Prohibited	Prohibited

*Maximum size of EMC is limited by the maximum size of sign allowed in that zone. Therefore, EMCs of the size shown may or may not be allowed.

Other issues

Electronic Scoreboards

The committee appeared to have consensus that electronic scoreboards of any size should be allowed if they can be seen only from within the stadium or property. The committee discussed how to handle situations where the scoreboard may be visible from beyond the property, especially from nearby residential areas. The committee seemed to feel that that the scoreboard shouldn't be prohibited just because it may be visible from beyond the property, but might be limited in some way, such as limited displays to actual competition times. Below are two alternatives:

Alternative #1: Electronic scoreboards: Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field. If the scoreboard is visible outside the property, then the scoreboard shall not be used prior to two hours before an event at the stadium or field, or used longer than one hour after an event has ended.

Alternative #2: Electronic scoreboards: Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field. If the scoreboard is visible outside the property, then the scoreboard may be approved only following the site element and design review process.

This second alternative would allow the review body to consider whether or not limits would need to be placed on the operation of the scoreboard.

Non-code options

The Electronic Sign Ad Hoc Committee also believes that there are other actions that can be taken outside of the sign code to improve signs in Newberg. The committee recommends that the City Council encourage a community-based group to create an annual award for signs that show public service messages. The committee also recommends that the City Council consider creating a low-interest loan fund for sign upgrade projects in Newberg.

Sign maintenance and brightness

The committee appeared to have consensus on the following language:

Sign maintenance: All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.

Brightness: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions.

Longer term maintenance and compliance

Another issue discussed was whether additional steps needed to be taken to insure that the sign continues to be operated under the conditions of the original approval. What happens if the sign is repeatedly used for display methods not approved? What happens if we discover the “dimming” doesn’t dim enough? What happens if the landscaping dies? Staff suggests the committee consider two alternatives:

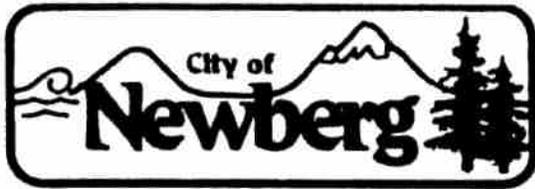
Alternative #1: Code enforcement process only. Under this alternative, any violations would be treated under the city’s standard code enforcement process.

Alternative #2: Licensing and renewal process. Under this alternative, any EMC that was required to be approved through the site elements and design review process would have to be renewed periodically to insure compliance with the original conditions. Below is possible language:

1. Renewal process:
 - a. If an EMC is approved under site elements and design review, then it will be issued a license to operate the sign as conditioned by the review body. The license will expire (2 years – 5 years – pick one) after approval.
 - b. The license will automatically renew unless a review is requested.
 - c. Review of the license may be requested by the Director, the Planning Commission, the City Council, or by petition of 25 registered voters in Newberg.
 - d. The review would be limited to the original conditions of approval:
 - i. Sign operation complies with code and any conditions of approval.
 - ii. Sign in good state of repair.
 - iii. Site elements continue to be in good repair and maintenance.
 - e. The renewal will be reviewed by the (Planning Commission or Director)
 - f. If a license is not renewed then the EMC can only be operated as allowed outright in the table above.
 - g. The decision can be appealed to the City Council.

Non-conforming signs

There was a desire expressed that the code amendments not make any more signs non-conforming signs. Whether or not any sign becomes non-conforming due to these code amendments will depend on what the code amendments are. It appears the committee is heading toward a recommendation that would not make any more signs non-conforming. It may be possible that the recommendation would require site element review in order to allow some existing signs to use display methods not allowed under the current code. If that is the case, the committee could recommend that these undergo that site element review, or simply recommend that the site element review be automatically approved.



Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: February 25, 2010
Re: March 4 code amendment workshop/recommendation

At the March 4, 2010 meeting the committee will consider the review process for electronic signs and specific code amendments.

Process:

The first issue to consider is the review process for approving electronic signs. Should the process allow any discretion? There are pluses and minuses to allowing discretion. We would like you to consider two options:

1. **Allow no discretion in review process:** If the process allows no discretion in the code it will be consistent and probably easy to understand and enforce. It will be fair, and treat all applicants the same. It provides greater certainty, but it is not flexible. Newberg's current sign code allows very little discretion in the review process. This does keep the review process shorter and less expensive for the applicant.
2. **Two track process:** Another option would be to have two review tracks. One track would be non-discretionary and would allow small animated electronic signs. The other track would allow larger signs and a license to operate the sign flexibly, based on meeting certain performance standards (such as no flashing or rapid scrolling, or providing better landscaping around the sign, and keeping the sign in good repair). If the sign was not operated within certain parameters then the license would not be renewed and the sign would be required to be operated under the same limits as the non-discretionary signs. The review of the sign could be by the Planning Commission. This would be a way of allowing flexibility while still retaining the ability to remove the flexibility if it is abused. We have included a potential development code amendment that illustrates how this approach could work.

We would like the committee to discuss these review options. Can you think of better approaches for allowing creativity while retaining enforcement ability? One reminder is that any discretionary review cannot be based on content.

Non-code options: there are other things that can be done outside of the sign code, which can be part of the committee's recommendation to Council. A community-based group could create an annual award for signs that show public service messages, for example. The committee could request that Council create low interest loans for sign upgrade projects.

Development code amendments:

We would like the committee to make a preliminary vote on the following code amendments. Then, at the next (and last) meeting, the committee will review the full recommendation as a single amendment and vote on that.

§ 151.597.5 ELECTRONIC MESSAGE CENTERS

Electronic message center signs are permitted subject to the limitations below.

Zoning district: Electronic message center signs are allowed in all zoning districts. Electronic message centers are not permitted for residential uses in residential zones. Animated signs are not allowed in the C-3 district.

Definition:

SIGN, ANIMATED. A sign that has a display that changes more than once in any ten minute period. *(comment – no change proposed to this definition)*

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

- Vote:

Two-track review process:

1. Standard review: The standard review process is used for electronic message centers (EMC) when the sign:
 - a. Is an animated sign with an area under 10 square feet.
 - b. Is an EMC with an area over 10 square feet but less than 10 square feet is animated.
 - c. Is an EMC with an area over 10 square feet, but only displays static messages with a minimum dwell time of (3, 5 or 8 – choose one) seconds, and a transition time between messages of less than (0.5, 1 or 2 – choose one) seconds.
2. Special review: A special review process is required for electronic message centers (EMC) when the sign does not fit within one of the categories for a standard review.
 - a. Process: The special review process will be a Type III process with a decision by the Planning Commission. If an EMC is approved under a special review then it will be issued a license to operate the sign as conditioned by the review body. The license will expire (2 years – 5 years – pick one) after approval.
 - b. Criteria: In order to approve an EMC under a special review the review body must find that:
 - i. Front yard landscaping is installed in accordance with current codes or, if the site is a legal non-conforming site, contains at least 80% of the current required landscaping.
 - ii. Sign operation will comply with code restrictions:
 1. No flashing or rapid scrolling
 2. No video clips over (3-5-8) seconds
 - iii. Other aspects of the site, such as the buildings, fences, and parking areas, are well maintained and attractive.

c. Renewal process:

- i. The license will automatically renew unless a review is requested.
- ii. The request could be from the Director, Planning Commission, City Council, or by petition of three citizens.
- iii. The review would be limited to the original conditions of approval:
 1. Has not been used for flashing, rapid scrolling, or long video clips.
 2. Site landscaping still in good repair and maintenance.
 3. Sign in good state of repair.
- iv. The renewal will be reviewed by the (Planning Commission or Director)
- v. If a license is not renewed then the EMC can only be operated under the conditions listed for a standard review.

- Vote:

Maximum size:

Option 1: The entire freestanding or attached sign is allowed to be an electronic message center. The maximum size of the sign is limited by the code sections for freestanding and attached signs. The entire electronic message center is allowed to be an animated sign, unless otherwise prohibited in the zoning district.

Or

Option 2: Up to 80 percent of the freestanding or attached sign is allowed to be an electronic message center. The maximum size of the sign is limited by the code sections for freestanding and attached signs. The entire electronic message center is allowed to be an animated sign, unless otherwise prohibited in the zoning district.

(comment – this option keeps the sign from becoming a billboard that only advertises off-premise businesses)

Or

Option 3: Up to 50 percent of the freestanding or attached sign is allowed to be an electronic message center. The maximum size of the sign is limited by the code sections for freestanding and attached signs. The entire electronic message center is allowed to be an animated sign, unless otherwise prohibited in the zoning district.

- Vote: Option 1 –
- Option 2 –
- Option 3 -

Brightness:

Option 1: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions.

- Or
- Option 2: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 1,000 NIT (candelas per square meter) between dusk to dawn as measured by the equivalent 'Percentage of Maximum Brightness-Nighttime' setting on the applicant's sign-controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT (candela per square meter) rating. City officials shall have the right to view the programmed specifications of the sign to determine compliance.

Definition:

NIT. NIT means a measurement of luminance, where one nit is equal to one candela per square meter. A candela means a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540 THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.

- Vote: Option 1 –
Option 2 (language from YESCO model code, definition taken from Salem code)–

Video display methods: Not permitted except in the C-2, M-1, M-2 and M-3 zones. Any sign that uses a video display method shall have a minimum video clip duration of two seconds and a maximum duration of five seconds.

- Vote:

Flashing and rapid scrolling: Flashing signs and rapid scrolling signs are prohibited in all zones.

Definition:

FLASHING. Flashing means a pattern of sudden alternation between a fully-illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (less than every three seconds).

RAPID SCROLLING. Rapid scrolling is when any letter or character in a message moves or appears to move across an EMC face horizontally faster than 10 feet in two seconds.

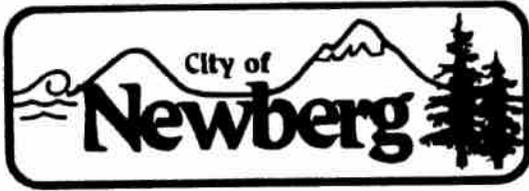
- Vote:

Electronic scoreboards: Electronic scoreboards with videoscreens in stadiums or at sports fields are not considered signs or limited in size if they are oriented inward to the playing field and the view from offsite is obscured.

- Vote:

Sign and site maintenance: All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible. Any landscaping on the site required by code or as a condition of approval shall be maintained in good condition.

- Vote:



Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: January 28, 2010
Re: Sign code workshop on February 4, 2010

The next Electronic Sign Ad Hoc Committee meeting on February 4, 2010 will include a short video tour showing examples of electronic signs, and a workshop/discussion regarding aspects of electronic signs. The aim of the discussion is to explore the range of opinions on the committee, and see if there are values or concepts the committee can come to consensus on. The committee's preferences will give staff direction for developing sign code amendments to vote on at the next meeting.

1. Follow-up items:

- **Size of the Newberg Dodge sign:** 23 sq. ft. electronic message center. 93 sq. ft. overall.
- **Sign code summary tables:** I have attached a summary table of the current electronic sign codes in Newberg, McMinnville, Tigard, Sherwood, Beaverton, Salem, and Spokane. We have reviewed these codes in previous meetings, but the table should be a useful reference during our discussions today and next meeting.
- **Code summary table created by City of Salem:** I have attached another copy of this table for reference, and noted the dates that most of the codes were adopted.

2. **Public comment:** We have a public comment email to consider from Roger Currier.

3. **Video tour:** We will review videos of electronic signs in Newberg and from other areas to help clarify opinions and generate discussion.

4. **Workshop: Are there value statements the committee can reach consensus on?**

We have seen in our review of other cities' sign codes that, while there are many common elements in the codes, every city seems to arrive at a unique electronic sign code based on local preferences. Staff needs direction from the committee to narrow down the range of possible code choices. We plan to present a range of code options for the committee to consider at the next meeting.

Some possible value statements are listed below as a starting point. They cover a range of options. The committee can review these, discuss the ones they wish, and pick which, if any, there is consensus on. The committee may come up with other value statements they prefer.

General

- a) Electronic signs provide a valuable means of communication for the community to give and receive information about business products, events, and current conditions.
- b) Newberg would be a better place if it had more electronic signs.
- c) Newberg would be a better place if it didn't have any more electronic signs.
- d) Newberg is in danger of having too many, too big, or too flashy electronic signs.
- e) Newberg is in danger of having its businesses wither away because of not allowing enough electronic signs.
- f) Some electronic signs can be attractive and beneficial to the community; some can be unattractive and detrimental:
 - i. Electronic signs are so vital to some businesses and users that we should err on the side of allowing more use of electronics signs, even if it means some less attractive signs could pop up.
 - ii. Community appearance is so vital to the success of the community that we should err on the side of limiting electronic signs, even if it means some businesses may not be able to put up electronic signs that otherwise may be acceptable.

Mode of operation/Dwell time

- g) Electronic signs that flash, pulse, change frequently, or have video motion can be distracting to drivers.
- h) Electronic signs that are bright or that flash, pulse, or change frequently are annoying, and make the community unattractive.
- i) Electronic sign owners need to be free to operate their signs creatively to maximize their impact.
- j) Electronic signs should be allowed to transition so that a driver could read more than one message in the time it takes to pass the sign.
- k) Electronic sign regulation should accommodate changing technologies.
- l) Full motion video signs should be allowed:
 - i. in any zone.
 - ii. not in any zone.
 - iii. not downtown, but in other commercial or industrial areas.
 - iv. only with time limits on video clips (ranging from 2-5 seconds, for example).
- m) If electronic signs are limited to static messages with a short dwell time (3, 5 or 8 seconds, for example) they will be too limited to be effective for businesses.

- n) If electronic signs are limited to static messages with a short dwell time (3, 5, or 8 seconds, for example) then they will be effective and reasonably attractive.
- o) Electronic signs are primarily intended to advertise the business where the sign is located.
- p) Owners of electronic signs should be expected to display some public service messages.

Size/setback limitations

- q) Electronic sign area should be allowed to be large enough so that a brief message can be seen at one time without having to resort to scrolling or multiple transitions.
- r) Electronic signs should be allowed but limited to a set maximum size (10, 20, 30 or 40 sq. ft., for example).
- s) Signs should be allowed to be 100% electronic, up to the maximum allowed sign area for the site, in order to allow maximum flexibility.
- t) Electronic signs should be allowed but as part of a larger sign to improve their appearance (no more than 50% of allowable sign size, for example).
- u) Electronic signs should be allowed but as part of a larger sign to prevent them becoming billboards.
- v) How close a sign is to the street, houses, or other uses makes a difference on what is acceptable.

Districts

- w) Downtown Newberg has a historic character. Electronic signs are out of place in downtown.
- x) Schools and churches in residential areas should be allowed to have electronic signs but should have time limits to limit impacts to neighbors.
- y) Sports stadiums should be allowed large electronic signs if they are oriented inward, even if they might be visible from nearby residences.

Summary of electronic sign codes

February 4, 2010

EMC = electronic message center

Jurisdiction	Size limitations	District	Dwell time	Brightness	Mode of Operation
City of Newberg Adopted 1998. Non-conforming 10 yr window.	10 sf max for animated signs (change more than once every 10 minutes). No limit on % of sign that can be electronic. Same max area for EMC as standard sign.	Animated prohibited in C-3 downtown commercial. Can have EMC in C-3, but not in Civic Corridor overlay along Howard St. EMC allowed in Commercial, Industrial, Res.	Animated signs not limited. 10 minute dwell time for elec. signs larger than 10 sf.	No bright or flashing lights that blind or impair the vision of drivers.	Animated -not limited. Larger electronic signs are static.
City of McMinnville Adopted 11/08. Non-conforming 8 yr window.	One per commercial site as part of larger sign. EMC max size of 24 sf, placed no higher than 12 feet above grade. Set at least 10 ft from all property lines. EMC area calculated at 2 times that of other signs.	Public school in Res. zone: one sign per frontage, may include EMC (off between 8 pm - 7 am). Church in Res.: one sign per frontage, may include EMC. Allowed in commercial zones. No EMC in downtown historic district.			No motion, flashing or video signs. No temporary signs allowed on commercial site if EMC can display more than 12 characters at one time or more than 5 characters in a row.
City of Tigard Adopted 9/06. Non-conforming 10 year window.	One per premises, freestanding or wall mounted. Same max area and height as regular sign.	Allowed only in Commercial-General & CBD zones.	At least 2 seconds	The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamperere fluorescent light sources spaced not closer than eight inches, center on center.	No flashing (<2 sec), animation or illusion of movement. Traveling light patterns ("chaser effect") shall be prohibited.
City of Sherwood Adopted 2/09	No more than 35% of the total allowable sign area per face.	Allowed in commercial & residential area (schools/churches).	30 sec minimum		Static. No movement or flashing.

Jurisdiction	Size limitations	District	Dwell time	Brightness	Mode of Operation
City of Beaverton Adopted 10/05. Non-conforming 10 yr window.	Prohibited, except time and temperature signs.	All districts			No flashing signs or changing electronic message (except time & temp).
City of Salem Adopted 8/09.	No special size limit. Max size based on max size allowed for any wall or freestanding sign. Typically 32 sf for most wall signs.	Prohibited in historic districts. Allowed in Industrial, Public, Commercial, Comm. Office. Conditional use in Res. Large electronic display signs allowed when oriented to interior of stadium.	8 sec minimum (Industrial, Public, & Commercial zones other than Commercial Office). 1 hour minimum (Res. & Comm. Office). 3 sec minimum in above zones for time/temp info.	7,500 NITS max daytime 1,000 NITS max night Red only: 3150 NITS day, 450 NITS night. Green only: 6,300 NITS day, 900 NITS night. Amber only: 4,690 NITS day, 670 NITS night. Owner must adjust if notified by director. Automatic dimming required.	Static. Change of display within 2 sec. or less, using instant change, dissolve or fade. Prohibited: scrolling, travel, video. Additional limits at night on flashing within 100 feet of residential or hospital.
City of Spokane, WA Adopted 6/09	Institutional use in res. zone limited to 25 sf max (50% of total allowable sign area. CC1 (ped oriented center), O (office), OR (office retail), NR (neighborhood retail): 25 sf max (50% of total allowable sign area). CC2 (pedestrian enhanced center), CB (community business) zones: 48 sf max for wall signs (50% of total allowable sign area), 37.5 sf max for freestanding signs. GC (general commercial), LI	Prohibited in CBD and CC4 (mixed use transition zone between core and res.) Allowed in other commercial, limited in res.	2 sec minimum.	Automatic dimming required. The brightness level in all zones shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance. - Brightness measurement process for electronic message centers shall be as follows: (code describes process for measuring light readings at different distances). - The owners of such signs shall include a signed letter accompanying their permit	Static messages. Transitions may use frame effects. Flashing prohibited. Shut off between 10 pm - 6 am (res zone only). Video display prohibited except in General Commercial, Light & Heavy Industrial. Video duration min 2 sec, max 5 sec.

	(light industrial), HI (heavy industrial) zones: 48 sf max (50% of total allowable sign area)			application, certifying that they will comply with the prescribed brightness limitations set by this ordinance.	
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Jurisdiction	Size Limitations	District	Dwell Time	Brightness	Mode of Operation															
City of Salem <i>(Old code - replaced in 2009)</i>	Limited to 35% of the display surface of the sign	Allowed in all Commercial, Public & Industrial zones. Residential is by Conditional Use permit process	In Commercial, Public & Industrial zones, limited to 15 min. In Residential zone, limited to 24 hours. Conditional Use process would allow for a shorter dwell time. Change must be completed in two seconds or less.	At time of installation: <table border="1"> <thead> <tr> <th>INTENSITY LEVEL (NIT)</th> <th>Daytime</th> <th>Night time</th> </tr> </thead> <tbody> <tr> <td>Any Sign Color</td> <td>7,500</td> <td>1,000</td> </tr> <tr> <td>Red Only</td> <td>3,150</td> <td>450</td> </tr> <tr> <td>Green Only</td> <td>6,300</td> <td>900</td> </tr> <tr> <td>Amber Only</td> <td>4,690</td> <td>670</td> </tr> </tbody> </table> And must be equipped with an automatically adjusting device. After installation: No sign shall be brighter than is necessary No sign shall impair the vision of a motor vehicle driver No sign shall interfere with the effectiveness of an official traffic sign, device or signal.	INTENSITY LEVEL (NIT)	Daytime	Night time	Any Sign Color	7,500	1,000	Red Only	3,150	450	Green Only	6,300	900	Amber Only	4,690	670	Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next change. Unless specifically authorized by this Chapter, scrolling, travel, video display is prohibited.
INTENSITY LEVEL (NIT)	Daytime	Night time																		
Any Sign Color	7,500	1,000																		
Red Only	3,150	450																		
Green Only	6,300	900																		
Amber Only	4,690	670																		
City of Keizer <i>(Adopted 10/08)</i>	The total allowed sign area for a business (up to 150 sq ft) shall be reduced by 25% if the business has a rotating or revolving, or electronic message sign.	Only with a Conditional Use. Permit in an EG, P, IBP, CR, CO, MU, CM or a CG zone. Not allowed in residential zones.	15 min in all zones, except P. In the P zone and if located adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM and may only be changed once in a 24 hour period and shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties.	<table border="1"> <thead> <tr> <th>INTENSITY LEVEL (NIT)</th> <th>Daytime</th> <th>Night time</th> </tr> </thead> <tbody> <tr> <td>Any Sign Color</td> <td>7,500</td> <td>1,000</td> </tr> <tr> <td>Red Only</td> <td>3,150</td> <td>450</td> </tr> <tr> <td>Green Only</td> <td>6,300</td> <td>900</td> </tr> <tr> <td>Amber Only</td> <td>4,690</td> <td>670</td> </tr> </tbody> </table> and must be equipped with an automatically adjusting device	INTENSITY LEVEL (NIT)	Daytime	Night time	Any Sign Color	7,500	1,000	Red Only	3,150	450	Green Only	6,300	900	Amber Only	4,690	670	No flashing or chaser effect. Must remain Static.
INTENSITY LEVEL (NIT)	Daytime	Night time																		
Any Sign Color	7,500	1,000																		
Red Only	3,150	450																		
Green Only	6,300	900																		
Amber Only	4,690	670																		
City of Portland <i>(Adopted 2002)</i>	Limited to a total combined area of 20 square feet per site. No single sign may have more than 10 square feet of changing image sign features unless those features cover less than 80 percent of the face of the sign.	Only allowed in Commercial & Industrial zone (except Commercial Office abutting residential zones)	Does not limiting changing image signs. Do not include otherwise static signs where illumination is turned off and back on not more than once every 24 hours.	Glare Standard - Glare may not directly or indirectly form reflection, or cause illumination on other properties in excess of a measurement of 0.50 foot candles of light.																

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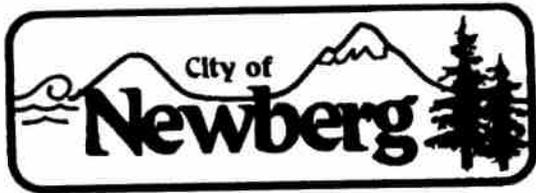
ATTACHMENT 2
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Jurisdiction	Size Limitations	District	Dwell Time	Brightness	Mode of Operation
City of Hillsboro (Adopted 2006)	In Commercial/Industrial Districts - shall not exceed 50 percent of the total sign face. In Station Community Commercial Sign District - Shall not exceed 35 percent of the total sign face. In Industrial Park & Research Park Districts - shall not exceed 25 percent of the total sign face.	Commercial & Industrial Districts	Every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.	May not be illuminated greater than necessary for adequate visibility. May not exceed: 8,000 nits during daylight hours, or 1,000 nits between dusk and dawn.	Video signs are prohibited. May travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll. Shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face. Flashing and animated signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights, and bead lighting, or through animation and/or real images are prohibited. Static only
City of Gresham (current, not sure which adopted)	The electronic message center shall be an integral part of the sign design and shall not exceed 8 square feet in area.				
City of Minnetonka, Mn (Adopted 2007)	Limited to 35% of sign. Limited to freestanding signs only Line of copy is governed by speed of road	All zones, except residential. Residential by conditional use only	20 minutes	Must be equipped with an automatically adjusting device. No sign shall be brighter than is necessary No sign shall impair the vision of a motor vehicle driver No sign shall interfere with the effectiveness of an official traffic sign, device or signal.	Static only
City of Bloomington, Mn (Adopted 2006)	Size is not limited. Uses spacing between sign types.	Changeable Copy signs: All Zones Changeable Graphic Signs - only in non-residential zone	Changeable Copy: All zones except residential - 8 seconds Residential zone - 1 hour. Changeable graphic signs: 20 minutes - only in non-residential zones	Residential is limited to amber color only. May not exceed: 5,000 nits during daylight hours, 500 nits between dusk and dawn. Equipped with an automatic dimmer control.	Video display signs are prohibited. Static only.

