Oregon
John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development
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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 01/12/2015

Jurisdiction: City of Medford

Local file no.: DCA-13-090

DLCD file no.: 006-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/22/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 56 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2

NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (*See* OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: **DCA-13-090**

Date of adoption: 12/4/14 Date sent: 12/17/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?
☒ Yes: Date (use the date of last revision if a revised Form 1was submitted): 7/3/14
☐ No

Is the adopted change different from what was described in the Notice of Proposed Change? ☒ Yes ☐ No
If yes, describe how the adoption differs from the proposal:

Scope of amendment was greatly diminished by City Council. The only part of the original amendment that they adopted was the decreased rate of message change from two seconds to five seconds.

Local contact (name and title): Praline McCormack, Planner II

Phone: 541-774-2397 E-mail: praline.mccormack@cityofmedford.org

Street address: 411 W. 8th Street City: Medford Zip: 97501

For a change to comprehensive plan text:
Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:
Identify the former and new map designations and the area affected:

Change from to . acres. ☐ A goal exception was required for this change.
Change from to . acres. ☐ A goal exception was required for this change.
Change from to . acres. ☐ A goal exception was required for this change.
Change from to . acres. ☐ A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

If the change is a UGB amendment including over 50 acres by a city with a population greater than 2,500, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the change is an urban reserve establishment or amendment, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:
Identify the sections of the ordinance or code that were added or amended by title and number:

Amended Sections 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, and 10.800 of the Medford Code pertaining to electronic message signs.

For a change to a zoning map:
Identify the former and new base zone designations and the area affected:

Change from to . Acres:
Change from to . Acres:
Change from to . Acres:
Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Signed ordinance, Minutes from City Council hearings on 11/6, 11/20 and 12/4, Agenda Item Commentary & Staff Report to City Council including all exhibits.

MEDFORD CITY COUNCIL MEETING

December 4, 2014

The meeting was called to order at noon in the Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Mayor Gary Wheeler; City Councilmembers Daniel Bunn, Bob Strosser, Eli Matthews, Tim Jackle, John Michaels.

Councilmembers Dick Gordon and Chris Corcoran were absent.

Deputy City Manager Bill Hoke; Deputy City Attorney Lori Cooper; City Recorder Glenda Wilson.

Introduction of McLoughlin Students of the Month
Rick Parsakian, Assistant Principal updated the Council on school activities and introduced the students of the month.

20. Approval or correction of the minutes of the November 20, 2014 regular meeting
There being no corrections or amendments, the minutes were approved as presented.

30. Oral requests and communications from the audience

40. Consent calendar

✳ 40.1 REMOVED By Councilmember Jackle.

40.2 COUNCIL BILL 2014-146 A resolution canvassing the returns of the General City Election on November 4, 2014 and declaring the election of Councilmembers for terms beginning January 8, 2015.

40.3 COUNCIL BILL 2014-147 An ordinance amending Sections 9.100, 9.101, 9.110, 9.150, 9.200, 9.250 and 9.511 of the Medford Code pertaining to adoption of Oregon Specialty Codes for compliance with state law.

40.4 COUNCIL BILL 2014-148 An ordinance amending Sections 7.010, 7.015, 7.018, 7.019, 7.020, 7.022, and 7.023 of the Medford Code pertaining to Medford Fire Code.

Motion: Adopt the consent calendar.
Moved by: Daniel Bunn Seconded by: John Michaels
Roll Call: Councilmembers Daniel Bunn, John Michaels, Tim Jackle, Bob Strosser and Eli Matthews voting yes.
Motion carried and the following Council Bills were duly adopted: 2014-146, 2014-147 and 2014-148.

50. Items removed from consent calendar

✳ 40.1 SECOND READING
COUNCIL BILL 2014-141 An ordinance amending Sections 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, and 10.1800 of the Medford Code pertaining to electronic message signs. (DCA-13-090)

Councilmember Jackle noted he would be voting no on this item as he feels this should be taken up as part of the study session on the remaining recommendations on this issue. Council discussed Councilmember Jackle's suggestion to include this in the study session.

Motion: Adopt the ordinance amending Sections 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, and 10.1800 of the Medford Code pertaining to electronic message signs.
Moved by: Tim Jackle Seconded by: Bob Strosser
Roll Call: Councilmembers Bob Strosser, Daniel Bunn, Eli Matthews and John Michaels voting yes. Councilmember Tim Jackle voted no.
Ordinance 2014-141 was duly adopted.

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.cityofmedford.org

Item No:

DEPARTMENT: Planning
PHONE: 541-774-2380
STAFF CONTACT: James E. Huber, Department Director

AGENDA SECTION: [City Recorder]
MEETING DATE: December 4, 2014

COUNCIL BILL 2014–

[City Recorder will enter Ordinance or Resolution header written by Legal]

ISSUE STATEMENT & SUMMARY:

This Commentary is a follow-up to the Council action on 11-20-2014 on an ordinance to amend Chapter 10 of the Muncipal Code concerning electronic message signs. The Council approved one of the proposed amendments—amending the rate of message change from two seconds to five seconds—by a 4–2 vote.

BACKGROUND:

In response to citizen complaints about electronic message signs being too bright and text and animation changing too quickly, the City Council directed staff to prepare a code amendment to address three main concerns: the rate of message and animation changes, the spacing of electronic message signs, and brightness controls. The Planning Department drafted the amendment and forwarded it for agency and public comment in July. Comments from referral agencies and the public were received, and responses are included in the staff report findings. The Planning Commission conducted noticed public hearings on August 28, 2014 and September 25, 2014, after which it voted to recommend City Council approval. Following a hearing on November 20, 2014, the Council voted on a single change from the set of amendments presented.

A. Council Action History

At the May 16, 2013, City Council meeting, Council requested a study session to review the regulations regarding electronic message signs. Staff presented an analysis of existing regulations at a study session on August 29, 2013. Staff wrote a memorandum to City Council on October 31, 2013 providing its recommendations on how to proceed. Council directed staff to prepare a code amendment to address their three main concerns: the rate of message and animation changes, the spacing of electronic message signs, and brightness controls.

B. Analysis

The proposal amends the Code in order to address Council's concerns. The rate of message has been addressed slowing down the rate of message change from every two seconds to every five seconds.

C. Financial and/or Resource Considerations

None.

D. Timing Issues

There are no deadlines to meet for this code amendment; it was initiated at Council's request.

STRATEGIC PLAN:

Goal 6: Maintain and enhance community livability.

Objective 6.1: Promote the aesthetic quality of the urban environment.

Action 6.1e Present options for revising provisions of Chapter 10 of the Municipal Code that regulate electronic message signs.

COUNCIL OPTIONS:

1. Approve the ordinance.
2. Modify the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends approval of the ordinance as proposed, based on the finding that the code amendment approval criteria are met.

SUGGESTED MOTION:

I move to approve the ordinance amending the Municipal Code, Sections 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, and 10.1800, and adding Section 10.1150.

EXHIBITS:

None.

ORDINANCE NO. 2014-141

AN ORDINANCE amending Sections 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700 and 10.1800 of the Medford Code pertaining to electronic message signs.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.1200 of the Medford Code is amended to read as follows:

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00, -2, -4, -6, -10).
Signs shall be permitted only as follows in the single-family residential zoning districts:
* * *
(2) Institutional uses * * *

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

* * *

(iv) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

SECTION 2. Section 10.1300 of the Medford Code is amended to read as follows:

10.1300 Signs in Multiple-Family Residential Districts (MFR-15), (MFR-20) and (MFR-30).
Signs shall be permitted only as follows in the MFR-15, MFR-20 and MFR-30 zones:
* * *
(3) Institutional uses * * *

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

* * *

(iv) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

SECTION 3. Section 10.1400 of the Medford Code is amended to read as follows:

10.1400 Signs in Service Commercial and Professional Offices (C-S/P); Basic Regulations.
Signs shall be permitted only as follows in the C-S/P district:
(1) Ground signs: * * *

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

(2) Wall Signs: * * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

SECTION 4. Section 10.1500 of the Medford Code is amended to read as follows:

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations.
Signs shall be permitted as follows in the C-N district:

(1) Ground Signs: * * *

(d) Electronic Message Signs are permitted subject to Sections 10.248 through 10.250, and the following criteria:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

(2) Wall Signs: * * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to Sections 10.248 through 10.250, and the following criteria:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

SECTION 5. Section 10.1600 of the Medford Code is added to read as follows:

10.1600 Central Business Overlay (CB): Basic Regulations.
Signs shall be permitted as follows in the CB district:

(1) Ground Signs: * * *

(d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a ground sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

(2) Wall Signs: * * *

(d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a primary or secondary façade wall sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

SECTION 6. Section 10.1700 of the Medford Code is added to read as follows:

10.1700 Signs in Community Commercial District (C-C) and Heavy Commercial District (C-H, and Regional Commercial District (C-R): Basic Regulations.

Signs shall be permitted as follows in the C-C, C-R, and C-H districts:

(1) Ground Signs: * * *

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

(2) Wall Signs: * * *

(c) Electronic Message Signs are permitted as a primary or secondary façade wall sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

SECTION 7. Section 10.1800 of the Medford Code is amended to read as follows:

10.1800 Signs in Light Industrial (I-L), General Industrial (I-G), and Heavy Industrial (I-H): Basic Regulations.

Signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Ground Signs * * *

(e) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This

restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

(2) Wall Signs:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

* * *

(ii) All text displayed on an electronic message sign must be static for a minimum of ~~two (2)~~ **five** seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

* * *

PASSED by the Council and signed by me in authentication of its passage this 4 day of December, 2014.

ATTEST: Glenda Wilson
City Recorder

Mayor

APPROVED Dec. 4, 2014.

Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

- Economic Development
- Finance
- Fire-Rescue

Select Language ▼ices

- Medford Urban Renewal
- Municipal Court
- Neighborhood Resources
- Parks and Recreation
- Planning
- Police
- Public Works
- Purchasing
- Water Commission

Elected Officials

- Gary Wheeler
- Daniel Bunn
- Chris Corcoran
- Dick Gordon
- Tim Jackle
- Eli Matthews
- John Michaels
- Bob Strosser

Online Services

- Submit Online Police Report
- Business License Renewal
- Medford Municipal Court Citation
- Building Permit Online Services
- Planning and Engineering Online Services
- Parking Citation Payment Service
- Utility Account Services

Get Involved

- Commissions & Committees
- Community Links

Maps

Contact Us

Thursday, November 20, 2014

MINUTES OF THE MEDFORD CITY COUNCIL MEETING

November 20, 2014

The meeting was called to order at noon in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Daniel Bunn, Eli Matthews, Chris Corcoran (*arrived and left as noted), Bob Strosser (*left as noted), Tim Jackle, John Michaels and Dick Gordon.

City Manager Eric Swanson; Deputy City Manager Bill Hoke; Deputy City Attorney Lori Cooper; City Recorder Glenda Wilson.

Employee Recognition/Promotion
Employees from the Fire, Police and Public Works Departments were recognized for their years of service.

*Councilmember Corcoran arrived.

Retirement
Karl Giepel, Fire Department; Ernie Whiteman, Police Department; and Larry Beskow, Public Works Department were recognized for their employment at the City of Medford.

20. Approval or correction of the minutes of the November 6, 2014 regular meeting
There being no corrections or amendments the minutes were approved as presented.

30. Oral requests and communications from the audience

30.1 Quarterly Travel Medford Update by Annie Jenkins
Ms. Jenkins provided an overview of the activities of the organization in promoting travel and tourism in Medford. She spoke to future conventions and events for 2015 including the Color Run, Oregon Quarterhorse Show and the International Food and Wine Travel Writers Association. She spoke to the launch of the Southern Oregon Sports Commission in August. She reported on the hotel/motel occupancy and rates. Councilmember Corcoran questioned when the current contract with Travel Medford would expire and Ms. Jenkins noted the current contract is through June 30, 2015.

30.2 Estelle Voeller representing Mayors for Peace addressed the Council regarding the goals of the organization. They are requesting that the Mayor join this group. She noted that the U.S. Conference of Mayors has been endorsing this organization along with over 6,000 mayors internationally. She provided information to the Mayor on how to join the group.

30.3 Hideko Tamura-Snider addressed the Council regarding the Hiroshima and Nagasaki nuclear attacks. Ms. Tamura-Snider was a child in Hiroshima during the attack. She encouraged the Council to support the Mayors for Peace efforts.

Mayor Wheeler noted the Council would review the information and consider the request.

30.4 Richard Nuckols, 1006 S. Oakdale Ave., Medford addressed the Council regarding the City's ban on medical marijuana dispensaries in Medford.

30.5 Jeanette Sayre, 740 Hilldale Ave., Medford, representing the Hillsdale Estates Homeowners Association, addressed the Council regarding the Larson Creek path project. She expressed the concerns of the residents of this neighborhood with the safety impacts that the developed path would bring to this area.

30.6 Diane Archer, 813 Mason Way, Medford addressed the Council regarding the maintenance of Orchard Home Court. She noted she is a bus driver and that the condition of this street with large potholes is dangerous. Cory Crebbin, Public Works Director was asked to speak with her.

30.7 Victor Met, 736 Hillsdale Ave., Medford addressed the Council regarding the Larson Creek bike path and noted that a six foot path would be adequate for the pathway by Hillsdale Estates.

40. Consent calendar

50. Items removed from consent calendar

60. Ordinances and resolutions

60.1 SECOND READING
COUNCIL BILL 2014-139 An ordinance authorizing execution of Intergovernmental Agreement No. 30143 with Oregon Department of Transportation for Larson Creek Trail Segment II Improvements.

Cory Crebbin, Public Works Director addressed the Council and provided an overview of the meeting held with representatives of the Rogue Valley Manor. He noted a letter from the Rogue Valley Manor was distributed to the Council. The Rogue Valley Manor is agreeable to provide 7 ½ feet to accommodate this path.

Councilmember Corcoran confirmed that the Rogue Valley Manor was not donating the additional land and Mr. Crebbin responded that it would be a purchase being funded from the project budget. He noted that the City cannot agree to any terms at this time as that would need to be done per the grant process and real estate acquisition. He noted that this agenda item would be acceptance of the grant and that any dollars spent by the City before this grant acceptance is finalized would not be eligible for reimbursement from the grant funds.

Councilmember Bunn questioned if the path cross section could be reduced to ten feet and Mr. Crebbin noted that the grant was based on building the path to City standards but that an exception could be sought for the reduction.

Councilmember Gordon questioned the change of the proposed path to the north side of St. Mary's High School when it was originally on the south side. Mr. Crebbin addressed the design change.

Councilmembers Daniel Bunn, Eli Matthews and John Michaels voting no.
Motion carried to a second reading.

60.5 COUNCIL BILL 2014-145 A resolution revising information on previously presented delinquent assessments.

*Item moved to the evening session.

*Councilmembers Strosser and Corcoran left the meeting.

70. Council Business

80. City Manager and other staff reports
80.1 FEMA Plaque Presentation by Ken Murphy, FEMA Regional Administrator & Karen Wood-McGuiness, FEMA Floodplain Management Specialist Region 10
Mr. Murphy addressed the Council and noted that the National Floodplain Improvement Program has improved with meaningful and substantial work such as work done by individuals like Christy Taylor. Ms. Taylor was presented with a plaque of recognition for her efforts. Ms. Taylor addressed the Council and recognized additional staff in Planning, Public Works, and others for all the effort that the team put into this project.

Mayor Wheeler deferred the remainder of the agenda to the evening meeting.

80.2 Capital Improvement Project Update by Greg McKown

80.3 Quarterly Financial Report (1st Qtr. Fiscal Year) by Alison Chan

80.4 Further reports from City Manager

90. Propositions and remarks from the Mayor and Councilmembers
90.1 Proclamations issued:
Small Business Saturday, November 29, 2014
Giving Tuesday, December 2, 2014

90.2 Further Council committee reports.

90.3 Further remarks from Mayor and Councilmembers.

100. Adjournment to the evening session
Meeting adjourned to the evening meeting at 2:01 p.m.

****

EVENING SESSION

The meeting was called to order at 7:00 p.m. in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Daniel Bunn, Bob Strosser, Eli Matthews, Tim Jackle, John Michaels Chris Corcoran (*arrived as noted) and Dick Gordon (*arrived as noted).

City Manager Eric Swanson; Deputy City Manager Bill Hoke; Deputy City Attorney Lori Cooper; City Recorder Glenda Wilson.

110. Oral requests and communications from the audience
None

120. Public hearings
Mayor Wheeler noted there was one item from noon meeting that needs to be addressed prior to the public hearings.

60.5 COUNCIL BILL 2014-145 A resolution revising information on previously presented delinquent assessments.

Motion: Adopt the resolution revising information on previously presented delinquent assessments.
Moved by: Bob Strosser Seconded by: Daniel Bunn
Roll Call: Councilmembers Bob Strosser, Daniel Bunn, Chris Corcoran, Eli Matthews, John Michaels, Dick Gordon and Tim Jackle voting yes.
Resolution 2014-145 was duly adopted.

120.1 CONTINUED FROM November 6, 2014
COUNCIL BILL 2014-141 An ordinance amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

John Adam, Senior Planner provided a staff report and noted that a supplemental staff report and additional letters from citizens that have been included in the Council packets. He noted that there are four areas of concern raised previously by Council; rate of message change, rate of animation change, spacing and brightness.

Councilmember Corcoran raised the question of the size of the signs and Mr. Adam clarified that size is for a static message that changes every 5 seconds and there could be the same size. However, if the message was animated, the size of the sign would be half of the normal allowed size.

Councilmember Jackle questions the use of the signs in a residential zone for institution uses under a conditional use permit. Mr. Adams noted that institutional uses would be allowed with a previously approved conditional use permit.

Public hearing opened.

1.Rob LaGrone, Outdoor Media formerly CBS Advertising addressed the Council regarding the LED regulation. He noted that the issue for them is their existing signs are too large to be allowed as

electronic signs under code. His company would like to retrofit the existing billboards with the newer electronic sign technology. They are requesting that the Council allow them to upgrade their existing signs to the new technology.

Councilmember Michaels noted his concern is not size as much as the animation. Councilmembers discussed Mr. LaGrone's request. Mr. LaGrone noted the signs will be static at up to eight seconds with no animation.

2.Linda Borum, 795 Ridgeway Ave., Central Point addressed the Council regarding the issue. She spoke in opposition to the electronic signs.

3.Phil Colvard, 520 Palm, Medford addressed the Council regarding electronic signs in Medford, He expressed concern regarding the motion but also the colors being used. It can be confusing if the colors are like emergency vehicles.

4.Brad Hicks, Executive Director of the Chamber of Commerce addressed the Council and provided information regarding concerns that local business have with the proposed amendment. The issues they are still concerned about are the ambiguous definitions such as "glare"; section 5 inconsistency issue; how to define animation and what that is; compliance measurements being taken from the prescribed distance in the ordinance but needs to be assured that the measurement is accurate; regarding height of signs in relation to traffic signals; regarding size in relation to Medford being a regional hub, feels size reduction is arbitrary. He suggested that the size and height amendments should be stricken from the amendment. He spoke to the definitions such as scintillating, disturbing, etc. as being techniques of animation and are subjective.

Mr. Hicks noted he also has brought a letter from Phones Plus to be submitted to the record.

5.Jared Pulver, 3908 Crystal Springs Drive, Medford addressed the Council regarding the code amendment and electronic signs. He spoke about concern that this is coming forward but wondered if it is still an issue, this came forward with complaints for the Verizon sign eighteen months ago. He felt this will impact the smaller business and signs currently existing and feels that this should be looked into further.

Councilmember Corcoran questioned what the Council should be addressing and Mr. Pulver responded that brightness is the biggest issue and possibly the refresh rate. Councilmember Corcoran questioned how this is affecting real estate and Mr. Pulver noted that the ability for this signage is one of the top five issues.

6.Jayme Sparks, 26 Maple Street, Central Point addressed the Council regarding the Biddle and McAndrews sign which he manages; he spoke to how this sign is managed by software to control brightness.

Councilmember Gordon questioned the rotation and refresh rate and Mr. Sparks noted is six seconds.

7.Kevin Stine, 1487 Poplar Dr., Medford spoke to the issue being the size of the signs. He noted that the Biddle Road sign is large but is not very distracting. He suggested that the Council take out the size requirements and pass that portion back to the Planning Commission. He addressed the definitions issue raised and agreed that these need to be refined.

8.Jim DeBoer, representing Rogue Credit Union, addressed the Council and questioned how this will affect the signage that they have already purchase and had in place. This has been taken down as they construct a new facility and wondered how this will affect them when they go to reinstall the sign. He noted that he does not have issue with brightness or animation, but size is an area that needs to be addressed.

Staff confirmed that given the proposed code language, this sign would likely not be able to be utilized if there was animation. Mr. DeBoer noted that they do want to use the full animation elements on their sign.

Councilmembers and staff had discussion to determine what "animation" was versus the "refreshment rate". Mr. Adam noted that the intent was not to cut out animation but to allow movement but not explosions such as fireworks. Councilmember Michaels asked if video movement behind the text would still be allowed and Mr. Adam stated yes; such as a flag waving.

9.Ward Farrell, 29345 Airport Road, Eugene addressed the Council and expressed support for the position brought forward by the Chamber ad hoc group.

10.Steve Erb, representing People's Bank, addressed the Council and noted that Peoples Bank has a digital sign that operates under a conditional use permit as they are located in a residential zone. They are concerned that if things change that they would not be able to put their sign back up. He stated that he feels that the Council does not have enough information to make a decision on this issue.

Public hearing closed.

Mr. Adam provided additional staff input and addressed questioned raised tonight; he noted that as these items could be addressed individually at a future meeting. He addressed the ambiguous terms issue the staff has reviewed the terms and have struck out the word "animation". He noted that is appears that everyone is on board regarding the issue is of brightness and the rapid effects such as explosions. He stated that the height and size appears to be an issue that needs to be further explored.

Mayor Wheeler questioned the issue raised by Mr. LaGrone regarding the retrofitting of their existing billboards. Mr. Adam noted that if the existing signs are already a non-conforming use, the additional of animation might exacerbate the non-conforming issues.

Councilmember Bunn requested further clarification regarding the height restriction for property adjacent to a signal. Mr. Adam noted that the entire property line is considered when looking at adjacent. However, he noted that depending on the location of buildings and structures the standard height is available by moving the sign further into the property (away from the property line).

Councilmember Gordon questioned if this would affect any highway signage from the freeway and Mr. Adam noted that there is the freeway overlay district that would manage these signs.

Councilmember Jackle noted he would like the conflicts within the code readdressed by the Planning

Commission; he feels this needs to be further reviewed prior to Council consideration.

Mayor Wheeler noted that this is a policy decision for Council to determine and will be used to define how our community looks. Councilmember Bunn noted he feels this is a policy determination that Council needs to undertake and that this should not be sent back to the Planning Commission; they have provided their recommendations. Councilmember Michaels noted that the main issue for him is the distraction of the animation.

Motion: Move to change the rate of message from 2 second to 5 seconds.
Moved by: Chris Corcoran Seconded by: Dick Gordon

Ms. Cooper noted that this action will only approve the amendment for the rate of message change. Councilmember Corcoran noted that his intention is that this would only apply to the text.

Roll Call: Councilmembers Chris Corcoran, Dick Gordon, Tim Jackle, Eli Matthews and Bob Strosser voted yes. Councilmembers Daniel Bunn and John Michaels voted no.
Motion carried and so ordered.

Councilmembers discussed the remaining modification proposed and determined they would like the issues to go back to the Planning Department for staff to incorporate information and address the concerns raised by the Council this evening. Councilmember Gordon noted he would like to have this brought forward to the Council in a study session prior to coming to a regular Council meeting.

Motion: Refer the balance of the proposed ordinance amendments to a future Council study session.
Moved by: Daniel Bunn Seconded by: Bob Strosser
Roll Call: Councilmembers Daniel Bunn, Bob Strosser, John Michaels, Tim Jackle, Dick Gordon, Eli Matthews and Chris Corcoran voting yes.
Motion carried and so ordered.

Councilmember Strosser requested that all of the participants of the public hearing be informed of the future study session meeting.

Mayor Wheeler declared a 10 minute recess.
****
Meeting reconvened with same persons present.

120.2 COUNCIL BILL 2014-144 An ordinance amending Sections 4.405, 4.718, 4.735, 4.761, 4.807, 4.1200 and 4.1206 of the Medford Code pertaining to Sanitary Sewer, Storm Drain and Street Utility fees effective July 15, 2015. (Legislative)

Cory Crebbin, Public Works Director addressed the Council and provided a staff report. He noted that this item is a part of the financial program that Council approved in 2009 to move the Public Works funding completely out of the General Fund. He noted that the timing for this to be approved now is to give customers an opportunity to adjust their budgets. The changes, if approved, would go into effect in July 2015. This would also allow the department to include these projected revenues in the upcoming budget cycle.

Councilmember Gordon questioned if there was additional revenue from the utility billing changeover included in this financial impact and Mr. Crebbin confirmed that revenue was already included.

Councilmember Gordon question if any consideration was given to charging customers outside of the City a higher fee and Mr. Crebbin clarified that no services are provided outside the City limits.

Councilmember Matthews questioned if the previous fees included a construction cost index adjustment and Mr. Crebbin noted sometimes; he also noted the construction cost index is stable at this time.

Public hearing opened.
None
Public hearing closed.

Motion: Adopt the ordinance amending the Medford Code pertaining to sanitary sewer, storm drain and street utility fees effective July 15, 2015.
Moved by: Daniel Bunn Seconded by: John Michaels

Councilmember Bunn spoke to his motion and noted that it is likely the Council will get pushback but feels that this is a basic service that the City should provide. Councilmember Michaels agreed and stated that the Council tabled this item last year and it is time to fund Public Works so that the City's infrastructure is maintained at the lowest cost cycle possible.

Councilmember Gordon stated he did not feel this has been fully vetted and feels this should be spread out differently; he wanted to know how this would affect the commercial businesses.

Councilmember Jackle noted he would be abstaining from this item as he did not have the historical information to make an informed decision.

Roll Call: Councilmember Daniel Bunn, John Michaels, Chris Corcoran, Eli Matthews and Bob Strosser voting yes. Councilmember Dick Gordon voted no. Councilmember Tim Jackle abstained.
Ordinance 2014-144 was duly adopted.

130. Ordinances and resolutions
None

140. Council Business

150. Further reports from the City Manager and staff
150.1 Mr. Swanson noted that the Council had received the Capital Improvement Update and any questions could be referred to Greg McKown.

150.2 Freshwater Trust Request – Cory Crebbin, Public Works Director
Mr. Swanson noted that a copy of a memo from Mr. Crebbin regarding the request from the Freshwater Trust group had been distributed to the Council. Mr. Crebbin noted that the request is to allow them to list

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: **120.1**

DEPARTMENT: Planning
PHONE: 541-774-2380
STAFF CONTACT: James E. Huber, Director

AGENDA SECTION: Public Hearings
MEETING DATE: November 20, 2014

CONTINUED FROM November 2, 2016
COUNCIL BILL 2014-141

An ordinance amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

ISSUE STATEMENT & SUMMARY:

This amendment of the Municipal Code Chapter 10 (Land Development) has the objective of providing regulations for electronic message signs. It includes a maximum night-time illumination standard, a method for measuring illumination, a requirement for a certification of compliance and adds and revises terms. The amendment also clarifies that nonconforming signs are not permitted to convert, revises the sign effects that are prohibited and slows the rate that messages change from two seconds to five seconds. Additionally, it prohibits flashing, exploding, fireworks, etc. and requires photocell technology. Lastly, it requires a greater setback and reduced height at signalized intersections, requires existing signs to comply with all new regulations except size and location within 180 days and reduces repetitive language by compiling regulations into two new sections.

BACKGROUND:

In response to citizen complaints about electronic message signs being too bright and text and animation changing too quickly, the City Council directed staff to prepare a code amendment to address three main concerns: the rate of message and animation changes, the spacing of electronic message signs, and brightness controls. The Planning Department drafted the amendment and forwarded it for agency and public comment in July. Comments from referral agencies and the public were received, and responses are included in the staff report findings. The Planning Commission conducted a noticed public hearing on August 28, 2014 and September 25, 2014. The Planning Commission voted to recommend City Council approval including their suggested changes.

A. **Council Action History**

At the May 16, 2013, City Council meeting, Council requested a study session to review the regulations regarding electronic message signs. Staff presented an analysis of existing regulations at a study session on August 29, 2013. Staff wrote a memorandum to City Council on October 31, 2013 providing its recommendations on how to proceed. Council directed staff to prepare a code amendment to address their three main concerns: the rate of message and animation changes; the spacing of electronic message signs; brightness controls.

B. **Analysis**

The proposal amends the Code in order to address Council's concerns. The rate of message and animation changes has been addressed by prohibiting fast effects, and slowing down the rate of message change from every two seconds to every five seconds. Further, Planning Commission recommends that animated signs be reduced in size by half in order to minimize the negative aesthetics of such signs. The spacing of electronic message signs is not addressed, but this concern should be alleviated by the regulation of brightness, a requirement to reduce the height or increase the setback at signalized intersections so that such signs do not interfere with traffic signals and signs, a slower rate of message change and the prohibition on fast effects. The

Council's concerns regarding brightness have been addressed by providing a night-time maximum permitted illumination standard of 0.3 footcandles, by requiring a 150-foot setback from residentially zoned property, by requiring photocell technology that will automatically dim the brightness of a sign based on changes in lighting conditions and by requiring certification of compliance from either the sign owner or the sign installer.

C. **Financial and/or Resource Considerations**
Minimal expense to purchase one luxmeter for Code Enforcement.

D. **Timing Issues**
There are no deadlines to meet for this code amendment; it was initiated at Council's request.

STRATEGIC PLAN:

Goal 6: Maintain and enhance community livability.

Objective 6.1: Promote the aesthetic quality of the urban environment.

Action 6.1e Present options for revising provisions of Chapter 10 of the Municipal Code that regulate electronic message signs.

COUNCIL OPTIONS:

1. Approve the ordinance.
2. Modify the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends approval of the ordinance as proposed, based on the finding that the code amendment approval criteria are met.

SUGGESTED MOTION:

I move to approve the ordinance amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

EXHIBITS:

Ordinance
Staff Report for file DCA-13-090 dated October 22, 2014, with exhibits attached.
Supplemental Staff Report
Chamber of Commerce Letter
Citizen Letter Received 11/7/14

ORDINANCE NO. _____

AN ORDINANCE amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1410, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.764 of the Medford Code is amended to read as follows:

10.764 Glare.

~~In all districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum permitted illumination in excess of 0.5 footcandles on any property in a residential district, other than the lot on which the glare is generated. This section is not intended to apply to public street lighting.~~

~~(1)~~A. Definitions.

~~Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.~~

Foot candle: A **foot candle is a** unit of illumination produced ~~on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle~~ **by a source of one candle at a distance of one foot and equal to one lumen incident per square foot. A foot candle is measured with a foot candle meter (also known as a lux meter).**

Glare: The brightness of a light source ~~which~~ **that** causes ~~eye discomfort~~ **momentary blindness, disability or discomfort to person(s) on adjacent properties or driving by. The maximum permitted illumination standards are intended to prevent glare.**

Lumen: A lumen is a measure of the amount of visible light emitted per second by an object. More lumens mean it is a brighter light. Fewer lumens mean it is a dimmer light.

Maximum Permitted Illumination: The maximum ~~illumination~~ **amount of light permitted as** measured in foot candles ~~at the interior buffer yard line at ground level in accordance with the standards of Subsection 4 below~~.

Night-time: At least 30 minutes past sunset shall be considered night-time.

~~Post Height: The distance measured from the grade at the base of the light post to the top of the light fixture.~~

B. Maximum Permitted Illumination Standards.

1. All Zoning Districts. In all zoning districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum night-time illumination in excess of 0.5 foot candles on any property in a residential district, other than the property on which the glare is generated.

2. Electronic Message Signs. In zoning districts where electronic message signs are permitted per Sections 10.1200–10.1800 such signs shall not exceed a maximum night-time illumination of 0.3 foot candles above ambient light conditions when measured at an appropriate distance as specified in 10.764(E)(4) below.

C. Exceptions to Illumination Standards. **The standards contained in this section shall not apply to:**

1. Public street lighting or traffic signals.

2. ~~Exemption for~~ Specified Outdoor Recreational Uses. Because of their unique requirements for night-time visibility and their limited hours of operation, lighting for ball diamonds, playing fields, and tennis courts is exempted from the exterior lighting standards of ~~Subsection (4) below~~ **this section**. Exterior lighting for **other** outdoor recreational uses must meet all ~~other~~ applicable requirements of this section and of this code.

3. Airport Lighting. Required navigational lighting at airports is exempt from the standards in this section. All other outdoor lighting at airport facilities shall comply with this section.

4. Construction and Renovation. All temporary outdoor lighting used for construction or major renovation of buildings, structures, and facilities is exempt from the standards in this section.

~~(3) Maximum Lighting Height for Specified Outdoor Recreational Uses. Notwithstanding height limitations elsewhere in this code, exterior lighting for the outdoor recreational uses specified in (2) above shall be permitted a maximum post height of ninety (90) feet. When a Conditional Use Permit is required for the specified outdoor recreational uses, additional height limitations may be imposed to meet approval criteria.~~

~~(4)~~D. Additional Glare Regulations. Notwithstanding any other provision of this section to the contrary:

~~(a)~~ 1. No flickering or flashing lights shall be permitted.

~~(b)~~ 2. Light sources or luminaires shall not be located within bufferyards **(Sections 10.790 and 10.801–10.802)** ~~areas~~ except on pedestrian walkways **(Sections 10.772–10.776)**.

~~(5)~~E. Measuring Illumination~~ement~~.

1. Lighting Certification. ~~When required, the measurement of lighting levels shall be conducted by the developer and certified by a licensed engineer that the~~ **After installation is complete, illumination shall be measured as described below and the sign owner or installer shall provide a signed agreement (provided by the Planning Department) confirming that the lighting is in compliance. Such agreement shall be submitted to the Planning Department.** ~~measurements have been conducted as per the following:~~

~~(a)~~2. Metering Equipment. Lighting levels shall be measured in foot candles with a ~~direct reading, portable light meter. The meter shall have a color and cosine corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.~~ **foot candle/lux/illuminance meter. The meter must have the ability to measure foot candles down to zero and provide a reading up to two decimal places. Place the meter on a fixed mount or tripod.**

3. Determine Square Footage. Multiply the height and width of the light source to be measured.

~~(b)~~4. ~~Method of Measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property~~

~~line at ground level. This procedure eliminates the effects of moonlight and other ambient light.~~ **Determine the Measurement Distance. Multiply the area of the light source from step (3) above by 100 and then take the square root of that number to determine your measurement distance in feet. For example, if the total area of the light source is 12 square feet, you would multiply 12 x 100 = 1200 and then take the square root of 1200 $\sqrt{1200}$- which is 34.6. Your measuring distance would be 35 feet. The distance should be measured perpendicular to the light source. The use of a measuring wheel is the most convenient way to measure the distance on the ground.**

5. **Method of Illumination Measurement.**

(i) For electronic message signs, measure at night-time as defined in this section.

(ii) Ensure that the light source to be measured can alternate between lighted and not lighted (or in the case of an electronic message sign can alternate between a solid white message and an "off" message).

(iii)From the distance determined in Step 4 above, orient your meter so that it is aimed at the center of the light source to be measured.

(iv) As the light source alternates between lighted and not lighted (or solid white and "off") note the range of values on the meter.

(v) For electronic message signs if the difference between the readings is less than 0.3 foot candles, then the brightness of the light source is in compliance. If not, the sign will need to be adjusted to a lower brightness level using the manufacturer's recommended procedures.

~~(6)~~F. Exterior Lighting Plan. At the time any exterior lighting is installed or substantially modified an exterior lighting -plan shall be submitted in order to determine whether the requirements of this section have been met. The lighting plan shall identify:

~~(a)~~1. Location of light fixtures.
~~(b)~~2. Type of luminaire.
~~(c)~~3. Height of luminaire.
~~(d)~~4. Maximum illumination.
~~(e)~~5. Cut-off angle.
6. **Hooding/shielding device(s).**

SECTION 2. Section 10.1010 of the Medford Code is amended to read as follows:

10.1010 **Sign** Definitions.

* * *

~~Indirect Illumination. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.~~

* * *

Scintillating. To sparkle or shine brightly. To emit flashes of light.

* * *

Sign, animated. Any sign or part of a sign which changes physical position by any movement or which gives the illusion of movement via video, text or images that appear to move or change in size or are revealed sequentially rather than all at once. This definition does not include static displays or rotating panels which are integrated within the sign.

* * *

Sign, flashing. A sign ~~incorporating~~ **that incorporates an** intermittent, ~~electrical impulses to a source of illumination or revolving in a manner~~ **blinking or flashing light source** ~~which creates the illusion of flashing, or which changes colors or intensity of illumination. This definition is not to include electronic message signs~~ **where the same displayed message is constantly repeated at extremely fast intervals.**

* * *

Sign, illuminated. A sign illuminated by an internal or external light source. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the message or image is composed of dot matrix or LEDs. External illumination is "direct" when the source of light is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

* * *

Static display. Any sign or part of a sign where the text or image has no movement.

Transition. A visual effect used on an electronic message sign to change from one message to another.

Transitions, types of. The following are different types of transitions used between message changes on electronic message signs:

Dissolve. Dissolve is a non-animated mode of message transition accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual, uniform and legible appearance of the second message.

Fade. Fade is a non-animated mode of message transition accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases to the point of legibility.

Scroll. Scrolling is a form of animated message transition where the message appears to move vertically across the display surface.

Travel. Travel is an animated mode of message transition where the message appears to move horizontally across the display surface.

* * *

SECTION 3. Section 10.1022 of the Medford Code is amended to read as follows:

10.1022 Exceptions to **Sign** Permit Requirements.
The provisions of Article VI shall not apply to:

* * *

(8) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. ~~In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.~~

* * *

SECTION 4. Section 10.1046 of the Medford Code is amended to read as follows:

10.1046 Definition of Nonconforming Signs.

All signs that do not conform to the specific standards of this Code may be considered legal nonconforming pursuant to Section 10.032, if the sign was erected in conformance with a valid permit and complied with all applicable laws at the time of the sign's installation. **Except for the conversion to an electronic message sign, a**~~A~~ll nonconformities shall be subject to the requirements of Sections 10.033 through 10.037.

SECTION 5. Section 10.1100 of the Medford Code is amended to read as follows:

10.1100 Prohibited Signs For All Districts.

The following signs are prohibited for all zoning districts:

(1) Signs on a truck, bus, car, boat, trailer, or other motorized vehicle and equipment are prohibited, except as provided in Section 10.1022(~~23~~).

* * *

(3) ~~Animated,~~ **S**scintillating, flashing, blinking, strobing, **undulating, pulsing, scrolling** and traveling lights; **and explosion and fireworks effects** ~~or any design created to give the illusion of motion~~ are prohibited. ~~This prohibition does not include electronic message signs.~~

* * *

SECTION 6. Section 10.1140 of the Medford Code is added to read as follows:

10.1140 Sign Standards for All Districts.

The following standards shall apply to all signs in all zoning districts.

A. Signs shall comply with the clear view of intersecting street standards in Section 10.735.

B. A sign proposed to be located along a state roadway (Highway 99, Crater Lake Highway 62, and Interstate 5) shall first receive an Outdoor Advertising Sign permit (or in the case of an electronic message sign a Digital Display permit) from the Oregon Department of Transportation (ODOT). Evidence of such permit shall be submitted with a sign permit application. In situations where Medford's sign standards conflict with ODOT's standards, the stricter standards shall prevail.

SECTION 7. Section 10.1150 of the Medford Code is added to read as follows:

10.1150 Electronic Message Sign Standards for All Districts.

The following standards shall apply to Electronic Message Signs in all zoning districts:

A. Comply with the glare standards in Section 10.764 including the lighting certification.

B. The displayed message shall not change more frequently than once every five seconds before transitioning to another message.

C. For animated electronic message signs, the message and transitions shall not appear to flash, blink, strobe, undulate, pulse, or portray explosions, fireworks, flashes of light, blinking, or have scintillating or travelling lights.

D. Such signs shall contain photocell technology that will automatically dim the brightness of the sign according to changing light conditions.

E. In order to ensure that electronic message signs do not impede the visibility of traffic signs and signals, nor distract drivers from such signs and signals, the height of a sign located adjacent to a signalized intersection shall be limited to eight feet. The height may increase one foot for each additional foot in setback from the property line up to the maximum height permitted in the zoning district.

F. The conversion of an existing conforming ground or wall sign to an electronic message sign is permitted.

G. The conversion of an existing nonconforming ground or wall sign to an electronic message sign is prohibited.

H. Any electronic message signs in existence on the date that these standards become effective shall be required to comply with Section 10.1150(A–D) within 180 days from the effective date. This requirement does not apply to the size or the location of existing signs.

SECTION 8. Section 10.1200 of the Medford Code is amended to read as follows:

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00, **SFR-2, SFR-4, SFR-6, and SFR-10**).

Signs shall be permitted only as follows in the single-family residential zoning districts:

(1) Undeveloped Subdivision/Planned Unit Development Signs: Two non-illuminated ground signs, not exceeding 50 square feet in area, and 14 feet in height and setback a minimum of 20 feet from any property line are permitted within an undeveloped subdivision/ planned unit development. Such signs may be installed on the undeveloped subdivision/planned unit development property after approval of the tentative plat by the Planning Commission. However, the sign must be removed no later than ~~2~~ **two** years after installation, unless the Planning Commission, upon due application prior to expiration of the ~~2~~ **two**-year period, determines that the continued maintenance of the sign is consistent with the purpose of this code, in which case an extension for an additional year may be granted. Electronic message signs are prohibited.

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage.

* * *

(a) Ground Signs:

(i) Maximum Size: 20 square feet per sign.

(ii) Maximum Height: ~~5~~ **Five** feet.

(iii) Minimum Setback: 15 feet from any property line.

(iv) Exempt **Signs**: Ground signs ~~within public parks, schools, or stadiums~~ that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

(i) Maximum Size: 20 square feet per sign.

(ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(iii) Exempt **Signs**: Wall signs ~~within public parks, schools, or stadiums~~ which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs:

* * *

(ii) Maximum ~~Size~~**Square Footage**: 20 square feet.

(iii) Maximum Height: **Five**~~5~~ feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) Comply with the standards in Section 10.1150.

~~(iv) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.~~

~~(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.~~

~~(vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.~~

(3) Planned Unit Development Signs: Residential Planned Unit Developments are permitted two ~~(2)~~ non-illuminated ground signs, subject to the following limitations:

(a) Maximum Height: ~~4~~ **Four** feet.

(b) Maximum Square Footage: 20 square feet per sign.

(c) Minimum Setback: ~~5~~ **Five** feet from any public right-of-way.

(d) Such signs may be installed after approval of the signs, and the Planned Unit Development by the Planning Commission.

(e) Electronic Message Signs are prohibited.

(4) Signs permitted in single-family residential zoning districts shall comply with Section 10.1140.

SECTION 9. Section 10.1300 of the Medford Code is amended to read as follows:

10.1300 Signs in Multiple-Family Residential Districts ~~(~~MFR-15~~)~~, ~~(~~MFR-20~~)~~ and ~~(~~MFR-30~~)~~. Signs shall be permitted only as follows in the ~~MFR-15, MFR-20 and MFR-30~~ **multi-family residential** zoning **districts**~~es~~:

* * *

(2) Multiple-family Dwelling Sign: For multiple-family dwellings containing four or more dwelling units, one sign not more than 10 square feet in area, either affixed to the building or free-standing is permitted. If free-standing, the sign shall not be located in any required yard area and shall not exceed ~~4~~ **four** feet in height and shall be mounted within a landscaped area or decorative planter. If affixed to the building, the sign may not project into a required yard area more than 18

inches. No part of any such sign shall be higher than the building height as defined in Section 10.705. Electronic Message Signs are prohibited.

(3) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage.

* * *

(a) Ground Signs:

(i) Maximum ~~Size~~ **Square Footage**: 20 square feet per sign.

