

**NEWBERG ELECTRONIC SIGN  
AD HOC COMMITTEE AGENDA  
4 p.m., Thursday, April 1, 2010  
Newberg City Hall, Permit Center Conference Room  
414 E. First Street, Newberg, Oregon**

- I. ROLL CALL**
- II. OPEN MEETING**
- III. MEETING MINUTES – approve March 4, 2010 minutes**
- IV. WORKSHOP: Electronic sign code amendments/recommendation**
- V. OTHER BUSINESS**
- VI. NEXT MEETING – May 6, 2010**
- VII. ADJOURN**

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.*



**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:**

<p><b>MOTION #1: Lewis/Gregory</b> moved to approve the February 4, 2010 minutes as submitted. (6Yes/ 0 No/ 3 Absent [Stewart, Horn, Want]) Motion carried.</p>
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**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 1<sup>st</sup> day of April, 2010.**

**AYES:**

**NO:**

**ABSENT:**  
**(List Name(s))**

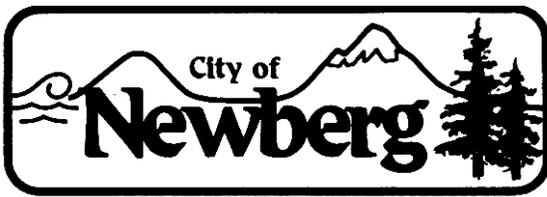
**ABSTAIN:**  
**(List Names(s))**

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Recording Secretary

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Electronic Sign Ad Hoc Committee Chair



## 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

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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.