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Jurisdiction	Size Limitations	District	Dwell Time	Brightness	Mode of Operation															
City of San Antonio, Tx <i>(Adopted 2007)</i>	On-premise - 25% of allowed sign area Off-premise - 300 square feet	In all zones Off-premise signs - limited to 15 signs within the city limits.	Ten (10) seconds, and a change of message must be accomplished within one (1) second or less for off premise signs. Not allowed to change in residential areas	May not display light of such intensity or brilliance as to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver. Equipped with both a dimmer control Factory pre-set not to exceed 7,000 NITS Exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance": <table border="1"> <thead> <tr> <th>INTENSITY LEVEL (NIT)</th> <th>Daytime</th> <th>Night time</th> </tr> </thead> <tbody> <tr> <td>Red Only</td> <td>3,150</td> <td>1,125</td> </tr> <tr> <td>Green Only</td> <td>6,300</td> <td>2,250</td> </tr> <tr> <td>Amber Only</td> <td>4,950</td> <td>1,675</td> </tr> <tr> <td>Full Color</td> <td>7,000</td> <td>2,500</td> </tr> </tbody> </table>	INTENSITY LEVEL (NIT)	Daytime	Night time	Red Only	3,150	1,125	Green Only	6,300	2,250	Amber Only	4,950	1,675	Full Color	7,000	2,500	Static only
INTENSITY LEVEL (NIT)	Daytime	Night time																		
Red Only	3,150	1,125																		
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Full Color	7,000	2,500																		
City of Seattle, Wa <i>(Adopted 2001)</i>	Video - limited to 7 sq ft	Allow in all zones, except residential and historic districts	Between dusk and dawn the - limited to no more than five hundred (500) units Signs using a video display method may be used after dusk only until 11:00 p.m. or, for up to one hour after on premise event advertising the event. 1 hour Less dwell time is allowed by special use permit.																	
City of Mesa, Arizona <i>(Adopted 2008)</i>	No special size limitations	All districts except urban renewal overlay zones		Requires factory pre-set not to exceed the levels specified in the chart below: Intensity level is protected from end-user manipulation <table border="1"> <thead> <tr> <th>INTENSITY LEVEL (NIT)</th> <th>Daytime</th> <th>Night time</th> </tr> </thead> <tbody> <tr> <td>Red Only</td> <td>3,150</td> <td>1,125</td> </tr> <tr> <td>Green Only</td> <td>6,300</td> <td>2,250</td> </tr> <tr> <td>Amber Only</td> <td>4,950</td> <td>1,675</td> </tr> <tr> <td>Full Color</td> <td>7,000</td> <td>2,500</td> </tr> </tbody> </table>	INTENSITY LEVEL (NIT)	Daytime	Night time	Red Only	3,150	1,125	Green Only	6,300	2,250	Amber Only	4,950	1,675	Full Color	7,000	2,500	Displays of static messages, where the message change sequence is accomplished immediately or by means of fade or dissolve modes
INTENSITY LEVEL (NIT)	Daytime	Night time																		
Red Only	3,150	1,125																		
Green Only	6,300	2,250																		
Amber Only	4,950	1,675																		
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Planning and Building Department
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Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Andrews
Date: December 30, 2009
Re: Sign code workshop on January 7, 2010

The next Electronic Sign Ad Hoc Committee meeting on January 7, 2010, will start at City Hall with two follow-up items (wrapping up a discussion of other cities' sign codes, and reviewing the size of existing electronic signs in Newberg), and then proceed on a short field trip within Newberg.

Follow-up question from the November meeting:

1. How large are the existing signs with large electronic message centers (EMC) in Newberg:

Location	Size of EMC	Total size of sign	Percent of sign that is EMC
Walgreens	28 sf	85.3 sf	33%
Lewis AV	21 sf	49 sf	43%
Storage Place	20.8 sf	50.8 sf	41%
Mtview MS	15 sf	26 sf	58%

This will be useful as a measuring stick when the committee considers potential changes to the sign code. For example, at least one city we looked at limited EMCs to 50% of the total sign area. If Newberg adopted that standard then the Mountain View Middle School sign would become non-conforming.

Summary of Electronic Sign Regulations from other cities (page 17 of 342 in Nov. 5 packet)

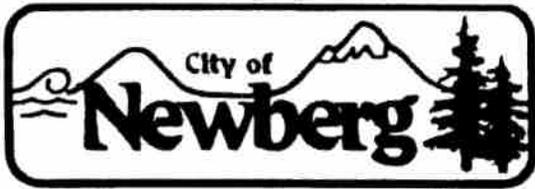
The City of Salem compiled a summary of other cities' electronic sign standards during their code revision project. Please read through the table on page 17 of 342 in the November 5th packet. At our November meeting we looked at the Salem, Keizer, and Portland standards. At the January meeting we will review the rest of the table: Hillsboro; Gresham; Minnetonka, Mn; Bloomington, Mn; San Antonio, Tx; Seattle, Wa; Mesa, Az.

Field trip within Newberg

We will carpool and visit local signs to see first-hand what different levels of sign animation look like. These levels of animation were recommended to us by Young Electric Sign Company as a useful way to classify types of sign animation. These are not the only options, of course, but they do cover a range from limited animation to full animation. Seeing examples of these animation levels in the field should give the committee a common frame of reference and help inform the committee's final recommendation.

Sign animation levels

1. Static messages with a short duration (examples at 5, 8 and 10 seconds) with no transition time between messages.
2. Static messages with a fixed duration (say 5 or 8 seconds), and fade or dissolve transition effects (2 second transition).
3. Static messages with a fixed duration (same as last one, either 5 or 8 seconds), and PowerPoint type transitions (travel, scroll, fly ins, etc. lasting 2 seconds).
4. Full motion video - not static, allowing any type of sign animation.



Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: November 25, 2009
Re: Sign code workshop on December 3, 2009

The next Electronic Sign Ad Hoc Committee meeting on December 3, 2009 will include a discussion of the safety/driver distraction issue, and a presentation on future trends and technology in the sign industry.

Safety/driver distraction discussion: What are the impacts of animated signs?

Brightness:

Flashing strobe lights can be very bright and are obvious traffic hazards that could blind drivers at night. Most, if not all, sign codes ban this type of lighting on signs.

The existing electronic signs in Newberg do not seem bright enough to harm a driver's night vision. New technology, however, will probably allow electronic signs to be brighter; Newberg can adopt a brightness limitation (as Spokane, Salem, and other cities did) to address this aspect of driver safety.

Driver distraction:

The other potential safety issue is whether animated electronic signs are too distracting for drivers. Concerns about "driver distraction" have become more common in recent years, probably due to the increased use of cell phones, navigation systems, and other electronics in cars. Some states now ban texting while driving, or require drivers to only use cell phones "hands-free". The City of Salem staff report about electronic signs included several studies that addressed the effect of signs on driver distraction and safety.

"Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" was prepared by Jerry Wachtel of The Veridian Group in April, 2009 (please refer to page 209 of 342 in the 11/5/09 sign packet). This report is a review of many existing studies that relate to driver distraction and signs. One of the findings was that technology is changing so rapidly that none of the studies cover the latest developments in sign technology. Many of the studies found that items like digital billboards can capture and hold a person's attention, which detracts from their primary task (driving, in this case). They also found that driving is complicated, however, and that there are many factors that

can distract drivers and affect driving performance. This makes it difficult to assess how much impact a distracting sign has on driver distraction and traffic safety. Research sponsored by the sign industry generally concludes there is no negative impact. Independent researchers often conclude that digital signs can cause significant driver distraction, depending on factors such as brightness, message duration and message change interval, location near interchanges, and roadway geometry. The author noted that new LED signs are brighter, will allow full motion video, and can even be hung on moving vehicles, which may increase driver distraction.

Another report was "Literature Review – June 6, 2008. The use of commercial advertising on large scale electronic billboards for highways and their relation to driver safety and driver distraction", by Jon Lazarus of ODOT (please refer to page 250 of 342 in the 11/5/09 sign packet). The literature review concluded that many states were concerned about driver distraction from electronic billboards but that there were no uniform standards or federal guidelines. Regulations vary from state to state, city to city. More studies and federal guidance was needed.

Questions to think about:

- What is your experience? Do you find animated electronic signs to be minor distractions or are they significant enough to affect traffic safety? How do they compare to other driver distractions, such as cell phones, radios, navigation systems, or kids in the back seat?
- Research seems to agree that some signs can be distracting but does not provide clear guidelines to apply to a specific sign and tell whether it will be too distracting. Are there any sign design factors (besides strobe lights) that would automatically make a sign too distracting?

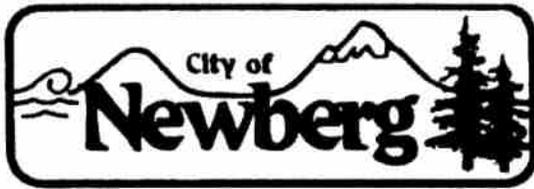
Comments by Brian Casey, Chief of Police, Newberg-Dundee Police Department.

Chief Casey has agreed to attend the meeting and will share his thoughts on driver distraction and animated signs.

Future signs - What technologies and trends can we expect to see in the future?

Ken Mahoney from Young Electric Sign Company has agreed to attend the meeting and will talk about sign technology, trends in the industry, and what kind of signs we can expect to see in the future.

We will also review videos of recent animated sign projects from the Young Electric Sign Company website.



Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: October 29, 2009
Re: Sign code workshop on November 5, 2009

The next Electronic Sign Ad Hoc Committee meeting on November 5, 2009 will include a workshop on sign codes from Spokane and Salem, and a discussion with the pilot program participants.

Follow-up question from the previous meeting:

1. Can you have an electronic sign in the C-3 downtown commercial zone under the point system?
Yes. Pardon the drawing skills – the picture below is meant to show a fin sign projecting from a wall, using decorative wrought iron supports. The EMC has a copper oval background.



The sign would earn points for: being a fin sign (3 points), including a copper background (4 points), having a curved outline (4 points), using decorative wrought iron (2 points), 20% size reduction below the allowed 40 square feet (1 point). The sign would lose 4 points for using blinking, flashing or chasing lights. Overall, it would earn 10 points and could be approved. This is just one example; there are other ways the EMC sign could be designed that would earn 10 or more points.

The sign could not be used as an animated sign, however. It could not be approved within the Civic Corridor overlay along Howard Street because of additional restrictions.

Many of the sign codes we have looked at from other cities have banned animated or electronic signs in their downtown and historic districts.

City of Spokane's Sign Code: Summary of Electronic Sign Regulations (6/22/2009)

Spokane recently updated their sign code and has a good summary on their website:

Electronic Message Signs

Prohibited:

Not permitted in the CBD and CC4 zones or for residential uses in the residential zones. (CBD is Central Business District zone; CC4 is a Mixed Use Transition zone between the core and residential areas)

Allowed:

For institutional uses in the residential zones

25 square feet max area (50% of total allowable sign area)
Shall be shut off between the hours of 10PM and 6AM

For other zones

All uses in the CC1 (pedestrian oriented center), O (office), OR (office retail) zones and NR (neighborhood retail) zoned property with frontage on an arterial

25 square feet max area (50% of total allowable sign area)
No limits to hours of operation

All uses in the CC2 (pedestrian enhanced center) and CB (community business) zones

48 square feet max area for a wall signs (50% of total allowable sign area)
37.5 square feet max area for freestanding signs
No limits to hours of operation

All uses in the GC (general commercial), LI (light industrial) and HI (heavy industrial) zones

48 square feet max area (50% of total allowable sign area)
No limits on hours of operation

Brightness/dimming/interval:

Electronic message signs shall comply with the standards of Table 4 of SMC 17C.240.240 J (below) for automatic dimming and brightness standards. A signed letter from the owner of a proposed electronic message sign certifying compliance with these standards shall be submitted with the sign permit application.

[1] Brightness:

- Electronic message centers in all zones shall come equipped with an automatic dimming, photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- The brightness level in all zones shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
- Brightness measurement process for electronic message centers shall be as follows:
 - a. At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the electronic message center is off or displaying all black copy.
 - b. The reading should be taken with the meter aimed directly at the electronic message center at the appropriate pre-set distance.
 - Measurement distance criteria follows:
 - 0-100 square foot signs to be measured 100 feet from source,
 - 101-350 square foot sign to be measured 150 feet from source,
 - 351-650 square foot sign to be measured 200 feet from source,
 - 651-1000 square foot sign to be measured 250 feet from source.
 - c. Turn on the electronic message center to full white copy and take another reading.
 - d. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.
- The owners of such signs shall include a signed letter accompanying their permit application, certifying that they will comply with the prescribed brightness limitations set by this ordinance.

Electronic message signs shall display **static images for not less than 2 seconds** before transitioning to another static image. Transitions may utilize **frame effects** but flashing signs are prohibited.

Except in the GC, LI and HI zones **no video** display methods are permitted. Where permitted the minimum duration of videos displays shall be 2 seconds and the maximum shall be five seconds.

Definitions

Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade and dissolve. This term shall not include flashing.

Sign.

Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public but not including any lawful display of merchandise. Some examples of 'signs' are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images or **holograms**. The scope of the term 'sign' does not depend on the content of the message or image conveyed.

Sign – Animated Sign.

A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

Sign – Electronic Message Center Sign.

An on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

Sign – Flashing Sign.

A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign. Time and temperature signs are excluded from this definition. For the purpose of this Title, Electronic Message Centers consistent with the standards of Section 17C.240.240.J. shall not be considered flashing signs.

Sign - off-premises.

A sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

Video Display Method.

A video display method is a method of display characterized by real-time, fullmotion imagery.

City of Salem’s Sign Code: Summary of Electronic Sign Regulations (August, 2009)

The City of Salem just revised their sign code after a thorough review process. The revised code is summarized below. The staff report that the City Council considered is also included in this packet because it contains a lot of good information about other cities and sign safety concerns; the staff report summary follows the sign code below.

Revised Sign Code:

62.090. Electronic Display Signs.

(a) No electronic display sign in a Residential zone may be erected without first obtaining a conditional use permit, as provided in SRC 62.375.

(b) No electronic display sign shall be allowed within a historic district.

(c) All electronic display signs shall meet the following standards:

(1) Zones.

(A) In all Industrial zones, Public zones, and Commercial zones, other than the Commercial Office Zone, the change from one electronic display to another electronic display shall be no more frequent than once every eight seconds, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.

(B) In all Residential zones and in the Commercial Office Zone, the change from one electronic display to another electronic display shall be no more frequent than once every hour, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.

(2) **Change of Display.** The actual change of display for an electronic display sign shall be completed in two seconds or less. Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next

change. Unless specifically authorized by this Chapter, scrolling, travel, and video display are prohibited.

(3) Brightness. All electronic display signs must be constructed, operated, or otherwise function in such a way as to not exceed the provisions of this paragraph.

(A) At the time of installation, electronic display signs may be illuminated to a degree of brightness that is no greater than 7,500 nits between sunrise and sunset and that is no greater than 1,000 nits between sunset and sunrise; provided that an electronic display sign comprised solely of one color shall not exceed the following levels: **(i)** For a display comprised of red only, 3,150 nits between sunrise and sunset, and 450 between sunset and sunrise; **(ii)** For a display comprised of green only, 6,300 nits between sunrise and sunset, and 900 nits between sunset and sunrise; **(iii)** For a display comprised of amber only, 4,690 nits between sunrise and sunset, and 670 nits between sunset and sunrise.

(B) All electronic display signs must be maintained and operated to meet the following brightness standards: **(i)** No sign shall be brighter than is necessary for clear and adequate visibility. **(ii)** No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. **(iii)** No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

(C) The person owning or controlling an electronic display sign must adjust the sign to meet the brightness standards in accordance with the Director's instructions. The adjustment must be made immediately upon notice of non-compliance from the Director. The person owning or controlling the sign may appeal the Director's determination to the Hearings Officer, using the contested case procedures set forth in SRC Chapter 20J.

(D) All electronic display signs must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and equipped with a means to immediately turn off the display if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the Director that it is not complying with the standards in this section.

(d) Notwithstanding any other provision in this chapter, a municipal corporation providing transit services within the corporate limits of the City may erect one electronic display sign in each of the corporation's transit stops, which shall be limited to two square feet in area, screened from adjacent residential properties, and used only for the transmission of public information by the corporation. (Ord No. 1-09)

The code also allows large electronic display signs in stadiums when the signs are oriented toward the interior of the facility

62.290. Limitation on Flashing Light, Animation or Rotation in Certain Areas. If the adjacent property on the same side of the street contains a residence, apartment, hospital, or home for the aged or convalescent located within a 100 foot line sight distance of the sign or there is such land use within 100 feet sight distance on the opposite side of this street or intersection, no rotating sign, no sign with rotating parts, flashing sign, or sign illuminated by

flashing or intermittent light shall be permitted to be illuminated after 10:00 p.m. or before 7:00 a.m. unless the rotation is stopped and all light from such sign is steady and continuous. Such sign may be permitted to be illuminated without restriction if the residents and all the property owners within the prescribed area consent in writing to the erection and maintenance of such sign. (Ord No. 167-68)

62.360. Signs Permitted in Residential Districts.

(a) Illumination. No sign shall be illuminated internally or externally by a source connected to the sign, except that wall signs may be internally illuminated. No flashing signs shall be permitted. Sign illumination shall be directed away from and not be reflected upon adjacent premises. No sign shall be illuminated after 12:00 p.m. or before 7:00 a.m.

(b) Animation. No sign shall be mechanically or electrically animated or wind activated.

(f) Special uses. Where any of the following special uses is permitted in a residential district, a building housing such use shall be permitted either one wall sign for each facing or frontage on a street or parking lot, provided that the parking lot does not abut a residential area. Wall signs shall be limited to the greater of 32 square feet or 2 percent of the gross face area of the building face to which it is attached, or one freestanding sign limited in height to five feet and 24 square feet in total sign area: (1) Veterinary services for animal specialties. (2) Funeral services and crematories; and cemetery subdividers and developers. (3) Public golf courses and membership sports and recreation clubs with golf courses. (4) Elementary and secondary schools. (5) Child day care services in buildings other than dwellings. (6) Boat and recreational vehicles storage area. (7) Mixed uses buildings.

Definitions

(15) "Electronic display" means a display created by light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology. As used in this Chapter, electronic displays include, but are not limited to:

(A) "Dissolve": the changing of an electronic display by means of varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of a subsequent display.

(B) "Fade": the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the subsequent display gradually increases intensity to the point of being legible or capable of being perceived.

(C) "Scrolling": the changing of an electronic display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.

(D) "Static display": an electronic display which does not change.

(E) "Travel": the changing of an electronic display by the apparent horizontal movement of the visual image.

(F) "Video display": providing an electronic display in horizontal or vertical formats to create continuously moving images.

(16) "Flashing" means sudden or intermittent electrical illumination.

(19) "Nit" means a measurement of luminance, where one nit is equal to one candela per square meter (1cd/m²). A candela means a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.

Summary of 7/13/09 staff report to Salem City Council regarding sign code changes:

The staff report summarized the public process to that point, including numerous neighborhood meetings and the feedback that they received on proposed changes. The findings included a discussion of aesthetics, safety concerns, free speech concerns, brightness limitations, and a prohibition in historic areas. The attachments included the public comments that were received, and the votes by the sign committee on various changes to the code language.

Other cities: One attachment is a table summarizing the sign codes of: Salem; Keizer; Portland; Hillsboro; Gresham; Minnetonka, Mn; Bloomington, Mn; San Antonio, Tx; Seattle, Wa; Mesa, Az. If we don't have enough time to review the entire table we can finish it at the next meeting.

Safety/distraction issues: The Salem information includes a report by Jerry Wachtel regarding the safety impacts of electronic display signs, and a literature review of safety studies by Jon Lazarus of ODOT. The Minnetonka information includes a study by SRF Consulting Group on driver distraction and signs. This could be the basis for a good safety/distraction discussion, which I would like the committee to have at the December meeting.

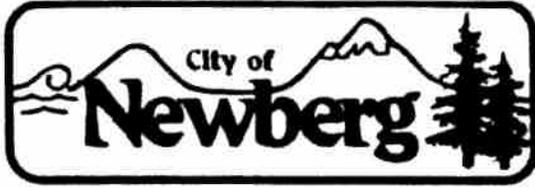
Discussion with members of the Pilot Program on animated signs (4-5 pm)

The members of the pilot program will be at the meeting from 4-5 pm to answer any questions you have. We asked them to discuss the following questions:

- What other types of advertising do you use?
- If you could change your sign what would you change?
- Any specific suggestions for code changes?

We have received some negative public comments about the pilot program, which I have attached. They comment that animated signs are dangerous distractions, visual pollution, and make Newberg look like Anywhere, USA.

We should discuss the pros and cons of allowing larger animated signs, and whether there are any experiments we would like the pilot program members to try with their signs.



Planning and Building Department
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240 • Fax 503-537-1272 • www.ci.newberg.or.us

Memorandum

To: Electronic Sign Ad Hoc Committee
From: Steve Olson, Associate Planner
CC: Barton Brierley, Dan Danicic, Mayor Bob Andrews
Date: September 24, 2009
Re: Sign code workshop on October 1, 2009

The next Electronic Sign Ad Hoc Committee meeting will include a workshop on sign codes. We will review a model sign code sponsored by the sign industry and review city sign codes from Beaverton, Tigard, Sherwood, and McMinnville. We will continue to review other cities' sign codes, including Salem and Spokane, at later meetings.

Model sign code: "A Framework for On-premise Sign Regulations" by Alan C. Weinstein, Inc. and D.B. Hartt, Inc. March, 2009.

This document was funded by a grant from The Signage Foundation, a non-profit foundation that supports the sign industry. This document, as could be expected, does not generally support restrictive regulations. It is well written, however, and contains an overview of the framework of a sign code, a good legal considerations section, and a model sign code. One of the purposes of the document is "To encourage communities to acknowledge the importance and benefits of electronic message signs to the industry and businesses and that they can be accommodated without compromising the public's interests."

Framework summary:

The primary purpose of a sign is to be able to be read by its intended audience. Readability and comprehension are influenced by sign design and sign location. Sign codes should include regulations for all types of signs, be content-neutral, allow standards to vary in different "character areas" (such as downtowns, small neighborhood commercial, general commercial along arterials, highway interchanges, and industrial or office parks).

Legal Considerations summary:

Local governments have authority to regulate signs based on the "police power" - government authority to enact laws and regulations to preserve public order and harmony and to promote the public health, safety and welfare.

Sign codes sometimes conflict with:

1. First Amendment's guarantee of freedom of expression.
 - a. "Content-neutral" regulations: These are regulations that apply to signs regardless of the content, and are typically "time, place or manner" regulations. Sign regulations based on content or on the identity of the sign user are content-based; they are not illegal per se, but face a more stringent level of review by courts. Courts have upheld codes with limited numbers of content-based provisions that are not intended to censor or restrict speech.
 - b. Unlawful prior restraint: Permitting procedures should be clear, have specific time limits, and limited discretion to avoid being considered unlawful prior restraints on free speech.
 - c. Total prohibition of a category of signs: The U.S. Supreme Court struck down a prohibition on lawn signs in a suburb because they were an important medium of expression and no adequate substitute was available. The Ninth Circuit Court of Appeals found that Lake Oswego's content-neutral prohibition on pole signs was permissible, however.
 - d. Vagueness and overbreadth: Requires precise code language. Few codes have been successfully challenged on this basis, however.
2. Fifth Amendment's protection of property rights
 - a. Removal and amortization of nonconforming signs: Provisions for this are normally included in sign codes. Signs typically must be brought into compliance if modified or rebuilt. A "sunset clause" or amortization is commonly acceptable to courts if the time allowed is substantial (Newberg allowed 10 years). Recommended to include an appeal provision due to financial hardship.
 - b. Permit fees: Need to be reasonably related to the costs of administration and enforcement.
3. Fourteenth Amendment's guarantees of due process of law and equal protection under the law.
 - a. U.S. Supreme Court ruled that local governments could regulate signs based on concerns about traffic safety and aesthetics without providing any evidence (*Metromedia* case). A few lower court decisions have questioned this, especially where exceptions allowed some types of signs but not others. Other recent cases have followed *Metromedia's* deferential stance, including two recent bans on Electronic Message Center based solely on local government assertions that the ban served traffic safety and aesthetic interests.
 - b. Permit review procedures: Administrative review using objective standards is fair to all. Design review processes that also consider qualitative standards can be subjective. Voluntary design review, where the applicant has the choice between an administrative review and a more subjective design review that may offer bonus sign area or other incentives, is a good option.
 - c. Sign variances: Variances allow some flexibility in regulations when there are special circumstances, unique to the property in question, that would create practical difficulties if the sign code was enforced as written.

(Newberg's experience – Variances are discretionary. The more discretionary a decision the more likely the applicant might be to challenge the decision on constitutional grounds. Newberg's sign code does not allow variances).

4. Lanham Act: Protection of Federally-registered trademarks.
 - a. Sign regulations may violate the Lanham Act whenever they require a business owner to change the color, typescript, or shape of a registered trademark displayed on a business sign. The Ninth Circuit (which covers Oregon) has upheld a challenge to a sign code based on the Lanham Act.

Model Regulatory Guidelines: Summary of sections relevant to electronic signs

1. Different types of signs may be permitted in each character area. Downtown areas may favor projecting signs and limit freestanding signs, due to limited space. In general commercial areas along arterials every separate development should be allowed a freestanding sign.
2. Wall signs setback at least two hundred feet from the right of way may increase their size by 25%.
3. Freestanding signs should have a minimum as well as maximum height so they can be seen over parked cars. Monument signs have limited usefulness.
4. Height and size guidelines are included in the model code. (Newberg's height and size limits generally fall in the low to middle area of each range).
5. Non-conforming signs: Removal is in the mutual best interests of business community and city, ensures a level playing field.
6. Prohibited signs: animated, flashing, rotating, inflatable, searchlights, tethered balloons, exposed light bulbs, etc. except as permitted under temporary signs or EMCs.
7. Electronic message centers (EMC)/changeable copy signs: should be allowed because are cost-effective advertising for businesses and enable each business at a multitenant site to have a street presence.
8. EMC supporters view them as dynamic assets to the business and community. Can also be viewed negatively as increased visual clutter, distracting to drivers, and contrary to community goals. Codes can be adapted to address concerns.
9. Alternatives:
 1. Changeable copy by non-electronic means may be utilized on any permitted sign.
 2. Only one (1) EMC sign is permitted on a zoning lot for each street on which the development fronts and the sign is visible unless additional EMCs are approved by the _____.
 3. In the ____ Character Areas electronic message centers (EMCs) are permitted provided that the copy does not change more than once every __ seconds and the electronic message center does not exceed ____ (say, 30 to 50%) percent of the total sign area permitted on the site. See Exhibit 5).
 4. In the _____ Character Areas EMCs are permitted with unlimited motion provided the electronic message center

does not exceed ____ (say 30%, of the total sign area permitted on the site).