(ii) Maximum Height: ~~5~~ **Five** feet.

(iii) Minimum Setback: 15 feet from any property line.

(iv) Exempt **Signs**: Ground signs ~~within public parks, schools, or stadiums~~ that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

(i) Maximum ~~Size~~ **Square Footage**: 20 square feet per sign.

(ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(iii) Exempt **Signs**: Wall signs ~~within public parks, schools, or stadiums~~ which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs:

* * *

(ii) Maximum ~~Size~~ **Square Footage**: 20 square feet.

(iii) Maximum Height: **Five** ~~5~~ feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) Comply with the standards in Section 10.1150.

~~(iv) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.~~

~~(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.~~

~~(vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.~~

(4) Planned Unit Development Signs: Residential Planned Unit Developments are permitted two ~~(2)~~ non-illuminated ground signs, subject to the following limitations.

(a) Maximum Height: ~~4~~ **Four** feet.

(b) Maximum Square Footage: 20 square feet per sign.

(c) Minimum Setback: ~~5~~ **Five** feet from any public right-of-way.

(d) Such signs may be installed after approval of the signs, and the Planned Unit Development by the Planning Commission.

(e) Electronic Message Signs are prohibited.

(5) Signs permitted in multi-family residential zoning districts shall comply with Section 10.1140.

SECTION 10. Section 10.1400 of the Medford Code is amended to read as follows:

10.1400 Signs in Service Commercial and Professional Offices (C-S/P): Basic Regulations. Signs shall be permitted only as follows in the C-S/P district:

(1) Ground Signs: Each parcel of land is permitted one ~~(1)~~ ground sign per street frontage, subject to the following limitations:

(a) Maximum Height: **Nine** ~~9~~ feet.

(b) Maximum Square Footage: 32 square feet per sign.

(c) Minimum Setback: **Five** ~~5~~ feet from any lot in a residential zoning district or from a street right-of-way.

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation. An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any lot in a residential zoning district or GLUP Map designation. An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) **Comply with the standards in Section 10.1150.**

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(iv) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in C-S/P zoning districts shall comply with Section 10.1140.

SECTION 11. Section 10.1410 of the Medford Code is amended to read as follows:

10.1410 Service Commercial and Professional Office (C-S/P: Additional Special Signs. Additional special signs shall be permitted as follows in the C-S/P district:

* * *

(3) Additional special signs permitted in C-S/P zoning districts shall comply with Section 10.1140.

SECTION 12. Section 10.1500 of the Medford Code is amended to read as follows:

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations. Signs shall be permitted as follows in the C-N district:

(1) Ground Signs: Not more than one ground sign may be placed on each lot or parcel subject to the following limitations:

(a) Maximum Height: **Nine** ~~9~~ feet.

(b) Maximum Square Footage: 36 square feet per sign.

(c) Minimum Setback: 10 feet from a lot in a residential zone or from a street right-of-way.

(d) Electronic Message Signs are permitted subject to Sections 10.248 through 10.250, and the following criteria:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to Sections 10.248 through 10.250, and the following criteria:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv)The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(6) Shopping Center Sign: In the case of shopping areas which are developed as a unit with common parking areas, one ground sign per vehicular access on a public street is permitted on the premises of a shopping center. One ~~(1)~~ ground sign may be up to 100 square feet in area and 20 feet in height. Each additional ground sign shall not exceed 30 square feet in area and 4 **four** feet in height. The shopping center ground signs allowed by this subsection (6) are in lieu of all other ground signs permitted in the zoning district, as listed under the Basic Regulations in Subsection (1) of this section. Such signs shall not project into public right-of-way.

(7) Signs permitted in C-N zoning districts shall comply with Section 10.1140.

SECTION 13. Section 10.1510 of the Medford Code is amended to read as follows:

10.1510 Neighborhood Commercial District (C-N): Additional Special Signs.
Additional Special Signs shall be permitted as follows in the C-N district:

* * *

(2) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height is permitted on each parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

* * *

(5) Temporary Sign: One temporary sign on each street frontage is allowed for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(6) Additional special signs permitted in C-N zoning districts shall comply with Section 10.1140.

SECTION 14. Section 10.1600 of the Medford Code is amended to read as follows:

10.1600 Central Business Overlay (CB): Basic Regulations.
Signs shall be permitted as follows in the CB district:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

* * *

(d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 75 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 150 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permited.~~

~~(v) The conversion of an existing, nonconfonming ground sign to an electronic message sign is prohibited~~

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

* * *

(d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a primary or secondary façade wall sign subject to the following limitations:

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii)All electronic message signs shall have automatic dimming capabilities that adjust the brightness~~ to the ambient light at all times of day and night.

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in the CB district shall comply with Section 10.1140.

SECTION 15. Section 10.1610 of the Medford Code is amended to read as follows:

10.1610 Central Business Overlay (CB): Additional Special Signs.

Additional special signs shall be permitted as follows in the CB district:

1) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height is permitted on each parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

(2) Drive-up Window Signs: One additional ground sign not to exceed 32 square feet in area and ~~6~~ **six** feet in height is permitted on each parcel of land occupied by a drive-up window. Such signs may not project into public right-of-way.

(3) Temporary Sign: One temporary sign on each street frontage is permitted for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(4) Portable Signs: One additional portable sign not to exceed 12 square feet in area for each business entrance is permitted. Such signs shall not be located within public right-of-way. The portable signs shall only be displayed when the business is open.

(5) Additional special signs permitted in the CB district shall comply with Section 10.1140.

SECTION 16. Section 10.1700 of the Medford Code is amended to read as follows:

10.1700 Signs in Community Commercial District (C-C) and Heavy Commercial District (C-H, and Regional Commercial District (C-R): Basic Regulations.

Signs shall be permitted as follows in the C-C, C-R, and C-H districts:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

* * *

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 75 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 150 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(6) Signs permitted in the C-C, C-R, and C-H districts shall comply with Section 10.1140.

SECTION 17. Section 10.1710 of the Medford Code is amended to read as follows:

10.1710 Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs:
Additional special signs shall be permitted as follows:
(1) Freeway Signs:
* * *

(b) One ~~(1)~~ sign not exceeding 250 square feet in area and 50 feet in height, shall be permitted on a parcel located within the Freeway Overlay District. Each parcel is also permitted one ~~(1)~~ sign not exceeding 150 square feet in area and 20 feet in height. Such signs are permitted in lieu of all ground signs permitted in the underlying zoning district, as listed under the Basic Regulations.
(2) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height for any single parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.
(3) Drive-up Window Business Sign: One ground sign not to exceed 32 square feet in area and six ~~(6)~~ feet in height for any single parcel of land occupied by a drive-up window business. Such signs may not project into public right-of-way.
* * *

(5) Temporary Sign: One temporary sign on each street frontage is allowed for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.
* * *

(7) Miles Field/Professional Baseball Park Signs: One ~~(1)~~ additional freestanding scoreboard sign, not to exceed 630 square feet in area and 30 feet in height; one ~~(1)~~ time of day/display sign located above the right field fence, not to be visible from outside the stadium after June 1, 1997, and not to exceed 30 square feet in area and 25 feet in height; one ~~(1)~~ ground sign not exceeding 150 square feet in area and 20 feet in height; one ~~(1)~~ wall sign identifying the facility, not to exceed 50 feet in area; and other additional ground signs located above the outfield fence, not to exceed a total of 3000 square feet and 20 feet in height. These outfield billboard signs shall be permitted until June

1, 1997, at which time they must either be removed or enclosed so that they cannot be viewed from outside the ball park. Signs permitted in subsection (8) are in lieu of signs permitted in the underlying zoning district, as listed under the basic regulations.

(8) Additional special signs permitted in the C-C, C-R, and C-H districts shall comply with Section 10.1140.

SECTION 18. Section 10.1800 of the Medford Code is amended to read as follows:

10.1800 Signs in Light Industrial (I-L), General Industrial (I-G), and Heavy Industrial (I-H): Basic Regulations.

Signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Ground Signs are subject to the following limitations:

* * *

(e) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 100 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 200 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in I-L, I-G, and I-H districts shall comply with Section 10.1140.

SECTION 19. Section 10.1810 of the Medford Code is amended to read as follows:

10.1810 Light Industrial (I-L), General Industrial (I-G) and Heavy Industrial (I-H): Additional Special Signs.

Additional special signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Fueling Station Signs: One ground sign per street frontage, not exceeding 32 square feet in area and ~~6~~ **six** feet in height for any single parcel of land occupied by a fueling station. Such signs shall not project into public right-of-way.

(2) Drive-up Window Signs: One ground sign not to exceed 32 square feet in area and ~~6~~ **six** feet in height for any single parcel of land occupied by a drive-up window business. Such signs shall not project into public right-of-way.

(3) Temporary Sign: One sign on each street frontage for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

* * *

(5) Additional special signs permitted in I-L, I-G, and I-H districts shall comply with Section 10.1140.

PASSED by the Council and signed by me in authentication of its passage this ____ day of __________________, 2014.

ATTEST: __________________________ ______________________________
City Recorder Mayor

APPROVED __________________, 2014. ______________________________
Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

CITY OF MEDFORD
PLANNING DEPARTMENT

Working with the community to shape a vibrant and exceptional city

SUPPLEMENT TO STAFF REPORT DATED SEPTEMBER 16, 2014

SUBJECT: Electronic Message Signs Code Amendment (DCA-13-090)
City of Medford, Applicant

TO: City Council for November 20, 2014 Hearing

FROM: Praline McCormack, Planner II, *via* James E. Huber, Planning Director JEH

DATE: November 11, 2014

This document serves as a supplement to the Staff Report dated September 16, 2014, and is intended to clarify and address issues that were raised at the City Council hearing on November 6, 2014.

In late October 2013, based on complaints from citizens regarding electronic message signs being too bright and text and animation changing too quickly, City Council directed staff to prepare a code amendment to address their concerns. These concerns included: the rate of message and animation changes, the spacing of electronic message signs, and brightness controls.

Briefly, the amendment addresses these concerns as follows:

1) **Rate of message change.** The amendment proposes to slow the rate of message change from 2 seconds to 5 seconds.
2) **Rate of animation change.** There is no proposal to slow the rate of animation. However, the amendment does include a prohibition on the more distracting, fast effects such as flickering, flashing, blinking, scintillating, etc., as well as explosions and fireworks.
3) **Spacing of electronic message signs.** If the City were to impose additional regulations regarding the spacing of electronic message signs and, for instance, only allow them every 25 feet, this would result in the elimination of sign rights for property owners who have small lots. Therefore, in lieu of spacing regulations the amendment proposes to mitigate the effects associated with electronic message signs by reducing their size. Originally, the amendment reduced the size of all electronic message signs in commercial and industrial zones by half. Based on testimony, the Planning Commission recommended that only the size of animated electronic signs in commercial and industrial zones be reduced by half. Static display signs will remain at the sizes currently permitted.

4) **Brightness controls.** The amendment addresses brightness by establishing a night-time maximum permitted illumination standard for electronic message signs of 0.3 foot candles. In addition, these signs will be required to have photocell technology that will automatically dim the brightness of the sign based upon changing light conditions. Lastly, the amendment requires sign owners to measure and certify that their sign complies with the new illumination standard.

At the November 6, 2014 City Council hearing the Chamber of Commerce submitted a letter outlining their concerns. These concerns included: ambiguous definitional terms, compliance measurements, electronic sign height, and sign sizes. These concerns are addressed below.

1) **Ambiguous definitional terms.** *Glare* – an objective sentence was added to the end of the definition of glare, "The maximum permitted illumination standards are intended to prevent glare." The maximum permitted illumination standards for electronic message signs are specified in Section 10.764(B)(2). Further, the amendment adds definitions for terms that were otherwise not defined. Some definitions can be found in Section 10.012. Lastly, for any undefined terms the *Land Development Code* refers to a specific edition of Merriam-Webster's Dictionary (10.010[10]).
2) **Compliance measurements**. When measuring brightness as proposed, one should exercise common sense concerning their safety. If the required distance from which to take the measurement occurs within an intersection, the measurement can be taken from the nearest corner instead. One may need to climb a ladder in order to take the measurement from the center of the sign. Since sign installers routinely have ladders, this would not be a burden.
3) **Electronic sign height**. The City has received complaints that these signs are distracting, especially at signalized intersections. At a Planning Commission Study Session the Public Works Traffic Engineer expressed concern regarding the placement of these signs at signalized intersections where signs can be 20-to 24-feet tall and traffic signals are typically 15-to 20-feet above an intersection. Therefore, for properties located adjacent to an intersection the amendment proposes to decrease height of electronic message signs to eight feet. Alternatively, the property owner may increase the sign's setback from the property line so that these signs are farther away from traffic signals. For every foot in increased setback the sign height may be increased by one foot (1:1 ratio).
4) **Sign sizes**. As previously stated, the Planning Commission recommended that animated electronic message signs be reduced in size by half in lieu of spacing standards.

It is staff's conclusion that the proposed amendment addresses Council's concerns without being overly restrictive. Staff recommends that Council approve it as recommended by the Planning Commission.

THE CHAMBER
OF MEDFORD JACKSON COUNTY

November 6, 2014

MAYOR AND CITY COUNCIL
c/o Jim Huber, Planning Director
City Hall
Medford, OR 97501

RE: ELECTRONIC SIGN ORDINANCE

Dear Mayor and Council:

I apologize if my verbal request for a continuance was unclear. The request was largely driven by the fact that the final draft of the Electronic Sign Ordinance, as reworked by the Planning Commission, only became available for review approximately one week ago. The members of the business community, for whom the interest in this ordinance is being expressed, are busy, spread-out and somewhat difficult to pull together on short notice. Additionally, it was our assumption that if the few days we've had to thoroughly review the new draft with these members was insufficient, it might also be beneficial to members of the City Council who might appreciate a little extra time to review the draft. As such, and by this letter, we herewith request a two week continuance on this matter.

As we were advised that the Council was unwilling to grant a continuance earlier in the day, we are left with little choice but to submit the following testimony that we've hurriedly pulled together based upon our testimony to the Planning Commission and earlier discussions we've had with our interested members.

Our concerns include:

Ambiguous Definitional Terms: The ordinance continues to rely upon ambiguous terms. For example, the definition of "glare" continues to contain reference to causing "discomfort." Obviously, the term discomfort is open to many interpretations. Presumably, signs that meet the objective standards of the new ordinance should be not be considered discomforting.

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| business@medfordchamber.com | info@medfordchamber.com | www.medfordchamber.com |

Terms such as neither discomforting nor any of the other ambiguous terms used to define prohibited signs should be used in neither sign permitting nor enforcement. The ordinance should make this clear. Otherwise, permits to place a sign or actions to enforce the sign standards will be wholly dependent upon the a Planning Department employee's opinion as to whether a sign is, for example, "discomforting" or "scintillating." Some would argue that *any* non-static electronic sign is "discomforting," "scintillating," "flashing," "blinking," "strobeing," "undulating," "pulsing" or any of the other ambiguous terms used to describe impermissible electronic signs.

In Oregon, land use laws are required to be clear and objective. The above cited terms used in the ordinance are neither clear nor objective. We urge the City Council remove these ambiguous terms from the ordinance in favor of standards that are more objectively enforceable. No sign owner should be placed in a position where an expensive sign is regulated out of existence based upon a Planning Department employee's interpretation of what is or is not, for example, producing "discomfort."

Compliance Certifications: Provisions of the earlier draft ordinance required a licensed engineer's certification of compliance when sign permits are applied for, and after installation to verify compliance. We objected to this before the Planning Commission and we appreciate that it has been changed to require only an agreement to verify compliance — more of a self-certification proposition. This was is a significant improvement to the ordinance based upon our earlier comments.

Compliance Measurements: The ordinance continues to require brightness measurements based upon a formula and requirement that measurements be taken perpendicular to the sign. As we earlier pointed out, these standards are likely to produce incidents where the measurements must be taken within a busy street or intersection *and* at an elevation equal to that of the sign. To measure, for example, the oft cited Verizon sign in Medford or the sign at the Biddle/McAndrews intersection, one would need to take up position within the street intersection atop a ladder (or other means) to enable compliance measurements at the same elevation as the sign. Doing so would be dangerous both for sign owners adjusting their signs and public employees conducting the measurements as a matter of enforcement. We recommend that you continue to urge a different method to measure brightness that is safe and reasonable before this ordinance is adopted. One option would be to eliminate standards for brightness altogether. A second option would be a means of brightness measurement that can be taken nearer to the sign.

Electronic Sign Height: The new ordinance draft continues to require electronic signs adjacent to an intersection to observe a maximum height of 8 feet so as not to distract drivers from traffic signs and signals. However, the city staff has conceded that there is no evidence, even from the city's police department, that electronic signs have produced a greater incidence of traffic accidents at intersections where the signs presently exist. If adopted, the 8-foot height standard would make some or most electronic signs at intersections nonconforming as to height, necessitating compliance when a sign is sought to be physically changed or relocated. This standard represents a solution in search of a problem and the Council should remove it from further consideration.

Sign Sizes: Earlier ordinance drafts reduced sign size (for electronic signs) by 50 percent for most commercial and industrial zones. That was changed by the Planning Commission to say that *static* electronic signs would not be reduced in size from the present standards, but animated electronic signs would be reduced by 50 percent. The same will have the effect of making existing lawful animated electronic signs nonconforming (although conformance is not now required within 180 days as had been earlier proposed). A Chamber member in the electronic sign business offered the following insights with respect to reducing sign size:

- This company now converts existing signs (which conform to size) to electronic messaging signs. Most existing sign structures conform to Medford's existing size standards which have not changed for many years. If the ordinance passed in its present form, electronic sign conversions would be limited to static (but not animated) sign conversions. This would necessitate the removal and replacement of entire sign structures in order to convert an existing sign to an animated electronic one.

- A 10 by 20 (200 square foot) sign is an industry-standard size and the smallest size this company builds nationwide. Smaller sizes would require expensive customization. Presently in Medford, the largest permissible signs are in industrial zones where the standard is 200 square feet.

- Medford already has the smallest permissible size for billboards and any reduction in size will cause difficulty in utilizing technology to display messages.

We appreciate the Council's consideration of these points and ask that this letter be made a part of the formal record.

Sincerely,

Brad S. Hicks

Brad S. Hicks, CCE
President & CEO

Thursday, November 06, 2014

MINUTES OF THE MEDFORD CITY COUNCIL MEETING

November 6, 2014
Noon

The meeting was called to order at noon in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Dick Gordon, Daniel Bunn, Bob Strosser, Eli Matthews, Tim Jackle, John Michaels and Chris Corcoran (*left and returned as noted).

City Manager Eric Swanson; Deputy City Attorney Lori Cooper; City Recorder Glenda Wilson.

Introduction of the McLoughlin Students of the Month
Rick Parsakian, Assistant Principal updated the Council on school activities and introduced the students.

20. Approval or correction of the minutes of the October 16, 2014 regular meeting and the October 30, 2014 special meeting
There being no corrections or amendments, the minutes were approved as presented.

30. Oral requests and communications from the audience
30.1 Mayor Wheeler read a proclamation regarding Partner of the Rogue Valley Food System Network. Greg Holmes, Chair of the Rogue Valley Food System Network addressed the Council and thanked them for their support. He invited the Council to the November 19th presentation on the Future of Food and Farming in the Rogue Valley.

30.2 Quarterly Governmental Relations update by SmithWest Co.
Chris Smith addressed the Council and provided an update on activities including FEMA consultation and feedback to the National Fisheries Service and FEMA; work with ODOT on the viaduct issues; work with RVCOG on carbon monoxide modeling. He spoke to his desire to coordinate a meeting with Council and Irrigation District members to discuss the implications of the Klamath Basin water issues as this will affect our area. He noted Four Mile reservoir is specifically identified and this could impact 6,000 acres of Rogue Valley irrigated land.

30.3 Economic Improvement District update by Metro Medford
Diane Raymond, Executive Director address the Council and provided an update on Metro Medford efforts in establishing an Economic Improvement District in the downtown core. She noted the next steps are for the City to send an official letter announcing the public hearings before the Council.

Motion: Direct staff to bring forward a resolution at the next Council meeting to initiate the establishment of an EID.
Moved by: Dick Gordon Seconded by: Bob Strosser

Councilmember Gordon requested that staff look at not charging the 5% for administration of the collection of the fee. Councilmember Bunn questioned the inclusion of the city property in the assessment as a means to support the downtown EID.

Roll Call: Councilmembers Dick Gordon, Bob Strosser, Daniel Bunn, Chris Corcoran, John Michaels, Tim Jackle and Eli Matthews voting yes.
Motion carried and so ordered.

30.4 Dennis Reich, representing the Fresh Water Trust, addressed the Council regarding the Oregon Watershed Enhancement Board's effort to prioritize basins in the State. The Fresh Water Trust is submitting comments in support of the Rogue Valley Basin be identified as a prioritized basin. He requested the inclusion the City of Medford as a partner in submitting their comments. City Manager Swanson noted that city staff has been in discussion with DEQ on this issue and staff would be in contact with them regarding this request.

30.5 Mike Whitefield representing the Rogue Valley Vet Outreach program addressed the Council regarding a request for a Special Events permit. Lynette O'Neal, Assistant to the Deputy City Manager addressed the Council and noted that staff is reviewing the permit and this should not be an issue to authorize.

30.6 Kevin Stine, Ward 3 City Council Elect, addressed the Council and expressed appreciation to the voters who supported his campaign. He expressed his commitment to work with all citizens, whether they voted for him or not. He congratulated Council Elect Clay Bearnson and Mike Zarosinski on their elections.

40. Consent calendar
None

50. Items removed from consent calendar

60. Ordinances and resolutions
60.1 COUNCIL BILL 2014-136 A resolution updating information on previously presented delinquent assessments.

Alison Chan, Finance Director provided a staff report and noted that this action corrects issues with tax account numbers that were not correct on the previous action and includes some additional charges for the same properties that were not included.

Councilmember Jackle questioned why the City was not pursuing small claims action on these rather than foreclosure action. Ms. Chan noted that the City has only gone to small claims on one Municipal Court action. She noted that the foreclosure process takes up to a year to get to the actual foreclosure sale and during that time multiple notifications are given to the property owner. Glenda Wilson, City Recorder noted that these are largely vacant, foreclosures that are bank owned with no residents in the property.

Manor representatives is scheduled for next week. Councilmember Gordon suggested postponing this item until the next meeting. Councilmembers discussed the issue of postponement of the agreement and the time that has already been spent in negotiations to try to resolve this issue.

Motion: Adopt the ordinance authorizing execution of an Intergovernmental Agreement with Oregon Department of Transportation for Larson Creek Trail Segment II Improvements.
Moved by: Daniel Bunn Seconded by: John Michaels

Councilmember Bunn spoke to his motion and noted that this will signal our intent to move forward with this project.

Roll Call: Councilmembers Daniel Bunn, Tim Jackle, Eli Matthews, John Michaels and Bob Strosser voting yes. Councilmembers Chris Corcoran and Dick Gordon voting no.
Ordinance passed to a second reading.

70. Council Business
70.1 Councilmember Bunn addressed the Council regarding an oral request that the electronic sign code amendment, Agenda Item 120.2 be continued. Staff is requesting that the public hearing be opened so that any member of the audience who is here to speak to the item may speak. He is requesting Council discussion on the issue of continuing the item to the next meeting. He noted that the issues for the continuance request were not stated. Council discussed the request and suggested that staff contact the requestor and obtain a written request including grounds for the request.

80. City Manager and other staff reports
80.1 Police Facility – Site Plan & Architectural Commission Hearing
Greg McKown, Parks & Facilities Superintendent addressed the Council and provided an update on the exterior design presentation to be given at the Site Plan & Architectural Commission tomorrow. Councilmember Gordon questioned the landscaping plan and Mr. McKown provided on overview of the bioswale area. David Wilkerson spoke to the landscaping along the streetscapes and noted that the proposed landscaping design meets all City requirements and standards.

Mr. McKown noted that the process for the project is on schedule and anticipates that the request for bids will be released in January.

*Councilmember Corcoran left the meeting.

90. Propositions and remarks from the Mayor and Councilmembers
90.1 Proclamations issued:
Partner of the Rogue Valley Food System Network.
Pancreatic Cancer Awareness Month, November 2014

90.2 Further Council committee reports.

90.3 Further remarks from Mayor and Councilmembers.

100. Adjournment to the evening session
Meeting adjourned to the evening session at 1:53 p.m.

****

EVENING SESSION

The meeting was called to order at 7:05 p.m. in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Dick Gordon, Daniel Bunn, Bob Strosser, Eli Matthews, Tim Jackle, John Michaels and Chris Corcoran.

City Manager Eric Swanson; Deputy City Attorney Lori Cooper; City Recorder Glenda Wilson.

110. Oral requests and communications from the audience

120. Public hearings
120.1 COUNCIL BILL 2014-140 An ordinance amending Sections 5.600 and 5.990 and adding Sections 5.601 through 5.604 of the Medford Code pertaining to control of dangerous dogs.

Kevin McConnell, Deputy City Attorney provided a staff report. He reviewed the ordinance and changes to the code that this will create. He noted that he would ask for an amendment to the ordinance be included to add 5.603(1)(c) to be added in the penalty list section.

Councilmembers discussed the proposed ordinance.

Public hearing opened.
None.
Public hearing closed.

Motion: Adopt the ordinance as amended to include 5.603(1)(c) in 5.990(4).
Moved by: Bob Strosser Seconded by: John Michaels

Councilmember Strosser spoke in support of his motion.

Roll Call: Councilmembers Bob Strosser, John Michaels, Tim Jackle, Chris Corcoran, Dick Gordon, Eli Matthews and Daniel Bunn voting yes.
Ordinance 2014-140 was duly adopted.

120.2 COUNCIL BILL 2014-141 An ordinance amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

Mayor Wheeler noted that Council has received a request for a continuance of this item. He requested a staff report and then a motion for continuance would be considered.

John Adam, Senior Planner addressed the Council and provided a staff report. He noted that this ordinance has the objective of providing regulations for electronic message signs. It includes a maximum night-time illumination standard, a method for measuring illumination, a requirement for a certification of compliance, adds and revises terms. The amendment also clarifies that nonconforming signs are not permitted to convert, revises the sign effects that are prohibited, and slows the rate that messages change from two seconds to five seconds. Additionally, it prohibits flashing, exploding, fireworks, etc., and requires photocell technology. Lastly it requires a greater setback and reduced height at signalized intersections, requires existing signs to comply with all new regulations except size and location within 180 days, and reduces repetitive language by compiling regulations into two new sections.

Mr. Adam noted that the Planning Commission held two study sessions and two public hearings on this code amendment and is recommending approval.

Councilmember Michaels questioned if staff had time to review and address the issues presented by the Chamber of Commerce in their letter requesting the continuance. Mr. Adam noted that staff has not had time to review but based on a quick read of their issues, these were addressed during the public hearings before the Planning Commission.

Councilmember Jackle questioned the use of these types of signs in residential zones and noted he would not be in favor of allowing them.

Councilmember Corcoran questioned existing signs and Mr. Adam noted that they would need to adhere to the new code language with the exception of size and location.

Public hearing opened.
1.Rob LaGrone, CBS Outdoor 135 Silver Land #230, Eugene, addressed the Council regarding the proposed changes. He spoke to the difficulty with these regulations as they retrofit their existing billboards. He requested Council consider modification of the code to allow retrofitting to the size of their existing billboards. He noted that they follow national guidelines and state law which is comparable to what is being proposed.

2.Brad Hicks, Executive Director of the Chamber of Commerce addressed the Council. He noted he is not prepared to testify tonight, but clarified that the letter he sent did request the continuance.

Councilmember Michaels questioned if the testimony to be presented by the Chamber in two weeks would be different than what they testified at the Planning Commission hearings. Mr. Hicks noted the request for a continuance was to allow local sign business representatives to attend the meeting to provide testimony.

Motion: Continue Agenda Item 120.2 to the November 20, 2014 Council meeting.
Moved by: Dick Gordon Seconded by: Chris Corcoran

Councilmember Gordon spoke to his motion to support the continuance. Councilmembers discussed the motion.

Roll Call: Councilmembers Dick Gordon, Chris Corcoran, Bob Strosser, Daniel Bunn, Eli Matthews, Tim Jackle and John Michaels voting yes.
Motion carried and so ordered.

130. Ordinances and resolutions
None

140. Council Business
140.1 Councilmember Bunn addressed the Council regarding the upcoming Boards & Commission interview process. He noted there are two sets of interviews to be done; those individuals to be interviewed by the entire Council and those who are interviewed by the Council liaisons and Board or Commission chairperson. The Council Officers discussed this topic and are recommending that the newly elected Councilmembers be invited to sit in on the full Council interviews and that these vacant positions be voted on in January with the new Councilmembers. The remaining interviews would be with the existing Councilmembers and the voting on the recommendations to be done in December. Council concurred.

140.2 Councilmember Bunn noted that staff is suggesting interview dates for the full Council of November 13, December 4 and December 11. Councilmembers are to let staff know if any of these dates will not work.

140.3 Councilmember Bunn noted that as Michael Zarosinski will no longer be on the Planning Commission that will be five vacancies on that commission. He requested Council consideration of extending the application period for two weeks. Council concurred.

140.4 Councilmember Gordon noted that the Site Plan & Architectural Commission will also have a vacancy for the landscape architect position and requested that Council support additional two weeks for applications for that commission. Council concurred.

150. Further reports from the City Manager and staff
150.1 Mr. Swanson reported that a request for proposal for the Communication Specialist has been issued and anticipate response evaluation and recommendation will be forthcoming in December.

150.2 Mr. Swanson noted that the next radio spot is November 10th with Bill Meyer. Councilmember Michaels noted he would attend and would invite newly elected Councilmembers to join him on the show.

150.3 Mr. Swanson provided an update on the November and December Medford Forum shows as the regular dates were holidays.

150.4 Mr. Swanson reported on the Bear Creek Greenway Restoration project led by Jim Hutchins.

150.5 Mr. Swanson reported that a meeting for the public was held on October 30th regarding the Urban

Reserves. There were approximately 150 attendees.

150.6 Mr. Swanson noted that Council had received a memo from John Adam with information on the Urban Growth Boundary expansion.

150.7 Mr. Swanson reported that he has met with staff to discuss problem properties and need for renovation or demolition. A staff committee has been formed and this will be coming back to Council in a study session with recommendations on how to address the varied issues and financing needs. Sam Barnum is the lead on this issue. Councilmember Michaels noted he would like to also have drug houses addressed.

160. Propositions and remarks from the Mayor and Councilmembers
160.1 Further Council committee reports.
a. Councilmember Strosser reported on the Water Commission meeting; topics included a study session on Urban Growth Boundary process; discussion on Resolution 1058 and that modification of this resolution is not needed; software update issues impacting finalization of the audit but it is anticipated to be presented in December.

b. Councilmember Bunn reported on the Rogue Valley Area Commission on Transportation meeting and a presentation by ODOT on how transportation funding occurs at State and Federal levels. He noted the presentation was not very optimistic for future State or Federal funding for local transportation needs and the Council may want to consider fully funding streets maintenance out of the General Fund.

160.2 Further remarks from Mayor and Councilmembers.

a.Councilmember Corcoran attended a tour by the Bear Creek Watershed Council. He noted this was attended by several State agencies and that Bear Creek has been upgraded from poor to fair in regards to the water quality. The biggest issue with the water quality is the emptying of storm drains into the creek. He spoke to the amount of dirt and erosion occurring and how the Council could look at funding upgrades to the system in the upcoming budget.

b.Mayor Wheeler spoke to the work being completed by Jim Hutchins and his students in planting trees along Bear Creek.

c.Mayor Wheeler reminded the audience regarding the Veteran's Day Parade to occur at 11:00 a.m. on November 11th.

170. Adjournment
There being no further business the meeting adjourned at 8:40 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's office. The complete agenda of this meeting is filed in the City Recorder's office.

Glenda Wilson
City Recorder

11-6-14 CC Agenda.pdf
(13038.2KB)

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 120.2

DEPARTMENT: Planning
PHONE: 541-774-2380
STAFF CONTACT: James E. Huber, Director

AGENDA SECTION: Public Hearings
MEETING DATE: November 6, 2014

COUNCIL BILL 2014-141

An ordinance amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

ISSUE STATEMENT & SUMMARY:

This amendment of the Municipal Code Chapter 10 (Land Development) has the objective of providing regulations for electronic message signs. It includes a maximum night-time illumination standard, a method for measuring illumination, a requirement for a certification of compliance, adds and revises terms. The amendment also clarifies that nonconforming signs are not permitted to convert, revises the sign effects that are prohibited, and slows the rate that messages change from two seconds to five seconds. Additionally, it prohibits flashing, exploding, fireworks, etc., and requires photocell technology. Lastly it requires a greater setback and reduced height at signalized intersections, requires existing signs to comply with all new regulations except size and location within 180 days, and reduces repetitive language by compiling regulations into two new sections.

BACKGROUND:

In response to citizen complaints about electronic message signs being too bright and text and animation changing too quickly, the City Council directed staff to prepare a code amendment to address three main concerns: the rate of message and animation changes, the spacing of electronic message signs, and brightness controls. The Planning Department drafted the amendment and forwarded it for agency and public comment in July. Comments from referral agencies and the public were received, and responses are included in the staff report findings. The Planning Commission conducted a noticed public hearing on August 28, 2014 and September 25, 2014. The Planning Commission voted to recommend City Council approval including their suggested changes.

A. Council Action History

At the May 16, 2013, City Council meeting, Council requested a study session to review the regulations regarding electronic message signs. Staff presented an analysis of existing regulations at a study session on August 29, 2013. Staff wrote a memorandum to City Council on October 31, 2013 providing its recommendations on how to proceed. Council directed staff to prepare a code amendment to address their three main concerns: the rate of message and animation changes, the spacing of electronic message signs and brightness controls.

B. Analysis

The proposal amends the Code in order to address Council's concerns. The rate of message and animation changes has been addressed by prohibiting fast effects, and slowing down the rate of message change from every two seconds to every five seconds. Further, Planning Commission recommends that animated signs be reduced in size by half in order to minimize the negative aesthetics of such signs. The spacing of electronic message signs is not addressed, but this concern should be alleviated by the regulation of brightness, a requirement to reduce the height or increase the setback at signalized intersections so that such signs do not interfere with traffic signals and signs, a slower rate of message change, and the prohibition on fast effects. The Council's concerns regarding brightness have been addressed by providing a night-time

maximum permitted illumination standard of 0.3 footcandles, by requiring a 150-foot setback from residentially zoned property, by requiring photocell technology that will automatically dim the brightness of a sign based on changes in lighting conditions, and by requiring certification of compliance from either the sign owner or the sign installer.

C. **Financial and/or Resource Considerations**
Minimal expense to purchase one luxmeter for Code Enforcement.

D. **Timing Issues**
There are no deadlines to meet for this code amendment; it was initiated at Council's request.

STRATEGIC PLAN:

Goal 6: Maintain and enhance community livability.

Objective 6.1: Promote the aesthetic quality of the urban environment.

Action 6.1e Present options for revising provisions of Chapter 10 of the Municipal Code that regulate electronic message signs.

COUNCIL OPTIONS:

1. Approve the ordinance.
2. Modify the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends approval of the ordinance as proposed, based on the finding that the code amendment approval criteria are met.

SUGGESTED MOTION:

I move to approve the ordinance amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

EXHIBITS:

Ordinance
Staff Report for file DCA-13-090 dated October 22, 2014, with exhibits attached.

ORDINANCE NO. _____

AN ORDINANCE amending Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1410, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 of the Medford Code and adding Sections 10.1140 and 10.1150 pertaining to electronic message signs.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.764 of the Medford Code is amended to read as follows:

10.764 Glare.

~~In all districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum permitted illumination in excess of 0.5 footcandles on any property in a residential district, other than the lot on which the glare is generated. This section is not intended to apply to public street lighting.~~

~~(1)~~**A.** Definitions.

~~Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.~~

Foot candle: A **foot candle is a** unit of illumination produced ~~on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle~~ **by a source of one candle at a distance of one foot and equal to one lumen incident per square foot. A foot candle is measured with a foot candle meter (also known as a lux meter).**

Glare: The brightness of a light source ~~which~~ **that** causes ~~eye discomfort~~ **momentary blindness, disability or discomfort to person(s) on adjacent properties or driving by. The maximum permitted illumination standards are intended to prevent glare.**

Lumen: A lumen is a measure of the amount of visible light emitted per second by an object. More lumens mean it is a brighter light. Fewer lumens mean it is a dimmer light.

Maximum Permitted Illumination: The maximum ~~illumination~~ **amount of light permitted** as measured in foot candles ~~at the interior buffer yard line at ground level in accordance with the standards of Subsection 4 below~~.

Night-time: At least 30 minutes past sunset shall be considered night-time.

~~Post Height: The distance measured from the grade at the base of the light post to the top of the light fixture.~~

B. Maximum Permitted Illumination Standards.

1. All Zoning Districts. In all zoning districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum night-time illumination in excess of 0.5 foot candles on any property in a residential district, other than the property on which the glare is generated.

2. Electronic Message Signs. In zoning districts where electronic message signs are permitted per Sections 10.1200–10.1800 such signs shall not exceed a maximum night-time illumination of 0.3 foot candles above ambient light conditions when measured at an appropriate distance as specified in 10.764(E)(4) below.

C. Exceptions to Illumination Standards. **The standards contained in this section shall not apply to:**

1. Public street lighting or traffic signals.

2. ~~Exemption for~~ Specified Outdoor Recreational Uses. Because of their unique requirements for night-time visibility and their limited hours of operation, lighting for ball diamonds, playing fields, and tennis courts is exempted from the exterior lighting standards of ~~Subsection (4) below~~ **this section**. Exterior lighting for **other** outdoor recreational uses must meet all ~~other~~ applicable requirements of this section and of this code.

3. Airport Lighting. Required navigational lighting at airports is exempt from the standards in this section. All other outdoor lighting at airport facilities shall comply with this section.

4. Construction and Renovation. All temporary outdoor lighting used for construction or major renovation of buildings, structures, and facilities is exempt from the standards in this section.

~~(3) Maximum Lighting Height for Specified Outdoor Recreational Uses. Notwithstanding height limitations elsewhere in this code, exterior lighting for the outdoor recreational uses specified in (2) above shall be permitted a maximum post height of ninety (90) feet. When a Conditional Use Permit is required for the specified outdoor recreational uses, additional height limitations may be imposed to meet approval criteria.~~

~~(4)~~**D.** Additional **Glare** Regulations. Notwithstanding any other provision of this section to the contrary:

~~(a)~~ **1.** No flickering or flashing lights shall be permitted.

~~(b)~~ **2.** Light sources or luminaires shall not be located within bufferyards **(Sections 10.790 and 10.801–10.802)** ~~areas~~ except on pedestrian walkways **(Sections 10.772–10.776)**.

~~(5)~~**E.** Measuring **Illumination**~~ement~~.

1. Lighting Certification. ~~When required, the measurement of lighting levels shall be conducted by the developer and certified by a licensed engineer that the~~ **After installation is complete, illumination shall be measured as described below and the sign owner or installer shall provide a signed agreement (provided by the Planning Department) confirming that the lighting is in compliance. Such agreement shall be submitted to the Planning Department.** ~~measurements have been conducted as per the following:~~

~~(a)~~**2.** Metering Equipment. Lighting levels shall be measured in foot candles with a ~~direct reading, portable light meter. The meter shall have a color and cosine corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.~~ **foot candle/lux/illuminance meter. The meter must have the ability to measure foot candles down to zero and provide a reading up to two decimal places. Place the meter on a fixed mount or tripod.**

3. Determine Square Footage. Multiply the height and width of the light source to be measured.

~~(b)~~**4.** ~~Method of Measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property~~

~~line at ground level. This procedure eliminates the effects of moonlight and other ambient light.~~ **Determine the Measurement Distance. Multiply the area of the light source from step (3) above by 100 and then take the square root of that number to determine your measurement distance in feet. For example, if the total area of the light source is 12 square feet, you would multiply 12 x 100 = 1200 and then take the square root of 1200 $\sqrt{1200}$- which is 34.6. Your measuring distance would be 35 feet. The distance should be measured perpendicular to the light source. The use of a measuring wheel is the most convenient way to measure the distance on the ground.**

5. **Method of Illumination Measurement.**

(i) For electronic message signs, measure at night-time as defined in this section.

(ii) Ensure that the light source to be measured can alternate between lighted and not lighted (or in the case of an electronic message sign can alternate between a solid white message and an "off" message).

(iii)From the distance determined in Step 4 above, orient your meter so that it is aimed at the center of the light source to be measured.

(iv) As the light source alternates between lighted and not lighted (or solid white and "off") note the range of values on the meter.

(v) For electronic message signs if the difference between the readings is less than 0.3 foot candles, then the brightness of the light source is in compliance. If not, the sign will need to be adjusted to a lower brightness level using the manufacturer's recommended procedures.

~~(6)~~**F.** Exterior Lighting Plan. At the time any exterior lighting is installed or substantially modified an exterior lighting -plan shall be submitted in order to determine whether the requirements of this section have been met. The lighting plan shall identify:

~~(a)~~**1.** Location of light fixtures.

~~(b)~~**2.** Type of luminaire.

~~(c)~~**3.** Height of luminaire.

~~(d)~~**4.** Maximum illumination.

~~(e)~~**5.** Cut-off angle.

6. Hooding/shielding device(s).

SECTION 2. Section 10.1010 of the Medford Code is amended to read as follows:

10.1010 **Sign** Definitions.

* * *

~~Indirect Illumination. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.~~

* * *

Scintillating. To sparkle or shine brightly. To emit flashes of light.

* * *

Sign, animated. Any sign or part of a sign which changes physical position by any movement or which gives the illusion of movement via video, text or images that appear to move or change in size or are revealed sequentially rather than all at once. This definition does not include static displays or rotating panels which are integrated within the sign.

* * *

Sign, flashing. A sign ~~incorporating~~ **that incorporates an** intermittent, ~~electrical impulses to a source of illumination or revolving in a manner~~ **blinking or flashing light source** ~~which creates the illusion of flashing, or which changes colors or intensity of illumination. This definition is not to include electronic message signs~~ **where the same displayed message is constantly repeated at extremely fast intervals.**

* * *

Sign, illuminated. A sign illuminated by an internal or external light source. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the message or image is composed of dot matrix or LEDs. External illumination is "direct" when the source of light is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

* * *

Static display. Any sign or part of a sign where the text or image has no movement.

Transition. A visual effect used on an electronic message sign to change from one message to another.

Transitions, types of. The following are different types of transitions used between message changes on electronic message signs:

Dissolve. Dissolve is a non-animated mode of message transition accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual, uniform and legible appearance of the second message.

Fade. Fade is a non-animated mode of message transition accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases to the point of legibility.

Scroll. Scrolling is a form of animated message transition where the message appears to move vertically across the display surface.

Travel. Travel is an animated mode of message transition where the message appears to move horizontally across the display surface.

* * *

SECTION 3. Section 10.1022 of the Medford Code is amended to read as follows:

10.1022 Exceptions to **Sign** Permit Requirements.
The provisions of Article VI shall not apply to:

* * *

(8) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. ~~In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.~~

* * *

SECTION 4. Section 10.1046 of the Medford Code is amended to read as follows:

10.1046 Definition of Nonconforming Signs.

All signs that do not conform to the specific standards of this Code may be considered legal nonconforming pursuant to Section 10.032, if the sign was erected in conformance with a valid permit and complied with all applicable laws at the time of the sign's installation. **Except for the conversion to an electronic message sign, a**~~A~~ll nonconformities shall be subject to the requirements of Sections 10.033 through 10.037.

SECTION 5. Section 10.1100 of the Medford Code is amended to read as follows:

10.1100 Prohibited Signs For All Districts.

The following signs are prohibited for all zoning districts:

(1) Signs on a truck, bus, car, boat, trailer, or other motorized vehicle and equipment are prohibited, except as provided in Section 10.1022(**23**~~23~~).

