



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

11/1/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment  
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, November 16, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Steve Olson, City of Newberg  
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM **2**

**DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**OCT 27 2010**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Newberg**

Local file number: **DCA-09-002**

Date of Adoption: **10.18.10**

Date Mailed: **10.26.10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 6.25.10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Newberg Development Code to allow more flexible use of electronic signs. The current code limits animated signs to 10 square feet. The proposed changes would allow larger animated signs, depending on the location, zone, and mode of operation. Animated signs would continue to be banned in the downtown area.

Does the Adoption differ from proposal? Please select one

Yes, slightly. The adopted amendment prohibited extended video messages everywhere in the city (the proposed amendment had allowed them in commercial/industrial zones)

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **city wide**

Acres Involved: **NA**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** 003-10 (18382) [16377]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Newberg School District, Chehalem Park and Rec. District

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Local Contact: **Steve Olson**

Phone: **(503) 537-1215** Extension:

Address: **PO Box 970**

Fax Number: **503-537-1272**

City: **Newberg**

Zip: **97132**

E-mail Address:

**steve.olson@newbergoregon.gov**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009



## **ORDINANCE No. 2010-2731**

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

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### **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, heard the staff report and public testimony, and continued the hearing at the point of deliberation.
6. On October 18, 2010 the City Council continued the hearing, deliberated on 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	Prohibit	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Prohibit	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 18, 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.

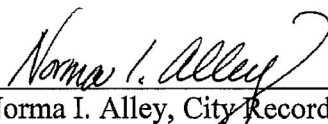
(C) Other events: A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

(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.

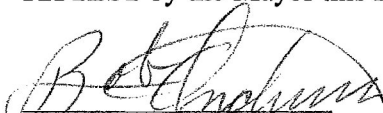
4. The findings in Exhibit "A" are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 17, 2010.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of October, 2010, by the following votes: **AYE: 5 NAY: 2 (HOWARD/RIERSON) ABSENT: 0 ABSTAIN: 0**

  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 21<sup>st</sup> 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.

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10/26/2010

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**CITY OF NEWBERG**

P.O. BOX 970

NEWBERG, OR 97132

*PLANNING*



*ATTN: PLAN AMENDMENT SPECIALIST  
DEPT. OF LAND CONSERVATION + DEVEL.  
635 CAPITOL ST. NE, SUITE 150  
SALEM, OR 97301-2540*