5. In the ____ Character Areas the EMCs are not limited.

6. All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

7. No single electronic message is permitted to be repeated by flashing more than once every sixteen (16) seconds.

EXHIBIT 5- Electronic Message Center Regulations

Character Area	Permitted	Motion Limitation	Size Limitation		Location and Other Considerations		
	Yes (Y) or No (N)		EMCs as a Maximum % of the Total Sign Area Permitted on the Site	EMCs as a Maximum % of a Single Sign	Could Apply to Part of Character Area	Away from Residential	Confine to Main Street
Downtown	Y	8 seconds to Unlimited	30% to 100%	100%	Yes	Yes	Yes
Small Commercial - Traditional	N						
Small Commercial - Suburban	Y	8 seconds	30% to 50%	67%	No		
General Commercial	Y	8 seconds to Unlimited	30 % to 50%	80%	Yes	Yes	Yes
Highway Commercial (1)	Y	8 seconds	30 % to 50%	80% to 100%	No		
Mixed Use	Y	8 seconds to 1 second	15% to 30%	50% to 80%	No		
Offices	Y	8 seconds to 1 second	15% to 30%	50% to 67%	No (2)		
Industrial	Y	8 seconds to Unlimited	30% to 50%	50% to 80%	No (2)		
Special Use Districts/Uses (3)	Y	None	None				

Definitions:

Animated Sign. A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

Changeable Copy Sign. A sign or portion thereof on which

the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Appendix B. Methodology for Estimating the Appropriate Area of Freestanding Signs

(Three Options Based on Highway Speeds)

Source: *Street Graphics & the Law*

	LOWER 25 MPH	MIDDLE 40 MPH	HIGHER 55MPH
DISTANCE SIGN IS VIEWED	200'	320'	440'
REQUIRED LETTER HEIGHT	7"	10"	15"
APPROPRIATE VIEWING TIME	4-6 Seconds	4-6 Seconds	4-6 Seconds
ELEMENTS COMPREHENDED			
· Letter	40-60	40-60	40-60
· Words/Symbols 5 to 7 letters per word; 1 word = 1 symbol	6-12	6-12	6-12
TOTAL AREA OF LETTERS/SYMBOLS (Width of letter, including spacing equal's the letter height)	14-20 Feet	28-42 Feet	63-94 Feet
TOTAL SIGN AREA (with message – 40% of total area)	35-50 Square Feet	70-105 Square Feet	160-235 Square Feet

City of Beaverton's Sign Code: Summary of Electronic Sign Regulations (10/19/05)

Prohibited:

- Flashing signs.
- Rotating or revolving signs.
- Signs with a changing electronic message except time and temperature signs.

Nonconforming signs must be removed within 10 years (sliding scale).

City of Tigard's Sign Code: Summary of Electronic Sign Regulations (09/06)

Definitions:

18. "Electronic information sign" means signs, displays, devices or portions thereof with lighted messages that change at intermittent intervals, each lasting more than two seconds, by electronic process or remote control. Electronic information signs are not identified as rotating, revolving or moving signs. Also known as an automatic changeable copy sign or electronic variable message center;

21. "Flashing sign" means any sign which is illuminated by an intermittent or sequential flashing light source whose interval is two seconds or less in duration, or which is in any other way animated so as to create the illusion of movement without actual physical movement or the illusion of a flashing or intermittent light or light source;

18.780.070 Certain Signs Prohibited

I. Flashing signs. A sign which displays flashing or intermittent or sequential light, or lights of changing degrees or intensity, with each interval in the cycle lasting two seconds or less. Exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights, or similar devices shall be prohibited.

J. Temporary signs with illumination or changeable copy. A sign not permanently erected or affixed to any sign structure, sign tower or building which is an electrical or internally illuminated sign or a sign with changeable message characteristics.

18.780.080 Sign Illumination

A. Surface brightness. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamper fluorescent light sources spaced not closer than eight inches, center on center.

18.780.090 Special Condition Signs

D. Electronic message centers.

1. Electronic Message Center (variable message) sign regulations shall be as follows:

- a. Electronic message center signs shall be permitted only in the C-G and CBD zones;
- b. The maximum height and area of an electronic message center sign shall be that which is stipulated in Subsection 18.780.130C;
- c. An electronic message center shall be allowed to substitute for one freestanding sign or one wall sign;
- d. One electronic message center sign, either freestanding or wall-mounted, shall be allowed per premises;
- e. With regard to light patterns:
 - (1) Traveling light patterns ("chaser effect") shall be prohibited;
 - (2) Messages and animation shall be displayed at intervals of greater than two seconds in duration.

Nonconforming signs: had a 10 year sunset clause, which has passed

City of Sherwood's Sign Code: Summary of Electronic Sign Regulations (2/17/09)

Electronic Message signs: Consistent with 16.102.020.6, electronic message signs may not change more than once every 30 seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty five (35) percent of the total allowable sign area per sign face.

16.102.020 Prohibited Signs:

6. Changing Image Signs: Any sign that through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, resulting in movement, the appearance of movement or change of sign image or message are prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every 30 seconds.

Schools and churches in residential zones: area, height and setback standards. No additional restrictions on EMCs.

City of McMinnville's Sign Code: Summary of Electronic Sign Regulations (11/5/08)

Definitions

Changeable Copy Sign (Electronic) – a sign on which the copy changes electronically.

Changeable Copy Sign (Manual) – A sign on which copy is changed manually in the field, e.g., the panel permanently affixed as part of a larger sign, commonly used to advertise specials for commercial businesses.

Flashing Sign — a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include electronic changeable copy signs or signs which, through reflection or other means, create an illusion of flashing of intermittent light.

Video Sign – an electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

Prohibited signs:

- Moving signs
- Flashing signs
- Video signs

Signs in Residential zones:

Each **public school** is permitted one (1) permanent sign per public street frontage. Each sign may take any of the following forms (although only one freestanding sign taller than six (6) feet in height is permitted per school): a nonilluminated freestanding sign no taller than fifteen (15) feet in height and no larger than thirty six (36) square feet in area; an indirectly illuminated or non-illuminated monument sign no taller than six (6) feet in height and no larger than forty-eight (48) square feet in area; or a non-illuminated wall sign placed no higher than thirty-five (35) feet above grade or the eave, top of wall, or parapet (whichever is less) and no larger than forty-eight (48) square feet in area. Each sign may include changeable copy (manual or electronic) subject to 17.62.070.E (1 – 4, 6 and 7). Any electronic changeable copy sign must have all illumination turned off between the hours of 8 p.m. and 7 a.m.. Each sign shall meet the setbacks applicable to the residential zone in which it is located.

Each **church** is permitted one (1) non-illuminated or indirectly illuminated permanent sign per public street frontage. No sign shall be taller than six (6) feet in height. If a church site has more than one frontage, the first sign shall be no larger than thirty (30) square feet in area and any subsequent sign may be no larger than six (6) square feet in area. Signs may include changeable copy (manual or electronic). Signs must be a minimum of ten (10) feet back from any property line. Landscaping shall be provided at the base of the sign, consistent with a plan to be submitted by the applicant for review and approval by the McMinnville Landscape Committee.

Electronic changeable copy signs

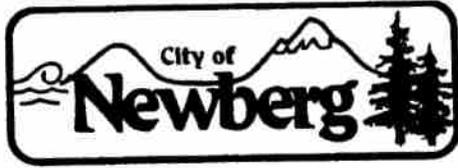
Electronic changeable copy signs are subject to the following standards:

1. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.
2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.
3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
4. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.
5. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.
6. No temporary signage is allowed on a site or multi-tenant complex if an electronic changeable copy sign is utilized that is capable of displaying more than twelve (12) characters at one time or more than five (5) characters in a row. Double-faced electronic changeable copy signs shall be allowed up to twelve characters on each sign face.
7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

Nonconforming signs: removed within 8 years

Sign code (above) does not apply to Downtown area. Downtown has separate design standards.

Prohibited signs downtown include: internally lit signs, flashing signs, cabinet type plastic signs, historically incompatible signs, moving signs.



**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE AGENDA
3-5 p.m., Thursday, September 3, 2009
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

- I. **ROLL CALL**
- II. **OPEN MEETING**
- III. **OUTLINE OF PROCESS BY STAFF:**
 - Why was the Committee formed and what is it expected to do?
 - When will it be finished?
 - What will happen with the Committee's recommendation?
- IV. **NEWBERG SIGN CODE OVERVIEW BY STAFF:**
 - Sign code vocabulary
 - What is regulated? Varies by zone.
 - What is not regulated? Content.
 - Animated/electronic sign issues
- V. **DISCUSSION: DRAFT WORK PLAN**
 - Workshops on Issues (future trends, other cities' codes, safety/distraction)
 - Interview pilot program participants
 - Field trip
 - Development Code options
 - Recommendation
- VI. **ELECT VICE CHAIR**
- VII. **OTHER BUSINESS**
- VIII. **NEXT MEETING – October 1, 2009**
- IX. **ADJOURN**

Attachments: Charge to Committee
Newberg Sign Code
Draft work plan

FOR QUESTIONS PLEASE STOP BY, OR CALL 537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements please contact the city recorder at (503)537-1283. For TTY service please call (503)554-7793.

AD HOC COMMITTEE ON ELECTRONIC SIGNAGE

Charge to the Ad Hoc Committee.....

In follow up to the adoption of City Council Resolution No. 2009-2840, an advisory ad hoc committee on Electronic Signage is established "...to identify and recommend appropriate changes to the animated sign code to balance community and business needs." This ad hoc committee is to report its findings and recommendations to the City Council who in turn will forward the report, with comments, to the Planning Commission.

The ad hoc committee is to examine the impacts on local economy, impacts on community aesthetics and safety, and value for information dissemination. The ad hoc committees review and evaluation of potential amendments, appropriate to Newberg, pertaining to electronic/animated signs should include:

- Identify the use and desired results of signage.
- Identify types and modes of signage.
- Modifying the definition of animated/electronic signs
- Modifying time limits for changing displays.
- Establishing size limits.
- Establishing expectation for public service messages.
- Identify owner/use responsibility.
- Establishing enforcement mechanisms.
- Need for specified periodic review of City Code provisions.
- Establishing process and procedures for upgrades based on new generation(s) of signage.
- Other changes as may be identified and recommended.
- Recommendations(s) for no changes.
- Draft an Action Plan for the implementation of Committee's recommendations.

Additionally, the ad hoc committee, in concert with the City Manager, is to review the results of the Pilot Program established by Resolution 2009-2840.

The Ad Hoc Committee on Electronic Signage will consist of nine members, one member to be a City Councilor, one member to be a Planning Commission member, and the remaining members will represent business, education and an the community at large. The members will be appointed by the Mayor with the consent of the Council. The Mayor will appoint a chair, with the ad hoc committee electing a vice chair.

The ad hoc committee will serve until it completes its recommendations. It is anticipated that this the committee will serve approximately one year. The committee will establish a meeting schedule as need to accomplish its task(s). Usually, the committee would be at least once a month or more often as necessary.

The City staff will provide a secretary to the committee and such other staff or consultation as may as may be appropriated. The meetings of the committee are governed by the Public Meeting Law and the secretary will keep a record of the committee proceedings.

SIGN REQUIREMENTS HANDOUT

Excerpted from City of Newberg Code of Ordinances
The code sections that relate to electronic signs are highlighted in yellow.

NEWBERG DEVELOPMENT CODE SIGN REGULATIONS
(Updated through October 6, 2008)

§ 151.003 DEFINITIONS

BUILDING FACE. An exterior wall of a building that generally faces one direction and that is visible from the public right-of-way. A **BUILDING FACE** is broken by a change in building direction of 60 degrees or more, except for minor extensions or indentations that are shorter than 50 percent of the building frontage (Fig. XV).

BUILDING FRONTAGE. The longest horizontal distance between lines perpendicular to a building face (Fig. XVI).

FLAG. A fabric that is attached to a pole on one end only that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

FLAG DISPLAY. One or more flags attached to a single pole.

READERBOARD. A portable sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. **READERBOARDS** do not include animated signs, nor do they include signs where less than 20 percent of the sign area can be so changed or rearranged.

SIGN. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. **SIGNS** include banners, flags, balloons with graphics, letters, or advertising, and murals.

SIGN, ANIMATED. A sign that has a display that changes more than once in any ten minute period.

SIGN AREA. The area of a sign which is computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this Code and is clearly incidental to the display itself. The **SIGN AREA** for a sign with more than one face shall be computed by adding the area of all sign faces visible from any one point. When two sign faces are placed back to back or at an angle of less than 45 degrees to one another so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the **SIGN AREA** shall be computed by the measurement of the largest face (Fig. 16).

SIGN, ATTACHED. Any sign attached to any part of a building, as contrasted to a freestanding sign.

ATTACHED SIGNS are of two types:

- (1) Minor Attached: A sign not to exceed six square feet in area (three square feet in Residential Zones) that does not extend above the roof line of the building it is attached to.
- (2) Major Attached: All other attached signs.

SIGN, FREESTANDING. Any sign supported by structures or supports that are anchored in the ground and that are independent from any other building or structure. **FREESTANDING SIGNS** are of two types:

- (1) Minor Freestanding: A freestanding sign that is less than or equal to six square feet in area (three square feet in Residential Zones) and three feet in height.
- (2) Major Freestanding: All other freestanding signs.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs connected to A- or T-frames; menu and sandwich board signs; umbrellas, balloons, flag, or banners containing signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said sign is permanently affixed to the vehicle and said vehicle is licensed for movement on public streets.

SIGN, PUBLIC. Any sign that is placed within public right-of-way by or under direction of a governmental agency.

SIGN, TEMPORARY. A portable sign that is limited by law to placement for a specified period of time.

§ 151.149 NON-CONFORMING SIGNS.

- (A) Compliance for temporary and portable signs. All temporary or portable signs not in compliance with the provisions of this code shall be removed immediately.
- (B) Compliance for all other signs. The owner of any sign that was placed legally but does not now conform to the requirements of this code shall either remove the sign or register it with the city on a form provided by the Director prior to January 1, 2000. All signs that do not comply with the standards of this code shall be removed prior to March 31, 2010. Exceptions are:
- (1) Any legal, non-conforming sign that exceeds that maximum allowable size or height by less than 10% may remain.
 - (2) Prior to March 31, 2009, the owner of any legal, non-conforming sign may apply to allow the legal non-conforming sign to remain. Such requests shall be heard by a hearings officer appointed by the City Manager, and shall be approved, approved with conditions, or denied based on the following:
 - (a) The sign is in a good state of repair and maintenance.
 - (b) The number, size, and height of signs to remain is minimal and contributes to an attractive appearance to the neighborhood.
 - (c) The use of bold and bright colors, lighting, and designs is minimal.
 - (d) Other elements of the site are well maintained and attractive.Except as specifically determined by the hearings officer, any sign allowed to remain under the provisions of this subsection is subject to removal under the provisions of subsections (C), (D), and (E) below.
- (C) Abandonment. Any sign not in compliance with the provisions of this code shall be removed by the owner if the site on which the sign is located is vacant for a period of one year or more. If the owner fails to remove the sign, the city may abate the sign as provided in § 151.010 of this code.
- (D) Site improvements. Any sign not in compliance with the provisions of this code shall be removed if the buildings or site improvements on the site on which the sign is located are replaced or modified, except additions and remodels allowed under a Type I design review, § 151.191(A) of this code.
- (E) Sign modifications. Signs not in compliance with the provisions of this code, when replaced, relocated, modified or altered, shall be brought into compliance with this code. For purposes of this section a modification or alteration shall not include the following:
- (1) Maintenance and repairs such as cleaning, painting, refacing, replacing damaged portions of the sign, or similar activities that do not involve a change in copy.
 - (2) A change of a panel on a sign for three or more tenants designed to have removable panels.
 - (3) A modification of the existing cabinet and/or face of the sign that results in a reduction in size and/or height of the sign and that does not involve a change in copy.
- (F) *Historic landmarks exemption.* The provisions of §151.490 (A) through (E) shall not apply to any sign located in a Historic Landmarks Sub-district or on a historic landmark.
(Ord. 96-2451, passed 12-2-96; Am. Ord. 98-2499, passed 11-2-98, Ord. 2008-2706, passed 10-6-08) Penalty, see § 151.999

SIGNS

• 151.590 PURPOSE.

(A) The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

(B) These regulations are designed:

(1) To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents;

(2) To enhance the attractiveness of Newberg as a place to conduct business.

(3) To enable the identification of places of residences and business.

(4) To allow the freedom of expression.

(5) To reduce distractions and obstructions from signs which would adversely affect safety.

(6) To reduce the hazards from improperly placed or constructed signs.

(Ord. 98-2499, passed 11-2-98)

• 151.591 APPLICABILITY AND EXEMPTIONS.

(A) All signs placed or maintained anywhere within the city shall comply with the standards of this code, with the exception of the following:

(1) Public signs.

(2) Signs that are required to be placed by law and that are no more than 50% larger than the minimum size required by law or, if there is no minimum size specified, signs with lettering height no more than four inches.

(3) Signs painted on or attached to windows that do not cover more than 50% of the surface of that window.

(4) Signs located entirely within a building and not on a window.

§ 151.592 PERMIT REQUIRED.

(A) Except as follows, no person or entity shall place any sign within the city without first obtaining a permit from the Director.

(B) The following do not require sign permits, but must otherwise comply with the standards of this code.

(1) Minor freestanding signs.

(2) Minor attached signs.

(3) Temporary signs.

(4) Portable signs.

(5) If any of the signs listed above require permits under the Uniform Sign Code, the sign shall be placed only following issuance of such permit.

(Ord. 98-2499, passed 11-2-98) Penalty, see § 151.999

§ 151.593 GENERAL REQUIREMENTS; ALL SIGNS.

(A) All signs shall comply with the standards contained in the Uniform Sign Code, 1997 edition or most recent, published by the International Conference of Building Officials. If the standards of that code and this Development Code conflict, this Development Code shall prevail. All signs shall be kept in repair and in proper state of preservation as required under the Uniform Sign Code.

(B) No sign shall have bright or flashing lights shining on a public way that blind or impair the vision of drivers. No sign shall be constructed such that it may be confused with any traffic sign, signal or device.

(C) No animated sign shall exceed ten square feet in area. In the C-3 Zone, animated signs are prohibited.

(D) All signs shall comply with the vision clearance standards of § 151.555 of this code.

(E) Signs located in the Airport Overlay Sub-district shall comply with the height and visual interference restrictions of that district.
(Ord. 98-2499, passed 11-2-98; Am. Ord. 2002-2561, passed 4-1-02; Am. Ord. 2002-2565, passed 4-1-02) Penalty, see § 151.999

§ 151.594 MAJOR FREESTANDING SIGNS.

(A) *Number.*

(1) *Residential, I, and CF Zones.* One major freestanding sign is allowed on each street frontage, plus one sign for each full 600 feet of street frontage. Only one sign on each street frontage may be an animated sign.

(2) *Other zones.* Not more than one major freestanding sign shall be located on any one street frontage.

(B) *Size.*

(1) *Residential Zones:* No major freestanding sign shall be larger than 0.2 square foot per foot of street frontage, up to a maximum of 30 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single family dwelling or duplex.

(2) *C-1 and I Zones:* No major freestanding sign shall be larger than 0.5 square foot per foot of street frontage, up to a maximum of 100 square feet. At least 12 square feet of signage will be allowed.

(3) *Other zones:* No major freestanding sign shall be larger than 1.0 square foot per foot of street frontage, up to a maximum of 100 square feet. At least 40 square feet of signage will be allowed. For any lot at least ten acres in size with at least 200 feet of frontage on a street, the one sign on that street may be up to 200 square feet total size.

(C) *Height and setbacks:* Freestanding signs regulated by this section are not subject to the setback requirements of §§ 151.550 through 151.556 or the projecting building features requirements of said sections. Height and setbacks of freestanding signs shall conform to the following requirements:

(1) *C-3 Zone.* No major freestanding signs shall be allowed greater than six feet in height.

(2) Other zones.

(a) A sign up to three feet in height is not required to be setback from any property line.

(b) A sign taller than three feet and up to six feet shall be setback at least five feet from any property line.

(c) A sign taller than six feet and up to eight feet shall be setback at least ten feet from any front property line and five feet from any interior property line.

(d) A sign taller than eight feet and up to 15 feet shall be setback at least 15 feet from any front property line and five feet from any interior property line.

(e) A sign taller than 15 feet and up to 20 feet shall be setback at least 20 feet from the front property line and five feet from any interior property line.

(f) A sign on a lot that is at least ten acres in size in a zone other than residential, C-1, or I and that has at least 200 feet of frontage on a street may be up to 30 feet high provided it is set back at least 20 feet from the front property line and at least ten feet from any interior property line.

(Ord. 98-2499, passed 11-2-98; Am. Ord. 2002-2561, passed 4-1-02; Am. Ord. 2002-2565, passed 4-1-02; Am. Ord. 2006-2646, passed 6-5-06) Penalty, see § 151.999

§ 151.595 MINOR FREESTANDING SIGNS.

(A) Number: Not more than two minor freestanding signs shall be located in the front yard on any one street frontage, plus one for each full 100 feet of street frontage. This number limit shall not apply to minor freestanding signs located outside a required front yard and more than ten feet from the public right-of-way.

(B) Size:

(1) Residential Zones: No minor freestanding sign shall exceed three square feet in area.

(2) Other zones: No minor freestanding sign shall exceed six square feet in area.

(C) Height: No minor freestanding sign shall exceed three feet in height.

(Ord. 98-2499, passed 11-2-98; Am. Ord. 2002-2561, passed 4-1-02) Penalty, see § 151.999

§ 151.596 MAJOR ATTACHED.

(A) Number:

(1) C-3 Zone. Allowed major attached signs include: flat wall signs and signs that project over the sidewalk. Prohibited signs include: signs on roofs, chimneys or balconies.

(2) All zones. The number of major attached signs on any building face shall not exceed one per 25 feet of building frontage of that face.

(B) Size:

(1) R-1, R-2, and R-3 Zones: The total of all major attached signs on any building frontage shall not exceed 0.2 square foot for each foot of building frontage. At least six square feet of signage will be allowed up to a maximum of 30 square feet. Major attached signs are not allowed on lots containing only one single family dwelling or duplex.

(2) RP, C-1, and I Zones: The total of all major attached signs on any building frontage shall not exceed 0.5 square foot for each foot of building frontage. At least 12 square feet of signage will be allowed.

(3) Other zones: The total of all major attached signs on any building frontage shall not exceed 1.0 square foot for each foot of building frontage. At least 40 square feet of signage will be allowed.

(C) Height:

(1) C-3 Zone: Maximum mounting height for wall signs shall be 18 feet above the sidewalk, measured from the top of the sign. The top signboard of a projecting sign on a single story building shall not be higher than the wall from which it projects. For multi-story buildings, the signboard shall not be higher than the average sill height of the second story windows. Projecting signs shall be mounted such that the distance between the lower edge of the signboard and the ground level is not less than eight feet. The distance from the building wall to the signboard shall be a maximum of six inches.

(2) Other zones: Major attached signs shall not extend above the roof line of the building they are attached to by more than eight feet, and shall not exceed the maximum height of the zone in which they are located.

(D) Projections: Major attached signs may project into the required front yard no more than five feet and into the required interior yards not more than two feet, provided that such projections are no closer than three feet to any interior lot line. For buildings in the C-3 Zone, major attached signs may project up to five feet into the right-of-way, but not closer than two feet from the curb line. The lower edge of any major attached sign shall be at least eight feet above ground level. This requirement supercedes the relevant sign standards in the Uniform Sign Code. (Ord. 98-2499, passed 11-2-98; Am. Ord. 2002-2561, passed 4-1-02) Penalty, see § 151.999

§ 151.597 MINOR ATTACHED SIGNS AND AWNING SIGNAGE.

(A) Minor attached signs.

(1) Spacing: No two minor attached signs on one building that are both visible from any one point shall be closer than 25 feet.

(2) Size:

(a) Residential Zones: Minor attached signs shall not exceed three square feet in area.

(b) Other zones: Minor attached signs shall not exceed six square feet in area.

(3) Height: Minor attached signs shall not extend above the roof line of the building they are attached to.

(4) Projections:

(a) C-3 Zone: Minor attached signs may project no more than three feet into a public right-of-way, but no closer than two feet from the curb line. The lower edge of any minor attached sign shall be at least eight feet above ground level. This requirement supercedes the relevant sign standards in the Uniform Sign Code.

(b) Other zones: The same projection is allowed as for major attached signs, § 151.596.

(B) Awning signage: Awnings are encouraged along the frontage of buildings in the C-3 district.

(1) C-3 Zone: Back-lit translucent awnings are not allowed. Lettering may appear on curved surfaces, but shall be limited to the lowest 12 inches of the awning (measured vertically from the lowest edge), Freestanding letters

mounted on top of the front vertical surface are also allowed, though they shall not exceed eight inches in height.

(a) Other minor attached signs may be attached to or suspended from an awning or canopy provided they are less than six square feet in size.