* * *

(3) ~~Animated,~~ **S**scintillating, flashing, blinking, strobing, **undulating, pulsing, scrolling** and traveling lights; **and explosion and fireworks effects** ~~or any design created to give the illusion of motion~~ are prohibited. ~~This prohibition does not include electronic message signs.~~

* * *

SECTION 6. Section 10.1140 of the Medford Code is added to read as follows:

10.1140 Sign Standards for All Districts.

The following standards shall apply to all signs in all zoning districts.

A. Signs shall comply with the clear view of intersecting street standards in Section 10.735.

B. A sign proposed to be located along a state roadway (Highway 99, Crater Lake Highway 62, and Interstate 5) shall first receive an Outdoor Advertising Sign permit (or in the case of an electronic message sign a Digital Display permit) from the Oregon Department of Transportation (ODOT). Evidence of such permit shall be submitted with a sign permit application. In situations where Medford's sign standards conflict with ODOT's standards, the stricter standards shall prevail.

SECTION 7. Section 10.1150 of the Medford Code is added to read as follows:

10.1150 Electronic Message Sign Standards for All Districts.

The following standards shall apply to Electronic Message Signs in all zoning districts:

A. Comply with the glare standards in Section 10.764 including the lighting certification.

B. The displayed message shall not change more frequently than once every five seconds before transitioning to another message.

C. For animated electronic message signs, the message and transitions shall not appear to flash, blink, strobe, undulate, pulse, or portray explosions, fireworks, flashes of light, blinking, or have scintillating or travelling lights.

D. Such signs shall contain photocell technology that will automatically dim the brightness of the sign according to changing light conditions.

E. In order to ensure that electronic message signs do not impede the visibility of traffic signs and signals, nor distract drivers from such signs and signals, the height of a sign located adjacent to a signalized intersection shall be limited to eight feet. The height may increase one foot for each additional foot in setback from the property line up to the maximum height permitted in the zoning district.

F. The conversion of an existing conforming ground or wall sign to an electronic message sign is permitted.

G. The conversion of an existing nonconforming ground or wall sign to an electronic message sign is prohibited.

H. Any electronic message signs in existence on the date that these standards become effective shall be required to comply with Section 10.1150(A–D) within 180 days from the effective date. This requirement does not apply to the size or the location of existing signs.

SECTION 8. Section 10.1200 of the Medford Code is amended to read as follows:

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00, **SFR-2, SFR-4,SFR-6, and SFR-10**).

Signs shall be permitted only as follows in the single-family residential zoning districts:

(1) Undeveloped Subdivision/Planned Unit Development Signs: Two non-illuminated ground signs, not exceeding 50 square feet in area, and 14 feet in height and setback a minimum of 20 feet from any property line are permitted within an undeveloped subdivision/ planned unit development. Such signs may be installed on the undeveloped subdivision/planned unit development property after approval of the tentative plat by the Planning Commission. However, the sign must be removed no later than ~~2~~ **two** years after installation, unless the Planning Commission, upon due application prior to expiration of the ~~2~~ **two**-year period, determines that the continued maintenance of the sign is consistent with the purpose of this code, in which case an extension for an additional year may be granted. Electronic message signs are prohibited.

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage.

* * *

(a) Ground Signs:

(i) Maximum Size: 20 square feet per sign.

(ii) Maximum Height: ~~5~~ **Five** feet.

(iii) Minimum Setback: 15 feet from any property line.

(iv) Exempt **Signs**: Ground signs ~~within public parks, schools, or stadiums~~ that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

(i) Maximum Size: 20 square feet per sign.

(ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(iii) Exempt **Signs**: Wall signs ~~within public parks, schools, or stadiums~~ which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs:

* * *

(ii) Maximum ~~Size~~**Square Footage**: 20 square feet.

(iii) Maximum Height: **Five**~~5~~ feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) Comply with the standards in Section 10.1150.

~~(iv) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare.*~~

~~(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.~~

~~(vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.~~

(3) Planned Unit Development Signs: Residential Planned Unit Developments are permitted two ~~(2)~~ non-illuminated ground signs, subject to the following limitations:

(a) Maximum Height: ~~4~~ **Four** feet.

(b) Maximum Square Footage: 20 square feet per sign.

(c) Minimum Setback: ~~5~~ **Five** feet from any public right-of-way.

(d) Such signs may be installed after approval of the signs, and the Planned Unit Development by the Planning Commission.

(e) Electronic Message Signs are prohibited.

(4) Signs permitted in single-family residential zoning districts shall comply with Section 10.1140.

SECTION 9. Section 10.1300 of the Medford Code is amended to read as follows:

10.1300 Signs in Multiple-Family Residential Districts ~~(~~MFR-15~~)~~, ~~(~~MFR-20~~)~~ and ~~(~~MFR-30~~)~~. Signs shall be permitted only as follows in the ~~MFR-15, MFR-20 and MFR-30~~ **multi-family residential** zo**ning districts**~~es~~:

* * *

(2) Multiple-family Dwelling Sign: For multiple-family dwellings containing four or more dwelling units, one sign not more than 10 square feet in area, either affixed to the building or free-standing is permitted. If free-standing, the sign shall not be located in any required yard area and shall not exceed ~~4~~ **four** feet in height and shall be mounted within a landscaped area or decorative planter. If affixed to the building, the sign may not project into a required yard area more than 18

inches. No part of any such sign shall be higher than the building height as defined in Section 10.705. Electronic Message Signs are prohibited.

(3) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage.

* * *

(a) Ground Signs:

(i) Maximum ~~Size~~ **Square Footage**: 20 square feet per sign.

(ii) Maximum Height: ~~5~~ **Five** feet.

(iii) Minimum Setback: 15 feet from any property line.

(iv) Exempt **Signs**: Ground signs ~~within public parks, schools, or stadiums~~ that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

(i) Maximum ~~Size~~ **Square Footage**: 20 square feet per sign.

(ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(iii) Exempt **Signs**: Wall signs ~~within public parks, schools, or stadiums~~ which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs:

* * *

(ii) Maximum ~~Size~~ **Square Footage**: 20 square feet.

(iii) Maximum Height: **Five** ~~5~~ feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) Comply with the standards in Section 10.1150.

~~(iv) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.~~

~~(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.~~

~~(vii)The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.~~

(4) Planned Unit Development Signs: Residential Planned Unit Developments are permitted two ~~(2)~~ non-illuminated ground signs, subject to the following limitations.

(a) Maximum Height: ~~4~~ **Four** feet.

(b) Maximum Square Footage: 20 square feet per sign.

(c) Minimum Setback: ~~5~~ **Five** feet from any public right-of-way.

(d) Such signs may be installed after approval of the signs, and the Planned Unit Development by the Planning Commission.

(e) Electronic Message Signs are prohibited.

(5) Signs permitted in multi-family residential zoning districts shall comply with Section 10.1140.

SECTION 10. Section 10.1400 of the Medford Code is amended to read as follows:

10.1400 Signs in Service Commercial and Professional Offices (C-S/P): Basic Regulations. Signs shall be permitted only as follows in the C-S/P district:

(1) Ground Signs: Each parcel of land is permitted one ~~(1)~~ ground sign per street frontage, subject to the following limitations:

(a) Maximum Height: **Nine** ~~9~~ feet.

(b) Maximum Square Footage: 32 square feet per sign.

(c) Minimum Setback: **Five** ~~5~~ feet from any lot in a residential zoning district or from a street right-of-way.

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation. An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted subject to the following limitations:

* * *

(e) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any lot in a residential zoning district or GLUP Map designation. An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) **Comply with the standards in Section 10.1150.**

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in C-S/P zoning districts shall comply with Section 10.1140.

SECTION 11. Section 10.1410 of the Medford Code is amended to read as follows:

10.1410 Service Commercial and Professional Office (C-S/P: Additional Special Signs. Additional special signs shall be permitted as follows in the C-S/P district:

* * *

(3) Additional special signs permitted in C-S/P zoning districts shall comply with Section 10.1140.

SECTION 12. Section 10.1500 of the Medford Code is amended to read as follows:

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations.
Signs shall be permitted as follows in the C-N district:

(1) Ground Signs: Not more than one ground sign may be placed on each lot or parcel subject to the following limitations:

(a) Maximum Height: **Nine** ~~9~~ feet.

(b) Maximum Square Footage: 36 square feet per sign.

(c) Minimum Setback: 10 feet from a lot in a residential zone or from a street right-of-way.

(d) Electronic Message Signs are permitted subject to Sections 10.248 through 10.250, and the following criteria:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to Sections 10.248 through 10.250, and the following criteria:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv)The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(6) Shopping Center Sign: In the case of shopping areas which are developed as a unit with common parking areas, one ground sign per vehicular access on a public street is permitted on the premises of a shopping center. One ~~(1)~~ ground sign may be up to 100 square feet in area and 20 feet in height. Each additional ground sign shall not exceed 30 square feet in area and ~~4~~ **four** feet in height. The shopping center ground signs allowed by this subsection (6) are in lieu of all other ground signs permitted in the zoning district, as listed under the Basic Regulations in Subsection (1) of this section. Such signs shall not project into public right-of-way.

(7) Signs permitted in C-N zoning districts shall comply with Section 10.1140.

SECTION 13. Section 10.1510 of the Medford Code is amended to read as follows:

10.1510 Neighborhood Commercial District (C-N): Additional Special Signs.
Additional Special Signs shall be permitted as follows in the C-N district:

* * *

(2) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height is permitted on each parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

* * *

(5) Temporary Sign: One temporary sign on each street frontage is allowed for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(6) Additional special signs permitted in C-N zoning districts shall comply with Section 10.1140.

SECTION 14. Section 10.1600 of the Medford Code is amended to read as follows:

10.1600 Central Business Overlay (CB): Basic Regulations.
Signs shall be permitted as follows in the CB district:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

* * *

(d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 75 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 150 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited~~

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

* * *

(d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a primary or secondary façade wall sign subject to the following limitations:

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night~~.

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in the CB district shall comply with Section 10.1140.

SECTION 15. Section 10.1610 of the Medford Code is amended to read as follows:

10.1610 Central Business Overlay (CB): Additional Special Signs.

Additional special signs shall be permitted as follows in the CB district:

1) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height is permitted on each parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

(2) Drive-up Window Signs: One additional ground sign not to exceed 32 square feet in area and ~~6~~ **six** feet in height is permitted on each parcel of land occupied by a drive-up window. Such signs may not project into public right-of-way.

(3) Temporary Sign: One temporary sign on each street frontage is permitted for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(4) Portable Signs: One additional portable sign not to exceed 12 square feet in area for each business entrance is permitted. Such signs shall not be located within public right-of-way. The portable signs shall only be displayed when the business is open.

(5) Additional special signs permitted in the CB district shall comply with Section 10.1140.

SECTION 16. Section 10.1700 of the Medford Code is amended to read as follows:

10.1700 Signs in Community Commercial District (C-C) and Heavy Commercial District (C-H, and Regional Commercial District (C-R): Basic Regulations.

Signs shall be permitted as follows in the C-C, C-R, and C-H districts:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

* * *

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 75 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 150 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(6) Signs permitted in the C-C, C-R, and C-H districts shall comply with Section 10.1140.

SECTION 17. Section 10.1710 of the Medford Code is amended to read as follows:

10.1710 Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs:
Additional special signs shall be permitted as follows:
(1) Freeway Signs:
* * *

(b) One ~~(1)~~ sign not exceeding 250 square feet in area and 50 feet in height, shall be permitted on a parcel located within the Freeway Overlay District. Each parcel is also permitted one ~~(1)~~ sign not exceeding 150 square feet in area and 20 feet in height. Such signs are permitted in lieu of all ground signs permitted in the underlying zoning district, as listed under the Basic Regulations.
(2) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height for any single parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.
(3) Drive-up Window Business Sign: One ground sign not to exceed 32 square feet in area and six ~~(6)~~ feet in height for any single parcel of land occupied by a drive-up window business. Such signs may not project into public right-of-way.
* * *

(5) Temporary Sign: One temporary sign on each street frontage is allowed for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.
* * *

(7) Miles Field/Professional Baseball Park Signs: One ~~(1)~~ additional freestanding scoreboard sign, not to exceed 630 square feet in area and 30 feet in height; one ~~(1)~~ time of day/display sign located above the right field fence, not to be visible from outside the stadium after June 1, 1997, and not to exceed 30 square feet in area and 25 feet in height; one ~~(1)~~ ground sign not exceeding 150 square feet in area and 20 feet in height; one ~~(1)~~ wall sign identifying the facility, not to exceed 50 feet in area; and other additional ground signs located above the outfield fence, not to exceed a total of 3000 square feet and 20 feet in height. These outfield billboard signs shall be permitted until June

1, 1997, at which time they must either be removed or enclosed so that they cannot be viewed from outside the ball park. Signs permitted in subsection (8) are in lieu of signs permitted in the underlying zoning district, as listed under the basic regulations.

(8) Additional special signs permitted in the C-C, C-R, and C-H districts shall comply with Section 10.1140.

SECTION 18. Section 10.1800 of the Medford Code is amended to read as follows:

10.1800 Signs in Light Industrial (I-L), General Industrial (I-G), and Heavy Industrial (I-H): Basic Regulations.

Signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Ground Signs are subject to the following limitations:

* * *

(e) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 100 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 200 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in I-L, I-G, and I-H districts shall comply with Section 10.1140.

SECTION 19. Section 10.1810 of the Medford Code is amended to read as follows:

10.1810 Light Industrial (I-L), General Industrial (I-G) and Heavy Industrial (I-H): Additional Special Signs.

Additional special signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Fueling Station Signs: One ground sign per street frontage, not exceeding 32 square feet in area and ~~6~~ **six** feet in height for any single parcel of land occupied by a fueling station. Such signs shall not project into public right-of-way.

(2) Drive-up Window Signs: One ground sign not to exceed 32 square feet in area and ~~6~~ **six** feet in height for any single parcel of land occupied by a drive-up window business. Such signs shall not project into public right-of-way.

(3) Temporary Sign: One sign on each street frontage for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

* * *

(5) Additional special signs permitted in I-L, I-G, and I-H districts shall comply with Section 10.1140.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2014.

ATTEST: _____ _____
City Recorder Mayor

APPROVED _____, 2014. _____
Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: October 22, 2014

To: Mayor and City Council for November 6, 2014 Hearing

From: Praline McCormack, Planner II

Reviewer: John Adam, AICP, Senior Planner

Subject: Electronic Message Signs Code Amendment (DCA-13-090)
City of Medford, Applicant

BACKGROUND

Proposal: Consideration of an ordinance amending *Land Development Code*, Sections 10.764, 10.1010, 10.1022, 10.1100, 10.1200, 10.1300, 10.1400–10.1810, and creating new Sections 10.1140 pertaining to standards and regulation of all signs, and Section 10.1150 pertaining to standards and regulation of all electronic message signs in the City of Medford **(see Exhibit A)**, including:

A. Correcting errors, providing a formerly missing standard for maximum night-time permitted illumination for electronic message signs to regulate brightness, and providing a method for measuring illumination. Requiring certification of lighting after installation to ensure compliance (Section 10.764, Glare);
B. Adding definitions for new terms, and revising existing definitions (Section 10.1010, Definitions);
C. Housekeeping revision to clarify that change of face in Historic Districts requires Minor Historic Review (Section 10.1022, Exceptions to Permit Requirements);
D. Clarifying that conversion of a nonconforming sign to an electronic message sign is prohibited (Section 10.1046, Definition of Nonconforming Signs).
E. Revising the list of sign effects that are prohibited (Section 10.1100, Prohibited Signs for All Districts);
F. Adding a new section to include sign standards that are applicable to all signs in all zoning districts, including complying with the clear view standards, and requiring that signs located along state roadways receive an ODOT sign permit prior to applying for a Medford sign permit (Section 10.1140).
G. Adding a new section to include standards that are applicable to all electronic message signs in all zoning districts, including:

i. Requiring compliance with the glare standards and certification in Section 10.764.
ii. Slowing the rate that messages change.
iii. Prohibiting flashing, blinking, strobing, undulating, pulsing, exploding, scintillating, or travelling lights; as well as fireworks effects.
iv. Requiring photocell technology so that the brightness dims according to changing light conditions.
v. Requiring a greater set back and reduced height at signalized intersections so that the sign does not impede the visibility of traffic signals and signs.
vi. Requiring existing electronic message signs to be retrofitted in order to comply with 1–4 above within 180 days. This requirement does not include having to change the size of an existing sign, nor the location.

H. Revising Sections 10.1200–10.1810 to remove repetitive language that has been consolidated into new Section 10.1150, reducing by half the maximum square footage of animated electronic message signs in commercial and industrial zones, and housekeeping revisions.

History: In response to citizen complaints about electronic message signs being too bright and text and animation changing too quickly (Exhibit B), on May 16, 2013 the City Council requested a study session to review the regulations regarding such signs (Exhibit D). Shortly thereafter, during a Planning Commission Study Session on June 10, 2013 commissioners expressed concern about how distracting these signs are due to the flashing and blinking lights, the exploding transition effects, and the rate of message and animation changes (Exhibit E). The City's Transportation Manager voiced his concern regarding signs near signalized intersections and the need for the City to better regulate their location and placement.

As requested, staff held a study session with City Council on August 29, 2013 (Exhibit F) and presented an analysis of the existing Code regulations as well as the history, benefits, issues and concerns regarding electronic message signs. Staff also reviewed how other communities are regulating these signs.

On October 31, 2013 staff wrote a memorandum to City Council outlining the issues, options and consequences (Exhibit G). In this memo staff provided its recommendations on how to proceed. Council directed staff to prepare a code amendment to address their three main concerns: the rate of message and animation changes, the spacing of electronic message signs, and brightness controls.

On June 23, 2014, staff discussed a preliminary draft with the Planning Commission (Exhibit H). Commissioners noted that they would like to reduce the size of electronic message signs by half in lieu of spacing standards, which are harder to regulate. Additional concerns related to whether the new regulations would apply only to new signs or include existing signs, brightness, the speed of message and animation changes, the transition effects used between message and animation changes, and the distraction of blinking, flashing lights.

Staff worked with representatives of the International Sign Association, a regional billboard company, and a local sign company to develop this proposal. Following is a section-by-section description of the proposed changes, and how they address the above concerns.

The Planning Commission conducted a noticed public hearing regarding this proposal on August 28, 2014 (Exhibit U). At that hearing, a letter was submitted from The Chamber of Medford/Jackson County requesting a continuance for at least thirty days (Exhibit Q). The hearing was continued until September 25, 2014.

Staff met with members of The Chamber of Medford/Jackson County on September 23, 2014. Based on concerns raised at that meeting, staff agreed to make three small revisions to the proposed amendment, including:

1. Added language to the definition of glare in Section 10.764 to state that the maximum permitted illumination standards are intended to prevent glare.
2. The list of exceptions to illumination standards in Section 10.764(C)(4), previously excluded municipal construction and renovation, revised to include any temporary outdoor lighting associated with construction and renovation.
3. Previously required two lighting certifications (before and after installation) by a licensed engineer. Revised to require only one certification (after installation) by the sign owner or installer via a signed agreement.

The Planning Commission conducted a noticed public hearing on September 25, 2014 (Exhibit W).

Summary of Amendments

A. Revisions to the Glare regulations (Section 10.764)

One of the concerns regarding electronic message signs is that they are too bright. Currently, the Code regulates the brightness of electronic message signs in three ways. These regulations are mainly aimed at protecting residential properties from glare. First, brightness is regulated by requiring compliance with the glare section of the Code, but this section has a few issues that need to be resolved. The glare section currently provides a night-time maximum illumination onto residential properties of 0.5 foot candles. There are no maximum standards for electronic message signs or for illumination onto commercial and industrial properties. Second, brightness is regulated by requiring that electronic message signs be located at least 150 feet from any residential property. Third, brightness is regulated by requiring that electronic message signs have automatic dimming capabilities to adjust the brightness according to the ambient light at all times of the day and night, however the method of dimming needs to be more specific. This issue is addressed further in subsection (F), Photocell Requirement, below.

Revisions address Council's concerns regarding the brightness of electronic message signs by providing a night-time maximum illumination standard for electronic message signs applicable in all zoning districts where these signs are permitted. The proposed standard is 0.3 foot candles. The pictures below illustrate the difference between an electronic message sign with no brightness controls to one that has a 0.3 foot candle maximum.

Electronic Message Sign Without Brightness Control

Electronic Message Sign With Brightness Control of 0.3 Foot Candles

The revisions also provide a clear method for measuring illumination. Both the maximum illumination standard and the method for measuring illumination are recommended by the International Sign Association's *Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMC's), a Compilation Summary with Extracts from Industry Reports*, April 2011 (Exhibit I). The Association retained an Illumination Engineer to develop clear standards for electronic message sign brightness.

Further changes include the addition of new definitions, and several exceptions to the illumination standards for public street lights, traffic signals, specific outdoor recreational uses, and airport lighting. Previous drafts of the proposed amendment exempted temporary outdoor lighting for municipal construction and renovation projects only. Based upon comments

received at the meeting with The Chamber, the current amendment has been changed to exempt any temporary outdoor lighting for construction and renovation. Lastly, in order to ensure compliance, the proposed amendment includes a certification requirement. Originally, the amendment included a requirement for two separate certifications, one before installation, and one after, and also required certification via a licensed engineer. Again, based on comments received at the meeting with The Chamber the amendment has been changed and now requires that after sign installation illumination is measured per the method provided in this section and either the sign owner or installer signs an agreement (provided by the Planning Department) stating that the lighting is in compliance. The certification will be submitted to the Planning Department and attached to the sign permit.

B. Adding new definitions to the Sign regulations (Section 10.1010)

Based upon the Planning Commission's distinction between static display signs and animated signs, which is discussed further in subsection (G) below, new definitions are being added for animated sign, static display, transition, and types of transitions including dissolve, fade, scroll and travel. The Glare regulations prohibit flickering and flashing lights, but this section currently contradicts that by exempting electronic message signs from this prohibition. This amendment proposes to prohibit flickering and flashing lights on electronic message signs. This revision serves two purposes. First, it removes the contradiction with the glare regulations. Secondly, it addresses the Planning Commission's concern about the distraction of blinking, scintillating, flashing lights that mimic traffic and emergency vehicle lights by prohibiting them. Similarly, the transition methods called scroll and travel are animated methods of transition versus dissolve, fade and instant which are static methods of transition. Therefore, scroll and travel methods will be only be permitted on animated signs.

C. Housekeeping revision to Exceptions to Sign Permit Requirements (Section 10.1022)

In Historic Districts change of face requires Minor Historic Review per Section 10.258(3)(D). This revision clarifies that within Historic Districts change of face is not exempt from permit requirements.

D. Revisions to Prohibited Signs in All Districts (Section 10.1100)

Section 10.1100 lists the signs and sign effects that are prohibited. Animation is permitted but is discussed further in subsection (G) below. Based on the Planning Commission's concern that scintillating, flashing, blinking, strobing, and traveling lights mimic traffic and emergency vehicle lights the amendment proposes to prohibit them.

E. Creating New Section for Sign Standards for All Districts (Section 10.1140)

In order to prevent repetitive language in each of the zoning districts' sign standards, the proposed amendment consolidates the standards into this new section which requires signs to comply with the clear view standards in Section 10.735 and to obtain an ODOT sign permit before applying for a City sign permit.

F. Creating New Section for Electronic Message Sign Standards for All Districts (Section 10.1150)

Similar to Section 10.1140, in order to avoid repetitive language in the sign standards (Sections 10.1200–10.1810), the proposed amendment consolidates them into this new section which applies to electronic message signs in all zoning districts. The new standards include:

- Compliance with the glare standards.
- Rate of message change.
- Rate of animation change.
- Transitions.
- Prohibition of flashing, blinking, strobing, etc.
- Photocell requirement.
- Limitation on sign height at signalized intersections.
- Existing electronic message signs.

G. Sign Standards By Zoning District–Sections 10.1200–10.1810

Currently, in the Central Business Overlay, Community Commercial, Heavy Commercial, and Regional Commercial zoning districts electronic message signs are permitted to be as large as 150 square feet. In the Light Industrial, General Industrial, and Heavy Industrial zoning districts electronic message signs are permitted to be as large as 200 square feet. In response to their concerns that existing animated signs are too large, the Planning Commission recommends that the size of animated electronic message signs be reduced by half in these zones. The size of electronic message signs with static displays will remain at 150 to 200 square feet as currently permitted.

Other proposed changes include housekeeping revisions, the transfer of language from each section to one consolidated section (Section 10.1150), and the requirement to comply with the new consolidated section, Sections 10.1140 and/or 10.1150.

In summary, the concerns regarding electronic message signs being too bright are being addressed by:

- Providing a night-time maximum permitted illumination standard of 0.3 foot candles;
- Requiring 150-foot setback from residentially zoned property;
- Requiring photocell technology;
- Requiring compliance with the glare standards including certification.

Concerns related to the rate of message change and lighting effects being too fast are being addressed by:

- Prohibiting fast effects such as flickering, flashing, blinking, scintillating, scrolling, strobing, undulating, pulsing and traveling lights; and effects such as explosions and fireworks.
- Slowing down the rate of message change to every five seconds.

Concerns regarding the location and placement of electronic message signs in relation to traffic signs and signals are being addressed by:

- Limiting the height of signs at signalized intersections to eight feet, with an option to go taller if set back further.
- Reducing the size of signs by half in commercial and industrial zones.

While this amendment does not address concerns about the spacing of electronic message signs, those concerns should be alleviated by the regulation of brightness, the reduction in height, the reduction in size for animated signs, and the increased set back of signs at signalized intersections. Similarly, the slower rate at which messages change, and the prohibition on fast, effects should alleviate concerns regarding the rate of animation change without regulating the technology out of electronic message signs.

Authority: A Land Development Code Amendment is a Class 'A' legislative land use decision. The City Council is authorized to approve amendments to Chapter 10 of the *Municipal Code*, under Sections 10.102, 10.110, 10.111, 10.122, 10.180, 10.181, and 10.183.

Criteria: *Medford Land Development Code* Section 10.184(2)

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.
10.184(2) Land Development Code Amendment.

The City Council shall base its decision, on the following criteria:

CRITERION 10.184 (2)(a). An explanation of the public benefit of the amendment.

Findings: Currently, in commercial and industrial zones electronic message signs can be as large as 150–200 square feet, and as tall as 20 feet, thus competing for attention with traffic signals, which are 15–20 feet above an intersection. In addition, the current rate at which messages can change on these signs is two seconds, which is fast, and there are no prohibitions on the types of effects used. Thus, we see signs that use fireworks and explosions, and other types of distracting effects. The only regulations regarding placement are the clear view regulations, and a prohibition on not projecting into the public right-of-way. There are no regulations regarding brightness. Citizen complaints have concerned the brightness and how distracting these signs are due to their constant movement.

Conclusion: The public will benefit from the additional regulations being proposed for electronic message signs. Static display signs will be less bright. Animated signs will be smaller, slower, and less bright. At signalized intersections these signs will shorter and set back further from the property line, thus reducing the possibility that they can be confused for or look like traffic signals or signs. Overall, the new regulations will help to reduce the negative aesthetic impacts that these signs have on our community. Owners who currently have or desire to have an electronic message sign will have some additional regulations to comply with. However, this

type of sign will continue to be effective without making our community one that is filled with large, glitzy, flashing signs like Las Vegas. Criterion 10.184 (2)(a) is satisfied.

CRITERION 10.184 (2)(b). The justification for the amendment with respect to the following factors:

CRITERION 10.184 (2)(b)(1). Conformity with applicable Statewide Planning Goals and Guidelines.

Findings: The following demonstrates conformity with the applicable Statewide Planning Goals:

1. *Citizen Involvement:* Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in the revision of the *Land Development Code*. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed *Land Development Code* amendments by the Planning Commission, and the City Council. Affected agencies and interested persons are also invited to review and comment on such proposals, and hearing notices are published in the local newspaper. This process has been adhered to in the proposed amendment. The proposed amendments and Staff Reports were made available for review on the City of Medford website and at the Planning Department. A request for comment was sent out to all companies that have applied for a sign permit since 2012 as well as persons who have indicated an interest in this matter. Public hearing notices were sent to persons with standing. Staff worked with three persons representing national, regional and local sign industries to develop the proposed amendment. It was considered by the Planning Commission and the City Council during televised public hearings.

2. *Land Use Planning:* Goal 2 requires the City to adopt a comprehensive plan, which must include identification of issues and problems, inventories, and other factual information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. The City of Medford has an established land use planning program consistent with Goal 2.

Staff finds that Goals **3–8** do not apply in this matter.

9. *Economic Development*: Goal 9 requires the City to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The means by which the City addresses these include the Comprehensive Plan, which contains an Economic Element. The Economic Element contains an analysis of the City's economic patterns, policies concerning economic opportunities, and provision of adequate supplies of industrial and commercial lands. According to James Carpentier, Manager of State and Local Government Affairs for the International Sign Association, there have been studies that indicate electronic message signs are effective at attracting customers. While the proposed amendment does provide additional regulation of these signs, they will continue to be effective.

Staff finds that Goals **10 and 11** do not apply in this matter.

12. Transportation: Goal 12 requires the City to provide and encourage a safe, convenient and economic transportation system. Existing electronic signs have spurred citizen complaints regarding how distracting they are. Currently, there is no prohibition on the transition effects used between messages. For safety reasons, both Lamar Advertising, the nation's largest outdoor advertiser, and ODOT utilize instant transitions between messages. This proposal requires static display signs to use dissolve, fade or instant transitions. Animated signs will be permitted to use dissolve, fade, instant, scroll or travel transitions, as long as the transition does not include effects that are prohibited. The two-second rate of message change is much faster than those required by the State of Oregon (eight seconds), and the State of California (five seconds). The rates in these states were established for safety reasons. This amendment proposes to address roadway safety in several ways. First, the rate of message change will be slowed to every five seconds. Second, animated signs will be smaller and at signalized intersections they will be shorter so that they do not impede or compete with the visibility of traffic signals and signs. Static signs will be larger but they will not have any animation or movement. Lastly, this proposal addresses roadway safety by prohibiting distracting, fast effects on animated signs.

Staff finds that Goals **13 and 14** do not apply in this matter.

Goals **15–19** apply only to other regions of the State and are not evaluated here.

Conclusion: Criterion 10.184 (2)(b)(1) is satisfied.

CRITERION 10.184 (2)(b)(2). Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Findings: This amendment is a refinement of existing procedures and regulations; it does not rise to a Comprehensive Plan policy level.

Conclusion: Staff finds that there is nothing in this amendment that rises to a Comprehensive Plan policy level. Criterion 10.184 (2)(b)(2) is satisfied.

CRITERION 10.184 (2)(b)(3). Comments from applicable referral agencies regarding applicable statutes or regulations.

The findings below respond to comments from applicable referral agencies regarding applicable Statutes or regulations:

Comment: City of Medford Traffic Engineering submitted comments regarding this amendment (Exhibit N). Based on their comments, the definition of night-time in Section 10.764(A) has been more specifically defined as at least 30 minutes past sunset. Also, traffic signals have been added to 10.764(C)(1). A change was made to the Certification process described in 10.764(E)(1) and must be done by a licensed engineer instead of the property owner as originally proposed. Staff confirmed that prices for lux meters range from $18 to $131. A reference to measuring the center of the light source has been added to Section 10.764(E)(5)(iii). A definition of sign height can be found in Section 10.1010. The additional set back required and the reduced height should ensure that electronic message signs do not impede visibility of traffic signs and signals.

Comment: Medford Police Department submitted comments regarding the number of citizen complaints (Exhibit B). Complaints have centered on signs being too bright, distracting, and the constant movement. The Police Department also submitted comments regarding accident rates at three intersections in the City that have electronic message signs (Exhibit C-1). Accident rates are provided in Exhibit C-2. Accident statistics do not reflect any noticeable increase due to the presence of electronic message signs.

Conclusion: Criterion 10.184 (2)(b)(3) is satisfied.

CRITERION 10.184 (2)(b)(4). Public comments.

The findings below respond to public comments:

Comments: Mr. Robert MacLellan of M2M Development, Inc. provided written comments (Exhibit J) regarding the benefits of electronic message signs, particularly regarding public service messages such as: Amber alerts, Most Wanted lists, Now Hiring advertisements, and advertisements for local businesses.

Response: The City of Medford recognizes the benefits regarding electronic message signs. The proposed amendment does place more regulations upon them, but they will continue to be effective at attracting customers without distracting drivers.

Comments: Mr. Rob LaGrone of CBS Outdoor provided written comments (Exhibit K). He would like to see all signs regulated for brightness, not just electronic message signs. He agrees with the brightness, flashing and animation regulations as proposed, but disagrees with the proposed reduction in size. CBS Outdoor's standard panels are 240–300 square feet. He states that restricting the size will make them ineffective for billboard use and prevent the industry from continuing to modernize billboards in Medford.

Response: The City has never received a complaint about a regular, illuminated sign being too bright. CBS Outdoor will continue to be able to put up signs that are 150–200 square feet that are not electronic message signs.

Comments: Mr. Jason Ripp of Lamar Advertising provided written comments (L-1). He offered information about ODOT's advertising sign standards. He suggested that we include instant transitions as a permitted form of transitions between messages. Instant changes are required by ODOT and Lamar uses them nationwide. He also recommended that we change our proposed rate of message change from five seconds to eight seconds, which is Oregon's standard. He included a safety report regarding electronic message signs that was conducted in Salem (Exhibit L-2). The report concludes that there is no significant relationship between these types of signs and an increase in crashes. In Salem, where the study was conducted, messages are allowed to change every eight seconds. He agrees with the light measurement language proposed. In Section 10.1010, sign definitions he was concerned about the lack of a definition for LED signs. He disagrees with the proposed reduction in size and height. He states that it will be difficult to sell smaller signs to clients because they are more difficult to view. Also, Lamar Advertising wants to retain the ability to convert existing structures into electronic message signs at the currently permitted sizes and height.

Response: Staff has revised the amendment to include language requiring a sign permit from ODOT. That permit must accompany the sign permit submitted to the City. Also, if ODOT's standards are stricter, as they seem to be, then ODOT's standards shall prevail over the City's. Instant transitions have been added to this amendment as a permitted form of transition between messages. The sign code currently contains a definition for Electronic Message Signs that includes LED signs. The rate of message change and the reduction in size and height are policy decisions to be made by City Council.

Comments: Mr. James Carpentier of the International Sign Association provided written comments (Exhibit M). His comments mostly concerned formatting and grammatical corrections. He did point out that the 0.3 foot candle illumination standard is solely for electronic message signs, not for all other types of lighting. He recommended that certification be accomplished via a signed affidavit from the applicant agreeing to comply with the operational and illumination requirements prior to issuance of a sign permit. He pointed out that the language regarding existing signs being made to conform to the proposed amendment was unreasonable and vague.

Response: Staff had originally deleted the language at the beginning of the glare standards Section 10.764. As a result of Mr. Carpentier's comments, the language has been re-inserted in 10.764(B)(1) and establishes a city-wide maximum permitted illumination standard of 0.5 foot candles of glare onto residentially-zoned property. The glare standards will need further work to establish a city-wide maximum permitted illumination standard applicable to other forms of lighting besides electronic message signs. Language has been revised regarding certification to require a licensed engineer do the certification. Language has been revised regarding existing

signs conforming to the proposed amendment to clarify that existing signs will not need to be moved or reduced in size. Existing signs will need to conform to the glare standards including certification, rate of message change, permitted transitions between messages, prohibition on flashing, blinking, etc., photocell requirement, and brightness. These changes are not unreasonable and 180 days should be a sufficient amount of time to achieve such changes.

Comments: Mr. Stephen Morgan of Designer Signs LLC provided written comments (Exhibit O). His comments are regarding four issues. First, the requirement for existing signs to conform within 180 days. He states it is unreasonable to require existing signs to be moved or re-sized. Second, he does not feel it is necessary to require a photocell as most are programmed according to the time zone. He would rather see a general requirement that the signs must dim after dusk, and leave the method to achieve this up to the owner. Third, he does not feel it is necessary to reduce the height of electronic message signs in commercial and industrial zones as it has no bearing on rate of message change, things moving too fast, or excessive brightness. Lastly, he thinks self-certification would be meaningless. He suggests the City inspect each sign. He states that electronic message signs are fine, that the current language regulating them is sufficient, and that the problem lies with a lack of enforcement.

Response: As stated above, language has been revised to clarify that the City will not require sign owners to move or re-size their existing electronic message signs. The current dimming language is already general as it states that signs shall have automatic dimming capabilities. This has not been sufficient, and a more specific requirement for a photocell is necessary. Photocells are capable of sensing changes in lighting conditions. For example, if a storm darkened the skies, then the sign would dim accordingly. If a sign were programmed based on time zone there would be no such change. The reduction in height is only applicable to signs located at signalized intersections. The current height limit of 20 feet results in electronic message signs impeding the visibility of traffic signs and signals, and distracting drivers from such traffic signs and signals. Also as stated above, language has been revised to require that a licensed engineer certify compliance with the glare ordinance. Code Enforcement will be trained on how to measure illumination and foot candle meters will be purchased.

Comments: L. Borum submitted written comments (Exhibit P) opposing electronic message signs in general.

Response: The decision to permit electronic message signs is a policy decision made by City Council

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Comments: Brad Hicks of The Chamber of Medford/Jackson County submitted written comments (Exhibit Q) indicating that members of The Chamber are expressing concerns about the proposed amendment, and he requested that the Planning Commission extend the public hearing a minimum of 30 days in order to given them additional time to review the proposal.

Response: The Planning Commission continued the public hearing, and Staff met with members of The Chamber to discuss their concerns.

Comments: LeRoy and Betty Hana submitted written comments (Exhibit S). They lease their property to CBS Outdoor Sign and would like their investment to be considered, and there be no restrictions on sign companies' ability to upgrade their signs.

Response: Currently, the Code permits existing, conforming signs to convert to electronic message signs and prohibits existing, nonconforming signs to convert. There are no proposed changes to the existing language. To clarify, many of the billboard type signs in Medford are existing, conforming signs, so they will be permitted to convert. The display technology used by the billboard companies makes these signs static displays, so they will be permitted to remain at the larger sizes, and continue to be existing, conforming signs.

Comments: Brad Hicks of The Chamber of Medford/Jackson County submitted written comments (Exhibit T) that were prepared after Staff met with members of The Chamber. The letter raises concerns regarding five areas of the proposed amendment: 1) Ambiguous definitional terms, 2) Exception for Construction/Renovation of Municipal Facilities, 3) Compliance Certifications, and 4) Compliance Measurements, and 5) Sign Sizes.

Response: The first four areas of concern are addressed in the latest version of the proposed amendment. Planning Commission's recommendation to allow static display signs at currently permitted sizes addresses The Chamber's fifth and final area of concern.

Conclusion: Criterion 10.184 (2)(b)(4) is satisfied.

CRITERION 10.184 (2)(b)(5). Applicable governmental agreements.

Findings: No governmental agreements apply to the proposed code amendment.

Conclusion: Criterion 10.184 (2)(b)(5) is satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, on September 25, 2014, the Planning Commission voted 7-1 to recommend that the size of electronic message ground signs remain the same for static displays, and that that the size of electronic message ground signs be reduced by half for animated displays and with these suggested changes, recommends adoption of DCA-13-090 per the Staff Report dated October 22, 2014, including Exhibits A through W.

EXHIBITS

A Proposed Code Amendment, dated October 22, 2014;
B Email from Tim Doney Regarding Citizen Complaints, Medford Police Department, dated August 12, 2013;
C-1 Email from Tim George Regarding Accidents Occurring at Three Intersections with Electronic Message Signs, Medford Police Department, dated August 12, 2013;
C-2 Accident Rates in Selected Intersections with Electronic Message Signs
D City Council Minutes from May 16, 2013;
E Planning Commission Study Session Minutes from June 10, 2013;
F City Council Study Session Minutes from August 29, 2013;
G Memorandum to City Council, dated October 31, 2013;
H Planning Commission Study Session Minutes from June 23, 2014;
I *Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMC's)*, April 2011;
J Letter from Robert MacLellan, M2M Development, Inc., dated September 4, 2013;
K Letter from Rob LaGrone, CBS Outdoor, dated July 16, 2014;
L-1 Email from Jason Ripp, Lamar Advertising, dated July 17, 2014;
L-2 Group MacKenzie, *Roadway Safety Study for Billboard Locations, Transportation Safety Study*, Salem, Oregon, March 16, 2011;
M Email from James Carpentier, International Sign Association, dated August 12, 2014;
N Memo from Peter Mackprang, Medford Assoc. Traffic Engineer, dated August 12, 2014;
O Letter from Stephen Morgan, Designer Signs LLC, dated August 14, 2014;
P Letter from L. Borum, received August 19, 2014;
Q Letter from Brad S. Hicks, Chamber of Medford/Jackson County, dated August 28, 2014
R Studies submitted by Rob LaGrone, CBS Outdoor at Hearing on September 25, 2014
R-1 Tantala Associates, LLC, "What Does Traffic Data Say?"
R-2 "DOT study finds digital billboards don't distract drivers"
R-3 Tantala Associations, LLC, "A study of the relationship between digital billboards and traffic safety in Albuquerque, NM"
S Email from LeRoy and Betty Hana dated September 25, 2014
T Letter from Brad S. Hicks, Chamber of Medford/Jackson County, dated September 25, 2014
U Minutes from Planning Commission Meeting, August 28, 2014
V International Sign Association, "Finding Common Ground: Answers to Common Questions about Electronic Message Centers (EMCs)"
W Draft Minutes from Planning Commission Meeting, September 25, 2014

PLANNING COMMISSION AGENDA: **August 28, 2014**
September 25, 2014

CITY COUNCIL AGENDA: **November 6, 2014**

EXHIBIT A
DRAFT CODE AMENDMENT
DCA-13-090 - ELECTRONIC MESSAGE SIGNS

Article V

1. Changes to Section 10.764 to provide a night-time maximum permitted illumination of 0.3 foot candles for electronic message signs in order to regulate brightness, and to provide a clear method for measuring illumination. Both the night-time maximum and the method for measuring are recommended by the International Sign Association[1]. Measuring illumination during day-time hours is fraught with challenges and the equipment to do so is expensive. For electronic message signs with automatic dimming as required by this Code, there is not a need for day-time brightness limitations since the sign will automatically adjust to changing conditions. Therefore, we propose to only regulate night-time brightness levels on electronic message signs. If the City Council is concerned with light sky protections, further work will need to be done to this section to create maximum permitted illumination standards for commercial and industrial properties (a night-time residential standard already exists). Such work exceeds the scope of this amendment. Other changes include additional exceptions to illumination standards and a certification requirement to ensure compliance.

SUPERSEDED

10.764 Glare.

~~In all districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum permitted illumination in excess of 0.5 footcandles on any property in a residential district, other than the lot on which the glare is generated. This section is not intended to apply to public street lighting.~~

~~(1)~~A. Definitions.

~~Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.~~

Foot candle: A **foot candle is a** unit of illumination produced ~~on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle~~**by a source of one candle at a distance of one foot and equal to one lumen incident per square foot. A foot candle is measured with a foot candle meter (also known as a lux meter).**

Glare: The brightness of a light source ~~which~~ **that** causes ~~eye discomfort~~**momentary blindness, disability or discomfort to person(s) on adjacent properties or driving**

1 International Sign Association, *Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMC's), A Compilation Summary with Extracts from Industry Reports*, April 2011.

by. The maximum permitted illumination standards are intended to prevent glare.

Lumen: A lumen is a measure of the amount of visible light emitted per second by an object. More lumens mean it is a brighter light. Fewer lumens mean it is a dimmer light.

Maximum Permitted Illumination: The maximum ~~illumination~~ **amount of light permitted as** measured in foot candles ~~at the interior buffer yard line at ground level in accordance with the standards of Subsection 4 below.~~

Night-time: At least 30 minutes past sunset shall be considered night-time.