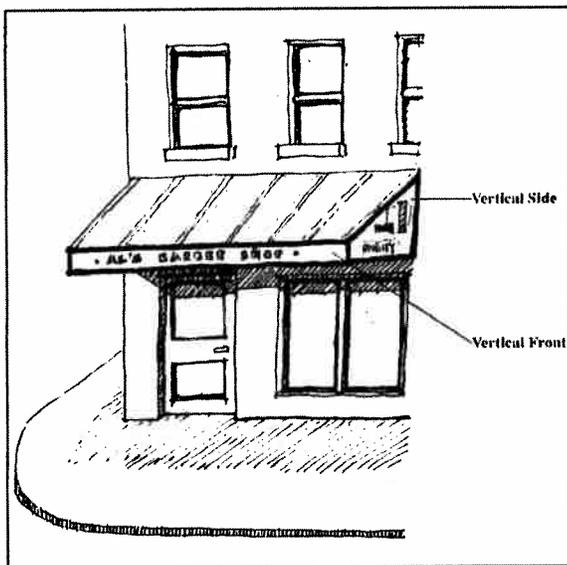
(b) The lower edge of any awning shall be at least eight feet above ground level. This requirement supercedes the relevant sign standards in the Uniform Sign Code.

(c) Signage is not allowed on any awning surfaces that are not specifically permitted in this section.

(2) Other zones: Awning signs in other zones shall be regulated as either minor or major attached signs. (Ord. 98-2499, passed 11-2-98; Am. Ord. 2002-2561, passed 4-1-02) Penalty, see § 151.999

§ 151.598 PORTABLE SIGNS.

(A) Number: Not more than one portable sign may be located on any one street frontage, except temporary signs allowed per § 151.599 below.



(B) Size:

(1) Residential Zones:

(a) Residential uses: One portable sign not to exceed six square feet.

(b) All other permitted uses: One portable sign not to exceed six square feet if located in the front yard, or 16 square feet if located elsewhere on the property.

(2) Other zones: The one portable sign may not exceed 12 square feet if located in the front yard, or 40 square feet if located elsewhere on the property.

(C) Design: No portable sign shall be permanently affixed to any structure or the ground. No portable sign shall be attached to a tree or utility pole. All signs shall be designed to be removed

quickly. No portable sign shall be animated or internally illuminated. No readerboard shall be used as portable sign, except as a temporary sign as permitted § 151.599 below.

(D) Location: No portable sign shall be located within the public right-of-way except as allowed under § 151.600 of this code.

(E) Height: The height of a portable sign shall not exceed the maximum height of buildings in that zone. (Ord. 98-2499, passed 11-2-98) Penalty, see § 151.999

§ 151.599 TEMPORARY SIGNS FOR EVENTS.

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by § 151.598 above, during events as listed below:

(A) Grand opening event: A grand opening is an event of up to 30 days duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the

beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event.

(B) Election event: An election event begins 90 days prior to and end 14 days after any public election. During this event a lot may contain up to two additional temporary signs not to exceed 12 square feet total area for both signs. These signs shall not be located in the public right-of-way.

(C) Other events: A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart.

(D) Flag displays: One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg City Council designated festival.
(Ord. 98-2499, passed 11-2-98) Penalty, see § 151.999

§ 151.600 SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY.

(A) Public signs are permitted in the public right-of-way as permitted by the governmental agency responsible for the right-of-way.

(B) For lots in the C-3 and C-4 Zones, the one allowed portable sign per street frontage may be located, without permit, in the public right-of-way fronting that lot provided it meets the following standards:

(1) The sign may not be less than two feet nor more than four feet high.

(2) The sign may not be located within the vehicular path.

(3) If located on a sidewalk, the sign must leave a clear area of at least five feet measured horizontally, and may not be located on a wheel chair ramp.

(4) If the sign is located adjacent to a striped on-street parking area, the sign must be located adjacent to the stripe.

(5) The sign may not be located within three feet of a fire hydrant.

(6) The sign must be removed during non-business hours or hours the adjoining property is uninhabited.

(7) The property owner abutting the right-of-way shall grant permission for any sign, other than a public sign, that is placed within that right-of-way fronting his or her lot.

(8) If more than one sign is located in the right-of-way fronting one lot, all signs may be forfeited as per division (E) below.

(C) For lots in other zones, the one portable sign per street frontage may be allowed in the public right-of-way provided:

(1) The applicant first obtains a sign permit from the Director approving the location of the sign. Approval is at the sole discretion of the Director. The permit shall be affixed to the sign.

(2) The standards of subdivisions (B)(1) through (B)(6) above are met.

(D) No other signs shall be placed within the public right-of-way except as specifically permitted by this code.

(E) Any sign installed or placed in the public right-of-way, except in conformance with the requirements of this

code, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. (Ord. 98-2499, passed 11-2-98; Am. Ord. 2002-2564, passed 4-15-02) Penalty, see § 151.999

§ 151.601 DOWNTOWN (C-3) SIGN STANDARDS.

(A) *Purpose.* Newberg's downtown is the heart of the community. A variety of early 20th Century commercial buildings define its character. The community's vision is for this area to be a lively, customer and pedestrian friendly district with a variety of successful businesses. Competition from other retail areas requires this area to have an identity and look that is distinct and attractive. Capturing the historic and unique feel of the downtown through sign design standards will aid in its vitality. These standards are intended to promote the economic vitality of downtown by promoting attractive, historically-themed, and pedestrian-oriented signage.

(B) *Design standards.* In addition to meeting other standards within this code, any major attached or freestanding sign within the C-3 district shall score at least 10 points using the following scale. Where more than one sign exists on a frontage, the total score shall be the average score for all signs on that frontage.

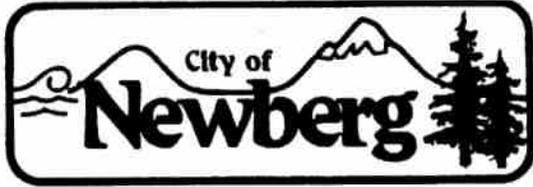
[Sign Point Scale on next page]

Points Possible	Element
	Sign Type
4	The sign is attached to a mounting bracket and allowed to swing freely.
4	The sign is on an awning and meets the standards in § 151.597 below.
3	The sign is a fin sign extending at least 2 feet from the building surface.
3	The sign primarily includes raised or engraved individual letters or graphics on a background wall.
2	The sign is freestanding and less than 6 feet high.
	Sign Material
4	The sign is sandblasted or carved wood.
4	The sign includes natural finished wood in the frame, background or lettering (plywood excluded).
4	The sign includes a frame, background or lettering in aluminum, copper or brass in natural finishes.
2	The sign is on an opaque fabric awning made of cotton-based canvas or woven acrylic and includes free-hanging trim or vertical front.
2	The sign incorporates decorative wrought iron.
	Sign Face
4	The outline of the sign frame (or the letters and graphics if no frame) is predominantly curved or non-rectangular.
3	All colors on the sign are low intensity, such as muted earth tones. Bright, fluorescent, or neon colors are excluded.
2	The most prominent lettering on the sign, such as the business' name, uses a serif or cursive font.
2	At least 15% of the sign area is a landscape, nature, or similar art scene.
	Lighting
2	The sign uses neon tube lighting for letters or graphics.
minus 2	The sign uses internal illumination with greater than 30% transparent or light-colored face.
minus 2	The sign is on a backlit, translucent awning.
minus 4	The sign uses blinking, flashing, or chasing lights
	Sign Size
1 point per 20% reduction	For major attached signage, one point for each full 20% reduction in the total sign area allowed on that building frontage. For major freestanding signage, one point for each full 20% reduction in the total area allowed for that sign.

(C) *Bonus provisions.*

(1) Notwithstanding other provisions of this code, a proposed sign in the C-3 district that scores in excess of ten points using the above scale may be larger than the maximum allowable size of sign otherwise allowed by this code. An increase of 10% of the maximum size is allowed for each point scored over ten points.

(2) The Director may refund 25% of sign design review fees paid for any sign scoring in excess of 15 points on the scale.
(Ord. 2002-2561, passed 4-1-02)



Planning and Building Department

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DRAFT WORK PLAN ELECTRONIC SIGN AD HOC COMMITTEE

- Meeting 1: Outline of process (committee tasks, end date, next steps)
Newberg sign code overview
Discussion: draft work plan
- Meeting 2: Sign issues: from other city codes, future trends, safety/distraction
Pilot program: interview participants, discuss feedback, discuss potential experiments for participants
- Meeting 3: Field trip (tentatively: 99W up to Tigard/I-5 junction - there are quite a few animated signs in Tigard & Sherwood)
- Meeting 4: Discussion w/sign company representative (current technology, future trends)
Discussion re safety/distraction issues (public safety/transportation perspective)
- Meeting 5: Development code options – discuss potential code changes
- Meeting 6: Development code options – discuss potential code changes
- Other meetings: as needed, to be determined by the committee
- Final meeting: Decide on final recommendation to City Council regarding potential code changes

From: Roger Currier [mailto:rcurrier@hevanet.com]
Sent: Monday, December 14, 2009 8:12 PM
To: Marc Shelton; Bob Larson; Bob Andrews; Bart Rierson; Denise Bacon; Wade Witherspoon; Stephen McKinney
Cc: Dan Danicic; Terry Mahr
Subject: Animated signs

Rumor has it that the City Council is revisiting the animated sign ordinance again.

I would just like to make a couple of comments from my perspective as I talk with others about this subject.

First off; I would say that yes they are very useful by way of getting multiple messages out from one area with only one sign.

Second; This works well "if" they are not of a distractive nature for drivers.

Third; In order for them not to divert attention away from congested traffic they should have regulations more than are using today!

A) I believe that they should not change wording more than every 20 seconds at max.

B) I believe that they should not be allowed to gather wording from the sides by sweeping motions that tend to pull your attention more than just a wording change.

C) I believe that some sort of **level of illumination** would be justifiable to limit the glare and **distraction in these congested areas.**

E) You may also wish to consider the aspect of colors as another item to look at ?

The idea of maintaining maybe only one -or two colors--not like the TV bill boards in Portland

F) If they are allowed to have multiple colors, then maybe a cycle of only one color per 10 minutes or something similar?

G) I think that you need to maintain the size limits of what we had on the original plan, not what Lamphere was allowed as standard.

I hope that the color ideas help to illustrate some items.

These thoughts are presented to you as you consider these items; not to limit business from advertising, but to save lives! There have been so many

comments through the years about the Lamphere sign flashing way down the street. And now I hear a lot of people making comments about the new storage place sign and how it changes rapidly as well as jumping from side to side to create words. All these are comments from not only myself but many others about being distracted! What with all the cars traveling this core area, we need to help create safe driving habits and not distractions for accidents.

Thank You for your time

Roger Currier

P. O. Box 45

503-538-9058

Newberg, Oregon 97132

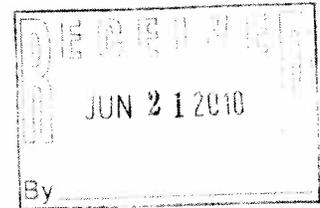
rcurrier@hevanet.com

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Ph: 888-856-6972 • Fax: 602-789-9126 • info@nwsigncouncil.org

June 18, 2010



Honorable Mayor Bob Andrews and the Newberg Council Members
City of Newberg
PO Box 970
Newberg, OR 97132

Dear Mayor Andrews and Councilors:

On behalf of the Northwest Sign Council, I wish to commend the City of Newberg for the pro-active approach the city has taken to address the electronic signage needs for Newberg's business community. The Electric Sign Ad-Hoc Committee should be applauded for its diligence in preparing and presenting the code recommendations.

The Northwest Sign Council (NWSC) is the trade association representing the on-premise sign industry in the Pacific Northwest and, therefore, an important stakeholder with respect to sign regulation. We routinely work with and assist local officials with issues concerning sign regulations and procedures, bringing expertise relating to technology, regulatory options and procedures to the table.

The recommendations that the committee will present to the City Council on July 6 appear to be fair and equitable, and we believe these recommendations will assist in sustaining and supporting the Newberg business community by ensuring safe and effective sign regulations.

On behalf of the Northwest Sign Council, please accept this letter of support for the recommendations presented by the Electric Sign Ad-Hoc Committee. Thank you for your consideration of the committee's recommendations.

Sincerely,

Patricia King
Executive Director

/pk

News

Community

Features

Opinion

Sports

Advertising

Classifieds

Letters to the Editor

Spend the bypass money on schools, balancing the budget

To the editor:

Here we are faced with reducing our schools budget, cutting jobs and so forth. We are all struggling to make ends meet, pay our taxes and just get by. The state declares it is going to have a shortfall in its budget by some number I cannot imagine.

So why are our representatives in Salem going to raise our gas taxes and other taxes to pay to build the bypass, or at least part of the bypass?

The Oregon Department of Transportation has successfully spent millions of our tax dollars on studies. Why do we not believe that the same thing will not happen to the \$132 million that our representatives are planning to give to ODOT?

Why not take that money and spend it on our schools and balance the state budget?

Donnald Alexander, Newberg

--

City, CPRD should clean up these lots

To the editor:

Well, a year has gone by and again I will complain about the Newberg fill along Hoover Park and at the intersection of First and River streets.

First, Hoover Park: the south side (fill) area looks bad. It's hard to understand why the Chehalem Park and Recreation District or anyone else has not made a real effort to clean it up and remove the overgrowth.

CPRD has said it's not theirs, the state says "it's not ours" and the city say it's not theirs, but then CPRD plants trees on the top, maybe with the idea to hide it. Since CPRD planted trees on the top, it is theirs. Don Clements, shame on you.

Second, the land near the First and River streets intersection: there was a bowling alley there years ago, it is one of the main entrances to Newberg's downtown and it is again overgrown. The city of Newberg bent over backwards to help Bret Veatch buy the land and develop it. Bret, maybe you at least should keep it looking better.

Bret and Don, maybe you should look at these properties through the eyes of visitors who travel through this town, or

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- WELDER



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organize the people who could help clean these areas. I challenge anyone from the city or the private sector to look at these areas and see what they think could be done.

I think the city of Newberg should raise the bar and make this community look its best or better.

Also, I think the city should look at the contract with CPRD on the parks and have a stricter set of standards for the way our parks look today. Also, when the city of Newberg sells a piece of property the buyer should maintain it, period, and that should be in the contract.

Mike Boyes, Newberg

--

→ **Signs are a form of pollution in the city**

To the editor:

Have you noticed the subtle change on Highway 99W? The city council is running a multi-month test, allowing businesses with animated signs to increase the size and timing of the animation to see if this will increase their sales.

The plan is to make these changes permanent if sales increase. And if sales increase for one business, then the other businesses will follow suit. Gradually there will be more and more bright animated signs on Portland Road, and we will lose any character left of our community.

I believe that this change in signage is a form of pollution.

In the rules as they are currently written, a business gets 10-square-feet of animation. Amber Alerts, properly displayed, don't need any more than 10 square feet. As an example, the legal Best Western sign is all the space needed for a school or community message.

Please take a moment to reflect upon this ongoing sign test. And let your elected official know what you think is best for the community.

Julie Isaacson, Newberg

GO TO TOP.

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Steve Olson

From: Dan Danicic
Sent: Wednesday, May 13, 2009 12:52 PM
To: Steve Olson; Barton Brierley
Cc: Dan Danicic
Subject: FW: animated signs

Citizen comment for the record.

Daniel Danicic
City Manager
City of Newberg, Oregon
503-537-1207

dan.danicic@ci.newberg.or.us

-----Original Message-----

From: Bart Rierson
Sent: Wednesday, May 13, 2009 11:26 AM
To: Larry Hattan
Cc: Newberg City Council; Terry Mahr; Dan Danicic
Subject: RE: animated signs

Larry,

Thank you for your suggestions. I was on the planning commission when the original sign ordinance was crafted. The council will consider your email with all other public testimony when we discuss this issue.

Bart Rierson
Newberg City Council District 4

From: Larry Hattan [larryhattan@yahoo.com]
Sent: Sunday, May 10, 2009 5:36 PM
To: Bart Rierson
Subject: animated signs

Mr. Rierson: I'm in favor of any ruling that limits drivers attention away from the road. I'ts bad enough that people talk on phones, eat, drink, etc. while driving; now there are animated signs to read. I also would like to see action taken to prevent those who are paid to stand at busy intersections waving large signs and using any tactic to get the attention of drivers. I see this frequently at 99w and Springbrook Rd. Larry Hattan

Steve Olson

From: Dan Danicic
Sent: Monday, May 18, 2009 8:06 AM
To: Barton Brierley; Steve Olson; Bob Andrews
Cc: Dan Danicic
Subject: FW: The lighting standards in Newberg are changing for the worse.

FYI

DANIEL DANICIC
CITY MANAGER
CITY OF NEWBERG, OREGON
503-537-1207

dan.danicic@ci.newberg.or.us

From: Haug, Matson [mailto:matson_haug@mentor.com]
Sent: Monday, May 18, 2009 6:12 AM
To: gallen@eaglenewspapers.com
Subject: The lighting standards in Newberg are changing for the worse.

Gary,

Please publish my Letter-to-the-Editor below.

Mat

Letter to the editor,

The influx of outside business practices into Newberg is definitely changing the look of our community.

First we had the imposition of extreme overhead illumination of the Dodge and Chevy auto dealership lots. This lighting is much, much brighter than our city ordinance standards. City staff administratively approved this lighting as a hardship case, so all those cars would not get stolen off the lots.

Now the City Council is permitting us to be bombarded with a barrage of large, bright, flashing animated signs as we drive along hi-way 99. The excuse here seems to be another hardship case, where those business are pledging they'll go broke without this extra annoyance.

We are incrementally losing our comminute identify.

Welcome, everyone, to Anywhere, USA.

Thank you,

Matson Haug
1524 Hess Creek Court
Newberg, OR 97132
(w)503-685-7087
(h)503-538-1186
(c)503-550-6093

PILOT PROGRAM: A BRIEF UPDATE FROM THE PARTICIPANTS

Dennis Lewis - Lewis Audio Video

Sign code update

While it is difficult to ascertain the effective difference in our business credited to a change in the operation of our electronic sign, I will say that we have been able to operate the sign in a much more efficient manner, and our business for the same period compared to last year is even... We were on a downward trend prior to the sign change.

We have been able to promote community events, give more accurate information about our goods and services, and simply use the sign as an asset.

Regards,

Dennis Lewis
Lewis Audio/Video

Scott Cassidy – A Storage Place

Here is the feedback that Larry and Katy have to report. Let me know if you need something more.

Take Care:

Scott Cassidy
503-781-8373 Cell
503-210-0247 Fax
Scott@ScottCassidy.com

Scott, Giving you a report on this subject is easy. We have never received a negative comment regarding our sign but we have received several good comments. One gentle man made the remark that he gets a chuckle everyday when he is going to work by reading our sign, Several people ask where we are located when they call inquiring about storage and when we explain that we are on the corner west of MacDonald's they reply "Oh you're the one with the cute sign sayings. During the OLD FESTIVAL DAYS Katy had the sign programmed to change each day and several people thanked us for the information. Even though the sign is our best advertizing tool we are still down for the year.

Thanks:

Larry and Katy
A Storage Place of Newberg
503-538-3030
503-554-0399 fax

Wayne Strong – Mountain View Middle School

We conducted a survey of parents at our back to school nights. The survey was comprised of two pictures of the sign taken from the street. Both pictures showed the sign displaying the message "1st Day of School Sept. 8". One picture showed the sign with the largest font we could use and still have the message on one screen. The second picture showed the sign with the font size that meets the city ordinance for using 10 square feet or less for animation purposes. 61 respondents chose the font with the larger size and 1 respondent chose the small font size.

We have also displayed a notice on our sign for approximately 3 weeks that invites comments regarding the readability of the sign. We have had no responses to that request.

We have personally spoke with about half the residents that live in our neighborhood to determine if they have found the sign to be a nuisance. They have indicated it is no problem for them even at night. We will be mailing a survey and response opportunity to all residents of Emery Drive that live on the street within a block of the school.

Thanks.

Wayne

Dan Rouse – Walgreens

Steve,

I am loving the ability to use my sign as I see fit to convey messages of programs, and sales that we are running in my store. Since the start of the program, we have been on a 5 second delay for the messages we are showing. We have had success while currently promoting flu shots ((early) so that we will be able to focus on the swine flu vaccine when it becomes available).

I feel that there are so many different reasons that drive our sales, that it is hard to specifically track everything that the readerboard has been advertising. For instance, I have sold more than 5 tons of ice this summer (much more than last year). We have definitely had ice advertised up on the board, but it was also very hot this summer.

I feel that one of the better indicators of how the readerboard has been driving traffic, is our customer count.

Our customer count numbers have been up

8.6% May

6.2% June

7.4% July

5.4% August

The months before the project were up 0.7%, 1.9%, 3.5%. April was 11.4% up due to the difference of Easter being in April instead of March (last year).

We have advertised events in the community when they have been presented. I have not heard how well they have done..... We also had a local artist do book signings which were advertised for the week before the event. He said he did very well at each of these events.

I have not heard any comments either for or against the message contents, or the amount of timing the messages are displayed. I have kept a record of all of the messages that have been displayed over this

test period. I can also pull up the past 13 weeks of an item's "movement", but I do not think it gives accurate results due to so many variables that cause things to sell.

I hope this is the information you were looking for. If you need anything else, please let me know.

Thanks
Dan Rouse
503-538-9360

A Storage Place of Newberg Reader Board Sign information

Scott Cassidy [scott@astorageplace.com]

Sent: Thursday, February 04, 2010 2:58 PM
To: Steve Olson
Cc: Jerry Carlson [aspmgmt@aol.com]; Manager ASPNewberg [newberg@astorageplace.com]
Attachments: Newberg Sign documents Fin~1.pdf (1 MB)

Mr. Olson and the Electronic Sign Ad Hoc Committee:

Our sign is an important part of our business and hope to provide the committee with real tangible data and information to support its importance to our business and the community. We have invested a significant amount of funds for our sign in Newberg and it is an important component of our marketing mix to drive customers to our business. 36% of customers note our sign as the reason they are renting a unit from us (Report Attached).

It is important for us to attract customers to our business in Newberg and not let them escape to the surrounding communities. Only 65% of our customers are from the Newberg Zip Code area.

Our managers live on-site and are an integral part of the community. We many times during the year promote different charities, School, University and civic events. Some of the events are the Old Fashioned Festival, Food Drive, Kiwanis events, Fire Department Pancake Feed, Drive with Care and weather problems.

We are not advocating full motion video, but it is important that the rules not be so restrictive as in many of the communities sited by this committee. Many cities have become very restrictive in their sign ordinances that they hinder our ability to safely attract and promote our business. Nobody wants their sign to cause an accident. We also don't want Newberg to look like Tacoma or Las Vegas. Yet it is important to allow freedom enough for artistic expression which makes a dull drive a little more interesting. Our managers take pride in trying to be witty, communicative and supportive of the community.

We have yet to have a single complaint regarding distraction. Below you can read some of the comments, notes and messages received by our management team. Attached in a PDF document are the originals of our manager's notes and those of the community as well as the data showing how many respondents note our sign for how they heard about us.

We look forward to the committee moving forward with a recommendation which allows business and schools to promote themselves in a safe, effective manner while maintaining the ability to have artistic expression in support of those messages and the community.

Sincerely,

Scott Cassidy
 Operating Manager
 503-781-8373 – cell
 503-210-0247 - fax



<u>Date</u>	<u>Comments</u>	<u>By/Re: To</u>
2-9-09	Notes from Sue – Letter Carrier “I Love your sign”	
5-7-09	Thanks from the Fire Department for Pancake feed	

- 5-14-09 Note from Sue wanting to use our sign for fund drive
- 5-16-09 Note from Sue – “Awesome sign, Thanks”
- 5-23-09 Got a phone call stating they love our sign
- 5-15-09 Note from Letter carriers – They gathered 14,713 lbs of food for F-I-S-H. 1700 more or less than 2008
- 6-6-09 Several people called thanking us for putting up our Kiwanis sign
- 3-18-09 Thanks from several _____ for putting “Go Bruins – NCAA Final Four and Champs
- 7-24-09 By changing the sign daily throughout the Festival, we received several calls and comments about how they liked our sign
- 8-17-09 Like your Sign Phone Call
- 7-4-09 Like the fireworks Phone call
- 7-4-09 Like your fireworks sign Phone call
- 8-2-09 Are you the people on 99 with the great sign?
- 8-6-09 Love to read your sign everyday
- 8-7-09 Who thinks of all the care sayings on your sign
- 8-19-09 Like to check the temperature when we go by
- 8-20-09 You the people on Portland Road with the great sign
- 8-24-09 I love your sign Pace Services
Keep up your good work
- 8-25-09 We get at least a smile a day - Stopped in to check on rates
- 9-30-09 Tenant – We like your sign
DISTINCTIVE IN THE DETAILS

- 10-19-09 Lady at the Chevron Station asked who does our sign as she loves to go by everyday and see what it says
- 11-2-09 Had 3 people come in asking about our sign. Rented one unit. They liked the World Series Special
- 11-3-09 A lady came in asking about our steal
- 11-10-09 Rented a unit – Liked our sign
- 11-24-09 Are you the people with the sign? I always read your sign!
- 12-8-09 Lady came for rates – Asked if we were the one with the sign. She loved going by everyday to see what it says

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4836
(20100204) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

A Storage Place of Newberg

2811 Portland Road
Newberg, OR 97132

Zip Code Marketing Report

<u>Zip Code</u>	<u>Count</u>	<u>Percent of Total</u>
Overall Marketing Distribution		
Blank	679	49.67 %
SIGN	473	34.60 %
A STORAGE LO	67	4.90 %
OUR SIGN	29	2.12 %
TENTANT	22	1.61 %
MGMT	13	0.95 %
YELLOW PAGES	13	0.95 %
FRIEND	12	0.88 %
OTHER	6	0.44 %
OUR SIGNS	6	0.44 %
FORMER RENTER	4	0.29 %
NEIGHBOR	3	0.22 %
FAMILY	2	0.15 %
FORMER RENTERS	2	0.15 %
FRIENDS	2	0.15 %
NEW SIGN	2	0.15 %
RELATIVE	2	0.15 %
SIGNS	2	0.15 %
SING	2	0.15 %
ALREADY IS A TENANT	1	0.07 %
ALREADY STORING HERE	1	0.07 %
BROTHER INTERENET	1	0.07 %
CURRENT RENTER	1	0.07 %
DRIVE BY	1	0.07 %
DRIVE BY SIGN	1	0.07 %
DROVE BY	1	0.07 %
DROVE BY WITH SIGN	1	0.07 %
E MAIL	1	0.07 %
E-MAIL	1	0.07 %
ENSON	1	0.07 %
FIREND	1	0.07 %
FORMER TENANTS	1	0.07 %
GOOD SIGNS	1	0.07 %
HAVE ANOTHER UNIT HERE	1	0.07 %
HAVE OTHER UNITS	1	0.07 %
NEW TENANTS	1	0.07 %
OUR SIIGN	1	0.07 %
PAPER	1	0.07 %
PHONE CALL	1	0.07 %
RETURN CUSTOMER	1	0.07 %
SIGN SAYINGS	1	0.07 %
SIIGN	1	0.07 %
THEY HAVE ONE UNIT ALREAD	1	0.07 %
WALK IN	1	0.07 %
WE HAVE SEVERAL UNITS	1	0.07 %
	1,367	100.00 %



P.O. Box 721
Newberg, OR
97132

503.554.6817

Don Parrish
FESTIVAL CO-CHAIR
donparrish_97132@yahoo.com

Allan Hopp
FESTIVAL CO-CHAIR
503.538.9281
allanh@hopkins.com

CORPORATE OFFICERS:

AL BLODGETT
VICE PRESIDENT

BECKY GREEN
SECRETARY

DON PARRISH
TREASURER

NEWBERG OLD FASHIONED
FESTIVAL IS A 501(C)3
NONPROFIT ORGANIZATION.
#03-1077597

July 14, 2009

Dear Store Owner/Manager,

On behalf of the Old Fashioned Festival Committee, I am writing this letter to ask if you would be so kind as to post an announcement of the event on your reader board. The event will take place this year from July 23rd through the 26th. Most of the events will take place in and around Memorial Park. There will be a carnival at the old Renne School athletic fields and the fireworks will be displayed over the athletic fields, also, on Saturday, July 25th. This is a great family event and is free to all!