~~Post Height: The distance measured from the grade at the base of the light post to the top of the light fixture.~~

B. Maximum Permitted Illumination Standards.

1. **All Zoning Districts. In all zoning districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not have a maximum night-time illumination in excess of 0.5 foot candles on any property in a residential district, other than the property on which the glare is generated.**
2. **Electronic Message Signs. In zoning districts where electronic message signs are permitted per Sections 10.1200–10.1800 such signs shall not exceed a maximum night-time illumination of 0.3 foot candles above ambient light conditions when measured at an appropriate distance as specified in 10.764(E)(4) below.**

C. Exceptions to Illumination Standards. **The standards contained in this section shall not apply to:**

1. **Public street lighting or traffic signals.**
2. ~~(2) Exemption for~~ Specific~~ed~~ Outdoor Recreational Uses. Because of their unique requirements for night-time visibility and their limited hours of operation, lighting for ball diamonds, playing fields~~,~~ and tennis courts is exempted from the exterior lighting standards of ~~Subsection (4) below~~**this section**. Exterior lighting for **other** outdoor recreational uses must meet all ~~other~~ applicable requirements of this section and of this code.
3. **Airport Lighting. Required navigational lighting at airports is exempt from the standards in this section. All other outdoor lighting at airport facilities shall comply with this section.**
4. **Construction and Renovation. All temporary outdoor lighting used for construction or major renovation of buildings, structures, and facilities is exempt from the standards in this section.**

~~(3) Maximum Lighting Height for Specified Outdoor Recreational Uses. Notwithstanding height limitations elsewhere in this code, exterior lighting for the outdoor recreational uses specified in (2) above shall be permitted a maximum post height of ninety (90) feet. When a Conditional Use Permit is required for the specified outdoor recreational uses, additional height limitations may be imposed to meet approval criteria.~~

~~(4)~~D. Additional **Glare** Regulations. Notwithstanding any other provision of this section to

the contrary:

1. No flickering or flashing lights shall be permitted.
2. Light sources or luminaires shall not be located within bufferyards **(Sections 10.790 and 10.801–10.802)** ~~areas~~ except on pedestrian walkways **(Sections 10.772–10.776)**.

~~(5)~~**E.** Measuring Illumination~~ement~~.

1. **Lighting Certification.** ~~When required, the measurement of lighting levels shall be conducted by the developer and certified by a licensed engineer that the~~ **After installation is complete, illumination shall be measured as described below and the sign owner or installer shall provide a signed agreement (provided by the Planning Department) confirming that the lighting is in compliance. Such agreement shall be submitted to the Planning Department.** ~~measurements have been conducted as per the following:~~

~~(a)~~**2.** Metering Equipment. Lighting levels shall be measured in foot candles with a ~~direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.~~ **foot candle/lux/illuminance meter. The meter must have the ability to measure foot candles down to zero and provide a reading up to two decimal places. Place the meter on a fixed mount or tripod.**

~~(b)~~**3. Determine Square Footage. Multiply the height and width of the light source to be measured.**

4. ~~Method of Measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.~~**Determine the Measurement Distance. Multiply the area of the light source from step (3) above by 100 and then take the square root of that number to determine your measurement distance in feet. For example, if the total area of the light source is 12 square feet, you would multiply 12 x 100 = 1200 and then take the square root of 1200 $\sqrt{1200}$– which is 34.6. Your measuring distance would be 35 feet. The distance should be measured perpendicular to the light source. The use of a measuring wheel is the most convenient way to measure the distance on the ground.**

5. **Method of Illumination Measurement.**

(i) For electronic message signs, measure at night-time as defined in this section.

(ii) Ensure that the light source to be measured can alternate between lighted and not lighted (or in the case of an electronic message sign can alternate between a solid white message and an "off" message).

(iii) From the distance determined in Step 4 above, orient your meter so that it is aimed at the center of the light source to be measured.

(iv) As the light source alternates between lighted and not lighted (or solid white and "off") note the range of values on the meter.

(v) For electronic message signs if the difference between the readings is less than 0.3 foot candles, then the brightness of the light source is in compliance. If not, the sign will need to be adjusted to a lower brightness level using the manufacturer's recommended procedures.

~~(6)~~**F.** Exterior Lighting Plan. At the time any exterior lighting is installed or substantially modified an exterior lighting -plan shall be submitted in order to determine whether the requirements of this section have been met. The lighting plan shall identify:

~~(a)~~**1.** Location of light fixtures.

~~(b)~~**2.** Type of luminaire.

~~(c)~~**3.** Height of luminaire.

~~(d)~~**4.** Maximum illumination.

~~(e)~~**5.** Cut-off angle.

6. Hooding/shielding device(s)

ARTICLE VI

2. Changes to Section 10.1010 to add definitions for new terms and to revise definitions.

10.1010 **Sign** Definitions.

~~Indirect Illumination. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.~~

* * *

Scintillating. To sparkle or shine brightly. To emit flashes of light.

* * *

Sign, animated. Any sign or part of a sign which changes physical position by any movement or which gives the illusion of movement via video, text or images that appear to move or change in size or are revealed sequentially rather than all at once. This definition does not include static displays or rotating panels which are integrated within the sign.

* * *

Sign, flashing. A sign ~~incorporating~~ **that incorporates an** intermittent, ~~electrical impulses to a source of illumination or revolving in a manner~~ **blinking or flashing light source** ~~which creates the illusion of flashing, or which changes colors or intensity of illumination. This definition is not to include electronic message signs~~ **where the same displayed message is constantly repeated at extremely fast intervals.**

* * *

Sign, illuminated. A sign illuminated by an internal or external light source. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the message or image is composed of dot matrix or LEDs. External illumination is "direct" when the source of light is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

* * *

Static display. Any sign or part of a sign where the text or image has no movement.

Transition. A visual effect used on an electronic message sign to change from one message to another.

Transitions, types of. The following are different types of transitions used between message changes on electronic message signs:

Dissolve. Dissolve is a non-animated mode of message transition accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual, uniform and legible appearance of the second message.

Fade. Fade is a non-animated mode of message transition accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases to the point of legibility.

Scroll. Scrolling is a form of animated message transition where the message appears to move vertically across the display surface.

Travel. Travel is an animated mode of message transition where the message appears to move horizontally across the display surface.

3. Change to Section 10.1022(7) is a housekeeping revision. Change of face in Historic Districts requires Minor Historic Review (done administratively, over-the-counter) so it is not exempt from permit requirements.

10.1022 Exceptions to **Sign** Permit Requirements.
The provisions of Article VI shall not apply to:

* * *

(8) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. ~~In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.~~

* * *

4. Section 10.1046 to clarify that conversion of a nonconforming sign to an electronic message sign is prohibited.

10.1046 Definition of Nonconforming Signs.
All signs that do not conform to the specific standards of this Code may be considered legal nonconforming pursuant to Section 10.032, if the sign was erected in conformance with a valid permit and complied with all applicable laws at the time of the sign's installation. **Except for the conversion to an electronic message sign, a**~~A~~ll nonconformities shall be subject to the requirements of Sections 10.033 through 10.037.

5. Section 10.1100(3) lists sign effects that are prohibited. Animation is permitted. Other types of blinking and flashing lights are prohibited because they are distracting to drivers.

10.1100 Prohibited Signs For All Districts.
The following signs are prohibited for all zoning districts:

(1) Signs on a truck, bus, car, boat, trailer, or other motorized vehicle and equipment are prohibited, except as provided in Section 10.1022(~~23~~).

* * *

(3) ~~Animated, S~~**S**cintillating, flashing, blinking, strobing, **undulating, pulsing, scrolling** and traveling lights**; and explosion and fireworks effects** ~~or any design created to give the illusion of motion~~ are prohibited. ~~This prohibition does not include electronic message signs.~~

* * *

6. New section added to include sign standards applicable to all signs in all zoning districts. Such standards to include: 1) compliance with the clear view of intersecting streets standards, 2) signs on state roadways must obtain a sign permit from ODOT before applying for a sign permit with the City of Medford.

10.1140 Sign Standards for All Districts.

The following standards shall apply to all signs in all zoning districts.

A. Signs shall comply with the clear view of intersecting street standards in Section 10.735.

B. A sign proposed to be located along a state roadway (Highway 99, Crater Lake Highway 62, and Interstate 5) shall first receive an Outdoor Advertising Sign permit (or in the case of an electronic message sign a Digital Display permit) from the Oregon Department of Transportation (ODOT). Evidence of such permit shall be submitted with a sign permit application. In situations where Medford's sign standards conflict with ODOT's standards, the stricter standards shall prevail.

7. New section added to include the electronic message sign standards that apply to such signs in all zoning districts, including: 1) requiring compliance with the glare standards, 2) slowing down the rate that messages change, 3) prohibiting flashing, blinking and other distracting effects on animated signs, 4) requiring photocell technology so signs auto-dim, and 5) requiring existing electronic message signs to comply with standards 1-4 within 180 days after the effective date of this ordinance. This requirement does not apply to the size of the existing signs, nor the location of existing signs.

10.1150 Electronic Message Sign Standards for All Districts.

The following standards shall apply to Electronic Message Signs in all zoning districts:

A. Comply with the glare standards in Section 10.764 including the lighting certification.

B. The displayed message shall not change more frequently than once every five seconds before transitioning to another message.

C. For animated electronic message signs, the message and transitions shall not appear to flash, blink, strobe, undulate, pulse, or portray explosions, fireworks, flashes of light, blinking, or have scintillating or travelling lights.

D. Such signs shall contain photocell technology that will automatically dim the brightness of the sign according to changing light conditions.

E. In order to ensure that electronic message signs do not impede the visibility of traffic signs and signals, nor distract drivers from such signs and signals, the height of a sign located adjacent to a signalized intersection shall be limited to eight feet. The height may increase one foot for each additional foot in setback from the property line up to the maximum height permitted in the zoning district.

F. The conversion of an existing conforming ground or wall sign to an electronic message sign is permitted.

G. **The conversion of an existing nonconforming ground or wall sign to an electronic message sign is prohibited.**

H. **Any electronic message signs in existence on the date that these standards become effective shall be required to comply with Section 10.1150(A–D) within 180 days from the effective date. This requirement does not apply to the size or the location of existing signs.**

8. Changes to Sections 10.1200–10.1810: 1) removing repetitive language and consolidating it into new Section 10.1150, 2) reducing the maximum square footage of animated electronic message signs in commercial and industrial zones in response to concerns that existing animated signs are too large, and 3) housekeeping revisions.

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00, **SFR-**2, **SFR-**4,**SFR-**6, **and SFR-**10).

Signs shall be permitted only as follows in the single-family residential zoning districts:

(1) Undeveloped Subdivision/Planned Unit Development Signs: Two non-illuminated ground signs, not exceeding 50 square feet in area, and 14 feet in height and setback a minimum of 20 feet from any property line are permitted within an undeveloped subdivision/ planned unit development. Such signs may be installed on the undeveloped subdivision/planned unit development property after approval of the tentative plat by the Planning Commission. However, the sign must be removed no later than ~~2~~ **two** years after installation, unless the Planning Commission, upon due application prior to expiration of the ~~2~~ **two-**year period, determines that the continued maintenance of the sign is consistent with the purpose of this code, in which case an extension for an additional year may be granted. Electronic message signs are prohibited.

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage....* * *

(a) Ground Signs:

(i) Maximum Size: 20 square feet per sign.

(ii) Maximum Height: ~~5~~ **Five** feet.

(iii) Minimum Setback: 15 feet from any property line.

(iv) Exempt **Signs**: Ground signs ~~within public parks, schools, or stadiums~~ that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

(i) Maximum Size: 20 square feet per sign.

(ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(iii) Exempt **Signs**: Wall signs ~~within public parks, schools, or stadiums~~ which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250.

a. The electronic message sign shall be considered as an element of the CUP for the use.

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250.

c. The expiration of a CUP shall require the removal of the electronic message sign.

(ii) Maximum ~~Size~~**Square Footage**: 20 square feet.

(iii) Maximum Height: **Five**~~5~~ feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) Comply with the standards in Section 10.1150.

~~(iv) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.~~

~~(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.~~

~~(vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.~~

(3) Planned Unit Development Signs: Residential Planned Unit Developments are permitted two ~~(2)~~ non-illuminated ground signs, subject to the following limitations:

(a) Maximum Height: ~~4~~ **Four** feet.

(b) Maximum Square Footage: 20 square feet per sign.

(c) Minimum Setback: ~~5~~ **Five** feet from any public right-of-way.

(d) Such signs may be installed after approval of the signs, and the Planned Unit Development by the Planning Commission.

(e) Electronic Message Signs are prohibited.

(4) Signs permitted in single-family residential zoning districts shall comply with Section 10.1140.

10.1300 Signs in Multiple-Family Residential Districts ~~(~~MFR-15~~)~~, ~~(~~MFR-20~~)~~ and ~~(~~MFR-30). Signs shall be permitted only as follows in the ~~MFR-15, MFR-20 and MFR-30~~**multi-family residential** zoning **districts**~~s~~:

* * *

(2) Multiple-family Dwelling Sign: For multiple-family dwellings containing four or more dwelling units, one sign not more than 10 square feet in area, either affixed to the building or free-standing is permitted. If free-standing, the sign shall not be located in any required yard area and shall not exceed ~~4~~ **four** feet in height and shall be mounted within a landscaped area or decorative planter. If affixed to the building, the sign may not project into a required yard area more than 18 inches. No part of any such sign shall be higher than the building height as defined in Section 10.705. Electronic Message Signs are prohibited.

(3) Institutional uses, as defined in Section 10.012.... * * *

(a) Ground Signs:

(i) Maximum ~~Size~~**Square Footage**: 20 square feet per sign.

(ii) Maximum Height: ~~5~~ **Five** feet.

(iii) Minimum Setback: 15 feet from any property line.

(iv) Exempt **Signs**: Ground signs ~~within public parks, schools, or stadiums~~ that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

(i) Maximum ~~Size~~**Square Footage**: 20 square feet per sign.

(ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(iii) Exempt **Signs**: Wall signs ~~within public parks, schools, or stadiums~~ which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250.

a. The electronic message sign shall be considered as an element of the CUP for the use.

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250.

c. The expiration of a CUP shall require the removal of the electronic message sign.

(ii) Maximum ~~Size~~**Square Footage**: 20 square feet.

(iii) Maximum Height: **Five**~~5~~ feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) Comply with the standards in Section 10.1150.

~~(iv) All text displayed on an electronic message sign must be static for a~~

~~minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(v)~~ ~~All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.~~

~~(vi)~~ ~~The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.~~

~~(vii)The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.~~

(4) Planned Unit Development Signs: Residential Planned Unit Developments are permitted two ~~(2)~~ non-illuminated ground signs, subject to the following limitations.

(a) Maximum Height: ~~4~~ **Four** feet.

(b) Maximum Square Footage: 20 square feet per sign.

(c) Minimum Setback: ~~5~~ **Five** feet from any public right-of-way.

(d) Such signs may be installed after approval of the signs, and the Planned Unit Development by the Planning Commission.

(e) Electronic Message Signs are prohibited.

(5) Signs permitted in multi-family residential zoning districts shall comply with Section 10.1140.

10.1400 Signs in Service Commercial and Professional Offices (C-S/P); Basic Regulations.

Signs shall be permitted only as follows in the C-S/P district:

(1) Ground Signs: Each parcel of land is permitted one ~~(1)~~ ground sign per street frontage, subject to the following limitations:

(a) Maximum Height: **Nine** ~~9~~ feet.

(b) Maximum Square Footage: 32 square feet per sign.

(c) Minimum Setback: **Five** ~~5~~ feet from any lot in a residential zoning district or from a street right-of-way.

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation. An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) Comply with the standards in Section 10.1150.

~~(ii)~~ ~~All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any lot in a residential zoning district or GLUP Map designation. An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in C-S/P zoning districts shall comply with Section 10.1140.

* * *

10.1410 Service Commercial and Professional Office (C-S/P: Additional Special Signs.
Additional special signs shall be permitted as follows in the C-S/P district:

* * *

(3) Additional special signs permitted in C-S/P zoning districts shall comply with Section 10.1140.

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations.
Signs shall be permitted as follows in the C-N district:

(1) Ground Signs: Not more than one ground sign may be placed on each lot or parcel

subject to the following limitations:

(a) Maximum Height: **Nine**~~9~~ feet.

(b) Maximum Square Footage: 36 square feet per sign.

(c) Minimum Setback: 10 feet from a lot in a residential zone or from a street right-of-way.

(d) Electronic Message Signs are permitted subject to Sections 10.248 through 10.250, and the following criteria:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to Sections 10.248 through 10.250, and the following criteria:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night~~.

~~(iv)The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

(3) Projecting Signs: Prohibited.

* * *

(6) Shopping Center Sign: In the case of shopping areas which are developed as a unit with common parking areas, one ground sign per vehicular access on a public street is permitted on the premises of a shopping center. One ~~(1)~~ ground sign may be up to 100 square feet in area and 20 feet in height. Each additional ground sign shall not exceed 30 square feet in area and ~~4~~ **four** feet in height. The shopping center ground signs allowed by this subsection (6) are in lieu of all other ground signs permitted in the zoning district, as listed under the Basic Regulations in Subsection (1) of this section. Such signs shall not project into public right-of-way.

(7) Signs permitted in C-N zoning districts shall comply with Section 10.1140.

10.1510 Neighborhood Commercial District (C-N): Additional Special Signs.

Additional Special Signs shall be permitted as follows in the C-N district:

(1) Freeway Signs: Prohibited.

(2) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height is permitted on each parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

* * *

(5) Temporary Sign: One temporary sign on each street frontage is allowed for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(6) Additional special signs permitted in C-N zoning districts shall comply with Section 10.1140.

10.1600 Central Business Overlay (CB): Basic Regulations.

Signs shall be permitted as follows in the CB district:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

- (a) Maximum Height: 20 feet.
- (b) Maximum Square Footage: 150 square feet per sign.
- (c) Minimum Setback: May not project into public right-of-way.
- (d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a ground sign subject to the following limitations:
  - (i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.
  - **(ii) Electronic message ground signs that are animated shall have a maximum square footage of 75 square feet.**
  - **(iii) Electronic message ground signs with static displays shall have a maximum square footage of 150 square feet.**
  - **(iv) Comply with the standards in Section 10.1150.**

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited~~

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

* * *

(d) Electronic Message Signs are permitted, except where within the Historic Overlay District, as a primary or secondary façade wall sign subject to the following limitations:

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii)All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night~~.

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in the CB district shall comply with Section 10.1140.

10.1610 Central Business Overlay (CB): Additional Special Signs.

Additional special signs shall be permitted as follows in the CB district:

1) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height is permitted on each parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

(2) Drive-up Window Signs: One additional ground sign not to exceed 32 square feet in area and ~~6~~ **six** feet in height is permitted on each parcel of land occupied by a drive-up window. Such signs may not project into public right-of-way.

(3) Temporary Sign: One temporary sign on each street frontage is permitted for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(4) Portable Signs: One additional portable sign not to exceed 12 square feet in area for each business entrance is permitted. Such signs shall not be located within public right-of-way. The portable signs shall only be displayed when the business is open.

(5) Additional special signs permitted in the CB district shall comply with Section 10.1140.

* * *

10.1700 Signs in Community Commercial District (C-C) and Heavy Commercial District (C-H, and Regional Commercial District (C-R): Basic Regulations.

Signs shall be permitted as follows in the C-C, C-R, and C-H districts:

(1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:

(a) Maximum Height: 20 feet.

(b) Maximum Square Footage: 150 square feet per sign.

(c) Minimum Setback: Shall not project into public right-of-way.

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 75 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 150 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(6) Signs permitted in the C-C, C-R, and C-H districts shall comply with Section 10.1140.

10.1710 Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs:

Additional special signs shall be permitted as follows:

(1) Freeway Signs:

(a) Freeway signs shall be permitted only on parcels or portions thereof that are located within the Freeway Overlay District per Section 10.365, and as shown on the official zoning map of the City of Medford.

(b) One ~~(1)~~ sign not exceeding 250 square feet in area and 50 feet in height, shall be permitted on a parcel located within the Freeway Overlay District. Each parcel is also permitted one ~~(1)~~ sign not exceeding 150 square feet in area and 20 feet in height. Such signs are permitted in lieu of all ground signs permitted in the underlying zoning district, as listed under the Basic Regulations.

(2) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and ~~9~~ **nine** feet in height for any single parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

(3) Drive-up Window Business Sign: One ground sign not to exceed 32 square feet in area and six ~~(6)~~ feet in height for any single parcel of land occupied by a drive-up window business. Such signs may not project into public right-of-way.

(4) Construction Sign: Up to two additional non-illuminated signs may be installed after a building permit has been obtained for a construction project and must be removed not later than two years after issuance of the building permit for the project or upon completion of the project, whichever is sooner. Each sign shall have an area not exceeding 100 square feet, and the top of the sign shall not be more than 20 feet

above the general surface of the ground. Not more than two such signs shall be erected for each construction project and such signs shall be subject to the same setback requirements as are imposed for structures in this zone.

(5) Temporary Sign: One temporary sign on each street frontage is allowed for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(6) Portable Sign: One additional portable sign not to exceed 12 square feet in area for each business entrance is permitted. Such signs shall not be located within public right-of-way. The portable signs shall only be displayed when the business is open.

(7) Miles Field/Professional Baseball Park Signs: One ~~(1)~~ additional freestanding scoreboard sign, not to exceed 630 square feet in area and 30 feet in height; one ~~(1)~~ time of day/display sign located above the right field fence, not to be visible from outside the stadium after June 1, 1997, and not to exceed 30 square feet in area and 25 feet in height; one ~~(1)~~ ground sign not exceeding 150 square feet in area and 20 feet in height; one ~~(1)~~ wall sign identifying the facility, not to exceed 50 feet in area; and other additional ground signs located above the outfield fence, not to exceed a total of 3000 square feet and 20 feet in height. These outfield billboard signs shall be permitted until June 1, 1997, at which time they must either be removed or enclosed so that they cannot be viewed from outside the ball park. Signs permitted in subsection (8) are in lieu of signs permitted in the underlying zoning district, as listed under the basic regulations.

(8) Additional special signs permitted in the C-C, C-R, and C-H districts shall comply with Section 10.1140.

10.1800 Signs in Light Industrial (I-L), General Industrial (I-G), and Heavy Industrial (I-H): Basic Regulations.

Signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Ground Signs are subject to the following limitations:

(a) Maximum Height: 24 feet.

(b) Maximum Square Footage: 200 square feet per sign.

(c) Minimum Setback: Sign shall not project into public right-of-way.

(d) Maximum Number: No more than one free-standing sign shall be permitted on any single lot, except under the following conditions:

(i) The lot has more than one street frontage, then a lot may be allowed one ground sign for each frontage over 120 linear feet, and

(ii) No sign shall project into the public right-of-way.

(e) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one ~~(1)~~ electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation.

(ii) Electronic message ground signs that are animated shall have a maximum square footage of 100 square feet.

(iii) Electronic message ground signs with static displays shall have a maximum square footage of 200 square feet.

(iv) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.~~

(2) Wall Signs:

* * *

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:

(i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation.

(ii) Comply with the standards in Section 10.1150.

~~(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.~~

~~(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.~~

~~(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.~~

~~(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.~~

* * *

(5) Signs permitted in I-L, I-G, and I-H districts shall comply with Section 10.1140.

10.1810 Light Industrial (I-L), General Industrial (I-G) and Heavy Industrial (I-H): Additional Special Signs.

Additional special signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Fueling Station Signs: One ground sign per street frontage, not exceeding 32 square feet in area and ~~6~~ **six** feet in height for any single parcel of land occupied by a fueling station. Such signs shall not project into public right-of-way.

(2) Drive-up Window Signs: One ground sign not to exceed 32 square feet in area and ~~6~~ **six** feet in height for any single parcel of land occupied by a drive-up window business. Such signs shall not project into public right-of-way.

(3) Temporary Sign: One sign on each street frontage for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four ~~(4)~~ permits in one ~~(1)~~ calendar year. The area of each sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

(4) Construction Signs: Such a sign may be installed after a building permit has been obtained for a construction project and must be removed not later than two years after issuance of the building permit for the project or completion of the project, whichever is sooner. The non-illuminated sign shall have an area not exceeding 100 square feet, and the top of the sign shall not be more than 20 feet above the general surface of the ground. Not more than two such signs shall be erected for each construction project and such sign shall be subjected to the same setback requirements as are imposed for structures in this zone.

(5) Additional special signs permitted in I-L, I-G, and I-H districts shall comply with Section 10.1140.

Praline M McCormack

From: Tim N Doney <tim.doney@cityofmedford.org>
Sent: Monday, August 12, 2013 5:18 PM
To: Tim J George
Subject: FW: Complaint Numbers

Regarding complaints on the electronic signs. Apparently, we only have complaints documented for the new Verizon sign. (See below)

From: Suzi N Gish [mailto:suzi.gish@cityofmedford.org]
Sent: Monday, August 12, 2013 4:46 PM
To: 'Tim N Doney'
Subject: RE: Complaint Numbers

I think we miscommunicated, I'm sorry. We only have complaints for the Verizon sign, we have not received complaints from the other two.

Regarding the Verizon sign however, beginning in May this year we received several complaints first about the extreme brightness and how distracting it was. I logged actually 5 but I know that I did not log onto the case each and every time one of us took a complaint about it because we were all aware that Scott had a case open on it and it was being dealt with.

After the brightness was fixed, then they quieted down a little, but then started up again with the constant movement so that is the issue now.
Some of the complaints that came in regarding this sign were very passionate with their concern for lack of a better word.

As soon as I hear from Marilyn in Planning I will forward it to you.

From: Tim N Doney [mailto:tim.doney@cityofmedford.org]
Sent: Monday, August 12, 2013 4:38 PM
To: Suzi N Gish
Subject: Complaint Numbers

Were you able to gather the total sign complaint numbers for those 3 intersections?

Praline M McCormack

From: Tim J George <tim.george@cityofmedford.org>
Sent: Monday, August 12, 2013 6:07 PM
To: Praline M McCormack
Cc: Tim N Doney; 'Suzi N Gish'
Subject: Electronic Signs
Attachments: Electronic Signs.1.docx; FW: Complaint Numbers (2.29 KB)

Ms. McCormack,

The dog did not eat my homework.....here it is on Monday night.

The attachments that concern accident statistics **do not** reflect any noticeable increase due to electronic signs. We only looked at three of the larger ones (Verizon, Sleep Country, and Lithia Auto Mall) but the data does not indicate an increase in accidents.

-The Verizon location shows approx. the same number of accidents in the first six months (8) for an annual number of approx.. 16. This is consistent with 14 accidents there in all of 2012.

-The Sleep Country location actually shows a slight decrease in 2012 (17) and projected the approx. same for 2013 (16) as compared to 2011 when it was 20 accidents. This location does have **Photo Red Light** which has decrease red light violations/accidents...but has increased the number of rear-end collisions some as folks approach that intersection. The commercial and traffic activity has increased in this area as well.

The Lithia Auto Mall location has had a sign in existence since 2007, and the accident numbers have been up and down since then by a few accidents. No difference here.

Our accident rate has more to do with other factors such as weather (severe ice or snow can jump rates quickly) as well as the price of fuel. The more expensive it is to drive, the fewer miles are driven...hence less accidents. Education, Engineering, and Enforcement each have a role as well.....and we have been fortunate to be approx. 2% down in total traffic accidents thru May 2013 YTD, and 5% down in injury accidents YTD. That is good news since the number of licensed drivers continues to increase, as does the number of registered vehicles.

On the complaints received by Code Enforcement on the Verizon sign...as you can see by the attached info from Suzi Gish.....the issue now is with movement...it was earlier with brightness.....5 total complaints, although there could have been more that were not individually logged in as we already had a case on this.

Hope this helps.

Thanks.

Tim George #219
Chief of Police
Medford Police Department
541-774-2201

Selected Electronic Sign Intersections

Court St/Crater Lake Hwy
Crater Lake Hwy/N Pacific Hwy
N Pacific Hwy/Hwy 238 *Verizon, Big Y (sign permit approved 3/1/13)*

2013 (first 6 months) – 8

2012 – 14

2011 – 13

2010 – 12

2009 – 8

Biddle Rd/E McAndrews Rd *Sleep Country, Biddle & McAndrews (sign structure approved 10/28/10, added electrical Sept. 2012)*

2013 (first 6 months) – 8

2012 – 17

2011 – 20

2010 - 16

2009 - 32

Coker Butte/Crater Lake HW *Lithia Auto Mall, Hwy. 62 (sign permit approved 6/22/07)*

2013 (first 6 months) – 5

2012 – 2

2011 – 5

2010 – 1

2009 – 1

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EXHIBIT # C-2
File # DCA-13-090

Back
- Code Enforcement
- Economic Development
- Finance
- Fire-Rescue
- Human Resources
- Medford Urban Renewal
- Municipal Court
- Neighborhood Resources
- Parks and Recreation
- Planning
- Police
- Public Works
- Purchasing
- Water Commission

Elected Officials
- Gary Wheeler
- Daniel Bunn
- Chris Corcoran
- Dick Gordon
- Tim Jackle
- Eli Matthews
- John Michaels
- Bob Strosser

Online Services
- Submit Online Police Reports
- Business License Renewal Services
- Medford Municipal Court Citation Services
- Building Permit Online Services
- Planning and Engineering Services
- Parking Citation Payment Service
- Utility Account Services

Get Involved
- Commissions & Committees
- Community Links

Maps

Contact Us

Mayor & Council - Minutes

View Agenda

Thursday, May 16, 2013

MINUTES OF THE MEDFORD CITY COUNCIL MEETING

STUDENT GOVERNMENT DAY

May 16, 2013

The meeting was called to order at noon in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Dick Gordon, Karen Blair, Daniel Bunn, Bob Strosser, Al Densmore, Eli Matthews, Chris Corcoran and John Michaels (*arrived as noted).

City Manager Eric Swanson; Deputy City Manager Bill Hoke; City Attorney John Huttl; City Recorder Glenda Wilson

Mayor's Youth Advisory Commission members Calvin Roberts, Amber Moore, Dan Leavens, Emily Eccleston, Sammy Elsdon, Grace Jovanovic, Jilian Emard, Paige Forster, and Lina Allen

Employee Recognition
Employees from Finance, Fire, Police, Public Works and Technology Services were recognized for their years of service.

*Councilmember Michaels arrived.

New Employees
Anthony Quilliams, Police Officer and John Falkenhagen, Police Officer were introduced.

20. Approval or correction of the minutes of the April 25, 2013 special meeting and the May 2, 2013 regular meeting
There being no corrections the minutes were approved as presented.

30. Oral requests and communications from the audience
30.1 Mayor Wheeler presented Carson Bennett a certificate of accomplishment as he is the youngest member graduating from the Jackson County Master Recyclers course.

40. Consent calendar
40.1 COUNCIL BILL 2013-69 An ordinance authorizing acceptance and expenditure of a grant from the Medford Water Commission in the amount of $10,000 for park strip landscaping adjacent to Phase 1 of Oregon Hills Park.

40.2 REMOVED By Councilmember Gordon

Motion: Adopt the consent calendar.
Moved by: Chris Corcoran Seconded by: Daniel Bunn
Roll Call: Councilmembers Chris Corcoran, Daniel Bunn, Karen Blair, Eli Matthews, Al Densmore, John Michaels, Dick Gordon and Bob Strosser voting yes.
Ordinance 2013-69 was duly adopted.

50. Items removed from consent calendar
40.2 COUNCIL BILL 2013-70 An ordinance authorizing payment of excess Street System Development Charge (SDC) credits to Jackson County Airport Authority in an amount not to exceed $150,000 for right-of-way dedication on Lawnsdale Road.

Councilmember Gordon requested staff report. Cory Crebbin Public Works Director provided a staff report and noted that the Airport Authority dedicated additional right-of-way in anticipation of the City requiring this in the future. This additional right-of-way brought Lawnsdale Road into compliance with the City's standard for a Major Collector street. The City Council can authorize payment of street system development charge credits for the additional dedication. In addition, the County is requesting that the length of the credit period be extended from 10 years to 20 years and that the credits be indexed to the value of SDC's. Staff is recommending approval of the ordinance but requests denial of the request for the additional credit period and indexing of the credits.

Motion: Adopt the ordinance.
Moved by: Dick Gordon Seconded by: Daniel Bunn
Roll Call: Councilmembers Dick Gordon, Daniel Bunn, Bob Strosser, Karen Blair, John Michaels, Al Densmore, Eli Matthews and Chris Corcoran voting yes.
Ordinance 2013-70 was duly adopted.

60. Ordinances and resolutions
60.1 SECOND READING
COUNCIL BILL 2013-66 An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223/Construction and Maintenance employees concerning wages, hours, fringe benefits and other working conditions retroactive from July 1, 2012 through June 30, 2014.

Motion: Adopt the ordinance.
Moved by: Chris Corcoran Seconded by: John Michaels
Roll Call: Councilmembers Chris Corcoran, John Michaels, Daniel Bunn, Dick Gordon, Al Densmore and Bob Strosser voting yes. Councilmembers Eli Matthews and Karen Blair voting no.
Ordinance 2013-66 was duly adopted.

60.2 COUNCIL BILL 2013-71 An ordinance authorizing execution of an Intergovernmental Agreement with Medford Urban Renewal Agency to fund certain elements of Park Block 2 for The Commons Project.

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Motion: Adopt the ordinance.
Moved by: Al Densmore Seconded by: Chris Corcoran

Planning Director Jim Huber provided a staff report and reviewed the criteria for approval. He noted that this action was initiated by the City Council and meets applicable criteria. He reviewed the proposed location of the vacation and noted that this is in conjunction with The Commons project and the property was originally identified as a third park block. He noted that no objections have been received on this application. Planning Commission and staff recommend approval.

Public hearing opened.

1. Jim Maize, representing Lithia Real Estate, Inc. supported the staff and Planning Commission recommendation.

Public hearing closed.

Motion: Adopt the ordinance.
Moved by: Bob Strosser Seconded by: Daniel Bunn
Roll Call: Councilmembers Bob Strosser, Daniel Bunn, Karen Blair, Dick Gordon, Al Densmore, John Michaels, Eli Matthews and Chris Corcoran voting yes.
Ordinance 2013-73 was duly adopted.

130. Ordinances and resolutions
None

140. City Manager and other staff reports
140.1 Electric Sign Code Update – Jim Huber
Planning Director Jim Huber provided an update on the issue raised by Craig Stone, CSA requesting a code amendment for the use of an electric sign at his client's property on Barnett Road. Mr. Huber reviewed the Conditional Use Permit criteria and the requirements for eligibility. Staff discussed this request with the Planning Commission and they would like to look at the issue further if the Council is inclined to pursue this course of action.

Councilmembers discussed the issues and other concerns regarding the electronic signs such as brightness, size, location, number of them now in the community.

Motion: Direct the Planning staff to look at a text amendment to allow People's Bank to apply for a conditional use permit for their proposed electronic sign.
Moved by: Chris Corcoran Seconded by: Bob Strosser
Roll Call: Councilmembers Chris Corcoran, Bob Strosser, Karen Blair, Eli Matthews, Al Densmore, Dick Gordon, John Michaels and Daniel Bunn voting yes.
Motion carried and so ordered.

Councilmembers requested that a study session be scheduled to look at the other issues with electronic sign code revisions.

140.2 Further reports from City Manager
None

150. Propositions and remarks from the Mayor and Councilmembers
150.1 Further Council committee reports.
a. Parking Commission Appointment
Mark Milner, Chair of the Parking Commission, addressed the Council and presented the recommendation of the interview committee to appoint William Keith to fill a vacancy on the Parking Commission.

Motion: Appoint William Keith to the Parking Commission for a term ending 1/31/2016.
Moved by: John Michaels Seconded by: Eli Matthews
Roll Call: Councilmembers John Michaels, Eli Matthews, Karen Blair, Daniel Bunn, Dick Gordon, Bob Strosser, Al Densmore and Chris Corcoran voting yes.
Motion carried and so ordered.

Mr. Milner then addressed the Council and requested caution in the expenditure of the $2 million in the Medford Urban Renewal Agency budget designated for parking. He noted he feels the parking issues are a perception issue and he would like the Council to work with the Parking Commission to address future parking needs.

b. Councilmember Densmore requested information regarding the request made by Annie Jenkins for the Taste of Alba event. Ms. Wilson provided information regarding the previous presentations by the Taste of Alba representatives and that there has been no Council action regarding the request.

c. Councilmember Michaels addressed the Council and requested discussion regarding street vacations. He noted that when the City needs land we always have to purchase but if the land is vacated, the City does not sell the land. City Attorney John Huttl noted that there are State laws that govern vacations and ownership.

d. Councilmember Gordon reported that the League of Oregon Cities has "pulse pad" devices that can be used to garner input from groups of individuals at events such as neighborhood meetings. He noted that there are also online apps for phones that provide a similar function.

e. Mayor Wheeler noted that a memorial fund for former Mayor Lou Hannum's wife has been established and is looking for donations. Information may be obtained at www.jcif.org.

f. Councilmember Blair noted that a copy of the letter from the Southern Oregon legislative representatives regarding the Coquille Tribe issue was forwarded to the Councilmembers via email.

g. Councilmember Blair requested Council discussion on consistency of when Board and Commissions members are placed on the Council agendas. Ms. Wilson noted that requests to address the Council are usually under Oral Comments at the beginning of the meeting but that presentations regarding recommendations of appointments have been done under Council Comments.

150.2 Further remarks from Mayor and Councilmembers.
None

160. Adjournment

MINUTES
PLANNING COMMISSION STUDY SESSION
June 10, 2013

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in Room 151 of the Lausmann Annex on the above date with the following members and staff in attendance:

Commissioners: Tim Jackle, Norman Fincher, David McFadden, Robert Tull, Michael Zarosinski and Bill Christie (arrived at 12:05).

Staff: Jim Huber, Bianca Petrou, Praline McCormack, Kelly Akin, Terri Rozzana, Alex Georgevitch, John Adam and Lori Cooper.

Guests: Megan LaNier, Jim Maize and Bill Mansfield.

Subject:
1. Proposed Electronic Sign Code Amendment for C-S/P Zone
2. Proposed GLUP Map Amendment for Internal Study Areas (UGB Amendment Project).

1. Proposed Electronic Sign Code Amendment for G-S/P Zone

Jim Huber, Planning Director stated that there are two items on the agenda today. The first one is a text amendment that City Council directed to the Planning Commission to evaluate and the other one is updates on the Urban Growth Boundary amendment.

Praline McCormack, Planner II, reported that Craig Stone, representing People's Bank at the corner of Highland and Barnett, requested that electronic message signs be allowed to be located less than 150 feet from a residential zone with an approved conditional use permit. Currently they are permitted if they are 150 feet or further from a residential zone. Across the street from People's Bank is the dog park that is zoned MFR-30 and is owned by the City. Staff has prepared a draft amendment to make it permitted with a Conditional Use Permit that includes language in Mitigation of Impacts that was discussed at a previous study session. Ms. McCormack distributed Code Section 10.248 Conditional Use Permit Criteria for the Commission to also review. Staff has several options that could be considered other than the Conditional Use Permit. Staff feels it is an "overkill" to say that having an electronic message sign is a public benefit and doing the Conditional Use Permit process. The four options are: 1) Per Craig Stone's request, allow electronic message signs in C-S/P zones that are less than 150-feet from residential zoning/GLUP designation with an approved Conditional Use Permit; 2) Permit electronic message signs in C-S/P that are less than 150-feet from residential zoning/GLUP designation if one of the following conditions can be met: (a) The residential zoning/GLUP designation is across the street from the subject C-S/P zoning, and the street is classified as an arterial or collector, or; (b) The residential zoning/GLUP designation is abutting the subject C-S/P zoning, then the electronic message sign must be at least 50-feet from the common property line with residential zoning/GLUP designation; 3) Permit electronic message signs in C-S/P zones that are less than 150-feet from residential zoning/GLUP designation if the use on the residential property is an institutional use, or a community service facility as defined in Chapter 10; and 4) Permit electronic message signs in C-S/P zones that are less than 150-feet from residential zoning/GLUP designation and limit size of sign to 20 square feet.

Commissioner Tull requested that 2(b) be explained. Ms. McCormack stated that if the residential zoning is next to the property with C-S/P zoning, the sign would have to be at least 50-feet from the residential zone. Most lots are not 150-feet wide and would be hard to meet that setback.

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File # DCA-13-090

Ms. McCormack reviewed other areas in the City that has C-S/P zoning that abuts residential. There are areas by Providence Hospital along Royal Avenue that have multi-family dwellings that are around the C-S/P zones. Other areas include around Rogue Valley Medical Center and downtown Medford.

Ms. McCormack reported that after completion of this amendment, staff will analyze electronic message signs.

Alex Georgevitch, Public Works, Transportation Manager, reported that there are some minor collectors such as Peach Street that are built the size of a residential street, so you have to be careful of the designation because it may be no greater than a standard residential street of 36-feet wide curb to curb. Major arterials are not a problem but minor arterials and collectors may be problematic. If it is desired, the wording should state major arterial and major collector. Public Works also has concerns with electronic message signs near signalized intersections or future signalized intersections because it has the potential to conflict or cause confusion for motorists. It creates a distraction on the roadway. Generally speaking, Public Works would like not to see them at all but that is not realistic.

Commissioner Fincher asked if it would make more sense to do this amendment when staff reviews the entire electronic message sign section? Ms. McCormack responded that since this is a citizen request for the initiation of the amendment, staff has to move forward with this amendment. After this amendment, staff will do the analysis of the electronic sign code. Commissioner Fincher asked even if that code could potentially effect what the citizen wants to do? Ms. McCormack responded that it would be after the fact and they would already have their sign.

Bianca Petrou, Assistant Planning Director, stated that if the Commission felt that it should not be considered now they could recommend considering it as part of a package to City Council.

Mr. Huber reported that staff has concerns using the conditional use permit process for signs. Clearly, conditional use permits are used for land uses and different kinds of uses. Some of the items are subjective, such as, it will cause no significant adverse impact and it is in the public interest.

Commissioner Fincher asked that when the permit was originally issued was this a known issue at that time and now that it is built-out they are asking to re-write the rule so that they can use it? Ms. McCormack reported that they have built-out a monument sign that has removable numbers for interest rates and they want to take out the box and install an electronic message sign. Commissioner Fincher stated that he would hate to see this being re-written without having reviewed the entire sign issue just for one individual that has a situation that was already present when they started their build-out and they knew it. He would be more inclined if it was something that just popped up that no one had a clue until they tried to cross that road.

Mr. Huber stated that staff could report back to Council that the general direction the Commission is leaning towards is to not separate the two and when the Commission reviews the broader question of electronic message sign to include this one.

Mr. Huber stated that the divide between the options are, should it be a conditional use or permitted outright. When they are permitted outright they do not come before the Planning Commission. It is an administrative decision that meets the standard.

Ms. Petrou responded that another option is to not change the code at all. Let it remain the same.

Commissioner Tull asked what is prompting the review of the Code that presently exists regarding electronic message signs? Mr. Huber responded that several Council members had received complaints regarding the Verizon sign at the corner of Highways 99 and 238.

Commissioner Tull reported that when the Commission revised the Code to deal with electronic message signs, one of the items that the Commission was concerned about was how distracting is the message. How much movement is there, how often does the message change, is it a video kind of

message or words, etc. There were hefty debates in regard to school signage. What is going on now that requires the Commission to go back and revisit that? Mr. Huber reiterated that it is complaints to several Council members regarding the Verizon sign. It is a large sign, in a prominent location and has a lot of movement.

Commissioner Tull commented that he thought the Code was setup to discourage or contain that kind of moving image.

Chair Jackle stated that the 150-foot is sufficient. He is in favor of having restrictions for reducing the 150-feet setback, It should be a conditional use so that all dimensions of the application can be reviewed and have the applicant prove why it is not a substantial impact to the neighboring properties. He is in favor of number one.

Mr. Huber reported that the Code does not allow exceptions to provisions for the sign code.

Commissioner Tull asked if there is anything in the Code that states that if one does have a sign like this on commercial property that the message has to relate to the business. Lori Cooper, Deputy City Attorney, stated that violates the constitution of the state of Oregon; you cannot do that. It is content neutral.

Commissioner Tull asked how does the Commission take into consideration Mr. Georgevitch's concern about a sign with a message that needs to be read and may be changing every two seconds? There are hundreds of vehicles an hour that go through that intersection at various speeds, some go directly through with the sign obvious to them and others will be coming from directions that the sign is not going to be that obvious until they turn the corner. Do we have a public responsibility in this regard? Mr. Huber replied that the tools are size, placement, setbacks, distance and static image.