Thank you in advance for your assistance in "getting the word out" to passersby!

Paula Becker
Old Fashioned Festival Marketing

*Done
7/23/09 2:04*

No. 8274 P. 1/1

JUL 15 2009 9:45AM The Newberg Graphic

July 9, 2008

A Storage Place of Newberg
Attention: Larry Neilsen
2811 Portland Rd.
Newberg, OR 97132

Dear Larry,

On behalf of the Old Fashioned Festival Committee, I am writing this letter to ask if you would be so kind as to post an announcement of the event on your reader board. The event will take place this year from July 24th through the 27th. Most of the events will take place in and around Memorial Park. There will be a carnival at the old Renne School athletic fields and the fireworks will be displayed over the athletic fields, also, on Saturday, July 26th.

Thank you in advance for your assistance in "getting the word out" to passersby!

Paula Becker
Old Fashioned Festival Marketing

SV 7/21
+ 7/26

6-13-08

MART

FROM Newbern

DODGE Like 7 Year

WENTHER SIGN

Notes from Sue...

5/15/09

14,713 lbs.

TO

F.I.S.H.



1700 Mours
Jan 2008

Notes from Sue...

5/11/09

LETTER CARRIER
FOOD DRIVE
SAT, May 9th

Can we use your
SIGN again? Starting
a food drive
Thu 5th, maybe
Wed - Sat THANKS



NEWBERG VOLUNTEER FIRE DEPARTMENT

414 E. 2nd ST.
NEWBERG, OR 97132-3006
(503) 537-1230 fax ... (503) 554-7750
nfd@ci.newberg.or.us

To Whom It May Concern:

It's that time of year again and the Newberg Fire Department is excited to announce our annual Turkey Carnival November 14th and 15th.

We are seeking space on your reader board to promote this fundraiser.

Proceeds help support the **Toy and Joy** program in Newberg

Thank you,

Shannon Hankel

Firefighter/EMT-1

Newberg Fire Department
503-537-1230

A few ideas for information to post:

NFD
Turkey Carnival
Nov 14th - 15th
6pm

Fire Department
Turkey Carnival
Nov 14th & 15th
6pm Main Station



NEWBERG VOLUNTEER FIRE DEPARTMENT

414 E. 2nd St.
NEWBERG, OR 97132-3006
(503) 537-1230 fax ... (503) 554-7750
nfd@ci.newberg.or.us

Newberg business,

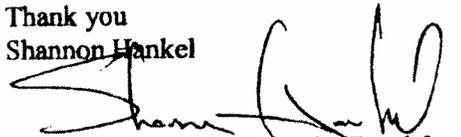
On Sunday, May 3th Newberg Fire Department will be holding its 19th annual pancake breakfast.

We are asking for your help in our advertising campaign by the use of your reader board.

If you can help us, below is the information we would like to see on your board:

Firefighter's Pancake Feed
Sunday May 3th
6:30-1pm
At Main Fire Station

Thank you
Shannon Hankel



Enclosed: Flyer for Pancake Breakfast

POWZ
S/2+ S/3

SHANNON HANKEL
503-330-5214

Be Part of the Team!

Help support the George Fox women's basketball team as they head to the NCAA Final Four. Post a reader board message.

The George Fox University women's basketball team has reached the Final Four of the NCAA Division III national tournament for the first time in school history. The Bruins (30-0) have 10 freshmen and are ranked No. 2 in the nation in the USA Today/ESPN/Women's College Basketball Association poll.

The team leaves for the Final Four in Michigan on **Wednesday (March 18)** and we'd like to send them off with a city-wide show of support. They play The College of New Jersey on Friday, March 20. The winner will advance to the championship game Saturday, March 21. Follow the Bruins online at www.georgefox.edu (live video and audio coverage of game).

Please show your support for our hometown heroes on your business' marquee.

Possible headlines:

Good luck at Final Four, Bruins!

Go Bruins! NCAA Final Four

3/18/09

Congrats George Fox Women's BBall

Final Four-bound: Go Bruins!

Great job at nationals Bruins!

Congratulations Bruins!

Congrats on Final Four, Go George Fox

Go Bruins!

Thank You

For more information contact:

Rob Felton, George Fox University Director of Public Information, 503-554-2129

2007

Dear Larry & Kathy -
A big thank you to a
Marge Place for your
generosity to Kivoni
for our Group Sale -

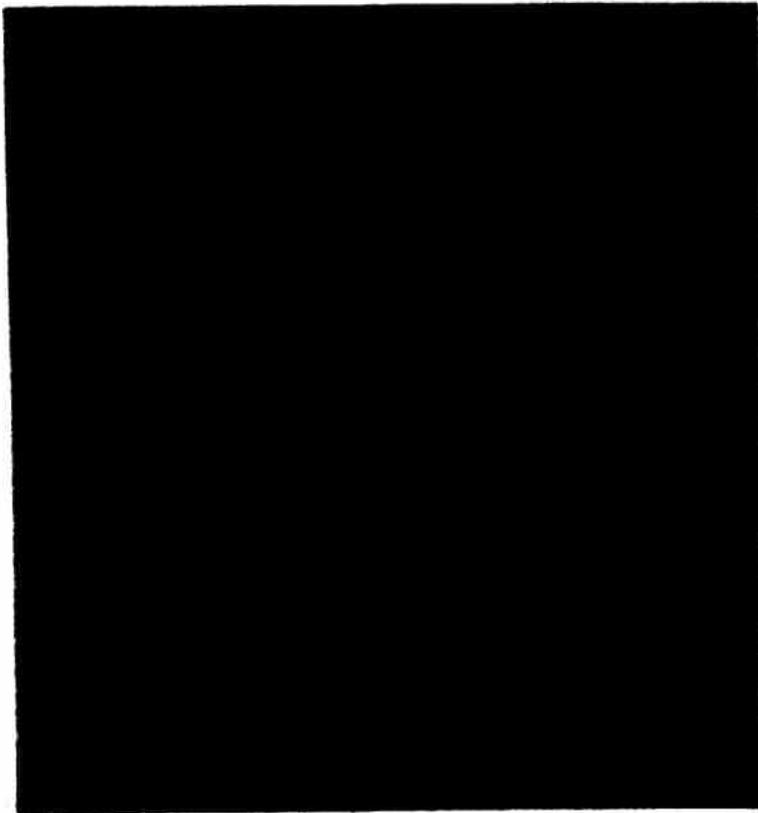
Not only did you give us
space to store them, but
you also put the note on
your reader board --
Several folk came by based
on your sign.

Thank you for helping Kivoni
serve the community.

Billi Shell

2008-09 President

And ...
you give us GREAT
deal on our storage unit
that we keep with Joe -
Thanks So much!



Notes from Sue... 😊

Please put on
BOARD NEXT
WEEK 5TH - 10TH

m - 7th

LETTER CARRIER FOOD
DRIVE SAT. MAY 10th

FKI

LETTER CARRIER FOOD
DRIVE TOMMORROW
MAY 10th

SAT

LETTER CARRIER FOOD
DRIVE TODAY!

SEMPER FT!

STERIS®



STERIS Corporation

Healthcare Group
2424 West 23rd Street
Erie, PA 16508 • USA
814-452-3100 • Fax 814-870-6475
www.steris.com

Ryan Collis
Field Service Representative
800-333-8828
CELL - 503-277-8902

OOH-RAH! WANT TO SHAKE
YOUR HANDS!

YVONNE 10/08
Mail Carrier
WANTS THANK YOU
TO ALL HER CUSTOMERS
FOR DIGGING OUT
HER BOX

DATE	COMMENT	BY/RE: TO
8/22/09	I Love Your Sign	Pace Service Rep
8/26/09	KEEP UP THE GOOD WORK	STOPPED IN TO
9/30/09	WE GET AT LEAST A STRIKE A DAY -	CR ON RATES
	TENANT - We like your sign	
	DISTINCTIVE IN THE DETAILS	
10-19-09	LADY AT THE CHEVRON STATION ASKED WHO DOES OUR SIGN AS SHE HAD TO GO BY EVERY DAY & SEE WHAT IT SAID	
11-2-09	HAD 3 PEOPLE CALL IN ASKING ABOUT OUR SIGN SAYING - RENTED ONE UNIT - THEY LIKED THE WORLD SERIES SPECIAL	
11-3-09	A LADY CALL IN ASKING ABOUT OUR <u>STEAL</u> AD	
11-10-09	RENTED A UNIT - LIKED OUR SIGN	
11-24-09	ARE YOU THE PEOPLE WITH THE SIGN? I ALWAYS RENT YOUR SIGN!	
12-8-09	LADY CALL FOR RATES - ASKED IF WE WERE THE ONE WITH THE SIGN. SHE LIKED GOING BY EVERY DAY TO SEE WHAT IT SAID	

<u>Date</u>	<u>Comments</u>	<u>By/Re. to</u>
2-9-09	Notes From Sue - Letter Carriers "I Love your Sign"	
5-7-09	THANKS FROM THE FIRE DEPT FOR PANCAKE FEED SALE.	
5-14-09	Note from Sue Wanting To Use Our Sign For Food Drive	
5-16-09	Note from Sue - "Awesome Sign Thanks"	
5-23-09	Got a Phone Call Saying They love Our Sign	
5-15-09	Note From Letter Carriers - They Gathered 14,713 LBS OF FOOD FOR F.I.S.H. - 1700 MORE LBS THAN 2008	
6-6-09	Several People Called Thanking us For Putting up our KIWANIS SIGN.	
3-18-09	THANKS FROM SEVERAL CAUCUS FOR PUTTING "GO BRUINS! NCAA FINAL FOUR - AND CHAMPS	
7-24-09	By CHANGING THE SIGN DAILY THROUGHOUT THE FESTIVAL WE RECEIVED SEVERAL CALLS & COMMENTS ABOUT HOW THEY LIKED OUR SIGN	
8-17-09	Like Your Sign - Phone Call	
7-4-09	Like The Fire Works. Phone Call	
7-4-09	like your Fire Works Sign Phone Call	
8-2-09	"Are you the people on 29 with the Great Sign"	
8-6-09	"Love to Read your Sign every Day"	
8-7-09	WHO THINKS OF ALL THE CUTE SAYINGS on your Sign	
8-19-09	Like To Check The Temperature when we Go By,	
8-20-09	You The People on PORTLAND ROAD WITH THE GREAT SIGN	

RE: A Storage Place of Newberg Reader Board Sign information

Scott Cassidy [scott@astorageplace.com]

Sent: Friday, February 05, 2010 12:22 PM

To: Steve Olson; Barton Brierley; Bob Andrews; Chuck Morris [cmorris@buybob.com]; Claudia Stewart [stewartc@newberg.k12.or.us]; Dan Danicic; Dan Rouse [MGR.06664@store.walgreens.com]; Dennis Lewis [dennis@lewisav.com]; Fred Gregory [fgregory@georgefox.edu]; Julie Want [julie@wantcpa.com]; Kristen Horn [newdt2@verizon.net]; Michael Sherwood [michaelsherwood@verizon.net]; Stephen McKinney; Tami Bergeron; Terry Mahr; Wayne Strong [strongw@newberg.k12.or.us]

Cc: Manager ASPNewberg [newberg@astorageplace.com]

I just noticed an error in my numbers. Where our managers actually recorded a response over 75% of our customers reported the sign as to why they stopped in to rent from us. So as you can see it is a very important communication vehicle for us. Below is my math if you feel inclined to check it.

Take Care;

Scott Cassidy
Scott@AStoragePlace.com
503-781-8373
503-210-0247 fax

1367 Total customers
<679> no response

688 Responses
520 mentioned sign

(520 / 688) x 100 = 75.58%

From: Steve Olson [mailto:steve.olson@newbergoregon.gov]

Sent: Friday, February 05, 2010 10:05 AM

To: Barton Brierley; Bob Andrews; Chuck Morris (cmorris@buybob.com); 'Claudia Stewart'; Dan Danicic; Dan Rouse; Dennis Lewis (dennis@lewisav.com); Fred Gregory (fgregory@georgefox.edu); Julie Want; Kristen Horn; Michael Sherwood; Scott Cassidy; Stephen McKinney; Steve Olson; Tami Bergeron; Terry Mahr; Wayne Strong

Subject: FW: A Storage Place of Newberg Reader Board Sign information

Hello all,

I am forwarding you this email from Scott Cassidy regarding A Storage Place's sign. It includes a list of comments they have received and a report showing how the sign impacts their marketing.

Regards,
Steve Olson
City of Newberg
503-537-1215

From: Scott Cassidy [scott@astorageplace.com]

Sent: Thursday, February 04, 2010 2:58 PM

To: Steve Olson

Cc: 'Jerry Carlson'; 'Manager ASPNewberg'

Subject: A Storage Place of Newberg Reader Board Sign information

Mr. Olson and the Electronic Sign Ad Hoc Committee:

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, September 3, 2009
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL

Present: Nick Tri (Chair) Fred Gregory Claudia Stewart
Michael Sherwood Julie Want Stephen McKinney
Loni Parrish (4:00 p.m.)

Absent: Kristen Horn (excused) Dennis Lewis (excused)

Staff Present: Dan Danicic, City Manager
Barton Brierley, Planning & Building Director
Steve Olson, Associate Planner
Dawn Karen Bevill, Recording Secretary

II. OPEN MEETING

Chair Nick Tri opened the meeting at 3:05 p.m. It was announced that Mayor Andrews sent his regrets that he was unable to attend due to a previous commitment, but that he wanted to thank the committee members for volunteering for this task. Newberg City Staff and the Ad Hoc members in attendance introduced themselves.

III. OUTLINE OF PROCESS BY STAFF:

Why was the Committee formed and what is it expected to do?

Steve Olson explained that the City Council formed the committee to address requests from local electronic sign owners (commercial and schools) to look at the current sign code limits on animated signs. The sign owners felt the current code limited advertising and communication.

Mr. Olson reviewed the charge of the Ad Hoc Committee, which will include examining the impacts on local businesses and institutions, impacts on community aesthetics and safety, and value for information dissemination. Mr. Olson explained the code sections that the committee will review and evaluate, including the potential amendments, appropriate to Newberg. Mr. Olson also explained that Dan Danicic, the City Manager, is running a Pilot Program which authorizes some area sign owners to experiment with animated signs. Participants are experimenting with animation and messages, and have agreed to collect data and comments. The Ad Hoc Committee, along with the City Manager, is to review the results of the Pilot Program and can direct the experiments to test potential code changes.

When will it be finished?

Mr. Olson stated it's difficult to speculate on the timeframe. The committee will serve until the members decide they are ready to make a recommendation to the Council. It is anticipated that this committee will serve up to one year.

What will happen with the Committee's recommendations?

The recommendations will go to the City Council. If the Council decides to initiate a code change then they will send the recommendation to the Planning Commission. The Planning Commission will hold a public hearing and make a recommendation to City Council. Council will then hold a public hearing and make a decision on the code changes. Code changes must also be approved by the State, as well.

IV. NEWBERG SIGN CODE OVERVIEW BY STAFF:

Sign code vocabulary

Steve Olson stated the committee needs to understand the current code in order to consider changes, and showed various examples of electronic signs.

What is regulated? Varies by zone.

Newberg animated signs are limited to 10 square feet. Animated signs are prohibited downtown (C-3 zone). An animated sign is defined as one where the display changes more than once in a ten-minute period. Mr. Olson showed examples on the overhead.

Mr. Olson reviewed the Purpose Statement in Code 151.590 (A): The citizens of Newberg desire a clean attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

Code 151.593 (B): Mr. Olson reviewed what the regulations are designed to do, as explained in the meeting packet, page 4.

Code 151.593 Section (B) states no sign shall have bright or flashing lights shining on a public way that blind or impair the vision of drivers. No sign shall be constructed such that it may be confused with any traffic sign, signal or device. Section (C): No animated sign shall exceed 10 square feet in area.

Common types of signs include major freestanding signs (pole sign/monument sign); major attached signs (wall sign), and portable signs (banner, lawn, A-frame).

Downtown is zoned C-3 Commercial, with no animated signs allowed. There are design standards for downtown signs, and a point system that gives you many options for meeting the standards.

V. DISCUSSION: DRAFT WORK PLAN

Workshops on issues (future trends, other cities' codes, safety/distraction)

One possibility is to have a sign company come and explain what is available now and will be available in the near future. We will also discuss safety and distraction concerns, and how other cities regulate signs.

Interview pilot program participants

The committee will interview them soon and discuss what data they've collected. The committee can also suggest ideas to them on what they can try regarding animation.

Field trip

Another option is to have the committee take a field trip to view signs between Newberg and Tigard, or other areas the committee is interested in.

Development Code options & Recommendation

After working through the issues, the committee will discuss code change ideas, review written text changes, and vote on their recommendation. The recommendation will be sent to the City Council.

Questions and Comments:

Michael Sherwood asked the last date that code changes were made. Barton Brierley replied standards for downtown were changed in 2002; the main sign code revision was made in 1998. Mr. Sherwood asked if this is the first time Newberg has had a sign committee. Barton Brierley replied this is the first in a while, although a committee was involved with the 1998 changes. Mr. Sherwood asked who requested a committee like this. Steve Olson explained that a few members of the Pilot Program asked for the City to look into the code and consider changes.

Stephen McKinney brought a request through Dan Danicic for City Council action due to the unlevel playing field for business owners. Ford had to take their sign down with great expense due to the code. Each one of the present electronic signs are different with different capabilities. The present code won't deal with the advancements of the future or allow for community stewardship. Some schools have a reader board but the size is quite restrictive and isn't keeping the parents informed due to the 10-minute rule. Mr. McKinney believes a progressive vision is needed. He likes that McMinnville has a wide variety of signs; but he does object to the large billboards. Changing the sign code in Newberg will make it a useful tool for businesses. The Ad Hoc Committee is in a position now to change size, time, etc. because the City Council he serves on listens well and they are problem solvers. He is proud to serve on the Council.

Michael Sherwood is a retired businessman and he agrees with Mr. McKinney that signs are critical for businesses. He once had a reader board sign that brought in much business. It's very expensive to modify or replace electronic signs.

Julie Want is concerned with leveling the playing field due to the "grandfather" clause for some sign holders. Steve Olson replied there are very few left to conform to the code. Stephen McKinney commented Newberg Dodge might come into compliance long before 2015. Some burdens were created previously for business owners by the current code. Grandfathered signs, in general, will be changing as of March, 2010.

Claudia Stewart suggested gathering data from nationally recognized codes the committee could look at. It's hard to envision what would be visually appealing and still meet the needs of the sign owners. It would be interesting to meet with a city that has recently changed their codes; trying to borrow from their experiences. One thing to consider is having planners from other cities come in to speak to this committee. Salem just went through a large re-write of codes. There may be specific local areas to visit

on a field trip. Santa Clara, California has wonderful signs, which are relatively new and fit the community.

Stephen McKinney stated Walgreens can flash an Amber Alert coast-to-coast, based on regions. There are many possibilities to consider.

Julie Want asked if the Mountain View Middle School sign is animated all night. Claudia Stewart replied yes, they are experimenting with fonts. The school principal said he understands why Walgreens wants an animated sign due to the amount of merchandise they sell, since the school has much information for the parents and community to view. Mr. McKinney added an unanticipated problem with the school is only two thirds of the sign could be animated under the 10 sf limit. Ms. Stewart stated the principal was counting the pixels and isn't sure if any codes cover electronic coverage. Fred Gregory is interested since he's working on a development with the sport fields at George Fox University and can see the value in an electronic message sign listing events.

Ms. Stewart asked if there is a dark skies ordinance. Steve Olson said no, but our light trespass ordinance results in similarly shielded and downward focused lights.

(Dan Danicic left the meeting at 4:00 p.m. and Loni Parrish arrived at the same time.)

Fred Gregory stated some large animated signs near Tacoma are very distracting and could be dangerous for drivers. Steve Olson agreed, but said that it is difficult to say at what point a smaller sign becomes a distraction. Stephen McKinney said Chuck Colvin in McMinnville has an excellent example of an animated sign.

Fred Gregory asked who defines the aesthetic look in Newberg. Steve Olson explained ultimately it's a City Council decision, but this committee and others like it contribute to it. Barton Brierley stated when the sign code was looked at in 1998, many wanted a historic look to downtown and a process began in setting standards for just downtown with signs having particular aesthetic elements. Michael Sherwood is intrigued how without a committee, standards were reached for the downtown. Steve Olson explained there was public comment and the Planning Commission committee, as well. The downtown point system intent was to keep the historic character.

Michael Sherwood asked how a strip mall that sits back from other businesses would be handled. Barton Brierley replied the complex can have one freestanding sign. It has been a challenge for some businesses that are located behind others to get enough exposure. Steve Olson said that an electronic sign could help those sites, whether or not it was animated, by letting businesses take turns being featured.

Julie Want asked how the Electronic Sign Ordinance fits the general sign ordinance. Barton Brierley replied when the code was developed, electronic signs were part of the entire code. There isn't a separate sign code; it is part of the development code. Ms. Want asked how much the committee's decisions may effect code amendments from the past. Steve Olson explained that the committee could recommend changing any part of the code. The change may turn out to be just a few words; changing the definition of animated sign from a sign that changes every ten minutes to a sign that changes every ten seconds would be a small change in the text, but would have a large impact on signs.

Loni Parrish sees the use at schools, libraries, etc. but not throughout every building on Hwy. 99. It would be nice to display the events that are happening in the area. Concerned business owners in town have told her they aren't aware of events taking place in Newberg. Steven McKinney stated there are three gateways to Newberg. He was concerned that if code changes get too specific, an uneven playing

field may happen. Steve Olson said it's relatively easy to change code for zoning districts but changing the code for individual uses can be tricky. Mr. McKinney added that within the school district, there are many who want a sign but the codes are now too restrictive and too small.

(Julie Want left at 4:23 p.m. and returned at 4:45 p.m.).

Claudia Stewart asked if a business or school has more than one entrance, can a sign be located at each one. Steve Olson replied just one freestanding sign per frontage. Barton Brierley stated one sign is usually adequate although some sites are long complexes with many businesses.

Loni Parrish would like to look at extending the aesthetic look and feel out from downtown to other areas. Newberg is becoming a destination tourist area.

Claudia Stewart asked if there are "green" signs and can points be assigned for energy efficiency. Stephen McKinney replied signs are becoming greener all the time and the new technology is bringing about brighter signs with less energy. Ms. Stewart suggested someone who sells signs could give the committee some valuable information.

Steve Olson asked if the committee would like to interview the Pilot Program participants at the next meeting. Stephen McKinney would like to hear from them soon. Chair Tri suggested having one more meeting in preparation, so the committee could prepare questions that they want to ask the participants. Steve Olson agreed and suggested looking at information from other cities first. Barton Brierley added the Pilot Program participants have agreed to try suggestions. Stephen McKinney appreciates the participants because they police themselves to a point on what is or isn't in the best interests of the program. Claudia Stewart stated guidelines for readability are of high importance and hearing from sign company owners would be helpful.

VI. ELECT VICE CHAIR:

MOTION #1: Gregory/Stewart moved to elect Michael Sherwood as Vice Chair. (7 Yes/ 0 No/ 2 Absent {Kristen Horn, Dennis Lewis}) Motion carried.

VII. OTHER BUSINESS: None.

VIII. NEXT MEETING: October 1, 2009. Fred Gregory and Julie Want will be unable to attend.

IX. ADJOURN: The meeting adjourned at 4:55 p.m.

Approved by the Electronic Sign Ad Hoc Committee this 1st day of October, 2009.