Mr. Georgevitch commented that controlling location and placement of the sign is key as it relates to each individual site.

Mr. Huber reiterated that he heard the Commission express they would prefer to review this in its entirety when it goes to Council but failing that the Commission expressed the first option that is the conditional use permit for less than 150-feet.

Commissioner Tull reported that he is in favor of the conditional use if it moves beyond a standard that has been agreed to as being appropriate. The other side of it is that he would rather not deal with this specific instance, he would rather hear staff's recommendation regarding electronic message signs in the City and then the Commission makes certain that this is a good example of what they want.

Commissioner McFadden stated that he is not certain that the current conditional use permit issues are applicable in this instance. He is concerned with reviewing every sign application that comes in with a conditional use permit process.

Commissioner Tull commented that he does not see the Commission dealing with this very often. It seems to him that if a property owner decides that they simply cannot live with the 150-foot setback from a residential property zone they will come to the Commission. Otherwise, the standard is clear and they can make their plan accordingly.

Chair Jackle agreed and is comfortable with the conditional use permit.

2. Proposed GLUP Map Amendment for Internal UGB Study Areas (UGB Amendment Project)
John Adam, Planner IV, stated that he was present to discuss the next steps in the urban growth boundary amendment process specifically on the topic of screening criteria of the Internal Study Areas (ISA). The areas are being reviewed for changes or intensifications of the land use designations that currently exist. It began with the City's Buildable Land Inventory. From that, an initial set of areas were identified as potential areas to change GLUP map designation. The intensification would be going from

Medford City Council Study Session
August 29, 2013

The meeting was called to order at noon in the Medford Room, City Hall, 411 W. 8th Street, Medford with the following members present.

Mayor Gary Wheeler; Councilmembers Chris Corcoran, Dick Gordon, Eli Matthews, Bob Strosser, John Michaels (*left as noted) and Karen Blair.

Councilmember Daniel Bunn was absent.

1. Electronic Message Board Signs: Jim Huber, Planning Director provided an overview of the sign code which permits electronic signs in the City. He provided background on the history of how the code has developed over time to address the new technology. He provided information on the number of existing signs in Medford and their locations.

He reviewed the benefits and issues of concern with the use of electronic signs. Some benefits of the electronic signs include the signs being used for public announcements such as amber alerts, traffic announcements and recently the smoke health hazards. He noted that as they replaced static signs it may result in less overall signage due to the ability to advertise more in the same space with rotating messages.

Mr. Huber addressed concerns with the electronic signs. He cited several studies done regarding the distractions of electronic signs. Most of the studies concluded that drivers look more often at and spend longer time looking at electronic signs.

Mr. Huber reviewed how other communities utilize and what regulations they have to manage electronic signs. He reviewed the inconsistencies that exist in the current code language.

Mr. Huber presented potential options for Council discussion including banning of the signs, limiting the size and location; address the rate of image change, messages displays, and transition methods between messages.

Mr. Huber noted the remaining issue is how to address the request by People's Bank for a Medford Code text amendment to allow consideration of their sign request as a Conditional Use Permit.

Councilmembers discussed the options and expressed initial concern with changing the Medford Code as this could affect other areas of the City. Craig Stone, CSA Planning representing People's Bank was invited to address the Council. He noted that a zone change of the dog park property to allow for their sign would not be the easiest way to address this issue. The code change will simply allow for the submission of a Conditional Use Permit which would then be decided upon on a case by case basis.

Councilmembers requested staff bring forward the code amendment to allow for a Conditional Use Permit process.

Council discussed the need to still pursue a zone change on the dog park property and staff was directed to investigate this process further.

Council discussed the need to amend the Medford Code regarding electronic signs to address the movement of the sign displays, distances between signs and brightness controls.

2. Boards & Commission Code Amendments: Glenda Wilson, Assistant to the City Manager reviewed changes proposed from various boards and commissions. Council directed staff to bring forward code amendments.

CITY OF MEDFORD
EXHIBIT # F
File # DCA-13-090

CITY OF MEDFORD
MEMORANDUM

To: Medford City Council via Eric Swanson, City Manager

From: Suzanne Myers, Principal Planner via James E. Huber, Planning Director J.E.H.

Prepared By: Praline McCormack, Planner II

Date: October 31, 2013

Subject: Electronic Message Signs – Issues, Options, Consequences

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The purpose of this memo is to report to the City Council the recommendations of the Planning Department regarding a possible sign code amendment for electronic message signs and to seek further direction. If the Council is comfortable with the recommended approaches to developing a proposal to amend the electronic message sign standards, Staff will proceed with preparing a proposal and reviewing it with the Planning Commission. If further Council discussion is desired to provide direction, another Council Study Session can be arranged.

Background

On August 29, 2013, the Planning Director provided the City Council with an overview of the sign code regarding electronic message signs, including the benefits of such signs and issues of concern. He also presented the regulation of such signs in some other communities and current inconsistencies in the Code. Council discussion focused on three areas of concern: the speed at which messages and animation change, the spacing of electronic message signs and brightness controls. They indicated the possible need for a code amendment to address these concerns.

Summary of Staff's Recommendations

- Decrease the speed text messages change to no faster than every five (5) seconds.
- Require a pause between every message.
- Require scrolling, serial messages to be completed in a maximum of ten (10) seconds.
- Prohibit blinking and flashing lights.

CITY OF MEDFORD
EXHIBIT # G
File # DCA-13-090

- Continue exploring the possibility of regulating the spacing of electronic message signs.
- Consider prohibiting or limiting the number of electronic message signs within a specified distance of intersections of higher order streets.
- Amend the glare section of the Code to include day and night brightness standards for electronic message signs that impact residential zones.
- Consider applying day and night brightness standards city-wide.

Speed of Message and/or Animation Changes

History
The sign code was amended in 2010 to permit electronic message signs. In the original amendment Staff proposed message (i.e., words or text) changes no faster than every ten (10) seconds, and prohibited animation. After comments were received from sign companies, City Council, Planning Commission and Site Plan and Architectural Commission who opposed the original amendment because they felt it was too slow and too restrictive, the original amendment was revised to no faster than every five (5) seconds, with animation prohibited. At that time, in 2009-2010, the only electronic message sign in the City was the Lithia Motors sign on Crater Lake Highway. According to Staff observations, the messages on that sign changed every two (2) seconds and the sign included animation. In order for the Code to be consistent with the existing electronic message sign, the amendment was revised for a final time to limit the message rate of change to no faster than every two (2) seconds, with no prohibition on animation. The end result is electronic message signs that have full motion animation, including flashing and blinking.

Options
1. Allow Static Messages Only and Prohibit Animation. The City of Burbank, California prohibits animation and restricts message changes to no more than once every 24 hours, making them more static in nature and similar to an old-fashioned message board. The Cities of Loveland, Colorado and Los Alamos, New Mexico both prohibit animation and restrict electronic message signs to static messages that may change at a specified rate – once every five (5) seconds in Loveland and once every eight (8) seconds in Los Alamos. Both cities require the use of "Dissolve" or "Fade" transitions (slower types of transitions) and no sign may have the appearance of movement. The end result is signs that are static in nature similar to a slide show as opposed to a television screen.

2. Allow Messages and Animation, But Prohibit Blinking and Flashing Lights. As discussed at the August 29, 2013 City Council Study Session, there are safety concerns associated with electronic message signs and driver distraction. Blinking and flashing lights on electronic message signs serve to get attention. One way to address safety concerns is to prohibit blinking and flashing lights. The City of Anaheim, California restricts signs from "blinking, flashing, or varying in color or luminescent intensity resulting in glare, momentary blindness, disability, or discomfort to persons on adjacent properties or driving by." The City of Tigard, Oregon prohibits traveling light patterns. The City of St. Helens, Oregon

prohibits flashing, chasing lights. These types of provisions are more subjective and may be difficult to enforce.

3. Allow Messages and Animation, But Regulate the Speed at Which Messages and/or Animation Change. Due to safety concerns related to distracted drivers as mentioned above, many cities regulate the speed at which messages and/or animation may change. In the City of Tigard, Oregon messages, as in Medford, must be displayed for more than two (2) seconds before changing. However, Tigard also restricts animation changes to no faster than every two (2) seconds whereas Medford has no restriction on the speed animation changes. In the City of Stayton, Oregon messages and animation may not change faster than once every minute.

4. Allow Messages and Animation, But Require a Pause Between Messages. Sometimes an electronic message sign has a message that carries on for two or more frames. These serial messages are particularly distracting because a driver will focus on them until the message is completed. A consultant hired by the City of Seattle to examine the relationship between electronic message signs and driver distraction recommended that serial messages be completed in a maximum of ten (10) seconds so as to reduce long glances by drivers.

   Studies have shown that electronic message signs with dynamic displays elicit more and longer glances from drivers than static signs. One way to address this issue is to slow them by requiring a pause between messages and/or animation. The City of Seattle, Washington requires a twenty (20) second pause using a still image or blank screen following every message. The City of Everett, Washington requires a transition time of one (1) second in between each message displayed, and scrolling messages must hold for at least two (2) seconds.

Staff Recommendation

- Decrease the speed text messages change to no faster than every five (5) seconds. The result would be signs that have full motion animation, but the speed messages change would be slowed from the current speed of every two (2) seconds.
- Require a pause between every message.
- Require scrolling, serial messages to be completed in a maximum of ten (10) seconds for safety reasons.
- Prohibit blinking and flashing lights. This would make electronic message signs consistent with the glare section of the code that specifically prohibits flickering or flashing lights (Section 10.764[4][a]).
- No changes to animation.

Spacing of Electronic Message Signs

Currently, the only spacing requirements for electronic message signs are the requirements to place signs 150 feet or farther from any residential zoning district or residential General Land Use Plan (GLUP) Map designation and that each parcel is permitted one electronic message as a ground sign. In addition to the ground sign, in

commercial and industrial zones each parcel may have an electronic message sign on a street-facing wall or a non-street-facing wall as long as it is 150 feet or farther from any residential zoning district or residential GLUP Map designation. Lastly, ground signs may not project into the public right-of-way.

It is important to note that it will require additional work for the City to administer a spacing requirement for these signs. The exact locations of all existing and new electronic message signs would have to be mapped and tracked as a layer in the City's Land Information System. We would also have to track the removal of such signs.

In deciding on a spacing requirement, one must be careful to not choose a distance that takes away the sign rights of a small lot owner. In the *Land Development Code's* Site Development Standards lots in commercial and industrial zones must have a minimum of either 30 or 70 feet of lot frontage depending upon the zone. Because there are quite a few electronic message signs along Riverside Avenue, staff looked at the lot sizes there, which range from 31.5 feet to 210 feet of frontage. If the required distance were 35 feet, a property owner with a lot width of 31.5 feet may not be able to have an electronic message sign as a ground sign along the street frontage.

Engineering staff have indicated that they would prefer to prohibit electronic message signs at intersections. Intersections are busy places with traffic signals, crosswalks, pedestrians, bicyclists, and traffic. Many of the complaints about the Verizon sign were that the sign is distracting drivers at a busy six-way intersection. Crash data does not indicate that electronic message signs are causing additional crashes.

Options

1. Require electronic message signs to be located a certain distance apart. The City of Seattle requires that electronic message signs be located at least 35 feet in any direction from any other electronic message sign.

2. Prohibit electronic message signs within a certain distance of an intersection with higher order streets. The City of Los Alamos prohibits electronic message signs within 100 feet of a road intersection.

3. No spacing requirement.

4. Regulate the spacing on-site between a ground electronic message sign and any wall-mounted electronic message sign(s). For example, the City could require that a parcel with a ground electronic message sign locate any wall-mounted electronic message signs only on building walls other than the wall facing the ground electronic message sign. Or the City could require wall electronic message signs to be located at least 35 feet from any ground electronic message signs.

Staff Recommendation

- Continue exploring the possibility of regulating the spacing of electronic message signs.
- Consider prohibiting or limiting the number of electronic message signs within a specified distance of intersections of higher order streets in the interest of public safety.

Brightness Controls

Currently, brightness is regulated in three ways. All activities, including electronic message signs, impacting residential zones must comply with the glare standards in Section 10.764. This impact is addressed by requiring that electronic message signs be located at least 150 feet away from any property that is zoned residential or has a residential GLUP Map designation. In addition, brightness is regulated by requiring that electronic signs have automatic dimming capabilities to adjust the brightness to the ambient light at all times of the day and night.

The glare section of the Code has issues that need to be resolved. The section states that direct or indirect light shall not illuminate onto any residential property in excess of 0.5 footcandles. In addition, this section prohibits flickering or flashing lights, which contradicts the sign code that exempts electronic signs from the prohibition on being animated, scintillating, or having flashing, blinking, strobing, or traveling lights or any design created to give the illusion of motion. The maximum permitted illumination in this section refers to a subsection that does not exist. There are no maximum permitted illumination standards listed.

Brightness standards for electronic message signs do exist. The International Sign Association recommends 0.8 footcandles above the ambient level in commercial zones, and 0.3 footcandles above the ambient level in residential/agricultural zones. The City of Spokane, Washington requires brightness levels to be no more than 0.3 footcandles over ambient levels at a pre-set distance and provides measurement distance criteria, and measurement instructions. In addition, sign owners are required to complete and sign a form certifying that their sign complies with Spokane's standards.

Because daytime brightness levels are inappropriate at night, Illuminating Engineer Dr. Ian Lewin, highly respected in the field of lighting, recommends a night-time brightness level for electronic message signs of 0.3 footcandles above ambient light conditions when measured at an appropriate distance. His recommendations are based on the Illuminating Engineering Society's well-established standards regarding light trespass.

Options

1. Adopt day- and night-time brightness standards.

2. Adopt only night-time brightness standards.

Staff Recommendation

- Amend the glare section of the Code to include day and night brightness standards for electronic message signs that impact residential zones.
- Consider applying day and night brightness standards city-wide to address night sky protection, energy conservation, traffic and pedestrian safety, light pollution, and promoting an attractive environment.

Conclusion

If we do not receive input from City Council by November 30, 2013, we will proceed with these Staff's recommendations as proposed amendments to the Planning Commission.

MINUTES
PLANNING COMMISSION STUDY SESSION
June 23, 2014

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in Room 151 of the Lausmann Annex on the above date with the following members and staff in attendance:

Commissioners: Michael Zarosinski, Robert Tull, Paul Shoemaker, David McFadden, Bill Mansfield, Norman Fincher and Alec Schwimmer.

Staff: Bianca Petrou, Kelly Akin, Alex Georgevitch, Praline McCormack, Carla Paladino, John Adam, and Kevin McConnell.

Subjects: 1. CP-13-047 Citizen Involvement Element Update.

2. DCA-13-090 Electronic Sign Code Revisions.

1. CP-13-047 Citizen Involvement Element Update.

Carla Paladino, Planner III, reported that the City Council passed Resolution No. 2013-74 in June 2013 authorizing an amendment to the Medford Code and Comprehensive Plan pertaining to citizen involvement and specifically the Citizen Involvement Element. It is proposed that the Citizens' Planning Advisory Committee be deleted from the element and from the Medford Code. The Citizens' Planning Advisory Committee was created back in the 1970s as part of the adoption of the Comprehensive Plan and implementation of Statewide Planning Goal 1: Citizen Involvement. Over the years a number of different committees and commissions have been formed that have expanded how citizens participate and influence both the planning process and city government overall creating a change in the role and need for the Citizen Planning Advisory Committee. The Citizen Planning Advisory Committee's charge was to identify and project the community's goals, needs and concerns into all phases of the land use planning process, while concurrently increasing the citizens' understanding of community resources, resource limitations, and other process constraints. The Citizens' Planning Advisory Committee was further divided into four subcommittees representing major subject areas of community concern. These subcommittees and their primary areas of concern are: 1) Housing; 2) Current Issues; 3) Regional Issues; and 4) Comprehensive Plan updates. In response to the Statewide Planning Goal for citizen involvement, a special committee or an independent process must exist to develop, assist in implementing, and evaluate the citizen involvement program and to suggest new program approaches. A citizen involvement program has existed in Medford for some time as the City of Medford Planning Commission. The draft citizen involvement element presented is modeled from Lake Oswego's element. The major change is to remove the Citizen Planning Advisory Committee from the Comprehensive Plan and from the Medford Land Code. The draft outlines the Statewide Planning Goal 1: *Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process*; and the City of Medford Strategic Plan: *Provide and promote various methods of communication to enhance opportunities for citizen education and interaction.*

Commissioner McFadden stated that he was the last Planning Commission representative on the Citizens Planning Advisory Committee. In the last several years of its existence it had become more divisive without a goal. The group wanted to talk more about economic development. It is his opinion the draft is written well and the City can exist without the Citizens Planning Advisory Committee but there are still items in the City of Medford that needs to be discussed in an open forum.

Commissioner Mansfield reviewed the material and it is all good.

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John Adam, Senior Planner, reported that the Joint Transportation Subcommittee was originally formed as the citizen advisory committee for the last time the transportation system plan was updated and then just lingered on. Without its specific purpose of working on the transportation system plan amendment and tackling those specific issues and making recommendations to the Planning Commission it gets listened to. The targeted committees are doing a lot better.

Vice Chair Tull stated that it gets listened to because people are selected to serve on such a committee because they have a stakeholder interest or experience working with that sort of issue in the City. They have credibility as an advisory group. He is sorry to see the Citizen Planning Advisory Committee experiment has not worked. He thinks it will be missed. We need some avenue that is explicitly there in order that people can bring their concerns to the City rather than the City reaching out to educate them and hoping they will respond positively.

Kevin McConnell, Deputy City Attorney, asked if other cities in Oregon have something like the Citizens Planning Advisory Committee at this time? Ms. Paladino replied that there are some. Mr. McConnell reported from the legal perspective is that he heard some bad things come out of the Citizens Planning Advisory Committee. One of the changes since the 1970s is that as a member of the Citizens Planning Advisory Committee even though one is not appointed they are technically a City official. There were some disturbing things that were happening at those meetings. Citizens on other City Boards and Commissions have training on how to conduct themselves in a public meeting.

2. DCA-13-090 Electronic Sign Code Revisions.

Praline McCormack, Planner II, reported that City Council has three main concerns regarding electronic message signs. The concerns are the rate of the messages and animation changes, the distances between signs and brightness controls. Staff is working with the International Sign Association, a regional billboard company and a local sign company on this draft. In addition, a draft will be sent out for comment to all sign companies that submitted sign permit applications since 2012. The first section of the draft is changes to the "Clear View of Intersecting Streets" which staff is going to pull from the amendment because the proposed language does not comply with ASHTO standards and the City Engineering Department is not supportive of these changes. The current language will be used.

The Glare section of the Code stated that it prohibited flickering and flashing lights. In the sign code electronic message signs are allowed to have flickering and flashing lights. Those are in conflict with each other. It currently refers to a maximum permitted illumination but there is no standard of what is the maximum illumination. The proposed amendment would read: *In all districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not exceed a maximum night-time illumination of 0.3 footcandles above ambient light conditions when measured at an appropriate distance as specified in Subsection 5(c). This does not apply to public street lighting.* Daytime brightness measurements do not take into account ambient light. The current sign Code states that brightness shall dim in accordance with ambient light conditions. The proposed Code would prohibit electronic message signs have flickering and flashing lights since they have been found to be distracting to drivers.

Change of face signs does not require a sign permit. However, in Historic Districts it does require a Minor Historic Review (done administratively, over-the-counter).

The Sign Code is organized by zoning district. Revisions to each zoning district's sign provisions to: 1) Specifically require electronic message signs have photocell technology; 2) Ensure all illuminated signs and electronic message signs comply with the Glare section; 3) Reduce height of electronic message signs that are ground signs within 50 feet of a traffic signal, or increase setback from such signal; and 4) Decrease size of electronic message signs in the following zoning districts: C-B, C-C, C-H, C-R, I-L, I-G and I-H.

All text displayed on an electronic sign must be static for a minimum of five seconds. This was changed from 2 seconds. The continuous scrolling of text is prohibited. This restriction shall not apply

to animated images and images which move, or give the appearance of movement. Flashing and blinking are prohibited.

The electronic message signs shall have photocell technology to automatically adjust the brightness.

Signs in multiple-family residential districts shall be maximum size of 20 square feet and a maximum height of 5 feet if it is a ground sign. If a wall sign, it shall not be higher than the building height.

Signs in Service Commercial and Professional Offices shall be a maximum height of 9 feet, 32 square feet per sign for maximum square footage and a minimum setback of 5 feet from any lot in residential zoning district or from a street right-of-way. The maximum height of an electronic message sign located on a ground sign within 50 feet of a traffic signal shall be 8 feet. The maximum height of the electronic message sign may increase one foot for an additional 12 feet in setback from the subject traffic signal.

Signs in Community Commercial and Heavy Commercial shall be a maximum height of 20 feet, maximum square footage of 150 square feet and shall not project into public right-of-way. The proposed amendment would change the maximum height of an electronic message sign located on a ground sign within 50 feet of a traffic signal shall be eight feet, maximum square footage of 75 square feet and the maximum height of the electronic message sign may increase one foot for every 12 feet in additional setback from the subject traffic signal to the maximum height permitted for a ground sign in this zoning district. The same language would apply to the Central Business Overlay zoning district.

Signs in Light Industrial, General Industrial and Heavy Industrial shall be a maximum height of 24 feet, maximum square footage of 200 square feet per sign and shall not project into public right-of-way. The proposed amendment would have the language that the maximum height of an electronic message sign located on a ground sign within 50 feet of a traffic signal shall be eight feet with the maximum height of the electronic message sign may increase one foot for every 12 feet in additional setback from the subject traffic signal in the maximum height permitted for a ground sign in this zoning district and shall have a maximum square footage of 75 square feet.

Commissioner McFadden commented that the maximum square footage for an electronic message sign in Industrial zoning districts should be 100 square feet per sign.

Commissioner Fincher asked how easy is the brightness measurement for the foot candles? Ms. McCormack stated that one would have to buy a luxmeter costing approximately two hundred dollars. Commissioner Fincher asked if it would be the installer's or the City's duty to take these measurements? Ms. McCormack reported that it is the owner's responsibility to take the measurement and certify that they have taken the measurement and it complies with the City Code. Code Enforcement will buy a meter in response to complaints.

Alex Georgevitch, City Traffic Manager, asked if that applies to existing signs? Ms. McCormack replied that is one of the questions she has for the Commission is how do they want to institute or implement this Code change? They can either say that going forward every new sign has to comply with these changes or that existing signs have to comply with what they can comply with since they cannot change height or size but they can change brightness and rate of change. Mr. Georgevitch recommended that an annual certification because it is easy to take a measurement then maintenance is done and it turns the brightness up or the photocell goes out.

Mr. Adam reported that staff had discussed including some way to mitigate existing oversized electronic message signs. He does not know if Ms. McCormack has included that in her draft but he want to inform the Commission in case they see it in a future draft.

Vice Chair Tull stated that staff has not addressed an issue that concerns him. It came to him as he was going through the intersection of Highland and Barnett. The Commission had a heavy discussion

regarding the sign at People's Bank. That sign has become a community advertising sign. People's Bank does show up once in a while but the rest of the advertising on it have to do with surgeries, back pain, at least six items that cycle through. The portion of the advertising that is for People's Bank, he feels very confident, is within the perimeters that have been defined. He doubts that all of the other advertisers are trying to meet these standards, particularly those that involve animation. All of a sudden it is bright and it moves and eventually words show up. Whose responsibility is it to assure the City that anything that shows up on the sign that they have asked to be permitted, meet these standards? Ms. McCormack reported that it is up to the owner of the sign to comply with the standards for the sign. Vice Chair Tull stated that People's Bank needs to get some sort of an agreement with the back surgery people and the others that these sign standards will be met by their portion of what shows up on the electronic message sign. Ms. McCormack stated that the messages are electronically programmed by the owner. It is not up to the individual advertisers.

Commissioner McFadden commented that the City cannot regulate what the sign states. Vice Chair Tull stated that he is ready to accept that but each of the advertisers that purchase or rents a place a People's Bank electronic message sign need to be held to the same level of accountability regarding animation, flashing and brightness and he does not think that is happening.

Chair Zarosinski stated that he is not clear on how the distinction of animation versus flashing is met.

Vice Chair Tull reported that they need to keep in mind the difference between information and demanding attention.

Mr. Georgevitch stated that the concern Public Works has when these electronic message signs flash or have certain light colors to them they can be confused for emergency vehicles.

Ms. McCormack commented that she is hearing that the Commission wants to regulate the rate of animation change in addition to text change.

Vice Chair Tull stated that he has noticed that People's Bank has information that they said was the reason why they wanted to have the electronic message sign and then all of a sudden there is something up there is the beginning of an animation. It does not convey any information. It simply grabs ones attention and then it melts into something that states who put it up there and would like you call a certain number. It is not flashing or blinking it is simply all of a sudden there is animation on the screen instead of information about interest rates. Ms. McCormack commented that sounded like a serial message. It changes screens and that could also be regulated. Other cities have prohibited serial messages.

Bianca Petrou, Assistant Planning Director, stated that is sounds like Vice Chair Tull is talking about that it comes on fast and the only thing she can think of as a regulation would be that it had to fade in and fade out.

Vice Chair Tull commented that he is not sure that any of it is violating anything. He is talking about images that does not do anything more than force one to pay attention streaming. It is dangerous with the amount of traffic moving through that intersection to have the message changing every twenty seconds or whatever it may be and some of those messages being introduced in a startling way.

The Planning staff's next step is to revise this draft, run it by the sign people that staff is working with and then send it out for comments.

Vice Chair Tull stated that there needs to be something that talks about busts of projection. It may only be there five seconds but it is the intensity of its introduction. Ms. McCormack commented about changing the rate of change. Currently, the Code reads two seconds.

Commissioner Schwimmer commented that the rate of change and intensity of light are really the only objective standard that staff is going to be able to utilize to address Vice Chair Tull's concerns.

Vice Chair Tull stated that it makes a difference whether one is talking about a sign beside a highway or a busy street. A sign like the People's Bank that is at one of the City's busiest intersections where there are people that come to a stop for a minute or minute and a half is dangerous.

Chair Zarosinski reported that he will not be available for the Planning Commission meeting on July 10, 2014.

The meeting was adjourned at 1:15 p.m.

Submitted by:
Terri L. Rozzana, Recording Secretary

Recommended *Night-time Brightness Levels* for On-Premise Electronic Message Centers (EMC's)

A Compilation Summary with Extracts from Industry Reports • April 2011

CITY OF MEDFORD
EXHIBIT # I
File # DCA-13-090

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ISA INTERNATIONAL SIGN ASSOCIATION

Introduction

Electronic Message Centers (EMC's)

One of the more interesting types of signage that is becoming increasingly popular is on-premise **electronic message centers**, or **EMCs**. You may have heard EMCs being referred to as changeable message displays or digital signs.

EMCs are *not* digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located *on the premises* of the business, and that advertise goods and services that are provided at the location.

Digital billboard/off-premise sign advertising an automobile business away from where the sign is located

Electronic Message Center (EMC)/on-premise sign advertising an automobile business that is located at the place of business

There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, *we are focusing solely and exclusively on EMCs.*

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and the planning community have a common goal: ensuring that EMCs are appropriately legible. We know the messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright.

That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

Introduction

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry. Dr. Lewin's full report can be found at www.signs.org.

As a result of this research, the recommended night-time brightness level for on premise EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice.

The research and the recommendations contained in this report pertain only to EMCs, not traditionally internally illuminated signs, such as these channel letter and neon signs below. EMC's use a different lighting technology than most of these types of signs, and as such the scientific approach differs.

You can rest assured that the information contained in this publication is relevant, appropriate and workable for determining night-time EMC brightness levels.

We have provided six short steps to help guide the process and recommended statutory language. If you need further assistance, feel free to contact ISA at (703) 836-4012 to answer any of your EMC brightness questions.

EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes.

Executive Summary

ISA Electronic Message Display Brightness Recommendations

This summary has been developed to assist stakeholders concerned with development of brightness standards for large-format, electronic displays used for on-premise sign applications. This summary comprises:

1) an overview of the importance of ensuring appropriate brightness,
2) technology utilized to ensure appropriate brightness,
3) recommended brightness standards, and
4) brightness measurement methodology.

1. Overview of the importance of ensuring appropriate night-time brightness.

Electronic displays that are too bright at night can be offensive and ineffective. There are significant advantages to ensuring than an electronic display is not overly bright. These advantages include:

» Conservation of energy

» Increased life expectancy of the electronic display components

» Building goodwill with the community

» Ensuring the legibility of the display

It is in the best interest of all stakeholders to ensure that electronic displays are sufficiently bright to ensure clear legibility, while at the same time avoiding a display that is overly bright.

2. Technology utilized to ensure appropriate brightness.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing. The following general methods are used to dim an electronic display for appropriate night-time viewing:

1. *Manual Dimming.* Using this method, the sign operator dims the display in response to changing ambient light conditions.

2. *Scheduled Dimming.* Sunset-sunrise tables allow an electronic display to be programmed to dim at the same time that the sun sets and rises. This method is generally acceptable, but is more effective when used as a backup to automatic dimming controls capability, such as photocell technology.

3. *Photocell Technology.* An electronic display that utilizes photocell technology can automatically dim as light conditions change. A photocell sensor alerts the display to adjust brightness according to ambient light conditions.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.

3. Recommended brightness standards.

ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays. Dr. Lewin is a leading lighting expert with over thirty years experience in the lighting industry.

Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMC's are sufficiently visible but not overly bright, it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

...it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

4. Brightness measurement methodology.

There are two generally accepted measures of brightness in the sign industry; illuminance and luminance. Illuminance, the preferred method, is a measure of the amount of light intercepting an object at a given distance from a light source and is measured in footcandles or its metric equivalent, lux. Illuminance can be measured with a footcandle meter (also know as a luxmeter), which are relatively inexpensive ($100-1000) and commonly available. The footcandle meter should be accurate to two decimal points for accurate measurements. The second method, luminance, is an absolute measure of the amount of brightness that is being emitted from a light source and is usually measured in candelas per square meter, also known as "nits." Luminance can be measured by use of a "nit gun", which are expensive (~$3,000) and difficult to procure. The preferred method of measurement is illuminance using a footcandle meter because a measure of luminance fails to account for ambient light conditions.

Recommended Legislative Language

"

1. **Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.

A. **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpindicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.

B. **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.

C. **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

D. **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

"

SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula:* Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft. x 100}}$

Six STEPS:
EMC Brightness Levels

How to Measure the Brightness of an Electronic Message Center (EMC)

STEP 1

OBTAIN AN ILLUMINANCE METER.

Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

If you do not have an illuminance meter, the Konica Minolta T-10 is a high quality illuminance meter that works well. However, other less expensive illuminance meters may also provide adequate results. The International Sign Association has no affiliation with Konica Minolta.

STEP 2

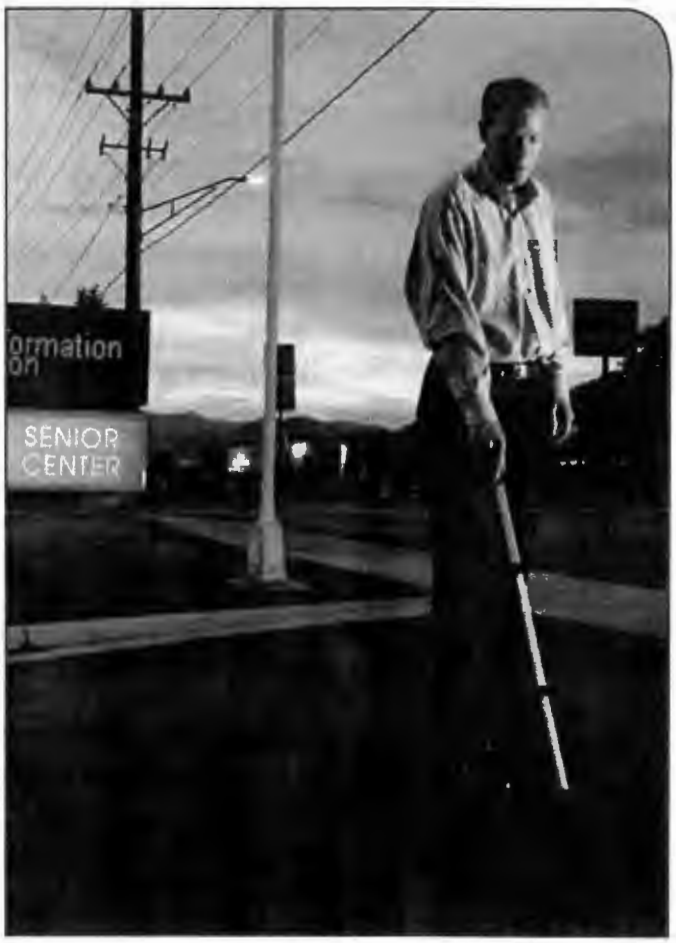
DETERMINE SQUARE FOOTAGE.

Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).

STEP 3

DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 6, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel is the most convenient way to measure the distance.



STEP 4

PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. You may wish to have a requirement that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

STEP 5

USE AN ILLUMANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.

STEP 5 (CONTINUED)

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an "off" message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer's recommended procedures.

STEP 6

ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.

As the display alternates between a solid white message and an "off" message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.

INTERNATIONAL SIGN ASSOCIATION

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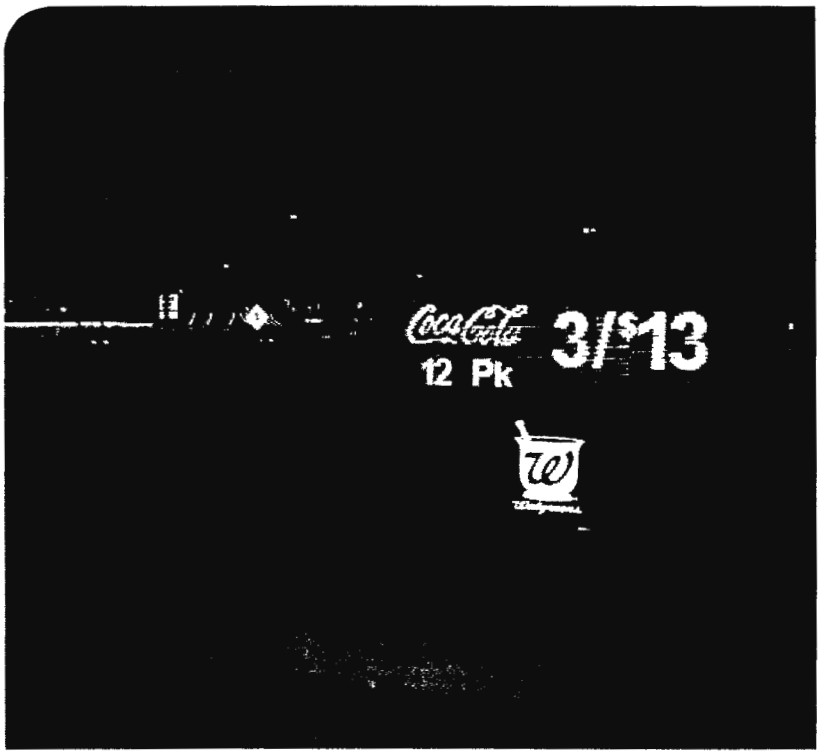

RECOMMENDED NIGHT-TIME BRIGHTNESS LEVELS FOR ON-PREMISE ELECTRONIC MESSAGE CENTERS

Robert MacLellan, President
M2M Development, Inc.
3126 State Street, Suite 200
Medford, Oregon 97504
541-772-3790
sky@area51west.us

September 4, 2013

Mr. Jim Huber
City Planner
200 South Ivy Street
Lausmann Annex, Room 240
Medford, Oregon 97501

Hi Jim,

I have read the recent articles regarding EMC's (Electronic Message Centers) in the Medford Mail Tribune and the minutes from the Medford City Council Study Session of August 29. As the owner of an electronic message center, a couple of different thoughts crossed my mind to add to the mix.

Public Service Messages

Before we installed our EMC on McAndrews & Biddle we never envisioned the concept of running Public Service Messages.

Nor did we realize that both the Medford PD and the Jackson County Sheriff Department each had a "10 Most Wanted List," just like the FBI.

On four separate occasions we have displayed four "Wanted" bad guys that were on the Sheriff's list. In each case they caught the criminals sooner than later. I also sent Chief Tim George a letter offering our EMC if they should need publicizing some higher profile cases or missing child/person type events. Within a few weeks

Medford Police Department Officer, Ruth Cox, contacted us on behalf of Chief George to ask for help in publicizing the case of the murdered cab driver and later for the national prescription turn-in event. We, of course, helped.

In addition, we were asked to place an appropriate message to help locate a 40 year old mentally challenged woman who was lost and lots of folks were looking for her. She was located in no time after we posted a message with her description asking for help to find her.

EMC's are being used across the country to instantly place an Amber Alert! This informal network was recently used to find 16 year old Hannah Anderson in Idaho with her kidnapper, whom the police cornered and fatally shot.

We recently received a thank you from City of Medford, Fire Marshal Greg Kleinberg. He appreciated how easy the process was and how quickly we had his fireworks safety ad up and running for a week, at no charge, covering the 4th of July.

We routinely offer free or a deep discounts to nonprofits and charities for their events. And they each thank us for the push our sign has given their cause. We donate, on average, 10 percent of available EMC time to provide PSA's (Public Service Messages). When we are asked to provide ad time to promote community involvement in Medford, we welcome it, and we respond quickly. What does this mean? Within 40-60 minutes!

During the Labor Day weekend, we had a waving American Flag video that plays about every two minutes. Copy reads "Have a Safe and Happy Labor Day". A time and temperature public service announcement runs, on average, every one and a half minutes. These display the current time and temperature over a static background, no moving images. Backgrounds are "theme" based, usually tied with the current season or holiday. They are pleasing to look at and display for a full three seconds. Currently, we have back-to-school images for backgrounds. Fun, friendly reminders that it's that time of year again.

Employment/Jobs!!

Jobs: Carl's Jr. has been advertising for and finding manager applicants on our EMC for the past 18 months.

Jobs: Budget Cab has been advertising for new drivers for over a year.

Jobs: Sleep Country… we gave them a helping hand advertising for their job opportunities. They called us and asked us to pull the ad. They were getting too many applicants!

Jobs: FTD had so much success with our help that the manager is booking time six weeks in advance this year for their call center crew.

Jobs: Lithia Motors and Harry & David have also used the sign for employment advertising.

By advertising for local businesses, we give that corner a community feel. It is a beautifully landscaped corner and our sign and displays match it. By giving discounted rates to non-profits and charities, they are able to obtain prompt quality advertising on a limited budget. We have helped many people and groups in the last three years.

Currently, we do several things to keep our sign from being what some consider a nuisance. Our sign manager stays away from the really bright, flashing, neon type of graphics. He limits the fast moving colors and text, as well as repetitive blinking and uses transitions that are more pleasing to the eye rather than distracting. Additionally, our sign manager complies with the regulations set forth by the City of Medford municipal code 10.1700.

Jim, the newspaper article states that you will be making a presentation to the council about the current sign ordinance and seek recommendations as to whether council wants to modify it. No date is mentioned.

Would you please contact me and let me know when you will be having the meeting so that I may possibly present my views?

Sincerely,

Robert MacLellan

Cc: Gary Wheeler
Al Densmore
Grady Singletary
Greg Stiles

CBS OUTDOOR

July 16, 2014

John Adam
City of Medford
200 S. Ivy St.
Medford, OR 97501

RE: Sign Code Update

Dear Mr. Adam:

Like any industry, the outdoor advertising business is always modernizing. Just as we shifted from painted panels to computer-printed vinyl ad copy, we are gradually shifting to LED panels, which offer greater flexibility, a smaller environmental footprint, and participation in Amber Alerts and other emergency notices.

I am very concerned about the proposed regulations for electronic signs and would like to offer my thoughts.

1. LED signs, of any size, are nothing to be afraid of as long as their brightness is set properly. The proposed code language addresses this issue nicely. In another Northwestern city considering regulation of large electronic signs, I urged the City Council to regulate *all* such signs, as it is often the small ones operated by restaurants and other businesses that are not sufficiently dimmed for nighttime display and cause glare problems for motorists. For outdoor advertising companies such as CBS Outdoor, Clear Channel, Lamar, and Meadow, signs *are* our business, and we pay close attention to the brightness of our LED signs, following guidelines and rules set by the Outdoor Advertising Association of America and the State of Oregon. Our LED ads rotate every 8 seconds, with no animation or flashing. We currently do not use transitions, but our LED's are capable of using them if mandated. The key is this: our electronic billboard displays are intended to look just like our current externally illuminated vinyl displays in the eyes of a passing motorist.
2. Billboards are a unique form of signage. Whereas a Shell gas station needs only its logo on a sign, or "Hank's Café" needs only two words, billboards are used to convey a short message, usually 3 to 12 words, that can be easily read at a glance, well within the 2.0 seconds considered by the Federal Highway Administration to be safe. Therefore, billboard signs need to be larger than most business signs, and most municipal codes have separate size and height limitations for billboards: where an on-site business sign may be allowed up to a 100 square foot size, a billboard in the same zone is likely to be allowed up to the industry-standard 300 square feet for arterial streets and 672 square feet for freeway signs. Restricting electronic signs to 150 square feet in size would make them ineffective for billboard use and prevent the industry's further modernization of its structures in Medford.

135 SILVER LN, SUITE 230, EUGENE, OR 97404 * (541) 607-9355 * FAX (541) 607-9384 * CBSOUTDOOR.COM

Here is my request for the City's consideration: implement the sensible regulation of brightness, flashing, and animation that has been proposed for electronic signs; but allow existing billboard signs to be modernized to LED panels *at the same size and height as the current faces*. CBS Outdoor operates a number of industry-standard "poster" panels whose display area (inside a 12 foot by 24 foot frame) is approximately 240 square feet, and frameless "bulletin" displays of 300 square feet. These sizes are needed for effective promotion of the products and services being advertised.

Thank you for your consideration. I will attend the Planning Commission meeting, but feel free to contact me anytime with questions about my remarks.

Sincerely,

Rob LaGrone
Real Estate Representative

Praline M McCormack

From: Jason Ripp <jripp@lamar.com>
Sent: Thursday, July 17, 2014 2:23 PM
To: Praline M McCormack
Subject: Re: Draft code amendment for your review
Attachments: McKenzie_Study.pdf

Hi Praline,

I've outlined some suggestions for your sign code are requested. Please let me know if you have any questions. Thanks! - Jason.

Oregon Department of Transportation (ODOT) advertising sign standards:

By these definitions and standards set forth by ODOT, the City of Medford Oregon can take recourse against digital signs along state roadways (i.e. HWY 99, Crater Lake, I-5) that conflict with ODOT's sign code. Submitting violation notices to ODOT would help regulate signs that advertise off-premise content without owning a digital outdoor display permit. This could help take care of some of the signs in town without having to overhaul the Medford sign code.

In addition to requiring an ODOT digital display permit, sign owners would have to operate their signs with ODOT's operating standards (i.e. 8-seconds between copy changes, no motion on any sign, instant changes that do not contain fading transitions and etc.).

(21) "Outdoor advertising sign" means:
(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or
(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another's property.
Source: https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors377.html

Currently, there are digital signs along state roadways (i.e. HWY 99) that fall under the definition of ODOT's Outdoor Advertising Sign. To my knowledge at this time, these signs do not have ODOT outdoor advertising permits, which are required to operate an outdoor advertising sign along a state roadway. If this is the case, these signs are in violation of ODOT's sign code, and can therefore be submitted to ODOT's advertising sign department as violations. Subsequently, ODOT will fine sign violators until they are brought into compliance with ODOT's regulations.