AYES: 6 **NO:** 0 **ABSENT:** 3 **ABSTAIN:** 0
(List Name(s)) (List Names(s))

Fred Gregory
Julie Want
Loni Parrish


Recording Secretary


Electronic Sign Ad Hoc Committee Chair

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, October 1, 2009
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL:

Present: Nick Tri (Chair) Claudia Stewart Stephen McKinney
Kristin Horn Michael Sherwood Dennis Lewis

Absent: Julie Want (excused) Loni Parrish (excused)
Fred Gregory (excused)

Staff Present: Steve Olson, Associate Planner
Dawn Karen Bevill, Recording Secretary

II. OPEN MEETING:

Chair Nick Tri opened the meeting at 3:08 p.m. and asked for roll call.

III. MEETING MINUTES:

MOTION #1: Sherwood/McKinney moved to approve the September 3, 2009 minutes as submitted. (6 Yes/ 0 No/ 3 Absent [Want, Parrish, Gregory]) Motion carried.

Before beginning the workshop, Steve Olson addressed follow-up questions posed by committee members at the last meeting:

Where does the sign code fit? There is a summary of the sign code in the application packet, but the sign code is not a separate document. It's part of the Development Code, which is part of the Municipal Code. The Municipal Code includes the city charter and code of ordinances, which are the laws of the City.

Is there LEED for signs? No, but signs can help buildings earn LEED points (if the signs include recycled material, for example, or reduce energy usage).
ODOT regulations on off-premise signs are essentially that there can be no net gain in off-premise signs.

Claudia Stewart asked if Newberg High School wanted a sign at 99W and Elliott, would they need to take down the sign at the High School? Steve Olson replied no, but they would need to remove some other off-premise sign along 99W. ODOT wouldn't permit a new off-premise sign unless another one was taken down. ODOT's rule is probably aimed at billboards along the major state highways, but it applies in Newberg, as well.

IV. WORKSHOP:

REVIEW OF A MODEL SIGN CODE:

Steve Olson began the overhead presentation by explaining the source of the model code. The code was funded by a grant from the Signage Industry Foundation; a non-profit foundation that supports the sign industry. Staff thought the model code was good for discussion, and included a good analysis of legal issues.

Framework of a sign code:

Readability and comprehension are influenced by the sign design and location. There isn't a "one size fits all" approach so the code should cover all sign types by being comprehensive and broad based, as well as content-neutral and allowing standards to vary by "character" area.

Legal considerations:

Local governments have authority to regulate signs but there are limits. Sign codes can sometimes conflict with the First Amendment's guarantee of freedom of expression, so it is best if the code is content-neutral. Sign regulations based on content or on the identity of the sign user are content based. Churches need to be treated the same as other institutional uses, such as schools.

Claudia Stewart asked if that is true if the zones are different. Steve Olson replied that standards can vary in different zones, but within each zone the institutional uses should be treated the same.

Steve Olson continued by reviewing the Fifth Amendment's protection of property rights. The "sunset clauses" requiring the removal of non-conforming signs are common and are considered legally sound if they have reasonable time limits. Signs typically must be brought into compliance if modified or rebuilt. The "sunset clause" is commonly acceptable to courts if the time allowed is substantial. Newberg's sunset clause is 10 years. Also, permit fees need to be reasonably related to costs of administration and enforcement.

The Fourteenth Amendment guarantees due process of law and equal protection under the law. The U.S. Supreme Court ruled that local governments could regulate signs based on concerns about traffic safety and aesthetics, including EMCs, (Electronic Message Centers), without providing any hard evidence of safety problems (Metromedia case).

Objective permit review standards for signs are best. A subjective design review process may be legally suspect, but could be okay if it is optional. Variances allow some flexibility, but can also be considered subjective (which is why Newberg does not allow sign variances). They are discretionary and may make an applicant more likely to challenge decisions on constitutional grounds.

The Lanham Act protects federally registered trademarks regarding changes to color, typescript or shape.

Stephen McKinney gave the example of the City of Sherwood not allowing Les Schwab to paint their building red and white; only allowing their sign to be in those colors. That mentality costs the City of Sherwood business.

Model regulatory guidelines:

Different types of signs may be permitted in each character area. A downtown area may favor projecting signs and limit freestanding signs, due to limited space. Wall signs with deep setbacks could be allowed to be larger. Height and size guidelines are included in the model code. Newberg's height and size limits generally fall in the low to middle area of each range. The "sunset clause" for removal of non-conforming signs is in the best interests of the business community and the City. Spinning and

flashing strobe signs are prohibited. EMCs should be allowed because they are cost effective advertising for businesses.

An EMC code can adapt to concerns regarding frequency of message change, limit EMC to certain percentage of sign area, can make motion unlimited for small signs, add automatic dimming capability requirements, and include definitions for EMCs and animation.

Newberg currently limits animated signs to 10 square feet in most areas, but the whole sign can be electronic. Animated signs are prohibited in the downtown C-3 zone. An animated sign is defined as one where the display changes more than once in a ten-minute period.

REVIEW OF OTHER CITIES' SIGN CODES:

The City of Beaverton prohibits signs with a changing electronic message except time and temperature signs. Their "sunset clause" is 10 years to remove non-conforming signs.

The City of Tigard prohibits flashings signs or animated signs, where the message interval is less than two seconds. Their sign illumination standard is quite obscure. EMCs are allowed in C-G (General Commercial) and CBD zones only. One EMC is permitted per premise. Traveling light patterns (chaser) are prohibited. The "sunset clause" is 10 years.

City of Sherwood states frequency must not change more than once in 30 seconds. Movement or flashing is not allowed. EMCs are limited to no more than 35% of sign area. Changing image signs (animated or video signs) are prohibited. In residential areas, EMCs are allowed under existing area, height, and setback standards.

City of McMinnville prohibits flashing and video signs. Video signs are defined as electronic changeable copy signs providing information in both a horizontal and vertical format, capable of continuously changing sign copy in a wide spectrum of color, shade and intensity. In residential areas, electronic changeable copy signs can be included in the sign but needs to be turned off between 8 p.m. – 7 a.m. Electronic changeable copy signs can be included in a sign at a church.

Electronic changeable copy (ECC) signs in the City of McMinnville allow one per site, as part of a freestanding or wall sign. ECC portion is to be no higher than 12'; not to exceed 24 square feet in area. The setback is to be at least 10' from all property lines and the ECC sign area is calculated at rate two times that of other signs. No temporary signs are allowed if there is an ECC and the ECC must be a permanent sign. The "sunset clause" is 8 years. There are no ECC signs permitted downtown.

Kristin Horn asked for clarification on how a sign is measured. Steve Olson explained in Newberg it's measured by a rectangle or triangle around where the letters are only, not the frame.

Claudia Stewart is curious to know how the McMinnville sign codes affect new facilities, such as McMinnville High School and whether they were allowed electronic reader boards.

V. PILOT PROGRAM: Review of updates from the pilot program participants

Steve Olson explained that the pilot program participants have been given authorization to experiment with animation and messages, and have agreed to collect data and comments. The Electronic Sign Ad Hoc Committee will interview participants and can work with the City Manager to direct experiments.

Lewis Audio and Video: Dennis Lewis reported it is difficult to ascertain the effective difference in business credited to a change in operation of the electronic sign; he will say they have been able to operate the sign in a much more efficient manner and their business for the same period compared to last year is even. They've been able to promote community events, give more accurate information about goods and services, and simply use the sign as an asset. Mr. Lewis stated he's willing to advertise community events as long as they are valid. There's a time clock that will stop advertising the event after the date it's finished.

Mountain View Middle School: Wayne Strong stated a survey was conducted of parents at the back to school nights with regard to font size. Sixty-one respondents chose the font with the larger size and one respondent chose the small font size. They've personally spoken with about half the residents that live in the neighborhood to determine if they have found the sign to be a nuisance. There's been no indication of a problem, even at night.

A Storage Place: Scott Cassidy reported no negative comments have been heard but rather positive comments. The sign is good advertising, but business is down, however.

Walgreens: Dan Rouse loves the ability to use the sign. They're using a five second delay. They've reported the flexibility is good, have advertised community messages, and have received no comments for or against. He gave specific percentages showing customer numbers have been up May - August.

Questions and Comments:

Claudia Stewart stated Mountain View Middle School is not a drive-by school. The sign can only be viewed from the parking lot. Reminders and messages are so important to schools.

Michael Sherwood offered his opinion as a business owner who has operated an electronic sign, himself. His business would skyrocket when advertised on his electronic sign. Radio advertisement was not as successful.

Stephen McKinney appreciates Dan Rouse showing the customer percentages in his letter. He represents an industry where they know the value of the electronic signs. A few banks in town are awaiting the decisions made by this committee with regard to the boards. Standards need to be set that will be beneficial to Newberg schools, as well.

Dennis Lewis stated signs could be used to notify citizens of City Council Meetings, School Board Meetings, etc. The community will be affected positively through advertising community events.

Claudia Stewart would like to hear from the participants on what would improve their signs and how a code change would benefit them, such as message intervals, whether to turn the sign off at night, etc. Steve Olson stated time limits could certainly be set up on signs in residential areas. Commercial would be treated differently. Dennis Lewis stated personally, he wants his message board available to drivers at all times of the day and night. Many drivers come through the community only at night and advertising all night is an advantage.

Kristin Horn stated in her experience, print ads are virtually dead. Businesses will have to become more and more creative in the way they advertise. Stephen McKinney agreed with Ms. Horn and stated as time goes on, fewer papers will be available to advertise.

Claudia Stewart asked when community aesthetics comes into play. Steve Olson replied that aesthetic issues can be considered anytime the committee sees fit. When we review other cities' codes we are looking at the balance they struck between business interests and community aesthetic interests.

Dennis Lewis' opinion is Newberg looks nothing like it did a long time ago, even though the downtown is considered to be a historical area. He's seen many stores disappear in Newberg. Personality is needed in business. Not every business should look alike downtown. Kristin Horn believes the sign code allows for a much more eclectic mix in Newberg and much time was spent in talking with the community when writing the code for downtown. People want an individual type of area and the code reflects that for better or not. Michael Sherwood stated customers like the downtown areas because they can park their cars and walk to stores.

Stephen McKinney understands the concerns. Different areas need different goals. City Council encourages this committee to be leaders in the community; building a standard applicable to the merchant's needs and that of the community. We all want to see a vibrant downtown. Maybe the upcoming cultural area should be the first area with a marquee advertising events, etc. Different signs for different areas are needed.

Dennis Lewis stated the electronic sign he has now is considered an antique. The performance of a sign today as compared to 3 years ago is very different. A marquee sign can be a work of art with a picture in high density color or low density with a message alone. Mr. Lewis asked the committee members to subscribe to the periodical he emailed to them so they can view examples.

Steve Olson will poll the pilot participants to see if they'll be available to attend the next scheduled meeting on November 5, 2009. Dennis Lewis will be out of town but can have someone else attend from his business, if needed.

VI. OTHER BUSINESS:

Steve Olson stated a possible field trip for the December meeting to view EMCs.

VII. NEXT MEETING: The next scheduled meeting is November 5, 2009.

VIII. ADJOURN: The meeting adjourned at 5:05 p.m.

Approved by the Electronic Sign Ad Hoc Committee this 3rd day of December, 2009.

AYES: 4

NO: 0

ABSENT: 3
(List Name(s))

ABSTAIN: 0
(List Names(s))

*Tris Stewart,
Parrish*

Karen Bevel
Recording Secretary

Michael Sherwood
Electronic Sign Ad Hoc Committee Chair

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, November 5, 2009
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL:

Present: Nick Tri (Chair) Stephen McKinney
 Michael Sherwood Julie Want
 Kristen Horn (arrived at 4:00 p.m.)

Absent: Claudia Stewart (excused) Dennis Lewis (excused)
 Fred Gregory (excused) Loni Parrish (sick)

Staff Present: Barton Brierley, Building and Planning Director
 Steve Olson, Associate Planner
 Dawn Karen Bevill, Recording Secretary

Others Present:
 Dan Rouse, Walgreens Scott Cassidy, A Storage Place
 Wayne Strong, Mountain View Middle School

II. OPEN MEETING:

Chair Nick Tri opened the meeting at 3:14 p.m. and asked for roll call.

III. MEETING MINUTES:

The October 1, 2009 meeting minutes will be voted upon at the next scheduled meeting, December 3, 2009 due to the lack of a quorum.

IV. WORKSHOP:

Follow-up question from last meeting:

Could we approve an Electronic Message Center (EMC) downtown under the C-3 zone point system? Steve Olson showed a possible example and explained yes, the point system is flexible enough to approve an EMC downtown. It could not be animated, however, so the message would have to be static for at least 10 minutes. Many of the codes we have reviewed from other cities do not allow animated signs in downtown or historic districts.

Review of other cities' sign codes:

Spokane – recent code update:

The City of Spokane, updated their sign code on June 22, 2009. Their goal was to balance the needs for public safety, maintaining an attractive community, and providing for adequate identification, communication, and advertising.

Electronic Message Signs (EMS) are not permitted in the CBD and CC4 zones, or for residential uses in the residential zones (CBD is Central Business District zone; CC4 is a Mixed Use Transition zone between the core and residential areas.).

Electronic Message Signs are allowed for institutional uses in the residential zones; 25-square feet maximum area (50% of total allowable sign area) and shall be shut off between the hours of 10 PM and 6 AM.

EMS signs are allowed in other zones with no limits to hours of operation but with limits on size.

Brightness/dimming interval is as follows: EMS shall comply with standards (Table 4 of SMC 17C.240.240J), and also requires a letter from the owner certifying the sign complies with the brightness standards. Steve Olson stated Spokane's measurement method is very understandable. If the committee chooses to address brightness then this would be a workable example to follow.

Regarding EMS interval/mode of operation, any display for less than two seconds is considered flashing. Except in the GC, LI and HI zones, no video display methods are permitted. Where permitted, the minimum duration of video displays shall be two seconds and the maximum shall be five seconds.

Spokane defined a frame effect as a visual effect on an EMS applied to a single frame to transition from one message to the next.

Salem – recent code update, staff report including summary of other cities' codes:

Steve Olson explained the City of Salem just revised their sign code in August of 2009, after a thorough review process. The staff report that the City Council considered is included in the meeting packet because it contains a lot of good information about other cities and safety studies.

The code states that no electronic display sign in a Residential zone may be erected without first obtaining a conditional use permit, and are not permitted within a historic district.

The change of display must occur within two seconds, and the message must be displayed at least eight seconds.

Regarding the electronic display sign brightness, Mr. Olson explained the City of Salem uses NITs (illuminative brightness measurement) and different measurements for the colors red, green and amber. Some colors are considered more intrusive at night. The standard seems overly complicated. Spokane's code was simpler and seemed easier to apply.

In Residential districts, if a sign is within 100 feet of a residence or hospital then no animation or flashing is permitted between 12 PM – 7 AM.

Steve Olson summarized the EMS definitions (A – F) located on page 14 of the meeting packet.

Mr. Olson summarized the July 13, 2009 staff report to Salem City Council. The findings included a discussion of aesthetics, safety concerns, free speech concerns, brightness limitations, and a prohibition in historic areas.

Mr. Olson reviewed the table summarizing the sign codes of: Salem, Keizer; Portland; Hillsboro; Gresham, Minnetonka, MN; Bloomington, MN; San Antonio, TX; Seattle, WA; Mesa, AZ (see meeting packet pages 16 – 18).

The Salem information to be discussed at the next meeting includes a report by Jerry Wachtel regarding the safety impacts of electronic display signs, and a literature review of safety studies by Jon Lazarus of ODOT.

V. NEXT MEETINGS – tentative schedule:

Steve Olson reviewed the following tentative schedule:

- December 3, 2009: Safety/distraction issues, sign company representative – future trends
- January 9, 2010: Field trip in Newberg – sign experiments
- February 4, 2010: Discuss code amendments
- March 4, 2010: Vote on code amendments & recommendation

While awaiting the Pilot Program participants, Steve Olson showed the committee video he took of the various signs in the pilot program, as well as the Dodge dealership and signage he viewed while in Chicago.

Kristen Horn arrived at 4:00 PM

VI. PILOT PROGRAM: Interview the participants in the pilot program & review public comments

TIME - 4:08 PM

The Pilot Program participants are Walgreens, Lewis Audio Video, A Storage Place, and Mountain View Middle School.

Steve Olson reviewed the questions for the Pilot Program participants:

1. What other types of advertising do you use?
2. If you could change your sign, what would you change?
3. Any specific suggestions for code changes?

Items for discussion:

Some negative public comments – animated signs are dangerous distractions, visual pollution, and make Newberg look like Anywhere, USA.

Are there any experiments this committee would like the Pilot Program members to try with their signs? Newberg City Staff and the Sign Committee Members introduced themselves and gave their affiliations to the Pilot Program participants.

Dan Rouse explained Walgreens uses all types of advertising media. They advertise nationally as a company but the reader board also shows advertisements and promotions in the store that haven't been advertised elsewhere, such as ice which sold in great quantities over the summer.

Scott Cassidy, A Storage Place, stated their sign is a localized medium. They became interested in reader boards after seeing the success from business associates who use reader boards for advertising. Mr. Cassidy explained there is short-term advertising; the immediate call to action; a community-building component; and longer term advertising. He has had positive comments from the public and has seen a change in traffic regarding the purchase of boxes, which is advertised on their reader board. Mr. Cassidy explained they also have a facility in Albany on 99W, which has a bigger sign and allows for more complete messaging on the reader board.

Kristen Horn asked if staff has received any complaints concerning the electronic message signs. Barton Brierley received quite a few when the Walgreen's sign first went up as well as the Dodge Dealership sign.

Michael Sherwood asked Dan Rouse if the Walgreens sign is the maximum height the code allows. Dan and Steve Olson both replied yes, they thought so.

Stephen McKinney commented that the A Storage Place reader board sign is user friendly and believes it's noticed more by drivers due to it being at the right height level. Julie Want believes it is not as user friendly when the messages stream which she finds distracting at the current height level. Mr. McKinney understands her opinion and stated the messages have to be streamed in order to get the message out under the current restrictions. Scott Cassidy stated they would love to move away from the streaming message but would need a bigger sign to do so and isn't sure if he would want the sign any higher. Michael Sherwood believes the lower sign is classier.

Stephen McKinney asked Wayne Strong his opinion on their sign being too small. Mr. Strong replied the sign they have was the maximum allowed but would have gone bigger if it was possible. They can't use this entire sign with animation. Prior to the Pilot Program, only two-thirds of the sign could be used, which is a minimal message. Less static messages with a bigger sign are what they'd like to see, flashing 4 - 5 messages at a glance as opposed to streaming.

Stephen McKinney asked if the Walgreens' sign could post Amber Alerts. Mr. Rouse replied yes, the sign would be taken over by the corporation any time Amber Alerts were needed, overriding whatever is being advertised at that moment.

Michael Sherwood asked when a public service message is done do people ask or is it solicited. Mr. Rouse replied people come in and ask. However, corporate approval is needed, even when the Girl Scouts are selling cookies outside. He doesn't want the community to see Walgreens as only a corporate business but a local one, as well.

Scott Cassidy stated not everyone has electronic signs but the cost is coming down with the anticipation of having more in Newberg. The capital expenditures are still great although the power utilization is very efficient and not very expensive to operate. Dan Rouse agreed and stated changing the signs with suction cups and letters are time consuming opposed to changing the signage from a computer.

Wayne Strong stated the cost of the Mountain View sign didn't come from school district dollars but rather from money raised by parents. If you drive around the other schools, they have the suction cup

letters up as Mr. Rouse said and the information tends to stays up too long due to the lack of labor to go out and change the sign. He can change the EMS from his home or on his office computer. Mr. Strong stated the simpler the message on the sign the better. He would prefer lower, double-faced signage due to surrounding trees.

Dan Rouse would like to change the height of the Walgreens sign, raising it up due to trees blocking it during the summer. Julie Want stated the traffic lighting blocks the sign as well if driving in a particular direction.

Steve Olson told the committee they would be able to speak with the participants again if there are questions later on or if they desire feedback regarding code changes. The program began in May 2009 and can run up to 18 months.

Stephen McKinney would like to have the business owners' input on the code changes as the process develops. He's noticed various cities are engaged in restricting signage when in reality, the print media is evaporating and there will be more reader boards in the future. Newberg needs an applicable ordinance that plans for the future. There has to be a balance for the business, community, owner, reader, etc. He appreciates the spirit of the committee and participants. There are a number of schools interested in seeing the codes that come about from this process, as well.

Kristen Horn stated she's pleased with the signs although the Mountain View Middle School sign is very hard to read, even when driving through the school parking lot. Wayne Strong agrees and stated the static sign is large, limiting the electronic reader board due to the size limitations in a residential area.

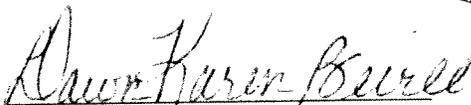
VII. OTHER BUSINESS:

Steve Olson stated he will be contacting a sign company representative regarding future trends and technology in the sign industry.

IX. ADJOURN: The meeting adjourned at 5:10 p.m.

Approved by the Electronic Sign Ad Hoc Committee this 3rd day of December, 2009.

AYES: 6 NO: 2 ABSENT: 3 ABSTAIN: 2
(List Name(s)) (List Name(s))


Recording Secretary

*Mrs. Stewart,
Harris*

Electronic Sign Ad Hoc Committee Chair

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, December 3, 2009
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL:

Present: Stephen McKinney Michael Sherwood
Dennis Lewis Julie Want Fred Gregory

Absent: Nick Tri, Chair (excused) Claudia Stewart (excused)
Loni Parrish (excused) Kristen Horn

Staff Present: Barton Brierley, Building and Planning Director
Steve Olson, Associate Planner
Dawn Karen Bevill, Recording Secretary

Others Present: Brian Casey, Police Chief Jared Leatham, YESCO
Ken Mahoney, YESCO Thad Firkins, YESCO

II. OPEN MEETING:

Vice Chair Michael Sherwood opened the meeting at 3:08 p.m. and asked for roll call.

III. MEETING MINUTES:

MOTION #1: Want/Gregory moved to approve the November 5, 2009 minutes as submitted. (5Yes/ 0 No/ 4 Absent [Tri, Parrish, Stewart, Horn]) Motion carried.

MOTION #2: Gregory/Want moved to approve the October 1, 2009 minutes as submitted. (5Yes/ 0 No/ 4 Absent [Tri, Parrish, Stewart, Horn]) Motion carried.

IV. WORKSHOP: SAFETY/DRIVER DISTRACTION ISSUE:

Review of Studies:

Steve Olson began the workshop by discussing sign lighting. Very bright lights, such as strobe lights, can be blinding for drivers and are banned in our development code. Due to improved technology, LED signs are becoming brighter. They are not an obvious hazard like strobe lights, but could potentially be a problem. Newberg could adopt a brightness limit for signs, as some other cities have done. Mr. Olson stated he will be gathering information and research on brightness standards and bring it back to the committee. **Nighttime** brightness is the real concern. Automatic dimming features are available on most modern signs.

Are electronic signs too distracting? Mr. Olson showed examples and explained this topic is difficult to study and define. Drivers have to deal with many potential distractions both inside and outside the vehicle, so it is difficult to isolate the effect of animated signs on drivers.

He also posed the following questions for the committee to consider:

Are other factors (cell phones, iPods, navigation systems, passengers) more significant distractions for drivers?

Are there any sign design factors that would be too distracting (besides strobe lights)?

If you allow full motion video on signs, should you limit the clip length?

Comments by Brian Casey, Chief of Police, Newberg-Dundee Police Dept.

Brian Casey, Police Chief, was asked to share his thoughts concerning the safety impact of electronic signs. Chief Casey knew he would be addressing this topic and asked his officers for complaints or observations. They have not received any complaints he is aware of regarding brightness or distraction. Nor has a driver who has been in an accident in Newberg blamed brightness or distraction as the reason for the accident. If there were issues, citizens would be calling them into the department. From a law enforcement perspective, there is no information that these signs will create problems or cause accidents. Officers are out all night long and no negative reports have been received.

Michael Sherwood asked if there are any studies on text messaging while driving and the length of time between texting and an accident. Chief Casey replied, yes but he does not know the details per se. Through observation, cell phones are distractions to drivers and cause accidents. There have been accidents where cell phones have been found in a car after an accident and the person was texting. One difference between texting on your phone and viewing a sign is that you are still looking up and out the windshield when you look at a sign, instead of looking down at a cell phone keyboard. Electronic signs and cell phones have different impacts on driving. Chief Casey stated cell phones (non-handsfree) and texting will be banned while driving, effective January 2010 by state law.

Stephen McKinney asked if the Dodge Dealership sign, which flashes, has ever caused a concern in comparison to other signs in town. Chief Casey has not heard any. That particular sign is in a location where there is not a turn or intersection. Mr. McKinney stated he has only heard complaints about that sign because it was hard for drivers to tell if it was an emergency vehicle due to the height of the flashing sign. When talking about distractions, it may not be just one thing but a series of distractions; a conversion of many things. From the discussion last time, the way the building requirements are on either side of 99W and the difficulty in finding room for a sign, especially new business on the south side of the street, we will probably end up seeing more electronic signage.

Fred Gregory has tried to pay attention to what distracts him while driving. If there is something small and moving he has to take time to see it, but if it is big and moving not so much. Sequential signage distracts him and it may be important to consider how often the messages appear.

Steve Olson asked what the committee thinks of full motion video. Fred Gregory stated it depends on how a sign reads. The casino electronic signage on I-5 heading toward Seattle is large and very distracting. Stephen McKinney stated the only two full-motion signs nearby are at the Chuck Colvin Ford Dealership in McMinnville and at the Spirit Mountain Casino.

Chief Casey stated he can be contacted if the committee needs anything further.

V. WORKSHOP: FUTURE SIGNS – TECHNOLOGY AND TRENDS

Presentation by Ken Mahoney and Jared Leatham, Young Electric Sign Company (YESCO)

Jared Leatham, YESCO, explained most people find sign regulations complicated. He brought multiple video clips showing how electronic message boards can be run as well as model code language, which Ken Mahoney handed out. There are four ways to run Electronic Message Signs (EMS) – 1) static displays with a set hold time (often 8 seconds); 2) static display but a transition period between displays such as scrolling; 3) allow static displays with fly-ins such as a photo with movement within the slide; or 4) full motion video such as in Las Vegas. Full motion is constant movement, such as a few words at a time or one line at a time. These are all options to be considered when writing code.

Jared Leatham presented a PowerPoint presentation and offered questions for the committee to ponder with regard to Newberg. He showed examples of EMS ranging from single-colored units for running text to full color with high resolution.

The definition for EMS is a sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed. He reviewed LED technology from the late 1990s to early 2008. Ken Mahoney stated automatic dimming capabilities are needed to dim the signs at night, and are included by most good sign manufacturers.

Some key things to know regarding EMS: They can operate in a broad range of capabilities. The software that controls the displays allows the end user to follow local sign codes easily if the sign codes are easy to understand.

Some reasons why businesses want EMS are it is easy to portray a message and easy for multi retail centers to give visibility to tenants. Mr. Leatham showed examples of businesses with message centers, one of which showed an improvement in sales - up 16% from the year prior. They give better visibility to all tenants, are easier to read, reduce sign clutter, and make shopping center retail space more marketable. Benefits also include increases in sales tax revenue, reduced sign clutter, make unreadable signs readable, and they often look better than static reader boards.

Mr. Leatham reviewed common myths of EMS regarding key regulatory issues such as message hold times, transition method, transition duration and brightness. He showed examples of hold times and transition durations on the PowerPoint. The shorter the hold times the more beneficial for the business. It provides the ability to communicate sequential messages, directions, and event times. Shorter hold times are also easier to enforce.

Stephen McKinney believes a natural transition is much better. Mr. Leatham stated it could be argued movement gets peoples attention, but the true idea behind these signs is for them to read the message and stop in to buy what is being sold.

Dennis Lewis stated signage will change dramatically in the future and he is worried about limiting technology such as a high-density LED sign with motion and a message. The Cultural Center could have an attractive video sign which was largely static but allowed a small amount of motion for interest. Technological advancements are coming. He would like to have a high density video sign at his

business that is aesthetically attractive but questions how that can come together with restrictions on video.

Stephen McKinney stated the need for signage for the Cultural Center would be much different from downtown Newberg.

Jared Leatham showed examples of signs in different zones such as entertainment districts for video, and downtown/historic commercial zones as well as transitions (fade, dissolve, travel scroll, fly-in, and zoom in); and recent YESCO animated sign projects.

He recommended Planning Recommendations should include:

1. Discuss transition methods in terms of Levels 1-4.
2. Show videos when discussing this internally, at planning commission and CC meetings, etc.
3. Decide what "Level" is appropriate for your community (or differentiate by zoning district).
4. Show Examples on your website --"What is allowed", "What is not allowed."

Barton Brierley asked about the durability of the signs. Mr. Leatham replied they could last up to 15 years, although LEDs do lose brightness over time. Running at 100% all the time will run them down faster. LEDs are very "green" and pull minimal power compared to high voltage units.

Planning Considerations on Brightness:

1. Auto dimming is necessary.
2. See the Loveland, Colorado code on how to regulate "NITS"

Steve Olson stated the information presented was very helpful and YESCO may be asked to come back again later.

Due to the late hour, the agenda was cut short. The Follow-up items will be discussed at the next meeting.

VI. ADJOURN: The meeting adjourned at 5:05 p.m.

Approved by the Electronic Sign Ad Hoc Committee this 7th day of January, 2010.

AYES: 7

NO: 2

ABSENT: 2
(List Name(s)) *Tri and Horn*

ABSTAIN: 2
(List Names(s))

Rawn Karen Bevil
Recording Secretary

Michael Shum
Electronic Sign Ad Hoc Committee Chair

Steve Olson referred to the table the City of Salem put together, located in the November 5, 2009 official meeting packet; pages 17 - 18 of 342 and reviewed the cities listed above.

Dennis Lewis stated there are no dates on the codes. He is concerned with the data being up-to-date. Steve Olson replied the information was collected by Salem last summer but agreed the adoption dates of the codes is very important. Mr. Olson will research the dates and bring that information back to the committee. Claudia Stewart stated the staff report to the Salem City Council was dated last July. Stephen McKinney stated the assumption was these were the present codes in effect at that time this chart was compiled.

Claudia Stewart asked if electronic scoreboards are considered to be electronic signs. Barton Brierley replied the current code states a sign is something visible from the street so an internal scoreboard at the football field would be allowed. Ms. Stewart stated if you look at the university level, they use video on their score boards. Steve Olson replied that is an area that will need to be defined. Stephen McKinney stated visibility is a key issue.

V. FIELD TRIP:

Steve Olson explained the committee members will carpool and visit local signs to see first-hand what different levels of sign animation look like. Walgreens will not be included in the field trip due to their corporate limitations on sign programming. Dennis Lewis volunteered to show many variations to the committee on the Lewis Audio & Video Sign. Seeing examples of the following animation levels in the field should give the committee a common frame of reference and help inform the committee's final recommendation.

Field Trip – Sign Animation Levels:

1. Static messages with a short duration (5-, 8-, or 10-seconds) with no transition time between messages.
2. Static messages with a fixed duration (5- or 8-seconds) with fade or dissolve transition effects (2-seconds transition).
3. Static messages with a fixed duration (same as last one, either 5- or 8-seconds), and PowerPoint type transitions (travel, scroll, fly-ins, etc. lasting 2-seconds).
4. Full motion video – not static, allowing any type of animation.

Walgreens is a good example of the first level since it is tightly controlled with limited variations. A Storage Place is closer to full motion video.

Steve Olson showed sign video on the overhead presentation to the committee, such as the Lanphere sign. Julie Want believes the flashing sign is too distracting. Loni Parrish agreed. Dennis Lewis asked how to deal with those issues appropriately in order to please everyone. Many electronic signs can be gorgeous. Loni Parrish asked why Newberg needs to have a lot of electronic message signs. Dennis Lewis replied it depends on how you define electronic signs. Referencing your own point of view, each individual envisions something different. We can't limit the expression of the individual business. In reality we don't know how good electronic signs can be because we do not have good points of reference. Michael Sherwood agreed but feels this committee can address these issues and come up with a fair resolution that the community can tolerate. Loni Parrish stated she's heard complaints but doesn't believe the public knows they can express those complaints to the City. Steve Olson stated some comments and complaints have been received. Loni Parrish is also concerned with freedom of speech

issues and the need for tight restrictions, an adult store for example. Also, do tourists want to come into an area with flashing signs on 99W?

Steve Olson reviewed the tentative schedule for upcoming meetings as follows:

February 4, 2010 - discuss code amendments

March 4, 2010 - vote on code amendments and recommendation.

- IV. **ADJOURN:** This portion of the meeting adjourned at 4:00 p.m. Staff and committee members left for the scheduled field trip immediately following.

Approved by the Electronic Sign Ad Hoc Committee this 4th day of February, 2010.

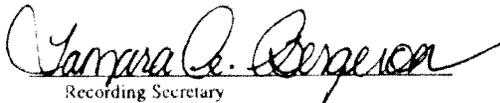
AYES: 7

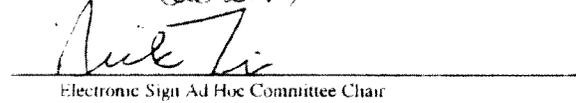
NO: 0

ABSENT: 2
(List Name(s))

ABSTAIN: 0
(List Names(s))

Parrish (late)
want (absent)


Recording Secretary


Electronic Sign Ad Hoc Committee Chair

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, February 4, 2010
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL:

Present:	Nick Tri, Chair	Michael Sherwood, Vice Chair
	Stephen McKinney	Loni Parrish (late)
	Claudia Stewart	Dennis Lewis
	Fred Gregory	Kristen Horn

Absent: Julie Want (excused)

Staff Present: Barton Brierley, Building and Planning Director
Steve Olson, Associate Planner
Tami Bergeron, Recording Secretary

II. OPEN MEETING:

Chairman Tri opened the meeting at 3:08 p.m. and asked for roll call.

III. MEETING MINUTES:

MOTION: Sherwood/Gregory moved to approve the January 7, 2010 minutes as submitted. (7 yes/ 0 no/2 absent [Want, Parrish]. Motion carried.
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IV. FOLLOW-UP ITEMS:

Steve Olson said the committee was nearly done, had reached “the light at the end of the tunnel” and thanked participants for their time spent reviewing signs in Newberg.

Steve started the presentation by showing the size of the existing Newberg Dodge sign and explaining the Summary Table of sign codes that had been reviewed by the committee. Steve referred to a copy of the table that was within the committee packet. The packet also contained a copy of the sign code summary table compiled by the City of Salem, with dates of adoption noted.

V. PUBLIC COMMENT:

Steve referred to an email in the committee packet that was submitted by Roger Currier where he intentionally used several different colors in the text to further enhance the point of his email.

Stephen McKinney noted that the email was addressed to the City Council members. Mr. McKinney felt that this committee in their review of electronic signs had already addressed many of the points made by Roger Currier's email. Stephen said some of the points mentioned in the email, however, might be hard pressed to get through Council.

Steve Olson responded that it is our policy to share all public input with the committee. The committee members should take the public comments into account, and decide whether or not it affects their opinion of the subject.

VI. VIDEO TOUR: electronic signs in Newberg, local cities, and farther afield

Steve Olson showed a video presentation of signs in motion by Young Electric Sign Company ("YESCO"). The presentation started with Denver's international airport and then moved to various electronic signs throughout different sites in the country. Steve showed the Denver Marketplace sign that had continuous "popping" movements. The Denver Art Museum sign showed some text and photos. Loni confirmed with Steve Olson that we would not have any control over what is displayed on the signage due to constitutional rights – freedom of speech. The Meadowlark signage showed long transitions between messages. Fred Gregory said the Denver airport signage is not very memorable as he has been there several times and does not recall ever seeing that sign. Broadridge Shopping Center signage has top billing with various strip stores and a digital sign underneath.

Dennis mentioned that he liked the Sherwood Dental sign. It is on the north side of 99W near the Claus sign, where Meineke crosses. It has something about it that makes it look nice. It has good messages – it does not need many words, even just good pictures suffice.

Steve Olson's presentation progressed to videos of our local signage. Newberg Dodge has flashing digital signage, which may be why the public complained about this sign. A Storage Place's digital sign showed that good landscaping made a nice setting for their sign. Claudia like that sign because it was lower than the other pole signs and right on the corner of the street. Claudia corrected her statement of the last meeting. The middle school sign was limited due to the cost but also was limited to 30-square feet for wall signs for the front of the school. Stephen McKinney said that the code limited the overall size of school signs. Kristen Horn asked why the school sign parameters were so restrictive in size. Barton Brierley said to keep the schools, which are generally in residential areas, looking more residential.

Stephen McKinney asked to confirm that Bob Lamphere's sign is compliant with regard to height. Steve Olson confirmed it complied with the height limit. Barton mentioned the sign program allowed a variance for that sign until 2015.

Dennis Lewis confirmed that his sign also highlighted other businesses located behind his store. Michael Sherwood asked Dennis what he would change about his sign if he could do it over. Dennis said he would love to add color pictures, and a minor amount of movement. He feels that the prices of high-density signs these days has fallen and may cost about what he paid for that analog sign, about \$55k. Stephen McKinney said that a picture is worth a thousand words. Dennis agreed, whether it be a picture of a missing child, or color photos of a cultural center event, or such. Dennis feels the high-density signs give an opportunity to tie the community together - creating a greater sense of community.

The Walgreens sign is set for a 5 second dwell time, with no transition time. Claudia agreed that is why it is so easy to read. The standard is set by their corporate office. Stephen McKinney asked if the Sherwood Walgreen's sign is taller. Various committee members agreed that they do not notice the messages on Sherwood's Walgreens sign.

The Claus Consulting sign along 99W has short transitions and runs messages for a long dwell time. Its content is sometimes controversial, but the mode of operation is not. Scott Cassidy, a member of the pilot program, mentioned that the height of a sign is very important to catching attention and visibility. Scott Cassidy said he just sent an email to Steve Olson prior to the meeting that provides statistics of people (his customers) who have commented on his signage and statements on signage. Scott said in Albany their signage has been restricted so that he is limited as to what messages he is able to display on his sign. He says they display date and time as a service to commuters and then something about his business. He does not have any further opportunity in Albany to have artistic expression in his signage messages. Michael Sherwood challenged Scott to help define how, when setting ordinances, would we be able to allow for artistic expression but also ensure responsible guidelines. Scott suggested an ongoing committee or group who are tasked with reviewing signage messages. Michael asked if he was talking about the sign design or the content of the sign. Scott confirmed that he referred to the artistic expression of the messages themselves.

In Scott's email, he said, only about 30% of people who store with A Storage Place business are actually Newberg residents; proving that his business sign has captured commuters' attention. Steve said he would be sure to forward Scott's email to the committee.

Claudia asked to review the Tigard oil change sign in the video and asked if it complied with the City of Tigard sign code. Steve said that business has several more years until they have to come into compliance with the code based on the date Tigard's sign code was adopted.

VII. WORKSHOP: Discussion of value statements to give direction to staff for code amendments

Steve Olson referred to pages 14 and 15 of the meeting packet. Steve is hoping that discussing these value statements will help determine where the committee has consensus. This will help staff develop code amendments to consider at the next meeting.

O.L.E.D. signs are the future per Dennis Lewis. They are paper-thin and can roll up and move to display anything, anywhere. He says it is hard to imagine in this room as to what technology will be in the future. We do not want to limit the future technology-based signage because of our current mindset. We need to keep this a living, growing topic to accommodate changing technology for which we do not have any concept. Dennis suggested a group be formed to review technology changes every two years. The intent is that the community's sign opportunities should grow and change with technology.

Steve mentioned that many times communities restrict what is being displayed by size, not by type of technology. Many code sections are technology neutral. Kristen Horn said that a committee that reviewed public service messages would be subjective and would monitor sign content, which is not the intent. Steve said that codes are not designed to be the answer to everything. Steve suggested that a private group, such as the Chamber of Commerce or The Downtown Association, could monitor the content and give awards to signs that are attractive or public spirited. Dennis suggested incentives be offered to those who be innovative and design signs that add value to their building and/or property.

Steve turned the attention back to the workshop page 14 outline of value statements as they pertain to Newberg. Steve clarified that these value concepts are merely for purposes of discussion and are not intended to be the language for the sign code.

Loni Parrish said she feels fairly strongly still that the historic downtown should not have electronic signage except for institutions. Kristen Horn agreed with that but she appreciates seeing the temperature and time signs. Michael Sherwood agrees that downtown has a lot of foot traffic and should have signs oriented to foot traffic. Dennis said he didn't disagree with their wishes for downtown to remain without electronic signs. He cautions, however, that the downtown may be too restrictive based on the existing standards.

Steve Olson showed on the wall map where the downtown C-3 Zone is located. An electronic signs could be approved within that area but not the flashing or animated type of sign. The commercial and light industrial areas along 99W/219 could indeed have electronic signs and are only restricted based on size, height, and setbacks.

Stephen McKinney said that as of the 10th of March, there would not be many noncompliant, grandfathered signs in Newberg. They all need to come into compliance with sign codes. Mike Ragsdale spoke up to say that we need to beware that we are not too restrictive. He foresees an electronic sign being aimed at tourism inviting people to visit the cultural center and participate in an event. Dennis asked the committee as to how we would help regulate or monitor signs that are noncompliant or outdated to come into a more attractive and functional form of signage.

Stephen McKinney said this is a great opportunity to set, shape, and suggest improvements to current and future issues crossing over in to aspects of business advertisements. He noted that he is concerned that the codes deal with the electronic signs that are in disrepair, so that they are repaired in a timely fashion.

Dennis agrees that partnership amongst the various groups and businesses in our community could be instrumental in ensuring the sign clutter is cleaned up.

Steve Olson asked the group for opinions about the C-2 commercial district and the ten square foot limitation for electronic signage. Stephen McKinney responded that the 10 square feet is not very much and may be too restrictive for businesses. Stephen spoke to the upside of the new technology for signs. The point is technology is ever changing and Fred Gregory said any technology we talk about and know today would be outdated soon.

Steve McKinney wants to ensure that the sign codes are designed to allow appropriate signage for the business or institution, as they need it to be used for their purposes. This would need to be carefully worded to allow for change in technology.

Michael Sherwood asked when the sunset clause in the sign code expires. Stephen McKinney said it expires in March 2010. He would like to see that a landscaping clause be incorporated into a new sign code. Stephen McKinney said the verbiage needed to be plain enough for people to see that it could be to their benefit to install an attractive, up to code sign. Dennis agreed that we needed to have a collaborative effort to encourage businesses to come into code compliance.

Steve Olson noted that it would be important to avoid unintended limitations when the code is written. Does the mode of sign operation, such as flashing, bother the committee members? Barton suggested they look at statements "g", "h", "i", and "q" on pages 14 and 15 of the handouts. Dennis and Loni discussed the parameters surrounding motion and video motion in the code. Loni wondered if the type of sign could determine how the motion restrictions are established.

Steve Olson asked the group to review and discuss item "p" on page 15 of the packet. Claudia asked how that item could be enforced. Steve said business owners could be encouraged to display public service messages, but there is no

real way to mandate that they must display one. Dennis envisioned that all participating Newberg businesses, once they have better electronic sign technology, could control their messages via one person and one communication note. This would allow that group of businesses to alert the community to important messages such as Amber Alerts. Steve McKinney said those electronic sign owners are able to provide an additional service to the community by way of public communication.

The group expressed concern about mandating that electronic sign owners display public messages. It seemed to be a consensus that public messages should be optional.

VIII. ADJOURN:

Michael Sherwood, vice chair, was present to close the meeting as Chairman Nick Tri was excused earlier. Meeting adjourned at 5:13 p.m.

Approved by the Electronic Sign Ad Hoc Committee this 4th day of March, 2010.

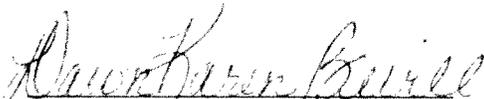
AYES: 6

NO: 0

ABSENT: 3
(List Name(s))

ABSTAIN: 1
(List Name(s))

HORN, Stewart,
Went


Recording Secretary


Electronic Sign Ad Hoc Committee Chair

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, March 4, 2010
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL:

Present: Nick Tri, Chair Michael Sherwood, Vice Chair
 Stephen McKinney Dennis Lewis
 Fred Gregory Loni Parrish (left meeting at 4:31 p.m.)

Absent: Claudia Stewart (excused) Julie Want (unexcused)
 Kristen Horn (unexcused)

Staff Present: Barton Brierley, Building and Planning Director
 Steve Olson, Associate Planner
 Dawn Karen Bevill, Recording Secretary

Others Present: Jerry Carlson, Manager of A Storage Place of Newberg (arrived at 3:48 p.m.)

II. OPEN MEETING:

Chair Nick Tri opened the meeting at 3:04 p.m. and asked for roll call.

III. MEETING MINUTES:

MOTION #1: Lewis/Gregory moved to approve the February 4, 2010 minutes as submitted. (6Yes/ 0 No/ 3 Absent [Stewart, Horn, Want]) Motion carried.

IV. PUBLIC COMMENT: February 4, 2010 email from Scott Cassidy –

Steve Olson referred to the February 4, 2010 email from Scott Cassidy, Operating Manager of A Storage Place, (page 14 of the official meeting packet). Although Mr. Cassidy is not advocating full motion video, he is requesting that the sign rules not be as restrictive as those found in other communities. Staff noted that some of the displays on the Storage Place sign would be considered videos, however, so they could only be shown in the future if Newberg did allow video messages.

Dennis Lewis suggested allowing a background display with some motion; falling leaves, for example. A percentage of the screen could be limited for full motion for a specified amount of time so it would not be continuous action or a movie. Stephen McKinney spoke a word of caution concerning adapting and quantifying the number of seconds and minutes allowed since it could be detrimental in transitioning from analog into digital signs in the future. Michael Sherwood agreed with the idea brought forth by Dennis Lewis regarding a sign with a moving background and stationary message.

Mr. Lewis also believes the size of an electronic sign should not be limited to less than a standard sign since technology is neutral. He advocates managing a sign well so it becomes an asset, and restricting size does not accomplish anything.

V. WORKSHOP: Discussion & preliminary voting on sign review process and potential development code amendments -

Steve Olson started with a discussion of the sign review process. He stated there are pluses and minuses to allowing discretion in the approval process. If the process allows no discretion in the code, it will be consistent and probably easy to understand and enforce. It is predictable, less expensive, treats everyone the same, but has no flexibility. The two-track process is another option that would have two review tracks. One track would be non-discretionary and would allow small, animated electronic signs. The other track would allow larger signs and a license to operate the sign flexibility, based on meeting certain standards, such as no flashing or rapid scrolling. If the sign was not operated within certain parameters then the license would not be renewed and the sign would be required to be operated under the same limits as the non-discretionary signs. The review of the sign could be done by the Planning Commission. Another idea to consider is non-code options. These are other things that can be done outside of the sign code, which can be part of the committee's recommendation to the City Council. One example is that a community-based group could create an annual award for signs that show public service messages. The Council could encourage a local group to take on this role. Another option that has been mentioned is that the committee could request that Council create low interest loans for sign upgrade projects. Dennis Lewis suggested there might be a way to take 10% of the Hotel Tax dollars, going towards tourism, and bank 1% to help fund the program for the community to improve their signs. Perhaps there is an opportunity, such as the Main Street Program, to help in shaping and forming signs to be used for the next several decades; making sign choices easier for business owners. The committee was in agreement regarding signage assistance being given to those businesses coming into the City of Newberg as well as incentives to those already located in the City to help aid in signage upgrades. Mr. Lewis believes it is important for this committee to take its time in making recommendations due to the change in technology that is quickly approaching.

Steve Olson asked the committee to make a preliminary vote on the code amendments listed in the meeting packet. The first part consisted of new definitions and the existing code for downtown, which prohibits animated sign. Stephen McKinney believes the ten-minute rule and the current size limits are insufficient and needs to be adjusted. Dennis Lewis stated the ten-minute rule would eliminate some signage, such as time and temperature. Transitions could be limited to a certain amount of time for animation. Stephen McKinney suggested language stating appropriate intervals for appropriate zones; the ten-minute rule is counterproductive. Steve Olson clarified that the limit on animated signs downtown is not a proposed change. It is the existing situation, which the committee seemed to support at the previous meeting. The committee did decide at the previous meeting to change the animation time limit for the zones outside of downtown, which is in the code amendment sections that follow. Loni Parrish would like to hear what the Main Street Coalition has to say about it. She is concerned with keeping the historic feel of downtown as a destination location; tourists want to escape the ordinary and she is unsure if electronic message signs are appropriate for downtown. Stephen McKinney is reluctant to vote on propping up the existing code. The motivation seems to be restriction rather than managing the options. The consensus of the committee was to recommend the downtown portion be revisited in the future as part of the downtown coalition process.

The committee initially liked the idea of the two-track review process but was concerned about how to implement it. Stephen McKinney asked what signs would become non-conforming if the special review was put into place. Barton Brierley replied A Storage Place would become non-conforming. Jerry Carlson stated they went through non-conformance before which cost them money and would like not to see that happen again. Barton stated that under the proposed process, when they are finished with the Pilot Program; they would have to go back to the original use of the sign unless they went through the special review process. Dennis Lewis does not agree with the special review at all as proposed. Stephen McKinney stated the reason why the Pilot Program exists is to show the present technology can operate in a way that is not objectionable to the community. He would hate to take a step backwards after seeing the possibilities and any proposal that would render a present sign or present technology to become non-complying is counterproductive to the process.

Barton Brierley explained the special review language could be changed, if the committee wishes. Dennis Lewis stated the size of an electronic sign should not be the restriction. If you can have a 100 square foot sign, why does it matter how much of it is animated? If you want to restrict the sign for movement, change the way you look at it. It is not a size issue but an action issue. If trying to eliminate video, you could limit movement to no longer than 20 seconds, for example.

Steve Olson stated size is discussed in the maximum size sections as listed on page 11. Mr. Olson reviewed each of the three options. All but one committee member was in favor of Option 1; only one was in favor of Option 2; no committee member was in favor of Option 3. Option 1 allowed the entire EMC to be an animated sign.

The committee returned to discuss the two-track process review. Stephen McKinney believes three citizens is too low a number to trigger a review under the renewal process. He suggested staff return with suggestions on new parameters with a likelihood of success under the two-track section. Steve Olson stated staff would bring back variations for the committee to review at the next meeting.

Regarding brightness, the preference of the committee was Option 1, which required automatic dimming but did not set an absolute number for a brightness limit.

Staff discussed the video display methods language, and said the language would be revised to include the Institutional zone. The committee agreed to not allow flashing, and that rapid scrolling would need to be further evaluated.

The consensus of the committee agreed that electronic scoreboards with video screens in stadiums or at sports fields are not considered signs or limited in size if they are oriented inward to the playing field. They did not like the language on "obscure", as it was not defined. Language could be added to eliminate the scoreboard being used as a billboard. The scoreboard could be turned on one hour before the event and off one hour after, for example. Steve will come up with an option with regard to obscurity and time limits.