In addition, to ODOT sign permits, ODOT has very strict language regarding the use of outdoor digital displays along a state roadway:

"Digital billboard" means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.
Source: https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors377.html

ODOT's application process for legally permitting a digital billboard is as follows:

377.831 Application for digital billboard permit. (1) As used in this section:
(a) "Bulletin" means an outdoor advertising sign with a display surface that is 14 feet by 48 feet.
(b) "Poster" means an outdoor advertising sign with a display surface that is 12 feet by 25 feet.
(2) If an outdoor advertising sign being relocated is relocated as a digital billboard or if an outdoor advertising sign being reconstructed is reconstructed as a digital billboard, an applicant for a permit under ORS 377.725 must exchange the following in order to receive one permit for a digital billboard:

(a) An applicant with 10 percent or less of the total number of relocation credits in existence on the date the Department of Transportation receives the application for a digital billboard permit shall either remove one existing outdoor advertising sign and retire the permit for that sign or retire one relocation credit. The permit or relocation credit retired must be for signs with a display surface of at least 250 square feet.

(b) An applicant with more than 10 percent of the total number of relocation credits in existence on the date the department receives an application for a digital billboard permit shall:

(A) For a digital billboard that is a bulletin:

(i) Remove two existing bulletins, retire the permits for those bulletins and retire three relocation credits;

(ii) Remove one existing bulletin and two existing posters, retire the permits for the bulletin and posters and retire three relocation credits; or

(iii) Remove four existing posters, retire the permits for those posters and retire three relocation credits.

(B) For a digital billboard that is a poster:

(i) Remove two existing posters, retire the permits for those posters and retire three relocation credits; or

(ii) Remove one existing bulletin, retire the permit for the bulletin and retire three relocation credits.

(3) The relocation credits retired under subsection (2)(b) of this section must be for signs with a display surface of at least 250 square feet.

(4) Notwithstanding ORS 377.759 and 377.762, an owner that removes an outdoor advertising sign under this section is not entitled to a relocation credit.

(5) When calculating the number of relocation credits an owner possesses, the department shall consider the total number of relocation credits owned by any corporate entity held in common ownership with the owner in order to determine how many outdoor advertising signs the owner must remove and how many relocation credits the owner must retire to receive a permit to erect a digital billboard.

(6) The department shall cancel the relocation credits and permits submitted under this section upon issuance of a permit to erect a digital billboard.

(7) Two permits for a digital billboard are required to erect a back-to-back or V-type digital billboard.

(8) The first time an owner uses a permit to erect a digital billboard, the permit is not restricted by the provisions of ORS 377.767 (4).

(9) The department shall issue one digital billboard relocation credit for each digital billboard that is removed. A digital billboard relocation credit may be used only to erect a digital billboard and may not be used to erect any other type of outdoor advertising sign.

(10) Except as provided in subsection (8) of this section, an outdoor advertising sign that is being relocated as a digital billboard must meet all requirements of ORS 377.767. [2011 c.562 §6]

Source: https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors377.html

Lamar's Questions / Suggestions:

Copy Change Transitions:

The one that is missing is the instant transition between copies. Lamar utilizes instant transitions between copy changes throughout every market in the United States. Instant copy changes are also required by ODOT as an operating requirement. In the effort of continuing safety, Lamar would recommend adopting an instant transition period, instead of allowing a fade transition and ect.

Copy Change Timing:

The safety standards for copy change time are in range of 4 – 12 seconds. The state of Oregon regulates that Outdoor Advertising Sign displays change at a minimum of every 8 seconds. While, in the California markets, signs are required to change at a minimum of every 5 seconds. I've enclosed a safety report regarding digital display signs that was conducted in Salem, Oregon for your reference.

Light measurement:

"Determine the Measurement Distance. Multiply the area of the light source from step (b) above by 100 and then take the square root of that number to determine your measurement distance in feet." This works well for most of our displays, it is a little tight on the 10'6x36 but we can live with it.

Illuminated sign Definition:

"The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs."
I'm troubled by the fact that LED displays are not internal nor external illuminated. Do they have a special case for LEDs?

Advertising Display Size:

Lamar would like to request to keep the display size of signs on Commercial property to remain at 150 SQ FEET and signs on Industrial property to remain at 200 SQ FEET. All of our advertising signs are required to abide by the States laws and regulations, which at this time, is currently stricter than the City of Medford's Digital Display Sign Code. The reduction in sign size by 50% would be a detriment for converting and / or building any more digital displays in the Medford Market. Digital Signs at 75 SQ – 100 SQ are difficult to sell to clients, because they are more difficult to view from the flow of traffic.
In essence, Lamar just wants to have the ability to convert its current existing structures into digital displays at the currently allowed maximum size and height limitations set forth in your sign code.

On Wed, Jul 2, 2014 at 1:00 PM, Praline M McCormack <praline.mccormack@cityofmedford.org> wrote:

Hello James Carpentier, Dan Post, and Jason Ripp,

As you may be aware, Medford City Council directed staff to prepare a draft code amendment to address their concerns regarding electronic message signs. I prepared a draft, and on Monday June 23rd we discussed the draft at a Planning Commission Study Session.

City Council has expressed three main concerns in regards to electronic message signs:

1) Rate of message and animation changes.

2) Spacing of electronic message signs, particularly at busy intersections.

3) Brightness controls.

Planning Commission also expressed concern regarding:

1) The method of transition – existing signs are using explosions or flashing transitions that are very distracting.

2) Require that existing electronic message signs, where possible, comply with these new standards within 180 days of the effective date.

The proposed solutions to their concerns are as follows:

- Display messages changes no faster than every 5 seconds.

TRANSPORTATION
SAFETY STUDY

GROUP MACKENZIE

ROADWAY SAFETY STUDY FOR BILLBOARD LOCATIONS

Salem, Oregon

Prepared for
Oregon Outdoor Advertising Association

Prepared by
Christopher M. Clemow, PE, PTOE

Completed
March 26, 2013

Project Number
2110214.00

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EXECUTIVE SUMMARY

This study evaluates the relationship between digital billboards and impacts to roadway safety. For this study, more than 800 crashes were evaluated for five digital billboard locations to determine if the crash rate increased as a result of the billboard being converted from a conventional sign to a digital sign.

The digital billboard locations were adjacent high volume urban roadway facilities functionally classified as principal arterials. The roadside environment for all locations is similar and all billboards operate in a similar manner. Further, all billboards were converted from conventional to digital operation in October 2006.

Crash data was evaluated for each billboard at distances ranging from 0 – 1.0 mile, measured in 0.2-mile increments. Because of the complexity of the roadside environment in an urban area, the practical viewing distance for an urban billboard is 0.2 miles and the limit at which it can even be seen is 0.6 miles. At greater distances drivers are not directly aware of the billboard.

For a large number of crashes occurring in an urban environment, the vehicle driver(s) could not see the billboards. In general, most recorded crashes resulted at locations with intersecting roadways or involved vehicles for which the drivers could not see the billboard. However, because of the difficulty of screening crashes with respect to billboard visibility and introducing data bias, all recorded crashes associated with the primary viewing roadway were evaluated.

Based on analyzed data, there does not appear to be a statistically significant relationship between digital billboards and an increase in crashes. For all locations, the number of crashes and crash rates decreased on the roadway segment most proximate the billboard, i.e. 0 – 0.2 miles, and increased on more distant segments, including those in excess of the practical viewing range.

I. INTRODUCTION

This study evaluates the relationship between digital sign boards and impacts to roadway safety. This study evaluates five digital billboards at four locations in the Salem, Oregon metropolitan area. These studies examine crash frequency at roadway locations for a 6-year period from October 2003 through October 2009 before and after the digital billboards were installed.

II. EXISTING CONDITIONS

Study Area

The four sign locations (five digital sign faces) evaluated in this study are all located in the Salem, Oregon area. Salem is located approximately 50 miles south of Portland, Oregon, in Marion and Polk Counties on the banks of the Willamette River. It is the state capital and approximately 45 square miles in size with a population density of 3,405 persons per square mile.

Salem is served by four main roadways:

- I-5, the main north-south highway on the west coast
- OR 22, the main route east towards Bend, Oregon
- OR 99E, which travels north/south from California to Washington
- OR 221, which travels north to Dayton, Oregon
- OR 223, which travels west to Dallas, Oregon then south to OR 20

Digital Billboard Locations and Characteristics

The digital billboard locations evaluated in this study are adjacent to high volume urban roadway facilities functionally classified as principal arterials. Billboard locations and characteristics are presented in the following table.

TABLE 1 — BILLBOARD CHARACTERISTICS

Sign	Roadway	Billboard Location	Size (ft)	Facing/ Read	Conversion Date
#1	Commercial Street SE	750 ft S/O Vista Ave.	10x30	South/Left	Oct. 2006
#2			10x30	North/Right	Oct. 2006
#3	12th Street SE	310 ft N/O Vista Ave.	10x30	North/Right	Oct. 2006
#4	Commercial Street SE	50 ft N/O Kuebler Rd.	10x30	South/Right	Oct. 2006
#5	Market Street NE	50 ft E/O 32nd Ave.	10x30	East/Left	Oct. 2006

Conventional billboards display static messages. All conventional boards considered in this study were printed on vinyl substrate and are externally illuminated from the bottom.

Digital billboards display static messages which, when viewed, resemble conventional painted or printed billboards. With digital technology, a static copy "dwells" and includes no animation, flashing lights, scrolling, or full-motion video. The static display on each of these digital billboards has a "dwell time" of eight seconds. The digital billboards compensate for varying light levels, including day and night viewing, by automatically monitoring and adjusting overall display brightness levels. A photocell is mounted on each digital billboard to measure ambient light.

Billboard #1

Billboards #1, #2

Billboards #1 and #2 are located on the west side of Commercial Street SE approximately 750 feet south of Vista Avenue. Commercial Street SE is a highly traveled north/south corridor with commercial development occupying much of the roadway frontage including Safeway and Fred Meyer stores within 0.40 miles of the billboard location.

Billboard #1 is a south facing digital board and billboard #2 is a north facing digital board, on the same sign pole. The sign pole is located on the west side of Commercial Street, approximately 40 feet from the nearest travel lane. The face of Billboard#1 is approximately 65 feet from the center of the nearest viewing travel lane while the face of Billboard#2 is approximately 30 feet from the center of the nearest viewing travel lane.

Billboard #2

Figure 1
Location of Billboards #1 and #2.

Billboard #3

Billboard #3 is located at the 12th Street SE/Peace Street SE intersection which is approximately 0.25 miles south of the 12th Street/13th Street couplet. 12th Street is a secondary north/south route with predominately commercial development north of the billboard location and predominately residential development to the south.

Billboard #3 is a north facing digital board, and the south facing board, on the same sign pole, is a conventional board. The sign pole is located on the west side of 12th Street, approximately 30 feet from the nearest travel lane. The digital face of Billboard #3 is approximately 20 feet from the center of the nearest viewing travel lane.

Billboard #3

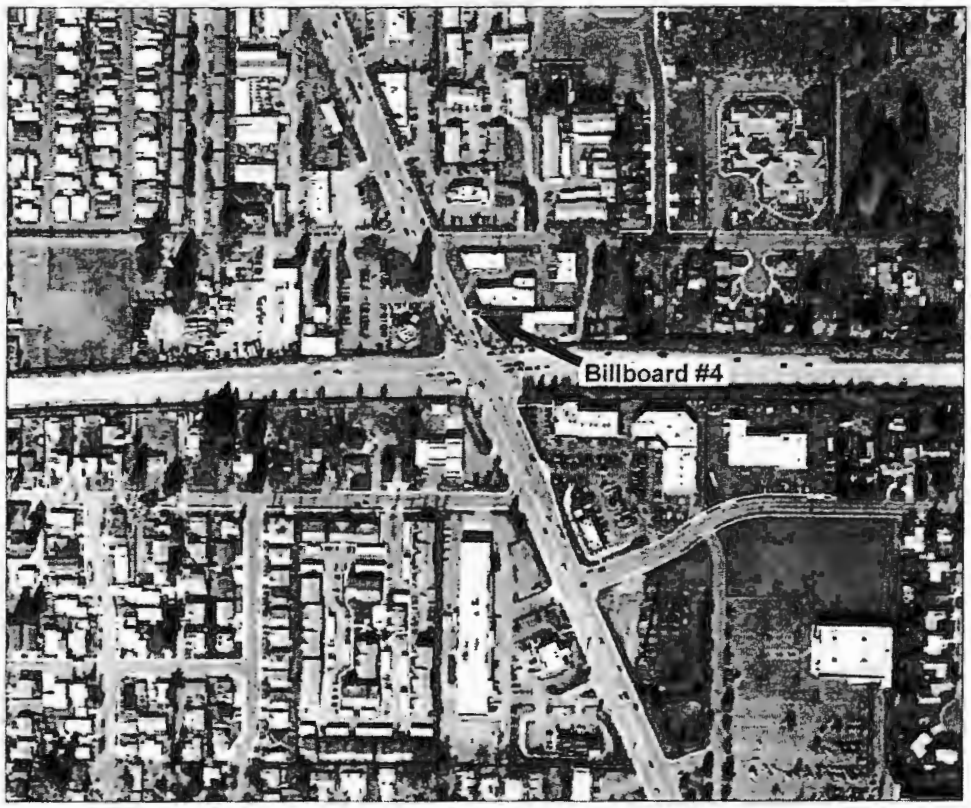
Figure 2
Location of Billboard #3.

Billboard #4

Billboard #4 is located at the northeast corner of the Commercial Street SE/ Kuebler Boulevard intersection. Both Commercial Street and Kuebler Boulevard are highly traveled corridors. Commercial Street SE has commercial development occupying much of the roadway frontage including a Wal-Mart within 0.40 miles of the billboard location.

Billboard #4 is a south facing digital board, and the north facing board, on the same sign pole, is a conventional board. The sign pole is located on the east side of Commercial Street, approximately 45 feet from the nearest travel lane on

Commercial Street and approximately 110 feet from the nearest travel lane on Kuebler Boulevard. The digital face of Billboard #4 is approximately 35 feet from the center of the nearest viewing travel lane. Billboard location is presented in Figure 3.



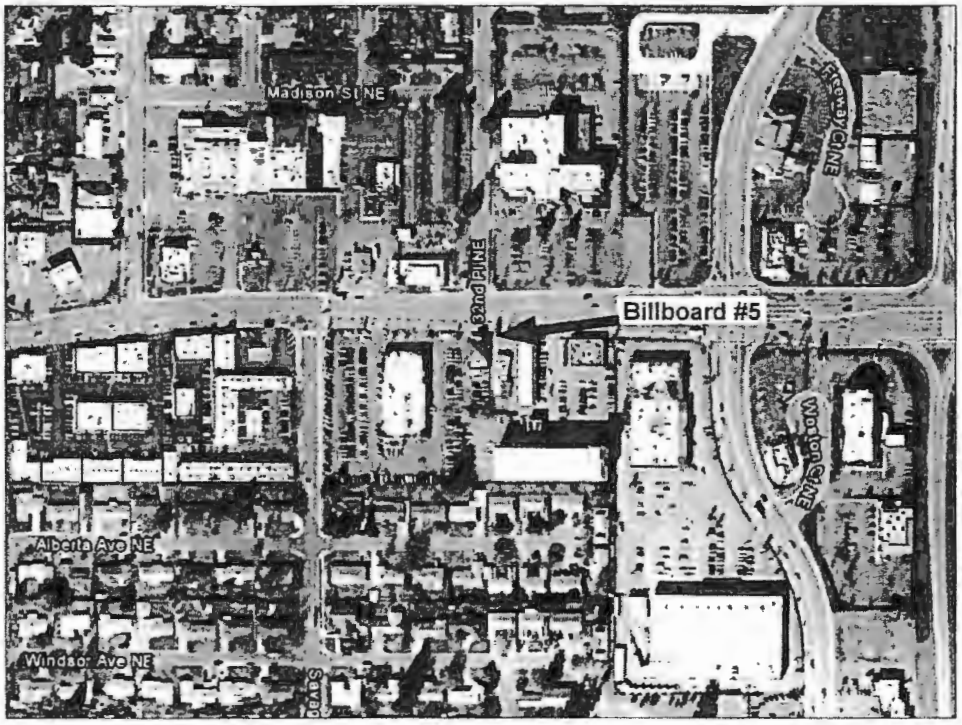
Billboard #4

Figure 3
Location of Billboard #4.

Billboard #5

Billboard #5 is located at the Market Street NE/32nd Place intersection which is approximately 0.22 miles west of I-5. Market Street is the main east/west connection between I-5 and downtown Salem with commercial development in close proximity to the billboard and residential development further from the billboard location.

Billboard #5 is an east facing digital board, and the west facing board, on the same sign pole, is a conventional board. The sign pole is located on the south side of Market Street, approximately 30 feet from the nearest travel lane. The digital face of Billboard #5 is approximately 65 feet from the center of the nearest viewing travel lane. Billboard location is presented in Figure 4 on the following page.



Billboard #5

Figure 4
Location of Billboard #5.

Traffic Volume Data

Historical traffic volume data on the study area roadways adjacent to the billboards were obtained from the City of Salem and traffic counting consultants. Traffic volume data is presented in the following table.

TABLE 2 – ROADWAY TRAFFIC VOLUMES

Roadway	Location	Year	Distance from sign pole (miles)	AADT	Estimated Yearly Volumes
Commercial Street SE	Vista Ave. to Fairview Ave.	2007	0.2	40,170	14,662,050
	Kuebler Blvd.	2005 and 2007	0	27,270 [1]	1,607,460
			0	24,480 [1]	1,591,035
12th Street SE	North of Fairview Ave.	2004	0.06	19,740	7,205,100
	South of Fairview Ave.	2004	0.06	16,810	6,135,650
Market Street NE	West of 32nd Street	1997	0	24,000	8,760,000
		2004	0	34,240	12,497,600
		2005	0	23,510	8,581,150

[1]AADT is an average of the 2005 and 2007 intersection turning movement counts for traffic traveling on Commercial Street

III. CRASH DATA ANALYSIS

Crash data for the study area roadways were provided by ODOT Crash Analysis and Reporting Unit (CARU) from October 2003 through October 2009. The crash data was sorted by distance from billboard (0.2 mile segments), year, and month. CARU provides motor vehicle crash data for all roadways in Oregon including city streets, county roads and state highways.

The data analysis involves an engineering based approach and identifies what happened when the digital billboards were installed. For this analysis, the crash incidences near the billboards were evaluated for an equal length of time before and after the billboards were converted to digital operation. This analysis identifies whether crashes occurred more or less frequently in the presence of these digital billboards. The analysis also uses metrics such as traffic volumes, crash rates, and the maximum number of crashes occurring during any given month, etc.

For comparison, crash statistics were summarized near the digital billboards for within multiple vicinity ranges of 0.2, 0.4, 0.6, 0.8, and 1.0 miles upstream of the billboard. Because of the complexity of the roadside environment in an urban area, the practical viewing distance for an urban billboard is 0.2 miles and the limit at which it can even be seen is 0.6 miles. At greater distances drivers are not directly aware of the billboard.

It should also be noted that for a large number of crashes occurring in an urban environment, the vehicle driver(s) could not see the billboards. In general, most crashes resulted at locations with intersecting roadways or involved vehicles for which the drivers could not see the billboard. However, because of the difficulty of screening crashes with respect to billboard visibility and introducing data bias, data in these vicinity ranges include all crashes along the principal roadway to which the digital billboard directly advertises. Crash data for roadways in which the digital billboard does not advertise were excluded even if they were within the desired vicinity range.

Understanding Standard Deviation

The Standard Deviation describes the variation or "dispersion" of the data from the "average" (mean value). In this case, it describes the variation in the number of crashes occurring at a given location in a given month relative to the average number of crashes occurring at the same location. A low standard deviation indicates the data points tend to be very close to the mean, whereas high standard deviation indicates the data are spread out over a large range of values

Crash Analysis

All Billboards

A summary of the crash analysis for all five billboards is presented in the table on the following page. Data presented in the table identifies the total number of crashes, average monthly number of crashes, standard deviation, peak number of crashes, and minimum number of crashes for 3 years prior to and 3 years after digital conversion in 0.2 mile segments from the billboard locations.

As presented in the following table, crashes along the billboard corridors increased by 66 crashes. However, the number of crashes in the 0.0 – 0.2 mile segments decreased by 15 crashes.

TABLE 3 – CRASHES AT ALL BILLBOARDS						
	Metric	Distance Range From Billboard (Miles)				
		0.2	0.4	0.6	0.8	1.0
Prior to Installation (3 years Before)	Total Crashes as a Conventional Billboard	103	62	105	63	53
	Average Number of Crashes in a Month	2.86	1.72	2.92	1.75	1.47
	Standard Deviation	0.66	0.54	0.58	0.61	0.46
	Peak Number of Crashes in a Month	5	3	5	2	4
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Digital Billboard (3 years After)	Total Crashes as a Digital Billboard	88	80	130	85	69
	Average Number of Crashes in a Month	2.44	2.22	3.61	2.36	1.92
	Standard Deviation	0.59	0.62	0.83	0.63	0.53
	Peak Number of Crashes in a Month	4	4	7	3	4
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Change	Total Crashes Before and After Conversion	-15	-18	25	22	16

Table 3
A summary of the combined crash analysis for all five studied billboard locations is presented in the table to the left. The table presents the total number of crashes, average number of crashes in a month, standard deviation, peak number of crashes, and minimum number of crashes for 3 years prior to and 3 years after digital conversion in 0.2 mile segments from the billboard locations.

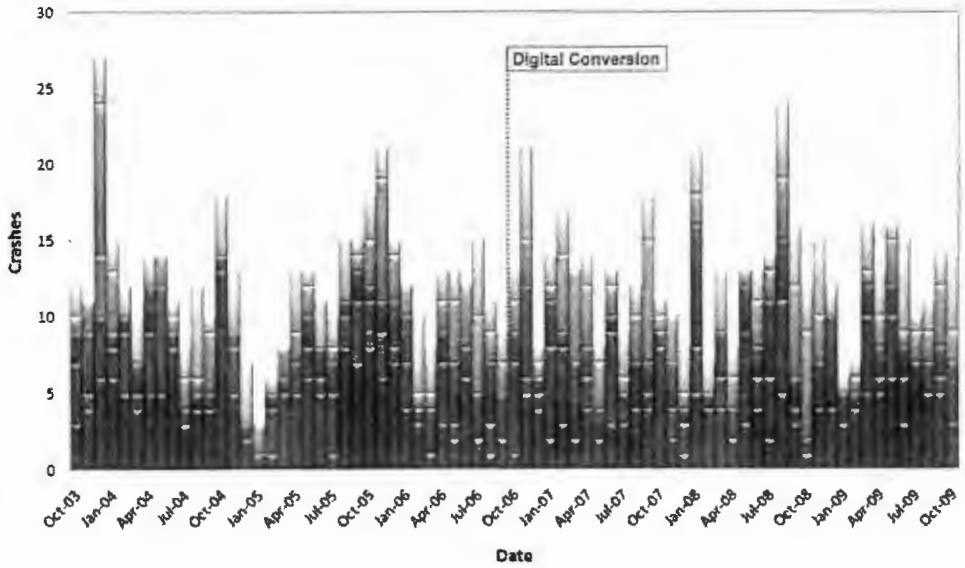
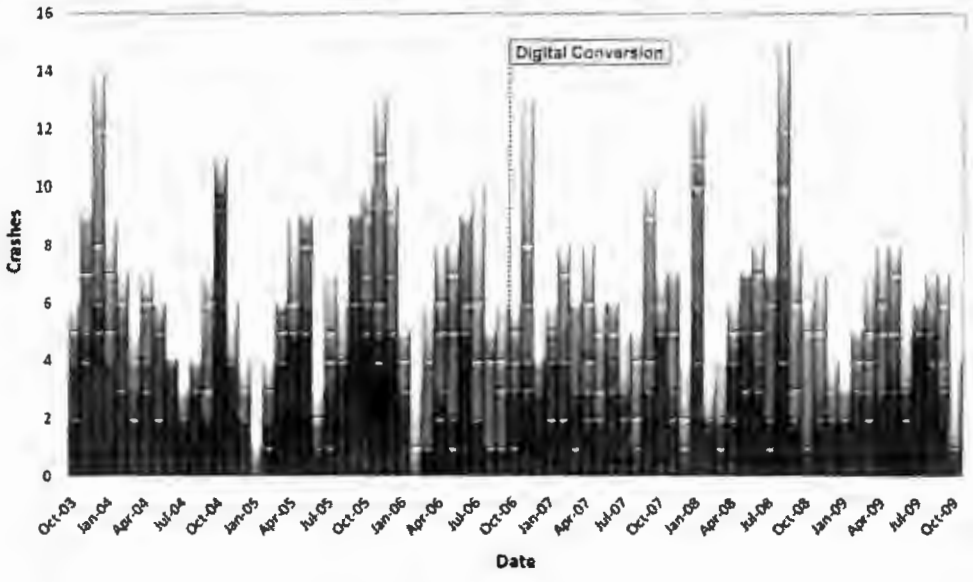


Chart 1
Summary of the crashes by month for all five billboard locations.

Billboards #1 and #2

Figure 5
Billboard location and 0.2 mile roadway segments for Billboards #1 and #2.



Legend
1.0 Miles
0.8 Miles
0.6 Miles
0.4 Miles
0.2 Miles

Chart 2
Summary of the crashes by month for Billboards #1 and #2.

TABLE 4 – BILLBOARD #1						
	Metric	Distance Range From Billboard (Miles) 0.2	0.4	0.6	0.8	1.0
Prior to Installation (3 years Before)	Total Crashes as a Conventional Billboard	0	20	53	6	17
	Average Number of Crashes in a Month	0.00	0.56	1.47	0.17	0.47
	Standard Deviation	0.00	0.77	1.09	0.41	0.66
	Peak Number of Crashes in a Month	0	3	5	1	2
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Digital Billboard (3 years After)	Total Crashes as a Digital Billboard	0	20	54	7	25
	Average Number of Crashes in a Month	0.00	0.56	1.50	0.19	0.69
	Standard Deviation	0.00	0.80	1.46	0.40	0.85
	Peak Number of Crashes in a Month	0	4	7	1	3
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Change	Total Crashes Before and After Conversion	0	0	1	1	8

TABLE 5 – BILLBOARD #2						
	Metric	Distance Range From Billboard (Miles) 0.2	0.4	0.6	0.8	1.0
Prior to Installation (3 years Before)	Total Crashes as a Conventional Billboard	47	8	29	9	1
	Average Number of Crashes in a Month	1.31	0.22	0.81	0.25	0.03
	Standard Deviation	0.90	0.44	0.83	0.61	0.00
	Peak Number of Crashes in a Month	5	1	3	2	0
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Digital Billboard (3 years After)	Total Crashes as a Digital Billboard	40	12	37	25	2
	Average Number of Crashes in a Month	1.11	0.33	1.03	0.69	0.06
	Standard Deviation	0.98	0.58	1.15	0.85	0.23
	Peak Number of Crashes in a Month	3	2	4	3	1
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Change	Total Crashes Before and After Conversion	-7	-4	8	16	1

Tables 4 and 5
Summaries of the crash analysis for Billboards #1 and #2 are presented in the two tables to the left. The tables present the total number of crashes, average number of crashes in a month, standard deviation, peak number of crashes, and minimum number of crashes for 3 years prior to and 3 years after digital conversion in 0.2 mile segments from the billboard locations.

Billboard #3

Figure 6
Billboard location and 0.2 mile roadway segments for Billboard #3.

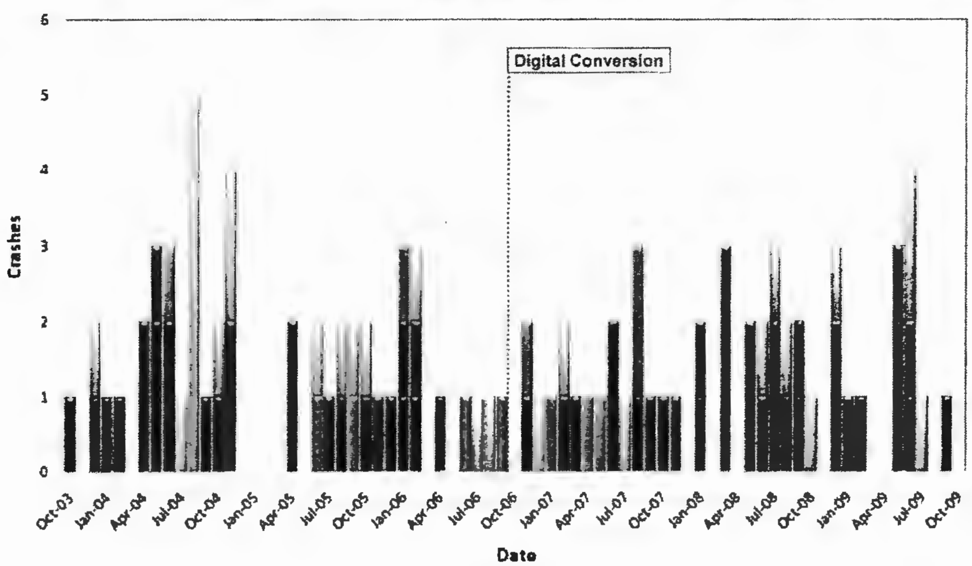


Chart 3
Summary of crashes by month for Billboard #3.

	TABLE 6 – BILLBOARD #3					
	Metric	Distance Range From Billboard (Miles)				
		0.2	0.4	0.6	0.8	1.0
Prior to Installation (3 years Before)	Total Crashes as a Conventional Billboard	17	1	5	15	12
	Average Number of Crashes in a Month	0.47	0.03	0.14	0.42	0.33
	Standard Deviation	0.94	0.17	0.35	0.65	0.59
	Peak Number of Crashes in a Month	5	1	1	2	2
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Digital Billboard (3 years After)	Total Crashes as a Digital Billboard	11	1	14	12	11
	Average Number of Crashes in a Month	0.31	0.03	0.39	0.33	0.31
	Standard Deviation	0.52	0.16	0.59	0.58	0.46
	Peak Number of Crashes in a Month	2	1	2	2	1
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Change	Total Crashes Before and After Conversion	-6	0	9	-3	-1

Table 6

A summary of the crash analysis for Billboard #3 is presented to the left in Table 6. The table presents the total number of crashes, average number of crashes in a month, standard deviation, peak number of crashes, and minimum number of crashes for 3 years prior to and 3 years after digital conversion in 0.2 mile segments from the billboard locations.

Billboard #4

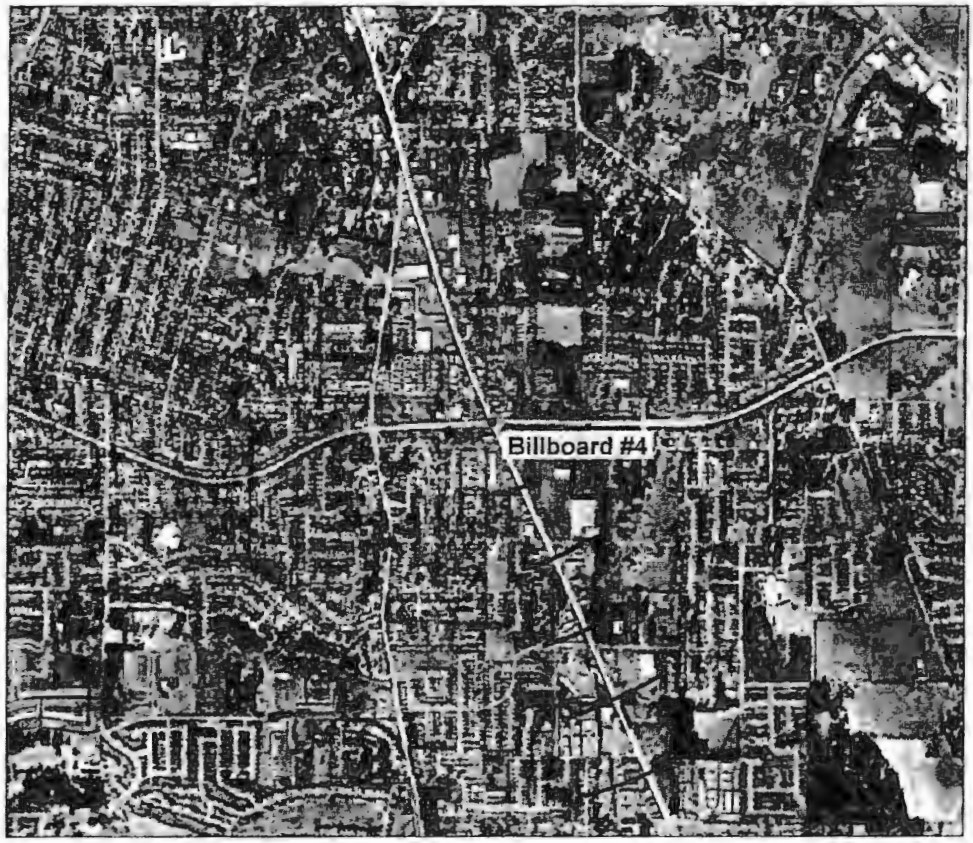


Figure 7
Billboard location and 0.2 mile roadway segments for Billboard #4.

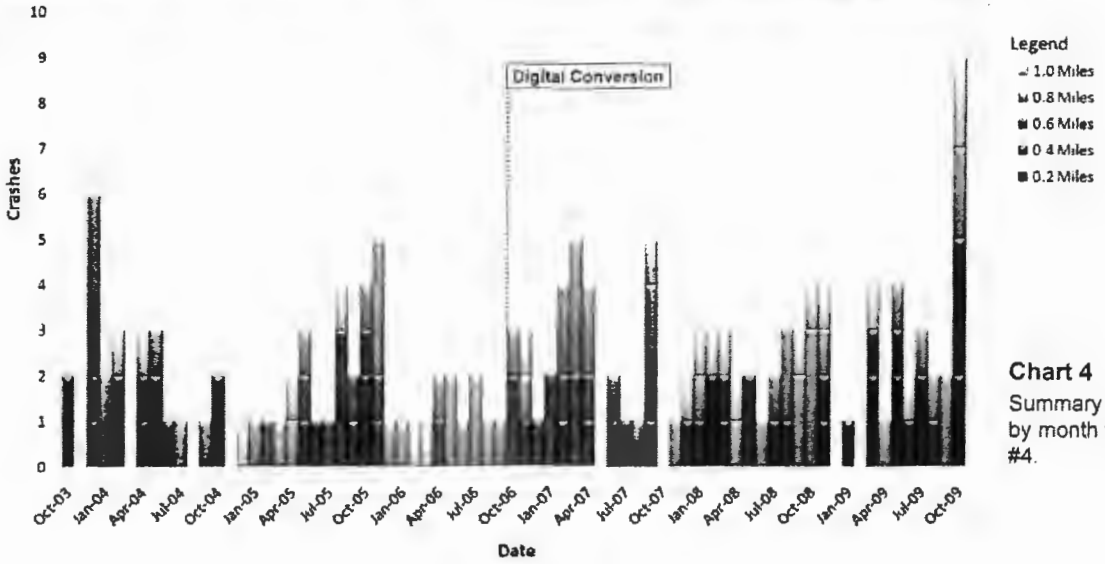


Chart 4
Summary of the crash by month for Billboard #4.

TABLE 7 – BILLBOARD #4						
	Metric	Distance Range From Billboard (Miles)				
		0.2	0.4	0.6	0.8	1.0
Prior to Installation (3 years Before)	Total Crashes as a Conventional Billboard	14	15	0	27	7
	Average Number of Crashes in a Month	0.39	0.42	0.00	0.75	0.19
	Standard Deviation	0.73	0.65	0.00	0.94	0.40
	Peak Number of Crashes in a Month	5	2	3	2	4
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Digital Billboard (3 years After)	Total Crashes as a Digital Billboard	18	25	0	35	14
	Average Number of Crashes in a Month	0.50	0.69	0.00	0.97	0.39
	Standard Deviation	0.73	0.78	0.00	0.94	0.55
	Peak Number of Crashes in a Month	4	2	4	2	4
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Change	Total Crashes Before and After Conversion	-4	10	0	8	7

Table 7
A summary of the crash analysis for Billboard #4 is presented to the left in Table 7. The table presents the total number of crashes, average number of crashes in a month, standard deviation, peak number of crashes, and minimum number of crashes for 3 years prior to and 3 years after digital conversion in 0.2 mile segments from the billboard locations.

Billboard #5

Figure 8
Billboard location and 0.2 mile roadway segments for Billboard #5.

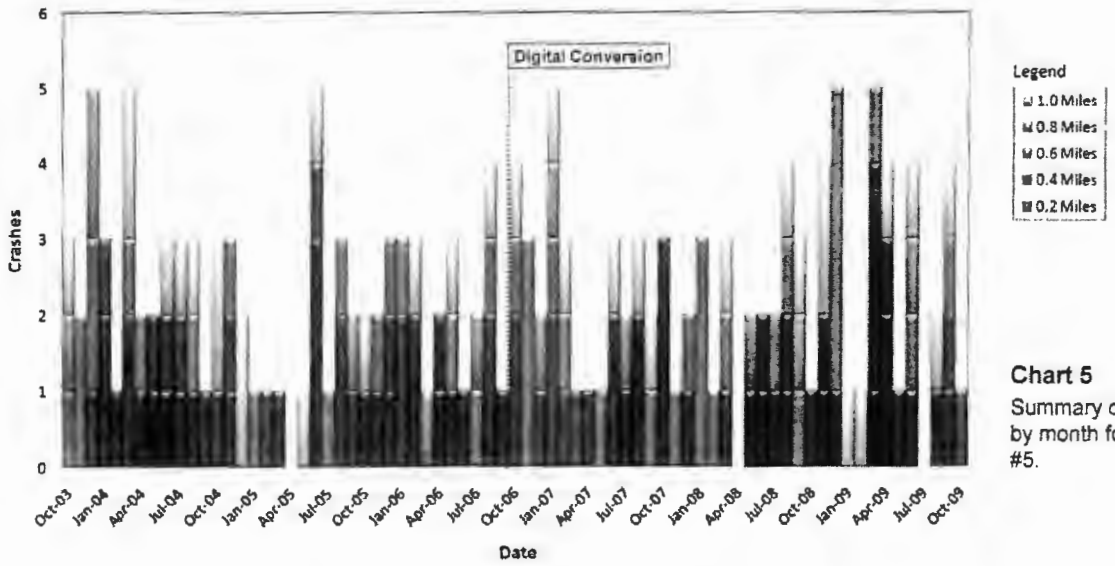


Chart 5
Summary of crashes by month for Billboard #5.

TABLE 8 – BILLBOARD #5						
	Metric	Distance Range From Billboard (Miles) 0.2	0.4	0.6	0.8	1.0
Prior to Installation (3 years Before)	Total Crashes as a Conventional Billboard	25	18	18	6	16
	Average Number of Crashes in a Month	0.69	0.50	0.50	0.17	0.44
	Standard Deviation	0.75	0.65	0.61	0.45	0.65
	Peak Number of Crashes in a Month	3	2	1	2	2
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Digital Billboard (3 years After)	Total Crashes as a Digital Billboard	19	22	25	6	17
	Average Number of Crashes in a Month	0.53	0.61	0.69	0.17	0.47
	Standard Deviation	0.73	0.76	0.94	0.37	0.56
	Peak Number of Crashes in a Month	3	3	4	1	2
	Minimum Number of Crashes in a Given Month	0	0	0	0	0
Change	Total Crashes Before and After Conversion	-6	4	7	0	1

Table 8
A summary of the crash analysis for Billboard #5 is presented to the left in Table 8. The table presents the total number of crashes, average number of crashes in a month, standard deviation, peak number of crashes, and minimum number of crashes for 3 years prior to and 3 years after digital conversion in 0.2 mile segments from the billboard locations.

Overall Crash Rate

TABLE 9 – CRASH RATE			
Scenario	Metric	Distance Range From Billboard (Miles) 0.2	0.4
Before Digital Conversion	Crash Rate per 100,000 Vehicles per Year	0.17	0.07
After Digital Conversion	Crash Rate per 100,000 Vehicles per Year	0.14	0.10
Change (Volume Rate)		-0.03	0.03

Table 9
Summary of combined crash rate across all five billboard locations within 0.2- and 0.4-mile roadway segments before and after digital conversion of billboards.

IV. SUMMARY

Based on the data analyzed in this study there does not appear to be any statistically significant relationship between the installation of digital billboards and an increase in crashes.

The basis for this study and the resulting conclusions are as follows:

1. For this study, more than 800 crashes were evaluated for five digital billboard locations.
2. The digital billboard locations were adjacent high volume urban roadway facilities functionally classified as principal arterials. The roadside environment for all locations is similar and all billboards operate in a similar manner.
3. All billboards were converted from conventional to digital operation in October 2006.
4. Crash data was evaluated for each billboard at distances ranging from 0 – 1.0 mile, measured in 0.2 mile increments. Because of the complexity of the roadside environment in an urban area, the practical viewing distance for an urban billboard is 0.2 miles and the limit at which it can even be seen is 0.6 miles. At greater distances drivers are not directly aware of the billboard.
5. For a large number of crashes occurring in an urban environment, the vehicle driver(s) could not see the billboards. In general, most recorded crashes resulted at locations with intersecting roadways or involved vehicles for which the drivers could not see the billboard. However, because of the difficulty of screening crashes with respect to billboard visibility and introducing data bias, all recorded crashes associated with the primary viewing roadway were evaluated.
6. Based on analyzed data, there does not appear to be a statistically significant relationship between digital billboards and an increase in crashes. For all locations, the number of crashes and crash rates decreased on the roadway segment most proximate the billboard, i.e. 0 – 0.2 miles, and increased on more distant segments, including those in excess of the practical viewing range.
7. The crash statistics and metrics remain consistent, exhibiting statistically insignificant variations, at each of the digital billboards. The metrics include the total number of crashes in any given month, the average number of crashes over a six-year period, the peak number of crashes in any given month, and the number of crash-free months. These conclusions account for variations in traffic volume and other metrics.

Praline M McCormack

From:	James Carpentier <James.Carpentier@signs.org>
Sent:	Tuesday, August 12, 2014 7:07 PM
To:	'Praline M McCormack'; gary@blazesigns.com
Cc:	David Hickey; 'Patti King at NWSC'
Subject:	RE: Draft code amendment for your review

Hello Praline,

This is a follow up to our brief conversation today about the proposed ordinance. I noticed a couple of other sections that we have some recommendations for your consideration, other than what we talked about.

Changes to Section 10.764 to correct errors, provide (the missing) maximum permitted illumination, and provide a method for measuring illumination. Both the proposed maximum permitted illumination and method of measuring illumination is recommended by the International Sign Association. Measuring illumination during daytime hours is fraught with challenges, and the equipment to do so is expensive. ~~In addition, daytime brightness settings are usually not appropriate during the night time~~. With automatic dimming as required by this code no need for daytime brightness limitations is needed since the sign will automatically adjust to changing conditions. Therefore, we propose to only regulate night-time brightness levels.

~~(2) Maximum Permitted Illumination. In all districts, any operation or activity producing glare shall be so conducted that direct or indirect light from the source shall not exceed a maximum night-time illumination of 0.3 footcandles above ambient light conditions when measured at an appropriate distance as specified in Subsection 5(c) below. This does not apply to public street lighting.~~

This section should be eliminated since the .3 foot-candle illumination standards was developed solely for electronic message centers.

~~(5) Measurement. When required~~**~~Within 45 days from the issuance of sign permit~~**~~, the measurement of lighting levels shall be conducted by the developer~~ **~~property owner who~~** ~~and certified by a licensed engineer~~ **~~shall certify~~** ~~that the measurements~~ **~~comply with this section and~~** ~~have been conducted as per the following: -~~

The applicant shall submit an signed affidavit agreeing to comply with electronic message center operational and illumination requirements prior to the issuance of a permit.

~~(8) Owners of such signs shall submit a letter to the Medford Planning Department, within 45 days of receiving a sign permit for an electronic message sign, certifying that they have measured and comply with the maximum permitted illumination per Section 10.764 and comply with the standards set forth in this ordinance.~~

~~(11) Where possible, all existing electronic message signs that do not comply with the provisions of this section shall be made to conform to these standards within 180 days from the effective date of the ordinance approving such standards.~~

As we discussed this section is not reasonable as the language is too vague (where possible) and the time line is too short. You should consider working with the business community on the areas such as brightness and operational requirements to gain voluntary compliance. Consider typical zoning language such as 50% of the value as the threshold for replacement.

CITY OF MEDFORD
INTEROFFICE MEMORANDUM

DATE: August 12, 2014

TO:

FROM: Peter Mackprang, Associate Traffic Engineer

SUBJECT: Draft Comments Regarding Draft Code Amendment DCA-13-90 - Electronic Message Signs.

Bikram Kahlon and I have read the above captioned document and have the following comments:

Does the document need a definition of Nighttime?; the onset of which can vary between 5:00 PM and 10:00 PM depending on the time of year. This applys to when the testing of illuminance is to be done. Can illuminance of 0.3 footcandles above ambient be measured in daylight with the sign set to nighttime brightness? ptm

Street lights are exempted from this standard; Should traffic signals also be exempted? ptm

Is Self Certify the best option? The property owner and the sign installer may have too much of an interest to impartially test the sign's operation. Also the cost to the property owner of a meter to conduct a one time test is in the $1,000 to $2,000 range; acording to a quick Google search. Praline says its on the order of $300. ptm

More should be said about the specifications for the meter to be used for the test. A quick search of the internet shows most illuminance meters with a white dome covering the sensor. What is the angle of measure (horizontally and vertically) of the meter. Is it really only measuring the light from, or on, the sign face or is it also measuring other sign faces in the view of the meter? How does the calculation to determine the distance to measure the illuminance insure that the meter is measuring only the sign face in question? ptm

The illuminance measurement should be made along the centerline of the sign face. Measurements taken along an other axis will give a reduced reading of the illuminance of the sign. ptm

Are illuminance measurements made of the whole sign face or only the illuminated portion; bk this will again affect the readings. ptm

Is there a need to discribe the measurement of the height of the sign?; to the top of curb, top of ground at the sign base, high point or low point of ground level? bk

The sign shall not block visibility of traffic signs and signals in it's vicinity. bk

DESIGNER Signs LLC
CCB# 198490

842 S Front St Central Point OR 97502

August 14, 2014

City of Medford Planning Department
200 South Ivy Street
Medford, OR 97501

Re: *Comments re Proposed Sign Code Amendment*

To the Medford Planning Commission:

Thank you for requesting comments to the proposed sign code amendment. Mine are as follows.

1. **Regarding the proposed requirement that existing electronic message signs be required to conform to these new standards within 180 days:**

The standards affecting brightness, flashing, scrolling, and other overly distracting animations may be reasonable limitations to impose retroactive to sign permit approval having already been obtained from the City of Medford Planning Department. However, to change the standards affecting size, positioning, or structure after permit approval has already been obtained is not reasonable. The owners had these signs installed in good faith based on the city's approval.

2. **The Photocell requirement:**

The wording should be more general. A photocell may not be necessary as most readerboard software now automatically dims the lighting, since they are programmed according to the owner's specific time zone. In addition, a photocell can have its own drawbacks in that it must be calibrated by putting a lens cover over it to make the lights dim at appropriate times, and is not necessarily that accurate.

We suggest that the language should be more general, *e.g.*, simply state that the readerboard should dim after dusk. The manner in which this is achieved should be a technicality to be solved by the owner.

3. **Regarding the Maximum Height proposal of electronic message signs:**

A too-rapid rate of message change, overly energetic animations, and excessive brightness may cause driver distraction issues. The height of sign has no bearing on the issue.

4. **Regarding the Maximum Nighttime brightness proposed solution that owner certify to his own sign's compliance:**

Such self-certification would be meaningless as it would be wholly dependent on the integrity of the sign's owner.

If the city wants to regulate brightness, they need to take on enforcement themselves with their own inspector armed with the proper tools.

In conclusion, the restrictions as they currently stand should be sufficient. The problem has been simply a lack of enforcement.

Please give me a call if you have any questions – 541-664-7704.

Very truly yours,

SR Morgan

Stephen R. Morgan, Owner
Designer Signs LLC

L. Borum
795 Ridgeway Ave.
Central Point, Or 97502
(541) 727-7039

Regarding the recent article concerning advertising for multiple businesses on electronic message boards, there is more to be concerned about.

There is a proliferation of "in your face" advertising and cluttering of the landscape with more and more junk.

The Verizon electronic sign that "sprouted" up at the corner of Crater Lake Hwy and Pacific Hwy is reminiscent of a small drive-in theater. When stopped, or driving by, advertising images constantly are bombarded in your face. In addition the city has approved a code allowing an image to change every 2 to 5 seconds, really?

It's not as if we don't have enough advertising bombarding our senses and our children's senses every day.

If something is not done and done soon to backpedal on installation, use and size of these obtrusive signs it will be difficult to limit what is flashed in our faces on a regular basis, or the damage it will do both visually and esthetically to the city.

Well thought out cities are both visually appealing and comfortable to live in. The direction we are headed in that regard is not looking good. Beautiful and attractive cities have a well thought out plan, electronic reader boards are not one of them.

Sincerely,
L. Borum

50.1

THE CHAMBER
OF MEDFORD/JACKSON COUNTY

RECEIVED
AUG 28 2014
PLANNING DEPT.

August 28, 2014

Mike Zarosinski, Chair
Medford Planning Commission
200 South Ivy Street
Medford, OR 97501

Dear Chair Zarosinski,

I am writing to you with regard to the proposed sign ordinance and requesting that the date of the public hearing be extended a minimum of thirty (30) days for the purpose of further reviewing the content of the draft sign code amendment.

We have been receiving a number of calls and personal visits from member and non-member businesses, expressing concerns that the proposed ordinance is burdensome. Given The Chamber's historical stance in opposition to onerous regulation on business signage, additional time to review proposal would be greatly appreciated.

If we need to discuss further, or you have any information that might be helpful to our discussions, I can be reached at my Chamber office (541) 608-8514 or brad@medfordchamber.com.

Thank you for your consideration.

Best regards,

Brad S. Hicks, CCE
President & CEO

CITY OF MEDFORD
EXHIBIT # 6
File # DCA-13-090

TANTALA ASSOCIATES, LLC
CONSULTING ENGINEERS

What Does Traffic Data Say?

Digital Billboards NOT Linked to Accidents

- ***Two studies show no increase in accidents near digital billboards.***
    - Rochester, MN (2009)
        - Accidents span more than four years
        - Five digital billboards located along local roads
        - Analyzed 18,000 accident records from local police

"The data show no increase of accident rates near these billboards."

    - Cleveland, OH (2007)
        - Accidents span three years
        - Seven digital billboards located along Interstates
        - Analyzed 33,000 accident reports from State Department of Transportation

"Digital billboards have no statistically significant relationship with the occurrence of accidents."

- ***Circumstances different . . . conclusion the same.***
    - Size of billboards were different
        - 14' by 48' "bulletins" in the Cleveland area
        - 10' 6" by 36' billboards in Rochester
    - Locations were different
        - Digital billboards located along Interstates in the Cleveland area
        - Digital billboards along local roads in Rochester
        - Traffic counts represent almost one-half billion cars per year

- ***Accident reports are a standard tool for policy makers.***

"Traffic records data are the basis for defining, managing, and evaluating traffic safety and performance."

-- National Highway Traffic Safety Administration (NHTSA)

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TANTALA ASSOCIATES, LLC
CONSULTING ENGINEERS

A STUDY OF THE RELATIONSHIP BETWEEN DIGITAL BILLBOARDS AND TRAFFIC SAFETY IN ALBUQUERQUE, NM

SUBMITTED TO

THE FOUNDATION FOR OUTDOOR ADVERTISING
RESEARCH AND [illegible]
[illegible] M STREET, NW, SUITE [illegible]
WASHINGTON, DC [illegible]

BY

MICHAEL WALKER TANTALA, PE
ALBERT MARTIN TANTALA, SR., PE

ON

[illegible] MARCH [illegible]

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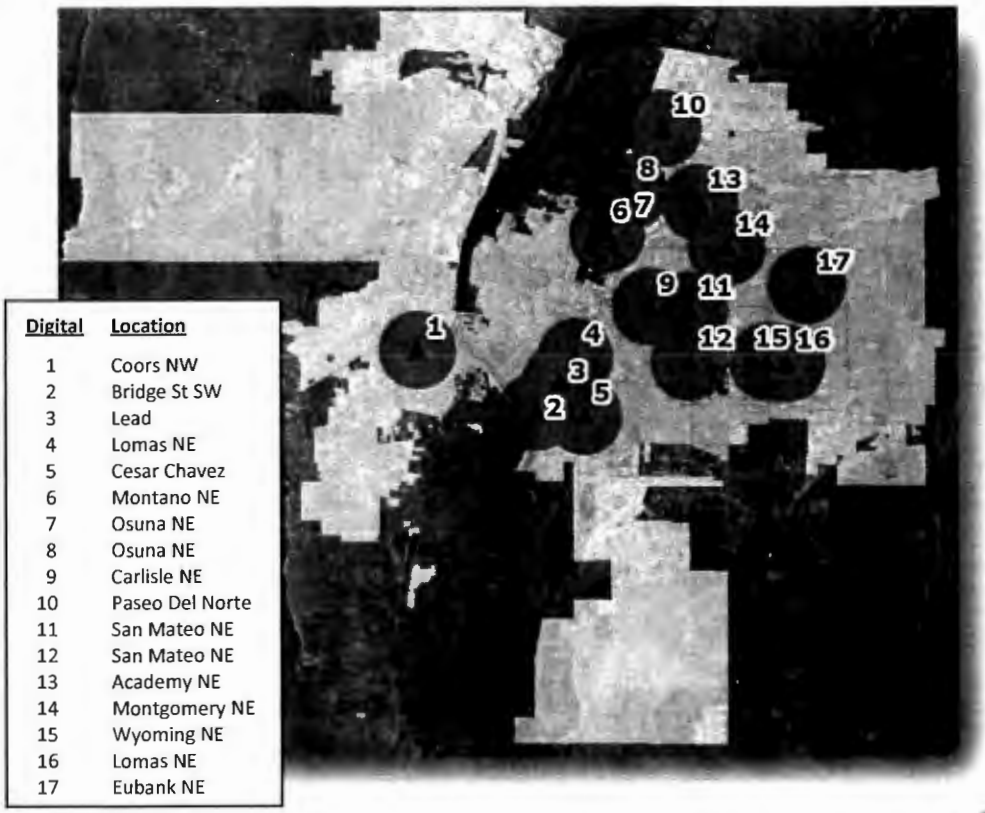
KEY POINTS

- Seven years of accident data comparison
- 17 digital billboards on local roads with eight second dwell times
- Data shows no statistically significant increase in accident rates
- Driver age (young/elderly) and time of day (daytime/nighttime) are neutral factors



Digital	Location
1	Coors NW
2	Bridge St SW
3	Lead
4	Lomas NE
5	Cesar Chavez
6	Montano NE
7	Osuna NE
8	Osuna NE
9	Carlisle NE
10	Paseo Del Norte
11	San Mateo NE
12	San Mateo NE
13	Academy NE
14	Montgomery NE
15	Wyoming NE
16	Lomas NE
17	Eubank NE

Figure 1.
Digital Billboard locations in Albuquerque, NM

Seven years of data ...

... no statistically significant relationship with the occurrence of accidents ...

... age of drivers and time of day are neutral factors.

OVERVIEW

The purpose of this study is to examine **the statistical relationship between digital billboards and traffic safety in Albuquerque, New Mexico**. This study analyzed traffic and accident data along local roads near **17 existing, digital billboards** (see Figure 1) with traffic volumes on roads collectively representing approximately 240 million vehicles per year. The study uses official data as collected, complied and recorded independently by the Police Department of the City of Albuquerque.

The study included **seven years of accident data** representing approximately 7,000 accidents near seventeen digital billboards. Ten of the seventeen billboards were converted to digital format circa August, 2006 and the remaining seven were converted circa November 2007.

Temporal (*when and how frequently*) and spatial (*where and how far*) statistics were summarized near billboards within multiple vicinity ranges from 0.2 to 1.0 miles upstream and downstream of the billboards. Additionally, subsets of daytime and nighttime accidents were analyzed for before and after comparisons.

The overall conclusion of the study is that **the digital billboards in Albuquerque have no statistically significant relationship with the occurrence of accidents**. This study also finds that the age of drivers (younger/elderly) and the time of day (daytime/nighttime) are neutral factors which show no increase in accident rates near the digital billboards in Albuquerque. This conclusion is based on the Police Department's own data and an objective statistical analysis; **the data shows no increase in accident rates.**

STUDY REGION

The City of Albuquerque was chosen as a study region, because it has multiple digital billboards in close proximity that were in service for extended periods of time. The roads adjacent to these billboards are heavily traveled (approximately 665 thousand vehicles traveled per day on the sections of road near the digital billboards).

oaaa

Representing the Nation's Out of Home Advertising Industry

Key Points regarding the FHWA Research

- The Federal Highway Administration (FHWA) contracted the Science Applications International Corporation (SAIC) to study the effects of digital billboards on driver attention and distraction in 2007.
- This study was aimed at determining if digital billboards posed an unsafe driver distraction and was based on how long drivers took their eyes off the road when in the presence of digital billboards.
- FHWA emphasized that the study employed highly accurate state of the art research methodology and eye tracking equipment, which ensures a high level of confidence in the eventual findings.
- The study was completed in early 2010, and a draft report was subjected to peer review in 2012.
- On December 30, 2013, FHWA released its final report

The FHWA conducted its research on digital billboards based on an eye-glance analysis in two test markets: Reading, PA, and Richmond, VA.

In both cities, digital billboards were located on freeways and local arterials.

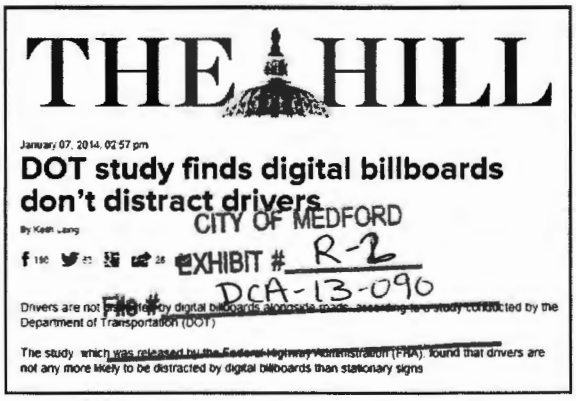
Results from the FHWA study indicate the following:

1. The presence of digital billboards does not appear to be related to a decrease in looking toward the road ahead, which is consistent with earlier industry sponsored field research studies (VTTI).
2. The longest fixation to a digital billboard was 1.34 seconds, and to a standard billboard it was 1.28 seconds, both of which are well below the accepted standard.[1]
3. When comparing the gaze at a CEVMS versus a standard billboard, the drivers in this study were more likely to gaze at CEVMS than at standard billboards.
4. The researchers were careful to note the FHWA study adds to the knowledge base of digital billboard safety, but does not "present definitive answers" to the questions investigated.

Bottom line:

Digital billboard glances are well within federal safety standards concerning driver distraction.

The full report is available on the FHWA website
http://www.fhwa.dot.gov/real_estate/practitioners/oac/



THE HILL

January 07, 2014, 02:57 pm

DOT study finds digital billboards don't distract drivers

By Keith Laing

Drivers are not [illegible] by digital billboards alongside roads, according to a study conducted by the Department of Transportation (DOT).

The study, which was released by the Federal Highway Administration (FHA), found that drivers are not any more likely to be distracted by digital billboards than stationary signs

1 According to the National Highway Traffic Safety Administration (NHTSA), safety concerns arise when a driver's eyes are diverted from the roadway by glances that continue for more than 2.0 seconds.

EXECUTIVE SUMMARY

This study examines where drivers look when driving past commercial electronic variable message signs (CEVMS), standard billboards, or no off-premise advertising. The results and conclusions are presented in response to the three research questions listed below:

1. Do CEVMS attract drivers' attention away from the forward roadway and other driving-relevant stimuli?

2. Do glances to CEVMS occur that would suggest a decrease in safety?

3. Do drivers look at CEVMS more than at standard billboards?

This study follows a Federal Highway Administration (FHWA) review of the literature on the possible distracting and safety effects of off-premise advertising and CEVMS in particular. The review considered laboratory studies, driving simulator studies, field research vehicle studies, and crash studies. The published literature indicated that there was no consistent evidence showing a safety or distraction effect due to off-premise advertising. However, the review also enumerated potential limitations in the previous research that may have resulted in the finding of no distraction effects for off-premise advertising. The study team recommended that additional research be conducted using instrumented vehicle research methods with eye tracking technology.

The eyes are constantly moving and they fixate (focus on a specific object or area), perform saccades (eye movements to change the point of fixation), and engage in pursuit movements (track moving objects). It is during fixations that we take in detailed information about the environment. Eye tracking allows one to determine to what degree off-premise advertising may divert attention away from the forward roadway. A finding that areas containing CEVMS result in significantly more gazes to the billboards at a cost of not gazing toward the forward roadway would suggest a potential safety risk. In addition to measuring the degree to which CEVMS may distract from the forward roadway, an eye tracking device would allow an examination of the duration of fixations and dwell times (multiple sequential fixations) to CEVMS and standard billboards. Previous research conducted by the National Highway Traffic Safety Administration (NHTSA) led to the conclusion that taking your eyes off the road for 2 seconds or more presents a safety risk. Measuring fixations and dwell times to CEVMS and standard billboards would also allow a determination as to the degree to which these advertising signs lead to potentially unsafe gaze behavior.

Most of the literature concerning eye gaze behavior in dynamic environments suggests that task demands tend to override visual salience (an object that stands out because of its physical properties) in determining attention allocation. When extended to driving, it would be expected that visual attention will be directed toward task-relevant areas and objects (e.g., the roadway, other vehicles, speed limit signs) and that other salient objects, such as billboards, would not necessarily capture attention. However, driving is a somewhat automatic process and conditions generally do not require constant, undivided attention. As a result, salient stimuli, such as CEVMS, might capture driver attention and produce an unwanted increase in driver distraction. The present study addresses this concern.

This study used an instrumented vehicle with an eye tracking system to measure where drivers were looking when driving past CEVMS and standard billboards. The CEVMS and standard billboards were measured with respect to luminance, location, size, and other relevant variables to characterize these visual stimuli extensively. Unlike previous studies on digital billboards, the present study examined CEVMS as deployed in two United States cities. These billboards did not contain dynamic video or other dynamic elements, but changed content approximately every 8 to 10 seconds. The eye tracking system had nearly a 2-degree level of resolution that provided significantly more accuracy in determining what objects the drivers were looking at compared to an earlier naturalistic driving study. This study assessed two data collection efforts that employed the same methodology in two cities.

In each city, the study examined eye glance behavior to four CEVMS, two on arterials and two on freeways. There were an equal number of signs on the left and right side of the road for arterials and freeways. The standard billboards were selected for comparison with CEVMS such that one standard billboard environment matched as closely as possible that of each of the CEVMS. Two control locations were selected that did not contain off-premise advertising, one on an arterial and the other on a freeway. This resulted in 10 data collection zones in each city that were approximately 1,000 feet in length (the distance from the start of the data collection zone to the point that the CEVMS or standard billboard disappeared from the data collection video).

In Reading, Pennsylvania, 14 participants drove at night and 17 drove during the day. In Richmond, Virginia, 10 participants drove at night and 14 drove during the day. Calibration of the eye tracking system, practice drive, and the data collection drive took approximately 2 hours per participant to accomplish.

The following is a summary of the study results and conclusions presented in reference to the three research questions the study aimed to address.

Do CEVMS attract drivers' attention away from the forward roadway and other driving relevant stimuli?

- On average, the drivers in this study devoted between 73 and 85 percent of their visual attention to the road ahead for both CEVMS and standard billboards. This range is consistent with earlier field research studies. In the present study, the presence of CEVMS did not appear to be related to a decrease in looking toward the road ahead.

Do glances to CEVMS occur that would suggest a decrease in safety?

- The average fixation duration to CEVMS was 379 ms and to standard billboards it was 335 ms across the two cities. The average fixation durations to CEVMS and standard billboards were similar to the average fixation duration to the road ahead.

- The longest fixation to a CEVMS was 1,335 ms and to a standard billboard it was 1,284 ms. The current widely accepted threshold for durations of glances away from the road ahead that result in higher crash risk is 2,000 ms. This value comes from a NHTSA

naturalistic driving study that showed a significant increase in crash odds when glances away from the road ahead were 2,000 ms or longer.

- Four dwell times (aggregate of consecutive fixations to the same object) greater than 2,000 ms were observed across the two studies. Three were to standard billboards and one was to a CEVMS. The long dwell time to the CEVMS occurred in the daytime to a billboard viewable from a freeway. Review of the video data for these four long dwell times showed that the signs were not far from the forward view while participant's gaze dwelled on them. Therefore, the drivers still had access to information about what was in front of them through peripheral vision.

- The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road. When dwell times longer than the currently accepted threshold of 2,000 ms occurred, the road ahead was still in the driver's field of view. This was the case for both CEVMS and standard billboards.

Do drivers look at CEVMS more than at standard billboards?

- When comparing the probability of a gaze at a CEVMS versus a standard billboard, the drivers in this study were generally more likely to gaze at CEVMS than at standard billboards. However, some variability occurred between the two locations and between the types of roadway (arterial or freeway).

- In Reading, when considering the proportion of time spent looking at billboards, the participants looked more often at CEVMS than at standard billboards when on arterials (63 percent to CEVMS and 37 percent to a standard billboard), whereas they looked more often at standard billboards when on freeways (33 percent to CEVMS and 67 percent to a standard billboard). In Richmond, the drivers looked at CEVMS more than standard billboards no matter the type of road they were on, but as in Reading, the preference for gazing at CEVMS was greater on arterials (68 percent to CEVMS and 32 percent to standard billboards) than on freeways (55 percent to CEVMS and 45 percent to standard billboards). When a gaze was to an off-premise advertising sign, the drivers were generally more likely to gaze at a CEVMS than at a standard billboard.

- In Richmond, the drivers showed a preference for gazing at CEVMS versus standard billboards at night, but in Reading the time of day did not affect gaze behavior. In Richmond, drivers gazed at CEVMS 71 percent and at standard billboards 29 percent at night. On the other hand, in the day the drivers gazed at CEVMS 52 percent and at standard billboards 48 percent.

- In Reading, the average gaze dwell time for CEVMS was 981 ms and for standard billboards it was 1,386 ms. The difference in these average dwell times was not statistically significant. In contrast, the average dwell times to CEVMS and standard billboards were significantly different in Richmond (1,096 ms and 674 ms, respectively).

The present data suggest that the drivers in this study directed the majority of their visual attention to areas of the roadway that were relevant to the task at hand (e.g., the driving task). Furthermore, it is possible, and likely, that in the time that the drivers looked away from the forward roadway, they may have elected to glance at other objects in the surrounding environment (in the absence of billboards) that were not relevant to the driving task. When billboards were present, the drivers in this study sometimes looked at them, but not such that overall attention to the forward roadway decreased.

It also should be noted that, like other studies in the available literature, this study adds to the knowledge base on the issues examined, but does not present definitive answers to the research questions investigated.

TANTALA ASSOCIATES, LLC
CONSULTING ENGINEERS

A STUDY OF THE RELATIONSHIP BETWEEN DIGITAL BILLBOARDS AND TRAFFIC SAFETY IN ALBUQUERQUE, NM

SUBMITTED TO

THE OUTDOOR ADVERTISING
RESEARCH AND DIGITAL BILLBOARDS
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WASHINGTON, DC 20036-5821

BY

MICHAEL WALTER TANTALA, P.E.
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ON

AUGUST 2010

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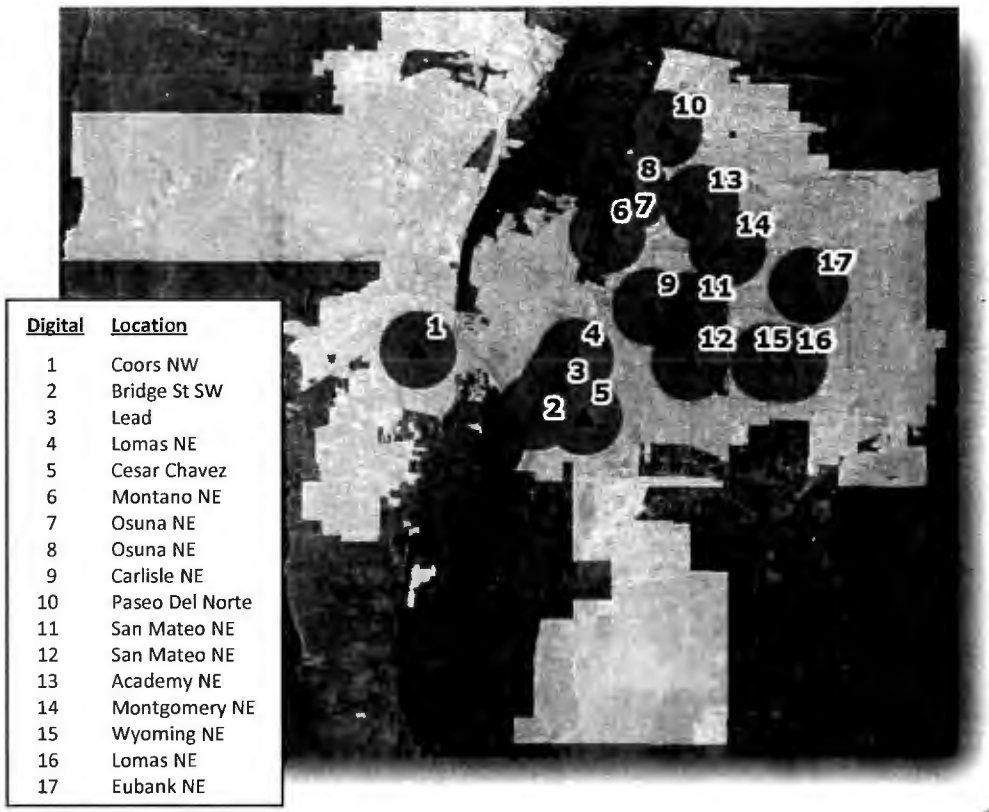

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14	Montgomery NE
15	Wyoming NE
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Figure 1.
Digital Billboard locations in Albuquerque, NM

Seven years of data ...

... no statistically significant relationship with the occurrence of accidents ...

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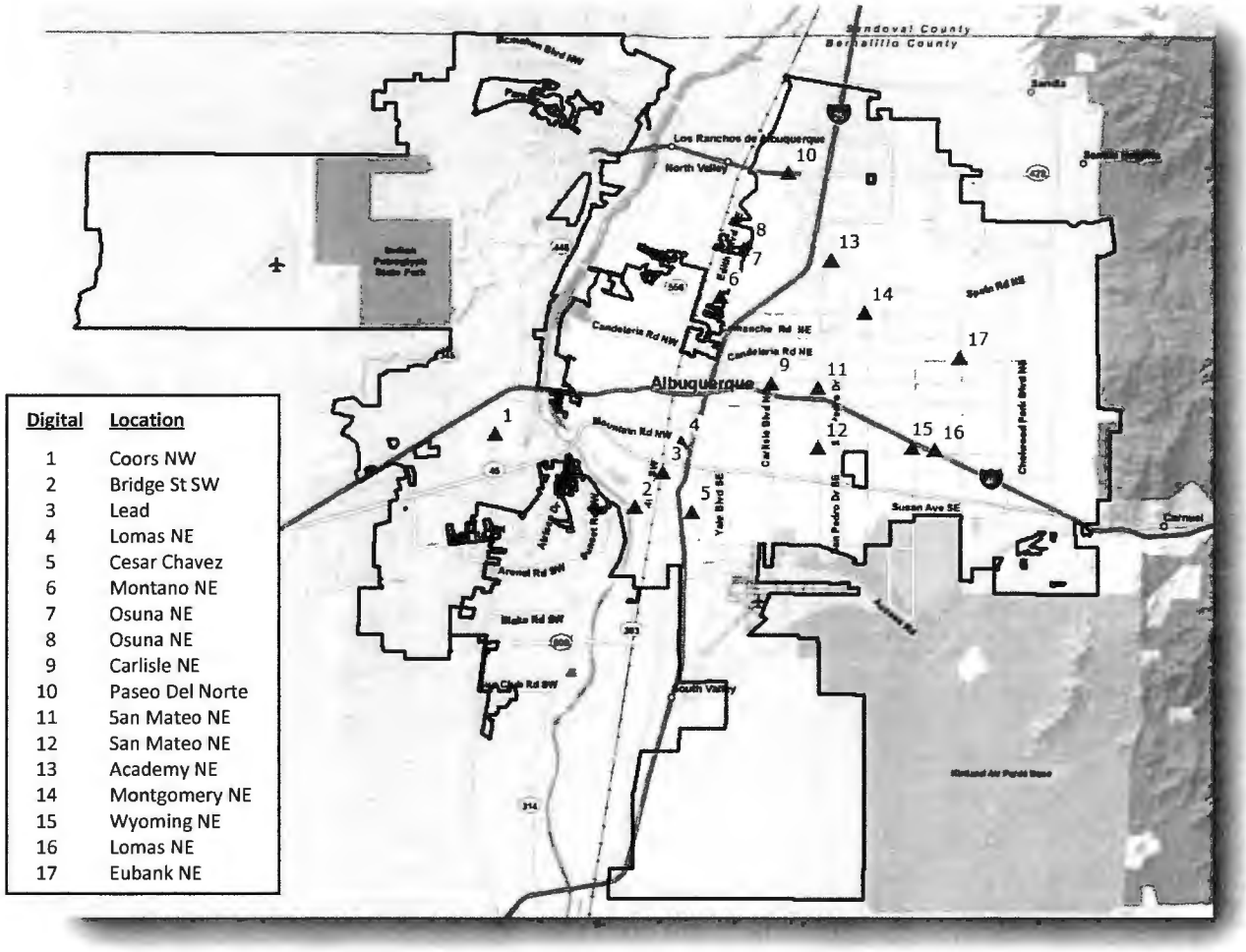
STUDY REGION

The City of Albuquerque was chosen as a study region, because it has multiple digital billboards in close proximity that were in service for extended periods of time. The roads adjacent to these billboards are heavily traveled (approximately 665 thousand vehicles traveled per day on the sections of road near the digital billboards).

The City of Albuquerque is the largest City in the State of New Mexico, is situated in the central part of the State straddling the Rio Grande, and had a population of 522 thousand people and 183 thousand households. Albuquerque is ranked as the 34th largest City and the 6th fastest growing in America. In 2008, there were some 439 thousand licensed drivers in Albuquerque (approximately 84% of the population).

Albuquerque is geographically divided into four quadrants. They are NE (northeast), NW (northwest), SE (southeast), and SW (southwest). The north-south division line is Central Avenue (the path that Route 66 took through the city) and the east-west division line is the Burlington Northern and Santa Fe (BNSF) Railway track line. The City is generally bisected by the Pan American Freeway (also known as Interstate 25) in the north-south direction and the Coronado Freeway (also known as Interstate 40).



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13	Academy NE
14	Montgomery NE
15	Wyoming NE
16	Lomas NE
17	Eubank NE

Figure 2.
Digital Billboard locations and streets in Albuquerque, NM

The static display on each of these digital billboards has a "dwell time" of eight seconds.

BILLBOARD CHARACTERISTICS

Digital billboards display static messages which, when viewed, resemble conventional painted or printed billboards. With digital technology, a static copy "dwells" and includes no animation, flashing lights, scrolling, or full-motion video. The static display on each of these digital billboards has a "dwell time" of eight seconds.

The digital billboards were designed and manufactured by *Daktronics*, and use red, green, and blue light-emitting-diode (LED) technology to present text and graphics. The digital billboards compensate for varying light levels, including day and night viewing, by automatically monitoring and adjusting overall display brightness and gamma levels. A photocell is mounted on each of the digital billboards to measure ambient light. The seventeen digital billboards that were studied are owned and operated by *Clear Channel Outdoor, Inc.*

The digital billboards are numbered 1 to 17 and are located along various local roads throughout the City. The locations of the seventeen billboards in Albuquerque are shown in Figures 2 and 3 which summarize direction, configuration and other sign characteristics. The digital boards and their surroundings were observed during day and night conditions. Each of the seventeen digital billboards is a freestanding, single-pole, structure with one digital face. Figure 4 summarizes the conversion dates. Ten of the seventeen billboards were converted to digital format circa August, 2006 and the remaining seven were converted circa November 2007. This allows for before/after comparisons of up to 4.3 years (or 52 months) and 7 years (or 84 months) respectively. Additional billboard-location photos, aerials, and map references for each billboard number are also included within this report as Figures 5 to 21.

Billboard No.	Location	Digital Facing	Face Size	Configuration	Reader Side	Install / Live Date
1	**Coors NW** 510 ft south of Los Volcanes	N	11x22	Freestanding, Vee, Flag	Right Hand	11/19/2007
2	**Bridge SW** 115 ft west of 8th	E	11x22	Freestanding, Vee, Flag	Cross	11/27/2007
3	**Lead SE** 90 ft west of Broadway	E	11x22	Freestanding, Center-mount	Cross	8/14/2006
4	**Lomas NE** 444 ft east of Edith	E	11x22	Freestanding, Center-mount	Right Hand	8/14/2006
5	**Avenida Cesar Chavez SE** 0.2 mi west of University	W	11x22	Freestanding, Center-mount	Right Hand	10/4/2006
6	**Montano NE** 0.15 mi east of Edith	E	11x22	Freestanding, Superflag, Vee	Cross	8/31/2006
7	**Osuna NE** 0.38 mi east of Edith	W	11x22	Freestanding, Center-mount, Vee	Cross	11/19/2007
8	**Osuna NE** 0.47 mi east of Edith	E	11x22	Freestanding, Center-mount	Right Hand	8/29/2006
9	**Carlisle NE** 115 ft south of Menaul	S	11x22	Freestanding, Vee, Flag with Eccentric Upright	Cross	11/13/2007
10	**Paseo Del Norte NE** 0.25 mi west of Jefferson	E	14x28	Freestanding, Center-mount, Vee	Right Hand	11/21/2007
11	**San Mateo NE** 100 ft north of Prospect	N	11x22	Freestanding, Flag	Cross	8/29/2006
12	**San Mateo NE** 174 ft north of Lomas	N	11x22	Freestanding, Vee, Center-mount with Eccentric Upright	Right Hand	11/13/2007
13	**Academy NE** 364 ft west of McKinney	W	11x22	Freestanding, Flag with Eccentric Upright	Cross, Center	8/31/2006
14	**Montgomery NE** 135 ft west of Louisiana	E	11x22	Freestanding, Center-mount with Eccentric Upright	Right Hand	8/17/2006
15	**Wyoming NE** 422 ft north of Lomas	N	11x22	Freestanding, Center-mount	Right Hand	8/30/2006
16	**Lomas NE** 725 ft west of Easterday	E	11x22	Freestanding, Vee, Flag	Right Hand	11/14/2007
17	**Eubank NE** 235 ft north of Candelaria	N	11x22	Freestanding, Flag	Cross	8/17/2006

Figure 3.
Digital Billboard direction, sizes and other sign characteristics

Digital No.	Install / Live Date	7 years of comparison						
		2003	2004	2005	2006	2007	2008	2009
1	11/19/2007				prior to conversion		digital	
2	11/27/2007				prior to conversion		digital	
3	8/14/2006			prior to conversion			digital	
4	8/14/2006			prior to conversion			digital	
5	10/4/2006			prior to conversion			digital	
6	8/31/2006			prior to conversion			digital	
7	11/19/2007				prior to conversion		digital	
8	8/29/2006			prior to conversion			digital	
9	11/13/2007				prior to conversion		digital	
10	11/21/2007				prior to conversion		digital	
11	8/29/2006			prior to conversion			digital	
12	11/13/2007				prior to conversion		digital	
13	8/31/2006			prior to conversion			digital	
14	8/17/2006			prior to conversion			digital	
15	8/30/2006			prior to conversion			digital	
16	11/14/2007				prior to conversion		digital	
17	8/17/2006			prior to conversion			digital	

Figure 4.
Digital billboard conversion dates

Digital Billboard No. 1 advertises to southbound traffic on Coors Boulevard NW south of Los Volcanes Road NW. Digital Billboard No. 1 is a right-hand reader and a free-standing, vee, flag configuration. Figure 5a is a photo of the digital face. Figure 5b shows the location in an oblique aerial. The digital face was converted from a conventional face on 19Nov07 using the existing structure.

Figure 5. Digital No. 1 (a, left) View on Coors Boulevard NW, (b, right) Oblique Aerial of location

Digital Billboard No. 2 advertises to westbound traffic on Bridge Street SW west of 8th Street SW. Digital Billboard No. 2 is a cross reader and a free-standing, vee, flag configuration. Figure 6a is a photo of the digital face. Figure 6b shows the location in an oblique aerial. The digital face was a new location that was installed and activated on 27Nov07.

Figure 6. Digital No. 2 (a, left) View on Bridge Street SW, (b, right) Oblique Aerial of location

Digital Billboard No. 3 advertises to westbound traffic on Lead Avenue SE west of Broadway Boulevard SE. Digital Billboard No. 3 is a single-faced, cross reader and a free-standing, center-mount configuration. Figure 7a is a photo of the digital face. Figure 7b shows the location in an oblique aerial. The digital face was converted from a conventional face on 14Aug06 using the existing structure.

Figure 7. Digital No. 3 (a, left) View on Lead Avenue SE, (b, right) Oblique Aerial of location

Digital Billboard No. 4 advertises to westbound traffic on Lomas Boulevard NE east of Edith Boulevard NE. Digital Billboard No. 4 is a right-hand reader and a free-standing, center-mount configuration. Figure 8a is a photo of the digital face. Figure 8b shows the location in an oblique aerial. The digital face was converted from a conventional face on 14Aug06 using the existing structure.

Figure 8. Digital No. 4 (a, left) View on Lomas Boulevard NE, (b, right) Oblique Aerial of location

Digital Billboard No. 5 advertises to westbound traffic on Avenida Cesar Chavez SE west of University Boulevard SE. Digital Billboard No. 5 is a right-hand reader and a free-standing, center-mount configuration. Figure 9a is a photo of the digital face. Figure 9b shows the location in an oblique aerial. The digital face was converted from a conventional face on 4Oct06 using the existing structure.

Figure 9. Digital No. 5 (a, left) View on Avenida Cesar Chavez SE, (b, right) Oblique Aerial of location

5a

5b

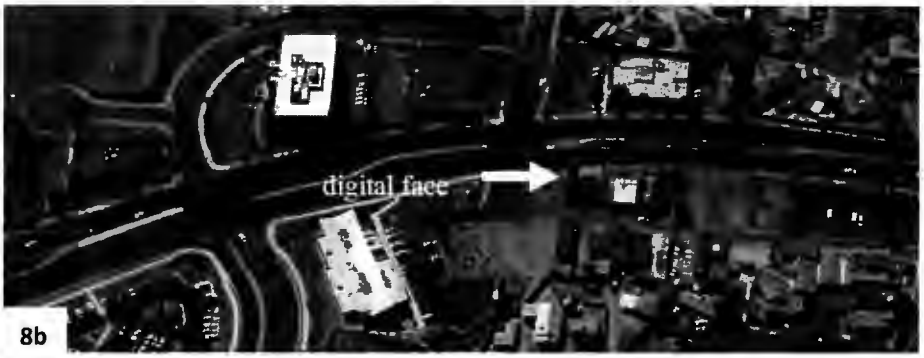
6a

6b

7a

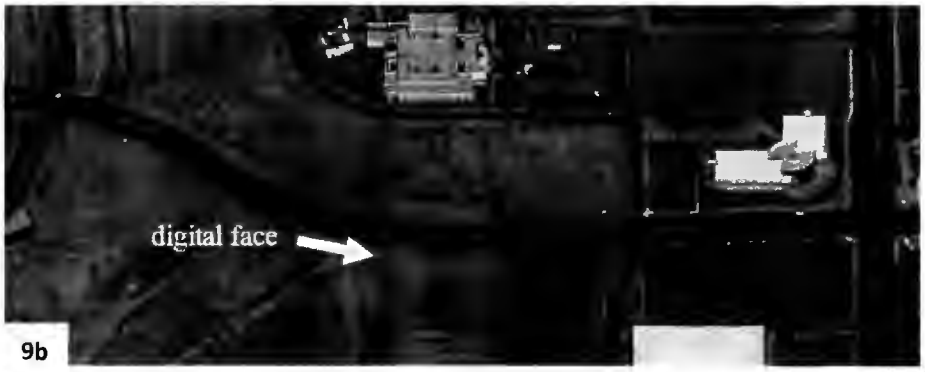
7b

8a



8b

9a



9b

Digital Billboard No. 6 advertises to westbound traffic on Montano Road NE east of Edith Boulevard NE. Billboard No. 6 is a cross reader and a free-standing, vee, superflag configuration. Figure 10a is a photo of the digital face. Figure 10b shows the location in an oblique aerial. The digital face was converted from a tri-vision face on 31Aug06 using the existing structure.

Figure 10. Digital No. 6 (a, left) View on Montano Road NE, (b, right) Oblique Aerial of location

Digital Billboard No. 7 advertises to eastbound traffic on Osuna Road NE east of Edith Boulevard NE. Digital Billboard No. 7 is a cross reader and a free-standing, vee, center-mount configuration. Figure 11a is a photo of the digital face. Figure 11b shows the location in an oblique aerial. The digital face was converted from a conventional face on 19Nov07 using the existing structure.

Figure 11. Digital No. 7 (a, left) View on Osuna Road NE, (b, right) Oblique Aerial of location

Digital Billboard No. 8 advertises to westbound traffic on Osuna Road NE east of Edith Boulevard NE. Digital Billboard No. 8 is a right-hand reader and a free-standing, center-mount configuration. Figure 12a is a photo of the digital face. Figure 12b shows the location in an oblique aerial. The digital face was converted from a conventional face on 29Aug06 using the existing structure.

Figure 12. Digital No. 8 (a, left) View on Osuna Road NE, (b, right) Oblique Aerial of location

Digital Billboard No. 9 advertises to northbound traffic on Carlisle Boulevard NE south of Menaul Boulevard NE. Digital Billboard No. 9 is a cross reader and a free-standing, flag configuration with an eccentric upright. Figure 13a is a photo of the digital face. Figure 13b shows the location in an oblique aerial. The digital face was converted from a conventional face on 13Nov07 using the existing structure.

Figure 13. Digital No. 9 (a, left) View on Carlisle Boulevard NE, (b, right) Oblique Aerial of location

Digital Billboard No. 10 advertises to westbound traffic on Paseo Del Norte Road NE west of Jefferson Street NE. Digital Billboard No. 10 is a right-hand reader and a free-standing, center-mount, vee configuration. Figure 14a is a photo of the digital face. Figure 14b shows the location in an oblique aerial. The digital face was converted from a larger, 14x48 conventional face on 21Nov07 using the existing structure.

Figure 14. Digital No. 10 (a, left) View on Paseo Del Norte Road NE, (b, right) Oblique Aerial of location

10a

10b

11a

11b

12a

12b

13a

13b

14a

14b

Digital Billboard No. 11 advertises to southbound traffic on San Mateo Boulevard NE north of Prospect Avenue NE. Digital Billboard No. 11 is a cross reader and a free-standing, flag configuration. Figure 15a is a photo of the digital face. Figure 15b shows the location in an oblique aerial. The digital face was converted from a conventional face on 29Aug06 using the existing structure.

Figure 15. Digital No. 11 (a, left) View on San Mateo Boulevard NE, (b, right) Oblique Aerial of location

Digital Billboard No. 12 advertises to southbound traffic on San Mateo Boulevard NE north of Lomas Boulevard NE. Digital Billboard No. 12 is a right-hand reader and a free-standing, center-mount. vee configuration with an eccentric upright. Figure 16a is a photo of the digital face. Figure 16b shows the location in an oblique aerial. The digital face was converted from a conventional face on 13Nov07 using the existing structure.

Figure 16. Digital No. 12 (a, left) View on San Mateo Boulevard NE, (b, right) Oblique Aerial of location

Digital Billboard No. 13 advertises to eastbound traffic on Academy Road NE west of McKinney Drive NE. Digital Billboard No. 13 is a cross and center reader and a free-standing, flag configuration with an eccentric upright. Figure 17a is a photo of the digital face. Figure 17b shows the location in an oblique aerial. The digital face was converted from a conventional face on 31Aug06 using the existing structure.