The consensus of the committee agreed to sign maintenance requirements. Since there is already an ordinance in place regarding landscaping maintenance, there is no need for a repetitive code.

VI. **ADJOURN:** Meeting adjourned at 5:25 p.m.

Approved by the Electronic Sign Ad Hoc Committee on this 1st day of April, 2010.

AYES: 5

NO: 0

ABSENT: 4
(List Name(s))

ABSTAIN: 0
(List Names(s))

Tri, Lewis,
Gregory, Wunt


Recording Secretary


Electronic Sign Ad Hoc Committee Chair

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, April 1, 2010
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL:

Present: Michael Sherwood, Vice Chair Claudia Stewart
 Stephen McKinney Kristen Horn
 Loni Parrish Julie Want (arrived at 3:17 p.m.)

Absent: Nick Tri, Chair (excused) Dennis Lewis (excused)
 Fred Gregory (excused)

Staff Present: Barton Brierley, Building and Planning Director
 Steve Olson, Associate Planner
 Dawn Karen Bevill, Recording Secretary

Others Present: Jerry Carlson, Manager of A Storage Place of Newberg

II. OPEN MEETING:

Vice Chair Michael Sherwood opened the meeting at 3:02 p.m. and asked for roll call.

III. MEETING MINUTES:

MOTION #1: Stewart/Horn moved to approve the March 4, 2010 minutes as submitted. (5 Yes/ 0 No/ 4 Absent [Tri, Lewis, Gregory, Want]) Motion carried.

IV. WORKSHOP: Electronic sign code amendments/recommendation:

Steve Olson reviewed the consensus items from the March 4, 2010 meeting:

1. Sign maintenance language;
2. Sign brightness language;
3. Non-conforming: don't want to make more signs non-conforming;
4. Don't want to allow flashing, rapid scrolling or long video clips;
5. Include non-code items in recommendation (awards for public service messages, low-interest loans for sign upgrades); and
6. Downtown signs: Status quo for now; review animated signs as part of downtown coalition work.

Steve Olson then went over the discussion items for the meeting:

1. How standards vary by zone districts;
2. Definitions of flashing, rapid scrolling, extended video, etc. (see videos);
3. Review process: non-discretionary or two-track; and
 - a) If two-track, then which signs get site element review?
 - b) Scoreboard: limit time or require site element review?
4. Longer term: Code enforcement only, or with license/renewal process?

Steve Olson distributed written comments to the committee, received by email from Dennis Lewis and Fred Gregory. Dennis Lewis stated he was thought we were going to move toward a technology neutral position on signage regardless of size. Mr. Lewis suggested allowing extended video messages in commercial and industrial zones. He also suggested initiating the site element review process in the downtown zone, and deferring the downtown zone criteria to the Main Street Coalition or a combination of Planning and Main Street. He also suggested changing flashing or rapid scrolling to “strobing or hazardous bright light use of signage”.

Fred Gregory stated in his email that he agreed with Dennis’s comments, and apologized for his absence at today’s meeting.

Loni Parrish asked how to define flashing versus strobing. Steve Olson replied that strobing is bright, rapid flashing that could be blinding or at least very distracting. Kristen Horn asked what “technology neutral” means. Barton Brierley believes that Mr. Lewis was suggesting that the code not distinguish based on display method. Claudia Stewart asked how long before revisiting this code in the future since alternating animation and display methods will be much different in years to come. Stephen McKinney stated some existing electronic signs will be totally obsolete in a few years. Steve Olson believes the proposed code definitions are based not on technology but on how the sign looks, which should allow technology to change without requiring the code to be constantly updated.

TIME – 3:20 PM

Steve Olson referred to Table 1: Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process located on page 10 of the official meeting packet. The existing 10 square foot signs are currently allowed to operate with no limits on animation. If the committee wishes to not make these non-conforming while prohibiting flashing/rapid scrolling on larger signs then there needs to be a separate category for the “10 sq. ft. and under” signs. If flashing were limited for all signs, it would make the 10 square foot signs non-conforming. The proposed standards allow animation for signs under 30 square feet, but no flashing, rapid scrolling, or extended video. Over 30 square feet is similar, but animated messages would require site element review.

Vice Chair Sherwood asked for clarification regarding images that repeat to segments over ten seconds in duration. Barton Brierley explained if you display a news broadcast on a television screen it would be classified as an extended video message. If a video clip was shown every 15 seconds and repeated over and over again, it would still be considered an extended video message due to being over 10 seconds.

Steve Olson showed video of flashing, rapid scrolling, alternating messaging, alternating & animated messaging combinations, and animated messaging. Under the proposal, the animated message would be allowed up to 30 square feet; however, larger signs would require a sign review. Claudia Stewart asked if upcoming improvements in technology will blur the definition of animated and alternating signage since they do not seem that different from one another. Steve Olson replied alternating is a static picture that alternates every 5 seconds, similar to how Walgreens operates. There is no animation or motion, so it would look different from an animated message. The difference isn’t really based on technology, just on how the sign is programmed to operate.

Stephen McKinney asked if there is any comparison between the City of McMinnville’s code language and Newberg’s since Colvin Ford on Highway 99W uses animation and alternating on their sign, which he believes to be done quite tastefully. Staff stated they will look into it.

Mr. Olson showed the existing Electronic Message Centers which are over 10 square feet which includes Walgreens, Lewis Audio Video, Storage Place, Mountain View Middle School, and Newberg Dodge. Claudia Stewart stated the size is limited at Mountain View due to the total sign usage and 30 square foot maximum for schools.

Steve Olson reviewed the site elements and design review process as defined on page nine of the meeting packet. The committee would have to decide whether this review should be done by the Planning Commission or at the staff level. Vice Chair Sherwood asked if language could be added regarding safety and distraction. Stephen McKinney stated a safety definition would have to be specific and not arbitrary.

Steve Olson showed examples of poorly maintained landscaping and buildings versus nice landscaping. Claudia Stewart asked the financial implication for a two-tier process and code enforcement. Barton Brierley replied it could go to the Planning Commission (Type 3 process) which is an added cost of \$1,000 or a notice can be sent to the neighbors (Type 2 process) which costs approximately \$500 per application; paid to the Planning Department. Stephen McKinney stated it is fair to say the City wants to be sure expenses are paid in terms of the hours devoted to the project. A sign owner or advertiser could be given options to choose from within a given area, which is acceptable. For the sake of economy, it would save the City money and make it much more likely to see the project succeed if the process was simple. Claudia Stewart appreciates the flexibility with a site element review but is still concerned how long this code will be effective with the changes in technology. Kristen Horn would like the code to give opportunity for usable informational center signs at the schools due to the benefit to the parents.

Julie Want left the meeting at 4:39 p.m.

Steve Olson referred back to Table 1 and continued his review. The Committee agreed to allow more animated messages and video messages in the Portland Road Commercial section of the table, and insert a site element review under larger signs with extended video messaging. Claudia Stewart asked with respect to Dennis Lewis who has asked that extended video messages be allowed in all sizes, could staff walk the Committee through what it could potentially look like in the 10 – 30 square feet and 30 – 100 square feet. Barton Brierley showed the Committee some digital messages that are similar to a video commercial. Stephen McKinney does think the larger the venue the more likelihood and opportunity for extended video which could be done in an appropriate manner. Ms. Stewart suggested changing the number to 30 – 50 square feet for a site review and prohibit the larger video signs. Barton Brierley stated staff could set up language to have an allowable larger sign if it is set farther back. The Committee consensus was to have 10 – 30 square feet allow extended video without a site design review.

The Committee agreed the downtown coalition should look at the rules in the Downtown (C-3) Zone. Mr. McKinney stated there should be a linkage between the Main Street Committee, the Ad Hoc Committee, and the City in order to lend expertise to the type of signage.

Steve Olson reviewed to the last two sections of Table 1. In order to not have a stadium sign function as a billboard, a time limit could be placed on it (before and after events). Loni Parrish asked if informational signs at the schools could be larger. Staff stated they could come back with a proposal allowing more size if the sign is on the building set back, as well as more size for free-standing signs. Claudia Stewart would appreciate alternating and animated messages allowed for the 10 – 30 square foot signs. Under the current matrix, Mountain View could not post the image of a child with an Amber

Alert message in 10 square feet or less and suggested putting in a requirement to turn them off at night and back on in the morning due to being in a residential zone.

Stephen McKinney asked staff to look into electronic signage being attached to a building.

- V. **OTHER BUSINESS:** No other items were brought forward.
- VI. **NEXT MEETING :** The next scheduled meeting is May 6, 2010.
- VII. **ADJOURN:** Meeting adjourned at 5: 11p.m.

Approved by the Electronic Sign Ad Hoc Committee on this 6th day of May, 2010.

AYES: 6

NO: 0

ABSENT: 3
(List Name(s))
Parrish, Horn,
Went

ABSTAIN: 0
(List Names(s))

Karen Bevil
Recording Secretary

Nick Zi
Electronic Sign Ad Hoc Committee Chair

**NEWBERG ELECTRONIC SIGN
AD HOC COMMITTEE MINUTES
3-5 p.m., Thursday, May 6, 2010
Newberg City Hall, Permit Center Conference Room
414 E. First Street, Newberg, Oregon**

I. ROLL CALL:

Present: Nick Tri, Chair Michael Sherwood, Vice Chair
 Stephen McKinney Claudia Stewart
 Dennis Lewis Fred Gregory

Absent: Loni Parrish (unexcused) Julie Want (unexcused)
 Kristin Horn (unexcused)

Staff Present: Barton Brierley, Building and Planning Director
 Steve Olson, Associate Planner
 Dawn Karen Bevill, Recording Secretary

Others Present: Dan Rouse, Walgreens Manager, arrived at 4:03 p.m.

II. OPEN MEETING:

Chair Nick Tri opened the meeting at 3:07 p.m. and asked for roll call.

III. MEETING MINUTES:

<p>MOTION #1: Sherwood/Stewart moved to approve the April 1, 2010 minutes as submitted. (6 Yes/ 0 No/ 3 Absent [Parrish, Want, Horn]) Motion carried.</p>
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IV. WORKSHOP: Electronic sign code amendments/recommendation:

Steve Olson began by reviewing the items there appeared to be consensus on at the previous meeting: Sign maintenance, sign brightness, include non-code items in the recommendation (awards for public service messages, low-interest loans for sign upgrades), code enforcement, downtown signs – status quo for now, but review animated signs as part of downtown coalition work, do not want to make more signs non-conforming, do not allow flashing, rapid scrolling except <10 square foot signs, as currently allowed in the code, do not allow mobile animated signs, stadium scoreboards allowed to be large but have time limits before and after events, increase maximum size from 30 square feet to 50 square feet for all signs for schools and other institutions in residential zones, as well as larger electronic message boards if setback farther for attached or freestanding signs; and require signs to be turned off at night.

Stephen McKinney asked about existing signs that currently do not possess the ability to dim at night. Steve Olson replied he does not believe it will affect any of the large existing signs but stated a change in language may be needed to cover some of the small older signs that may not have dimmers. Mr. McKinney stated “no strobing” must be in the language and he would like for schools to be able to utilize electronic message centers, as well as the University, advertising upcoming events, etc.

The committee discussed allowing school/institutional signs up to 50 square feet without a site element review and not allow above 50 square feet. The committee thought that if a review is needed, make the process as non-discretionary as possible so it could be reviewed by staff and not need Planning Commission or a Sign Review Commission to do so.

Steve Olson showed the committee a video of the Chuck Colvin Ford electronic sign located in McMinnville, Oregon. He believes it is 24 square feet, which is the maximum the code allows there. The City of McMinnville Sign Code was adopted in 2008. They have an eight-year non-conforming window. They allow one EMC per commercial site as part of a larger sign. Max height is 12 feet; set at least 10 feet from all property lines. The area of electronic message centers is calculated at two times that of other signs. They are allowed in commercial zones. Electronic message centers are not allowed in the downtown historic district. No temporary signs are allowed on a commercial site if the electronic message center can display more than 12 characters at one time or more than five characters in a row. No video is allowed.

Steve Olson went back to the consensus items and referred to Table 1 on page 9 of the official meeting packet and reviewed the definitions on page 11. The language under the flashing section was borrowed from Young Electronic Sign Company's model code. Flashing refers to blinking flashing lights. The language does not include strobing but could be added to this section. Claudia Stewart suggested strobing be listed as another item stating "strobing is prohibited" in order to clarify it correctly. Steve Olson will add it to item number six under the Electronic Message Center display methods instead of listing it in the table on page nine. Ms. Stewart also asked about the language regarding signage on cars and buses. In response, Steve Olson referred to Section 151.597.5. Stephen McKinney stated a waiver could be obtained for a special event such as a grand opening or for the Old Fashioned Festival. Ms. Stewart had a prior conversation with the Athletic Director and asked him about timeframes and turning off the sign. He did not think it unreasonable to turn the sign off one hour after an event. Generally, upcoming events are shown on the scoreboard during events when the public is in attendance. Dennis Lewis asked if the sign would be prohibited from use at any other time. Steve Olson stated that it would in the current draft. The draft code does not prevent them from having a monument sign near the street, as well. If the scoreboard is used as a sign, then the impact on residential areas has to be considered. Dennis Lewis asked if the committee is limiting themselves from potential resources, although he does not disagree with a curfew, but to say it cannot be used unless it is right before and after an event is limiting a community asset. Claudia Stewart believes the only place that would be affected is the George Fox University fields, including the complex on Villa. Dennis Lewis stated the scoreboard sign could be visible from Villa Road, so it could become a community asset. Steve Olson noted that the reason all signs are size-limited in residential zones is because of the impact on immediate neighbors. Mr. Lewis believes there needs to be a collaborative effort between the schools, university and the City on this issue.

Steve Olson referred to the table on page nine, number 12 regarding Site Element Review. One item that was discussed was allowing larger signs if there was a greater setback. Dennis Lewis would like to delete the 10 square feet or less category; flashing or rapidly scrolling or strobing should be treated the same regardless of the size. Fred Gregory would also like to omit the 10 square feet or less category all together. Stephen McKinney stated flashing is not necessarily movement. He believes staff did a good job at defining flashing or scrolling. Newberg Inn will be the only one non-conforming sign and will need to slow down the sign. The consensus was to not allow flashing or rapid scrolling in any of the categories.

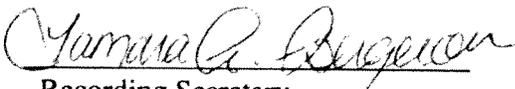
Steve Olson referred to page 10 of the meeting packet and asked the committee about the site element review. The consensus was that it should be a type one process. Another idea discussed was to require a sign to have different design elements. Design elements are listed under freestanding signs on page 10. Barton Brierley stated they would allow a bigger sign if you meet certain elements. Stephen McKinney would be more comfortable if the existing signs will be able to satisfy the three criteria and would like to see no signs in non-compliance. The committee reviewed the signs in the pilot program to see how they would/would not receive site element design points. In the Institutional Category the site element review would be on signs larger than 50 square feet.

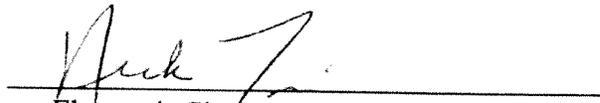
The committee reviewed additions/subtractions on the site element review. Stephen McKinney stated the criteria have a purpose. The only negative is the high cost to create these structures and he does not want to create a huge expense for business owners. However, he does like the idea of beautifying the structures and wants to recognize those who have gone out of their way to have nice looking signs. Dennis Lewis stated the design elements are an important factor and if low-interest loans were available for having those things, they may encourage owners to update their signs. Michael Sherwood believes this makes sense; merchants do not always understand that beautification is part of everyone doing business together as a city. Claudia Stewart suggested encouraging strip malls to use signs that could represent three or more businesses. Dennis Lewis suggested architecture as a design element as well as lighting. Steve Olson stated staff will come back with updated design elements, and ideas on incentives.

- V. **OTHER BUSINESS:** No other business was brought forward.
- VI. **NEXT MEETING** – The next scheduled meeting is June 3, 2010.
- VII. **ADJOURN:** Meeting adjourned at 5:15 p.m.

Approved by the Electronic Sign Ad Hoc Committee on this 3rd day of June, 2010.

AYES: 5 **NO:** 0 **ABSENT:** 4 **ABSTAIN:** 1


Recording Secretary


Electronic Sign Ad Hoc Committee Chair

that normally scoreboards would be set back fairly far from the road. Dennis Lewis said that the backside of scoreboards could be used as a sign or billboard, advertising local upcoming events. Steve said if the backside were facing the street, it would need to meet the general regulations for signs. Stephen McKinney said when considering these scoreboards and/or billboards that the committee needs to consider all of the potential users of the fields. He suggested as a community field, the users such as Chehalem Park and Recreation District, George Fox, Newberg High School, etc. might all benefit from the advertising of their upcoming events.

Steve Olson then posed the question of the impact to nearby residential homes if the scoreboard was located close to a neighborhood. This could be addressed by increasing the setback or limiting the size when operating as a sign. Fred Gregory summarized his understanding that no scoreboards would be facing residents any less than the length of a football/soccer field. He reiterated that only a few houses would be behind some of the scoreboard signs, which would negate the reason to have the backside billboard. The necessity for setbacks would apply to some of the potential scoreboard sites. Stephen McKinney said the necessity for a scoreboard being "on" 24-hours would be limited as the costs for electricity would be prohibitive and with no public at the facility during non-use hours, it would not be logical to run the sign. Fred Gregory agreed it would be illogical to run a sign during non-use of athletic field hours.

Barton Brierley asked if the committee would agree to Option C if it included a 100-foot setback limitation. Dennis Lewis agreed that Option C is fine, with the understanding that the backside of the scoreboard would not need additional regulations as all other sign regulations would apply at that point. Barton Brierley asked for confirmation again, whether the committee was comfortable with Option C as written. They agreed they were in favor of Option C, as written.

3:32 pm

Steve moved the committee to review the site element review process as it is depicted on the top of page nine of the meeting packet. Dennis Lewis asked how the signs would be restricted if an apartment complex were built nearby. Would residential buildings affect the use of commercial electronic signage during the off business hours if the committee agrees to these restrictions? Steve Olson mentioned that apartments in a commercial zone would not trigger any restrictions, as they would not be in a purely residential zone. Loni Parrish proposed that a change of wording to the restriction hours might resolve the problem. Michael Sherwood asked what purpose is served by a sign being on day and night if no one is around. Dennis Lewis said his sign stays on all the time and it is his cheapest advertising, so he sees value in leaving it on. Barton Brierley responded that wording could be changed to read that it is visible from "abutting residential district" rather than merely "a residential district". Steve Olson said many of the zoning restrictions are already defined on the chart on page eight of the meeting handout.

The committee discussed item I.a. ii and the potential that signs may shine on bedroom windows in residential districts. Dennis Lewis suggested combining items ii. and iv. to reach a good definition. Michael Sherwood said that much of the current verbiage allows legal review to interpret a problem where one may not be prevalent.

Steve Olson summarized the committee's standpoint after conversation that item ii should be eliminated and add the words "visible and abutting residence" to item number iv. Michael Sherwood asked Steve Olson if he had reviewed McMinnville's sign codes. Steve Olson responded that McMinnville deals with sign illumination issues by virtue of the sign's size. Barton Brierley suggested changing the

wording on number iv to include “may be determined by the Planning Director” to allow some flexibility on this issue instead of being overly rigid.

4:05

Steve Olson asked the committee to review the bottom of the site elements items 1.a.i. and 1.b. Dennis Lewis suggested that the restriction be noted as “2” or more businesses on site and Nick Tri agreed. Stephen McKinney agreed that “2 or more” businesses would be good. Loni Parrish asked why two or more businesses could not fit. Dennis Lewis explained that this would encourage businesses to coordinate on signs.

Steve Olson summarized the committee’s discussion to say remove item 1.a.vi.f. Dennis Lewis suggested that this item be left in but changed to read “more than 40% of the sign is EMC”. Barton asked for the committee’s thoughts on this proposed change. The group discussed the change and agreed to it.

The committee moved to the topic of size incentives for signage. Steve asked the committee if they generally liked that wording. Conversations ensued and the committee agreed to item 2 as written. They did agree that Size Incentive as a topic should be emphasized more in the review process.

Steve said that all highlighted items in the packet have been discussed at this meeting. Dennis Lewis asked to review Electronic Message Centers on vehicles and trailers as it was presented on page 7 of 13 in the meeting packet. Steve Olson explained that about three meetings ago, the committee discussed the topic of messages displayed on vehicles. Fred Gregory asked to add taxis to the restricted vehicles. Dennis Lewis asked how this would be enforced if someone from out of town came into town with an electronic message on their vehicle. The question was posed if this restriction is necessary or would it be covered under Newberg’s nuisance ordinances. Barton confirmed it could be dealt with as a nuisance and the committee agreed to omit the ban on vehicle signs.

Steve referred to page 11 of the meeting packet to review the temporary signs for events. Stephen McKinney said that quite a bit of time is spent on code enforcement of sandwich board signs. Dennis Lewis suggested as a future idea, that the City loan out these signs as a way to regulate them.

Steve Olson asked if the committee wanted to review the changes before sending the recommendation to Council. The committee wanted to review the changes first, but agreed to do that by email. Barton Brierley asked for and heard committee consensus that they are satisfied with the proposal as is with noted changes as were discussed today.

Stephen McKinney hopes that what is sent to City Council shows coordination between the work this committee has done over the months and what the Downtown Coalition will do regarding signage. Several members of this ad hoc committee mentioned they are also on the Downtown Coalition which should help with this transition.

Dennis Lewis asked about signage for institutions such as the Chehalem Cultural Center. He knows that there is a problem when institutions are not able to communicate with the community. Steve Olson said ODOT restricts the off-premise signs along the highway, thus preventing new billboards but also limiting the cultural center. Dennis Lewis concluded that the Downtown Coalition could address the civic corridor signs, if needed.

Barton Brierley thanked each committee member for their time and energy on this committee throughout the past few months. Steve Olson confirmed he would send out the updated Recommended Development Code Amendment with regard to signage for this committee's review and vote. Those present agreed that they did not need to meet again as it would slow this proposal being presented to City Council.

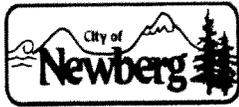
- V. **OTHER BUSINESS:** No other business was brought forward.
- VI. **NEXT STEP – Present recommendation to City Council – July 6, 2010 (tentative)**
- VII. **ADJOURN:** Meeting adjourned at 5 p.m.

Approved by the Electronic Sign Ad Hoc Committee on this 11th day of June, 2010.

AYES: 5 NO: 0 ABSENT: 4 ABSTAIN: 0
(C. Stewart, L. Phipps, M. Olson, J. Wong)


Recording Secretary


Electronic Sign Ad Hoc Committee Chair



RESOLUTION No. 2009-2840

**A RESOLUTION INITIATING AN EVALUATION OF THE CITY'S
SIGN ORDINANCE REGARDING ANIMATED SIGNS, AND
ESTABLISHING A PILOT PROGRAM TO EVALUATE THE EFFECT
OF POTENTIAL CHANGES**

RECITALS:

1. Several owners of existing electronic readerboard signs have requested that the City evaluate potential changes to its regulations on animated signs.
2. The Council wishes to evaluate these changes through an open and public process.
3. In order to effectively analyze potential changes, the Council wishes to establish a pilot program to obtain information on the effects of different limits.

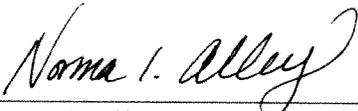
THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Council hereby initiates an evaluation of potential amendments to the Newberg Code of Ordinances regarding animated signs. Potential amendments to be considered may include, but not limited to:
 - a. Modifying the definition of animated signs and time limits for changing of displays.
 - b. Establishing size limits for electronic message boards.
 - c. Establishing expectations for public service messages.
 - d. Establishing enforcement mechanisms.
 - e. Other changes as may recommend, or a recommendation of no change.
2. The Mayor shall establish an ad-hoc committee to identify and recommend appropriate changes to the animated sign code to balance community and business needs. The ad-hoc committee shall report to the Council. The Council shall then forward the report to the Planning Commission.
3. The Planning Commission shall hold hearings to consider the ad-hoc committee report and forward a recommendation to the City Council for consideration. The City Attorney shall review the recommendation for legal sufficiency.
4. The Council hereby establishes a voluntary pilot program for evaluation of potential amendments as follows:
 - a. The pilot program shall be for a period of time not to exceed eighteen months, commencing on May 5, 2009.
 - b. Owners of existing electronic readerboard signs may request to be included in the pilot program.

- c. During the pilot program, the City Manager shall request that those included in the program use their signs under various methods such as: static display, message change in different frequencies, and rolling display.
 - d. Those participating in the pilot program shall:
 - i. Be authorized to use an existing electronic readerboard sign in excess of current limits to the extent requested by the City Manager.
 - ii. Document changes in sales, attendance, positive and negative comments, or other effects of the advertising during the pilot program.
 - e. During the pilot program, the City Manager shall seek and document public comments on effects of signs participating in the pilot program.
5. By so doing, the Council does not commit to any particular action on the amendments. It only wishes to consider the issue after a full analysis and public hearing process.

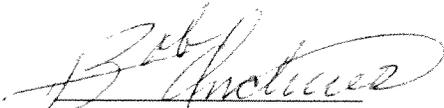
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 5, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of May, 2009.



 Norma I. Alley, City Recorder

ATTEST by the Mayor this 7th day of May, 2009.



 Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at / /200x meeting. Or, x None.
(committee name) (date) (check if applicable)