Figure 17. Digital No. 13 (a, left) View on Academy Road NE, (b, right) Oblique Aerial of location

Digital Billboard No. 14 advertises to westbound traffic on Montgomery Boulevard NE west of Louisiana Boulevard NE. Digital Billboard No. 14 is a right-hand reader and a free-standing, center-mount configuration with an eccentric upright. Figure 18a is a photo of the digital face. Figure 18b shows the location in an oblique aerial. The digital face was converted from a tri-vision face on 17Aug06 using the existing structure.

Figure 18. Digital No. 14 (a, left) View on Montgomery Boulevard NE, (b, right) Oblique Aerial of location

Digital Billboard No. 15 advertises to southbound traffic on Wyoming Boulevard NE north of Lomas Boulevard NE. Digital Billboard No. 15 is a right-hand reader and a free-standing, center-mount configuration. Figure 19a is a photo of the digital face. Figure 19b shows the location in an oblique aerial. The digital face was converted from a conventional face on 30Aug06 using the existing structure.

Figure 19. Digital No. 15 (a, left) View on Wyoming Boulevard NE, (b, right) Oblique Aerial of location

15a

15b

16a

16b

17a

17b

18a

18b

19a

19b

Digital Billboard No. 16 advertises to westbound traffic on Lomas Boulevard NE west of Easterday Drive NE. Digital Billboard No. 16 is a right-hand reader and a free-standing, vee, flag configuration. Figure 20a is a photo of the digital face. Figure 20b shows the location in an oblique aerial. The digital face was converted from a conventional face on 14Nov07 using the existing structure.

Figure 20. Digital No. 16 (a, left) View on Lomas Boulevard NE, (b, right) Oblique Aerial of location

Digital Billboard No. 17 advertises to southbound traffic on Eubank Boulevard NE north of Candelaria Road NE. Digital Billboard No. 17 is a cross reader and a free-standing, flag configuration. Figure 21a is a photo of the digital face. Figure 21b shows the location in an oblique aerial. The digital face was converted from a conventional face on 17Aug06 using the existing structure.

Figure 21. Digital No. 17 (a, left) View on Eubank Boulevard NE, (b, right) Oblique Aerial of location

20a

20b

21a

21b

AADT ranges individually near the seventeen billboards from 14 to 80 thousand vehicles per day, or equivalently 5 to 29 million vehicles per year.

TRAFFIC VOLUME DATA

Traffic volume data for the City of Albuquerque was obtained from the New Mexico Department of Transportation (NMDOT) and included the annual average daily traffic (AADT), which is the average of 24-hour counts collected throughout the year. The AADT volumes were recorded in Albuquerque between 2002 and 2008.

The AADT values are summarized in Figure 22. AADT ranges individually near the seventeen digital billboards from 14 to 80 thousand vehicles per day, or equivalently 5 to 29 million vehicles per year. For all seventeen billboards, this collectively represents approximately 665 thousand vehicles per day or 240 million vehicles per year.

AADT Traffic Volumes
(thousands per day)
near digital billboard locations

Digital	2008	2007	2006	2005	2004	2003	2002
1	52.7	46.5	46.2	45.9	44.9	35.8	36.1
2	48.2	37.9	40.1	37.4	39.9	38.4	38.2
3	14.6	21.7	21.0	19.6	19.2	18.7	19.8
4	28.6	22.1	21.8	21.6	21.2	20.6	20.3
5	18.6	18.7	16.6	16.8	16.2	15.9	16.3
6	38.0	29.1	28.7	28.5	27.9	27.2	26.9
7	25.7	19.7	19.4	19.3	18.9	18.4	18.5
8	25.7	19.7	19.4	19.3	18.9	28.6	18.5
9	29.3	28.9	32.9	29.7	28.2	27.5	26.9
10	79.5	65.4	64.5	64.1	69.0	67.8	64.4
11	51.8	39.7	39.2	38.9	38.8	40.8	41.1
12	50.9	39.0	39.3	40.9	40.6	26.5	26.6
13	32.9	35.3	33.0	33.3	33.6	31.5	26.7
14	45.5	44.5	43.8	43.6	42.6	35.8	36.2
15	45.5	35.2	33.5	36.5	36.7	20.9	33.7
16	33.5	25.7	25.4	24.6	24.6	29.1	20.5
17	44.1	33.3	33.3	32.4	32.4	29.0	28.5

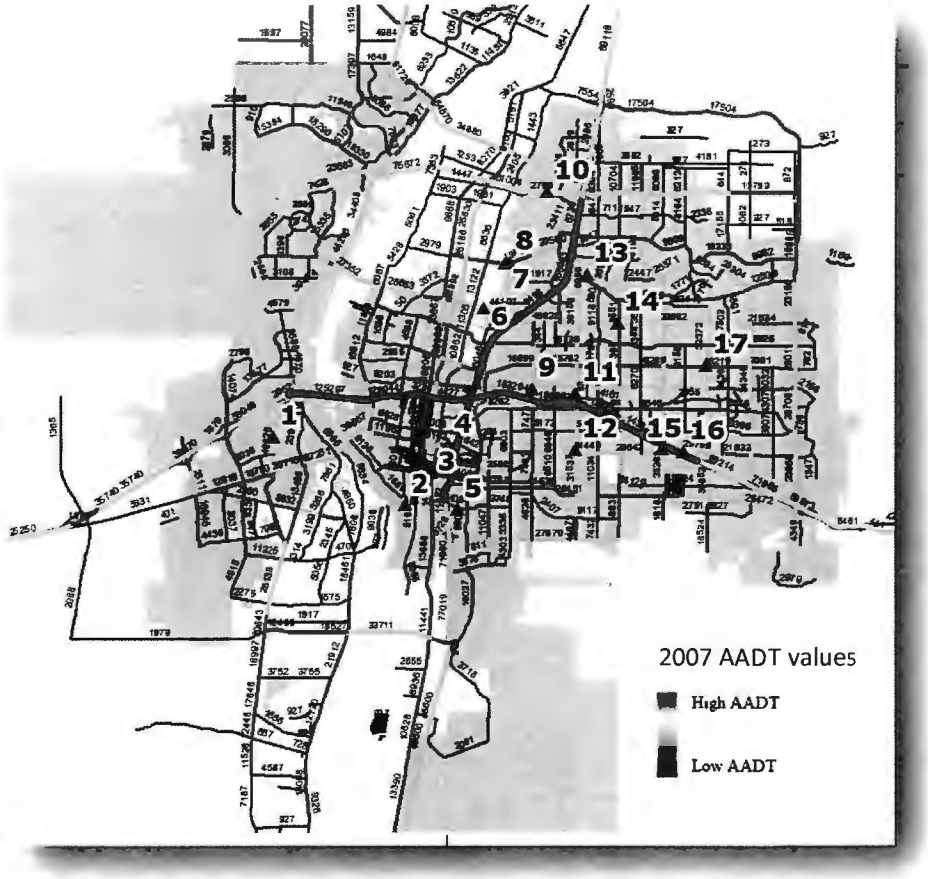


Figure 22. AADT Volume Data near digital billboard locations in Albuquerque, NM summarized in a table from 2002 to 2008 (left) and thematically mapped for 2007 (right)

ACCIDENT DATA

In Albuquerque, the majority of accident reports are investigated and recorded by the City of Albuquerque Police Department. Data is maintained by the Police Department. Law enforcement officials are required to submit reports on crashes they investigate that meet reporting thresholds provided by statue, which is five hundred dollars or more in property damage, or that anyone was injured, or killed in the crash. Data generally conforms to the American National Standards Institute (ANSI) Standard D16.1 – 1996, Manual on Classification of Motor Vehicle Traffic Accidents.

The accident data set provided by the Police Department of the City of Albuquerque includes 7,000 accidents over seven years between 2003 and 2009 and near digital billboard locations. Most of the data is specified by addresses and intersections. Figure 23 shows the geocoded accident locations generally near digital billboards in the City of Albuquerque.

Figure 23. Traffic Accidents (red dots) near digital billboard locations in Albuquerque, NM, from 2003 to 2009

Figure 24 summarizes the traffic accident data for the past seven years generally within one mile of the digital billboard locations in the City of Albuquerque and shows the distribution of accidents by year, month, day of week and time of day. This represents a consistent pattern of data and illustrates that more accidents occur on weekdays and at rush hour (before and after work).

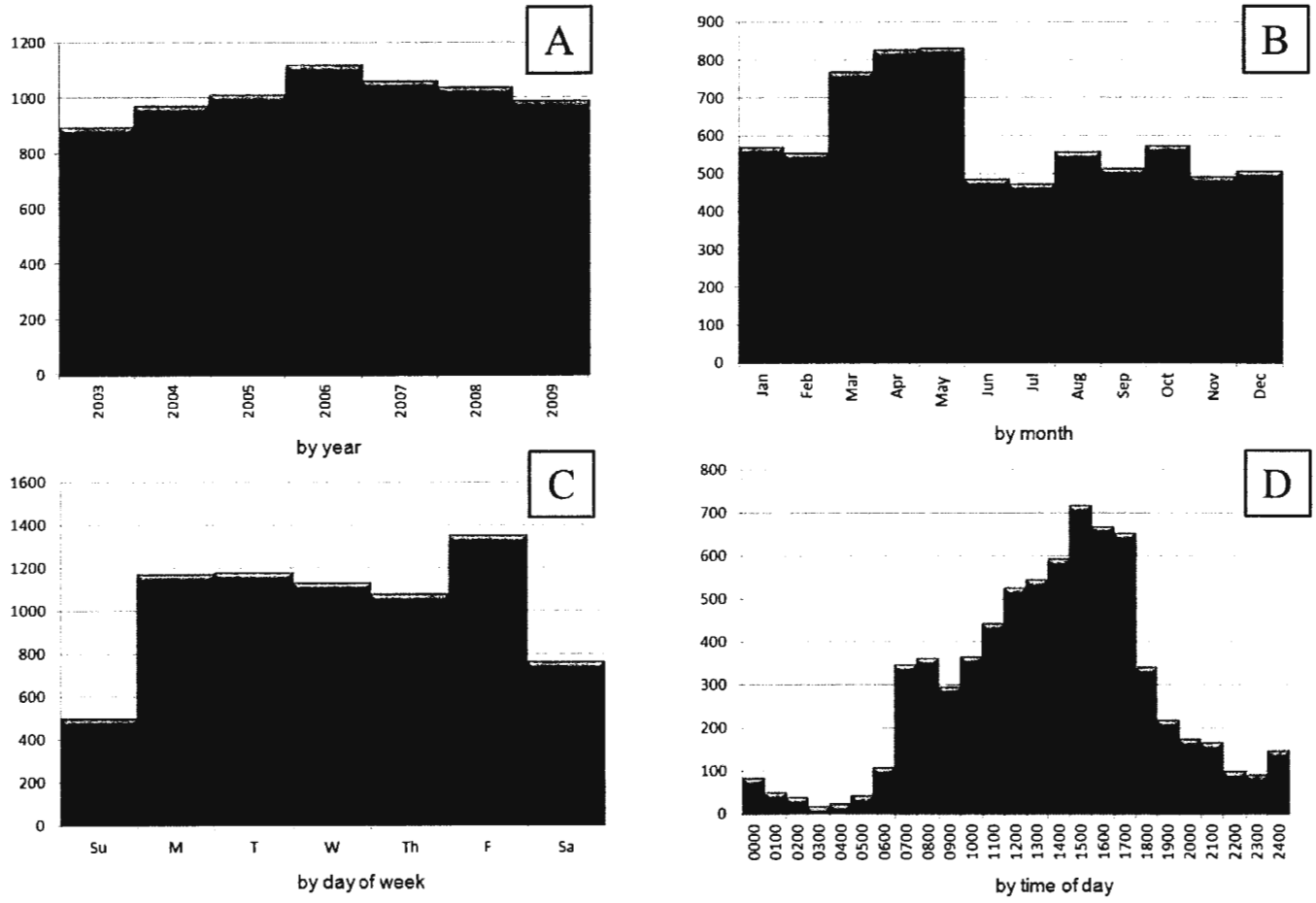


Figure 24. Histogram of traffic accident data of the past seven years near digital billboards in the City of Albuquerque and by (A) year, (B) month, (C) day of week digital and (D) time of day

The analysis of this robust data involves an engineering-statistics based approach and uses a widely accepted method to show what happened when these seventeen digital billboards were installed in Albuquerque.

ANALYSIS

The analysis of this robust data involves an engineering-statistics based approach and uses a widely accepted method to show what happened when these seventeen digital billboards were installed in Albuquerque. The analysis has two parts.

The first part is a temporal analysis. The incidence of traffic accidents near the digital billboards is examined for an equal length of time before and after the digital billboards were installed and activated. This part is for the purpose of establishing if traffic accidents occurred more or less frequently in the presence of these digital billboards. With information collected from police accident reports, the temporal analysis also uses metrics such as traffic volumes, the accident-rate values, the maximum number of accidents during any given month, etc.

For comparison, accident statistics were summarized near the digital billboards within multiple vicinity ranges of 0.2, 0.4, 0.6, 0.8, and 1.0 miles both upstream and downstream of the billboard. These vicinity ranges also sampled data to include: (1) accidents along the principal roads to which the digitals directly advertise, (2) accidents recorded as occurring within the intersection of the primary road and any cross roads, and (3) for crossroad accidents within a reasonable distance from the primary road to include drivers turning onto or leaving the primary road. Accident data for roads to which the digitals do not advertise or are not connected were excluded, even if they were within the specified vicinity range.

The second part is a spatial analysis. This establishes statistical correlation coefficients between the digital billboards and accidents. Correlation coefficients are statistical measures of the "association" between two sets of data. The results are analyzed for various scenarios accounting for accident density and billboard proximity.

Additionally, subsets of accident data for age of driver and for daytime and nighttime accidents were analyzed for before and after comparisons. For a more lengthy discussion of analysis methods, please refer to previous studies (see References 6 and 7).

The number of accidents and rates of accidents near the seventeen digital billboards remained consistent within all vicinity ranges.

RESULTS

Figure 25 shows a comparison of the accident metrics before and after the conversion near all seventeen digital billboards studied in Albuquerque. The statistics are summarized for vicinity ranges of 0.2, 0.4, 0.6, 0.8 and 1.0 miles of the billboard. The metrics include the total number of accidents, the average number of accidents in any given month, the peak number of accidents in any given month, etc. Other metrics, including rates and vehicle-miles traveled, were also analyzed.

The number of accidents and rates of accidents near the seventeen digital billboards decreased in all vicinity ranges, except in 1.0 miles. The benchmark 0.6 mile vicinity experienced a 3.3% decrease in accidents over the average seven year span for all signs; this includes 1.6 fewer accidents per month after conversion. Figure 26 shows the locations of accidents for each of the seventeen signs and within vicinity ranges within 0.2, 0.4, 0.6, 0.8 and 1.0 miles of the billboards. Figure 27 shows the distributions of the number of accidents per month near digital billboards between 2003 and 2009 within vicinity ranges with radii of 0.2, 0.4, 0.6, 0.8 and 1.0 miles and in Albuquerque, NM. Each blue line shows the approximate conversion date of the first ten and second seven digitals; the dashed rectangles show equal time periods for months before and after the conversion dates. Within the 0.6 mile vicinity, the average number of accidents in any given month decreased from 48.5 to 46.9 collectively for these seventeen signs; similarly the peak number of accidents in any given month decreased from 88 to 79. Similar decreases and trends in both averages and peaks were observed for both smaller and larger vicinity ranges.

A statistical t-test was used to compare whether the average difference between the two, time periods is really significant or if it is due to random difference. Using a 95% confidence interval, there is no statistically significant difference in the accident statistics evaluated between conventional and digital billboards near these digital locations.

Consistent results were obtained for before and after comparisons of the older set of ten digital conversions, and for the later set of seven digital conversions, respectively. Additionally, consistent results were obtained for driver-age comparisons. Low correlation coefficients were calculated for the spatial analysis. Correlation coefficients were calculated and indicated a very strong correlation of accident patterns near digital billboards when compared with the accident patterns prior to conversion.

		DISTANCE RANGE FROM BILLBOARD (MILES)				
		0.2	0.4	0.6	0.8	1.0
Prior to Installation	Total Accidents as Conventional Billboard	805	1228	1650	1931	2569
	Average Number of Accidents in a Month	23.7	36.1	48.5	56.8	75.6
	Standard Deviation	11.2	15.2	15.8	15.9	18.7
	Peak Number of Accidents in Any Given Month	54	74	88	93	129
	Minimum Number of Accidents in Any Given Month	4	12	25	32	42
Digital Billboard	Total Accidents as Digital Billboard	752	1181	1595	1858	2578
	Average Number of Accidents in a Month	21.5	34.7	46.9	54.6	75.8
	Standard Deviation	9.2	10.6	14.7	12.1	16.9
	Peak Number of Accidents in Any Given Month	43	53	79	83	112
	Minimum Number of Accidents in Any Given Month	7	10	12	29	37
% Change	Total Accidents, % Change	-6.6%	-3.8%	-3.3%	-3.8%	0.4%
	Change in Average Number of Accidents in a Month	-2.2	-1.4	-1.6	-2.1	0.3

Figure 25. Summary accident statistics during seven years within vicinity ranges of 0.2, 0.4, 0.6, 0.8 and 1.0 miles near seventeen digital billboards locations in Albuquerque, NM

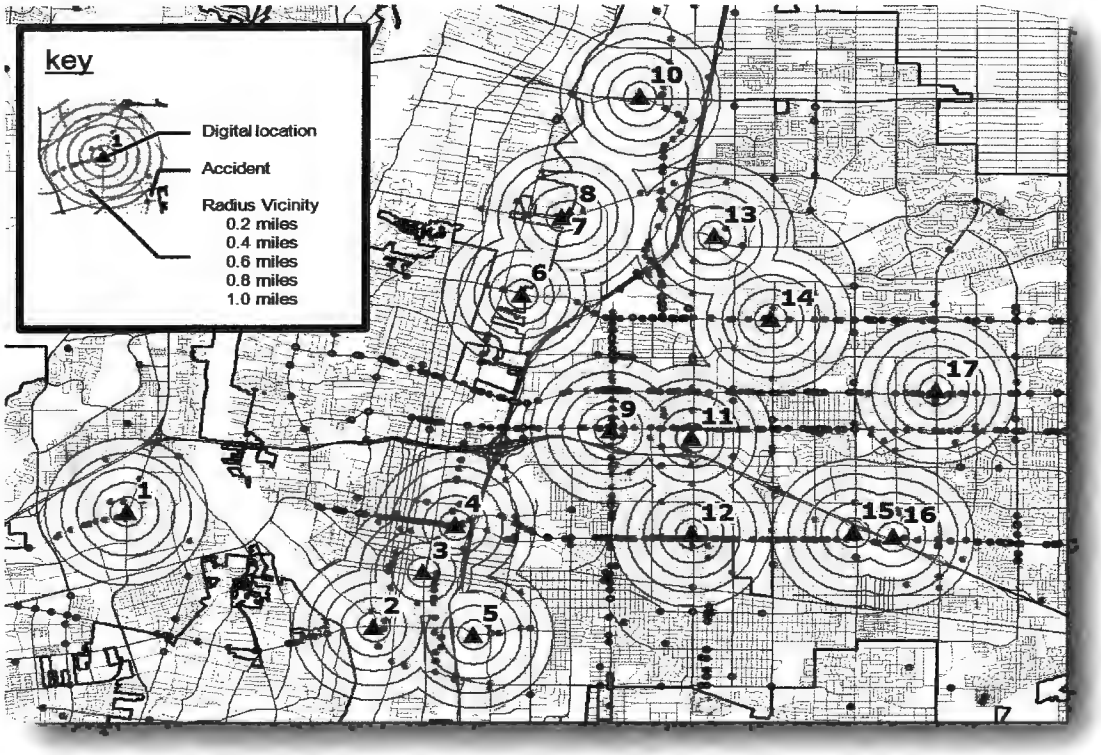


Figure 26. Accident location near digital billboards between 2003 and 2009 within vicinity ranges with radii of 0.2, 0.4, 0.6, 0.8 and 1.0 miles and in Albuquerque, NM.

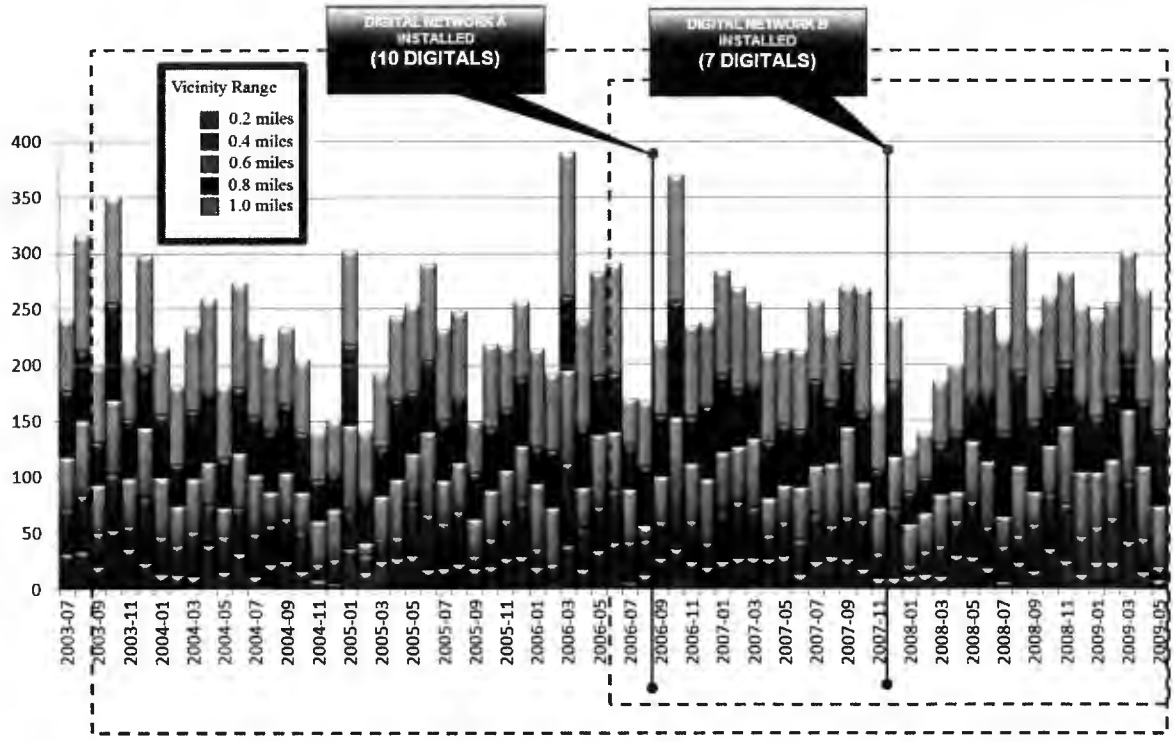


Figure 27. Stacked distributions of the number of accidents per month near digital billboards between 2003 and 2009 within vicinity ranges with radii of 0.2, 0.4, 0.6, 0.8 and 1.0 miles and in Albuquerque, NM. Each blue line shows the approximate conversion date of the first ten and second seven digitals; the dashed rectangles show equal time periods for months before and after the conversion dates.

Figure 28 summarizes the accident rates that account for variations in traffic volumes for all digital locations within vicinity ranges. The 0.6 mile benchmark vicinity experienced a decrease in accident rates over the seven-year span; the change in accident rates decreased 0.04 accidents per 100,000 vehicles per year. Similar decreases and trends were observed for both smaller and larger vicinity ranges.

		DISTANCE RANGE FROM BILLBOARD (MILES)				
		0.2	0.4	0.6	0.8	1.0
Prior to Installation	Average Accident Rate per 100,000 vehicles average per year prior to installation	0.14	0.21	0.28	0.33	0.44
Digital Billboard	Average Accident Rate per 100,000 vehicles average per year after installation	0.12	0.18	0.24	0.28	0.40
Change	Change in Average Accident Rate per volume per 100,000 vehicles average per year after installation	-0.02	-0.03	-0.04	-0.04	-0.04

Figure 28. Summary accident rates during seven years within vicinity ranges of 0.2, 0.4, 0.6, 0.8 and 1.0 miles near seventeen digital billboards locations in Albuquerque, NM

COMPARISON OF ACCIDENTS BY AGE OF DRIVER

The accident statistics were also analyzed to determine if the age of the drivers involved in the accidents near digital billboards was a factor. The data was specially studied to determine if there are increases in the accident rates of young drivers (under 21) or elderly drivers (65 and older). Figure 29 shows the distribution of accidents by age of driver for all accidents, by age of female drivers, and by age of male drivers.

Figure 30 shows the distributions of ages of driver for all accidents within a one mile vicinity before digital conversions (top, left), after digital conversion (top, right) and the correlation between before and after conversions for the number of accidents for each age (bottom). Individual accidents may have multiple cars and drivers involved, which is reflected in the analysis. In comparing the histograms in Figure 30, note the typical distribution type (shape) and typical average values. The average driver age for accidents prior to digital conversion is 38.2 years; the average drive age after conversions is 38.4 years.

Correlation coefficients were calculated and indicated a very strong correlation of accident patterns for age-of-driver factors. Figure 33 shows a 0.980 (98.0%) correlation coefficient when comparing accidents before conversion with those after conversion.

Additionally, the accident statistics were also analyzed to determine if the time of day of accidents near digital billboards was a factor. The data was specially studied to determine if there are increases in the accident rates during dawn, daylight, dusk and dark/nighttime conditions near these digital billboards. Correlation coefficients were calculated and indicated a very strong correlation of accident patterns for time-of-day factors. There is a 0.976 (97.6%) correlation coefficient when comparing accidents before conversion with those after conversion.

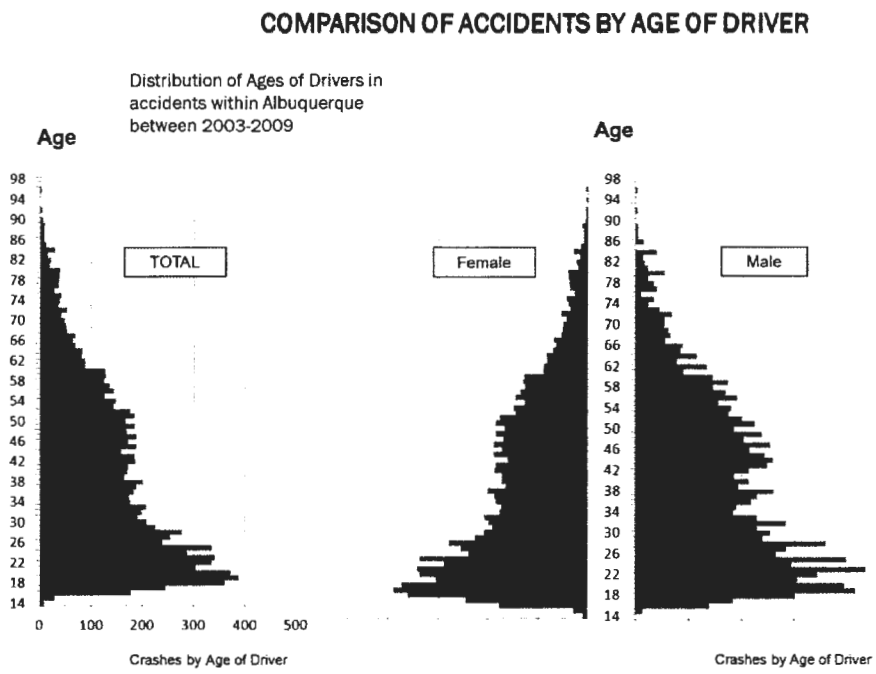


Figure 29. Distributions of age of driver for all accidents, by age of female drivers and by age of male drivers and for accidents within one mile of digital billboards in Albuquerque

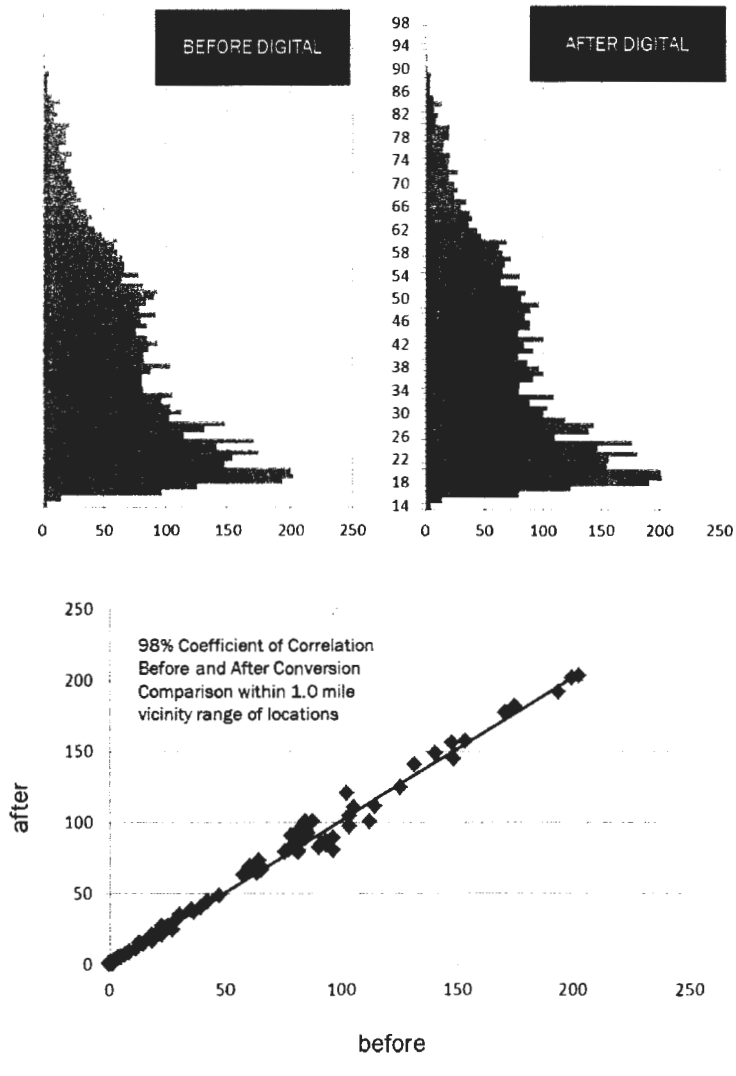


Figure 30. Distributions of age of driver for all accidents before digital conversion (top, left green histogram), after digital conversion (top, right orange histogram) and the correlation between before and after of number of accidents for each age (bottom).

Simply stated, the data shows no increase of accident rates near these billboards.

FINDINGS

Albuquerque, New Mexico, was a unique opportunity for this study about the statistical associations between digital billboards and traffic safety using robust data sets and analyzing multiple locations for periods of as much as seven years. The overall conclusion is that the digital billboards in Albuquerque have no statistically significant relationship with the occurrence of accidents. This conclusion is based on the City of Albuquerque's own data and an objective statistical analysis; the data shows no increase in accident rates. This study also finds that the **age of drivers (younger, older) and the time of day (nighttime, daytime) are neutral factors** which show no increase in accident rates near digital billboards along the local roads in Albuquerque.

The specific conclusions of this study of Albuquerque indicate the following.

- **The number and rates of accidents near the seventeen digital billboards show a 3.3% decrease** within 0.6 miles of all digital billboards over an average seven years. Similar decreases and trends in both averages and peaks were observed for both smaller and larger vicinity ranges.

- **The accident statistics and metrics remain consistent**, exhibiting statistically insignificant variations at each of the digital billboards. The metrics include the total number of accidents in any given month, the average number of accidents over the 52- to 84-month periods, the peak number of accidents in any given month, and the number of accident-free months. These conclusions account for variations in traffic-volume and other metrics.

- **Consistent results were obtained for comparisons of daytime and nighttime accidents and for young and elderly drivers in accidents**. Correlation coefficients were calculated and indicated a very strong correlation of accident patterns near digital billboards when compared with the accident patterns near the former, conventional-face billboards.

Simply stated, **the data shows no increase of accident rates near these billboards**.

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Terri L. Rozzana

From: Leroy And Betty Hanna <leroynbetty@gmail.com>
Sent: Thursday, September 25, 2014 3:43 PM
To: Terri L. Rozzana
Subject: message for planning commission

Medford City Planning Commission,

We own property located at 3120 Crater Lake Highway, Medford Oregon, where we have a long term Lease with CBS Outdoor Sign Co.

It is my understanding that you are meeting this evening to review and consider outdoor sign regulations within the City. While I do not know the specific items that you intend to discuss, I hope that you will be considerate of our investment in property leased to Sign Companies. The investment that we have made has been good for us and also good for the tax recipients in Jackson County so I want to respectively request that you do not restrict the Sign Companies from being able to up-grade their signs to comply with future needs.

The Sign Companies ability to up-grade means more profit for the advertiser, the Sign Co., the land owner and the tax recipients will get a bigger cut so I will appreciate any help that you can give us.

Sincerely,
LeRoy and Betty Hanna

CITY OF MEDFORD
EXHIBIT # S
File # DCA-13-090

53

September 25, 2014

MEDFORD PLANNING COMMISSION
c/o Jim Huber, Bianca Petrou, Praline McCormack
City Hall
Medford, OR 97504

RE: Medford Electronic Sign Ordinance
File: DCA-13-090

Dear Chair Zarosinski and Commissioners:

An Ad-Hoc Committee of The Chamber of Medford and Jackson County has carefully reviewed the proposed sign ordinance (DCA-13-090) and has had opportunity to meet with representatives of the Planning Department on the matter. The Chamber is now prepared to offer comments and herewith tenders the same below and asks that this letter be made a part of the record of the proceedings. The comments below are in no particular order of importance.

Ambiguous Definitional Terms: The ordinance contains terms that use language that is ambiguous. For example, the definition of "glare" contains reference to causing "discomfort." Obviously, the term discomfort is open to many interpretations. Presumably, signs that meet the objective standards of the new ordinance should be not be considered discomforting. Neither terms such as discomforting nor any of the other ambiguous terms used to define prohibited signs should be used in sign permitting or enforcement. The ordinance should make this clear. Otherwise, permits to place a sign or actions to enforce the standards will be wholly dependent upon an opinion as to whether a sign is "discomforting" or "scintillating." Some would argue that *any* electronic sign is discomforting, scintillating, flashing, blinking, undulating, pulsing or any of the other ambiguous terms. In Oregon, land use laws are to be clear and objective. The above cited terms used in the ordinance are neither clear nor objective. We ask that the Commission take these ambiguities into account in finalizing the ordinance. No sign owner should be placed in a position where an expensive sign is regulated out of existence based upon an interpretation of what is or is not, for example, "disturbing." We urge the Commission to find less ambiguous terms to use in the regulation of electronic signs.

Exception for Construction/Renovation of Municipal Facilities: The ordinance creates a general exemption for outdoor lighting used to construct or renovate municipal buildings. There should be no general exemption for buildings owned by the city. There is nothing to distinguish municipal buildings from any other private, government and institutional buildings and the city should not be seen as exempting itself from the requirements placed upon others in the community.

CITY OF MEDFORD
EXHIBIT # I
File # DCA-13-090

Compliance Certifications: Provisions of the ordinance require a licensed engineer's certification of compliance, 1) when sign permits are applied for, and 2) after installation to verify compliance. The Chamber objects on the basis that engineer certifications are expensive and would do nothing to ensure ongoing compliance as electronic signs are so easily adjusted. If certifications of any kind are to be required, the same should be in the form of a self-certification after installation.

Compliance Measurements: The ordinance provides a formula to be used in taking instrument measurements of brightness. These will likely produce incidents where the measurements must be taken within a busy street or intersection *and* at an elevation equal to that of the sign. To measure, for example, the oft cited Verizon sign in Medford, one would need to take up position within the street atop a ladder or use other means to measure compliance at the same elevation as the sign. Doing so would be dangerous both for sign owners adjusting their signs and public employees conducting the measurements as a matter of enforcement. Some other method should be devised to measure brightness that is safe and reasonable before this ordinance is adopted.

Sign Sizes: The permissible size of signs in Medford's commercial and industrial zones are proposed to be reduced by 50 percent. The same will have the effect of making all existing conforming electronic signs nonconforming. Moreover, a Chamber member who is in the electronic sign business offered the following insights with respect to reducing sign size:

- This company now converts existing signs (which conform to size) to electronic messaging signs. Most existing sign structures conform to Medford's size standards which have not changed in many years. Sign conversions (to electronic) would not be possible under the proposed sign standards because those existing sign structures would be too large, meaning that an entire sign structure would have to be removed and replaced in order to comply with the smaller sign standards which are now proposed in the ordinance. Left in its present form, the ordinance would result in stranded costs and hardships for its customers.

- A 10 x 20 (200 square ft.) sign is an industry-standard size and the smallest size this company builds nationwide. Smaller sizes would require expensive customization.

- Medford already has the smallest permissible size for billboards and any reduction in size will cause difficulty in utilizing technology to display messages.

We are aware of no evidence that suggests that electronic signs of the size now permitted are somehow unsafe or inappropriate and urge the Commission not to change the sign size standards. Thank you for consideration of our concerns.

Best regards,

Brad S. Hicks, CCE, ACE, IOM
President & CEO

Compliance Certifications: Provisions of the ordinance require a licensed engineer's certification of compliance, 1) when sign permits are applied for, and 2) after installation to verify compliance. The Chamber objects on the basis that engineer certifications are expensive and would do nothing to ensure ongoing compliance as electronic signs are so easily adjusted. If certifications of any kind are to be required, the same should be in the form of a self-certification after installation.

Compliance Measurements: The ordinance provides a formula to be used in taking instrument measurements of brightness. These will likely produce incidents where the measurements must be taken within a busy street or intersection *and* at an elevation equal to that of the sign. To measure, for example, the oft cited Verizon sign in Medford, one would need to take up position within the street atop a ladder or use other means to measure compliance at the same elevation as the sign. Doing so would be dangerous both for sign owners adjusting their signs and public employees conducting the measurements as a matter of enforcement. Some other method should be devised to measure brightness that is safe and reasonable before this ordinance is adopted.

Sign Sizes: The permissible size of signs in Medford's commercial and industrial zones are proposed to be reduced by 50 percent. The same will have the effect of making all existing conforming electronic signs nonconforming. Moreover, a Chamber member who is in the electronic sign business offered the following insights with respect to reducing sign size:

- This company now converts existing signs (which conform to size) to electronic messaging signs. Most existing sign structures conform to Medford's size standards which have not changed in many years. Sign conversions (to electronic) would not be possible under the proposed sign standards because those existing sign structures would be too large, meaning that an entire sign structure would have to be removed and replaced in order to comply with the smaller sign standards which are now proposed in the ordinance. Left in its present form, the ordinance would result in stranded costs and hardships for its customers.

- A 10 x 20 (200 square ft.) sign is an industry-standard size and the smallest size this company builds nationwide. Smaller sizes would require expensive customization.

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We are aware of no evidence that suggests that electronic signs of the size now permitted are somehow unsafe or inappropriate and urge the Commission not to change the sign size standards. Thank you for consideration of our concerns.

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Brad S. Hicks, CCE, ACE, IOM
President & CEO

MINUTES
Planning Commission Meeting
August 28, 2014

The regular meeting of the Medford Planning Commission was called to order at 5:40 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present	Staff
Michael Zarosinski, Chair	Jim Huber, Planning Director
Robert Tull, Vice Chair	Kelly Akin, Principal Planner
Bill Christie	John Adam, Senior Planner
Bill Mansfield	Kevin McConnell, Deputy City Attorney
David McFadden	Alex Georgevitch, Transportation Manager
	Greg Kleinberg, Fire Marshal
Commissioners Absent	Terri Rozzana, Recording Secretary
Norman Fincher, Excused Absence	Praline McCormack, Planner II
Patrick Miranda, Excused Absence	Sarah Sousa, Planner IV
Alec Schwimmer, Excused Absence	Desmond McGeough, Planner II
	Aimee Staton, Intern
	Tracy Carter, Planner I

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 **LDS-14-051** Final Order of a request for tentative plat approval for Silky Oaks Phase 3, an 8-lot residential subdivision on a 1.90 acre parcel located on the north and south sides of the Katie Mae Drive alignment, approximately 140 feet west of Silky Oaks Lane within a SFR-10 (Single-Family Residential – 10 units per acre) zoning district. (Ron Horton Et Al, Owner; Scott Sinner Consulting, Inc., Agent).

Motion: Adopt the consent calendar.

Moved by: Commissioner McFadden Seconded by: Commissioner Christie

Voice Vote: Motion passed, 5-0.

30. Minutes.

30.1 The minutes for August 14, 2014, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

CITY OF MEDFORD
EXHIBIT # U
File # DCA-13-090

50. Public Hearing.

New Business

50.1 **DCA-13-090** Consideration of an ordinance amending *Land Development Code*, Sections 10.764, 10.1010, 10.1022, 10.1100, 10.1200, 10.1300, 10.1400, 10.1410, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 regarding electronic message signs to provide brightness

standards and a method for measuring brightness, adding definitions for new terms and revising definitions for existing terms, housekeeping revisions, prohibiting specific sign effects, and in commercial and industrial zoning districts reducing the size by half; creating new Section 10.1140 pertaining to standards and regulations of all signs, and creating new Section 10.1150 pertaining to standards and regulations of all electronic message signs in the City of Medford, including: brightness, rate of message change, transition types, prohibiting blinking flashing types of lights, requiring photocells, requiring greater setbacks and reduced height at signalized intersections, and requiring existing signs to comply with all new regulations except location and size within 180 days. (City of Medford, Applicant).

Praline McCormack, Planner II, stated staff placed at the Commissioners places this evening a revised project description, a letter from The Chamber of Medford/Jackson County requesting a continuance and submitted into the record as Exhibit Q. Also, there was an error on page 68 of the agenda packet that referred to Code Section 10.1150 (A-F). It should read Section (A-E) Ms. McCormack presented the background, proposed revisions, process to date, approval criteria, conclusions and recommendation.

Commissioner McFadden referenced page 53, section E Creating New Sections for Sign Standards for all districts. Under that section it talks about the Oregon Department of Transportation permit requirement. Commissioner McFadden stated that section does not elaborate that it is only on state controlled roadways within the City of Medford. Is there another section that elaborates on that? Ms. McCormack stated that it is on page 67 of the agenda packet, Section 10.1140 (B).

Vice Chair Tull stated that he did not hear anything in the presentation about efforts to control content on signs. Ms. McCormack stated that the City is not allowed to control content.

Vice Chair Tull stated that concern has been expressed about signs that became advertising for businesses that were not in any way related to the location of the sign. How does the City deal with that? Ms. McCormack replied that staff cannot address that without getting into the Federal law regarding content. Mr. McConnell stated that there is no way to address that issue without running into constitutional issues.

Commissioner Mansfield contested Mr. McConnell's information as inaccurate. The Oregon Court of Appeals has ruled that to restrict off premises signs do not violate the constitution of free speech provisions. Commissioner Mansfield cited two Oregon Court of Appeals cases, *Outdoor Media Dimensions, Inc. v. State*, 150 Or App 106 (1997) and *Media Art Co. v. City of Gates*, 158 Or App 336 (1999). Commissioner Mansfield suggested respectfully that the advice that Mr. McConnell has been giving to the Planning Commission is simply inaccurate. Legally the Planning Commission can address content and not violate the constitution. At a later date Commissioner Mansfield is going to approach that and urges the Planning Commission recommend to the City Council that the City makes distinctions and outlaw non-premise signs. Mr. McConnell reported that he would review the cases.

Vice Chair Tull asked does the recommendation address the use of these signs as election endorsements? Ms. McCormack replied that the City does not regulate content on any sign whether it is electronic message signs or a static sign.

Commissioner Mansfield explained that he is not suggesting that the City has general power to control content of signs. He is only suggesting that under the constitutional requirements the City

does have the power to examine the content of signs to determine whether or not it is advertising on-premise activities or off-premise activities. That is the only thrust of his position. Ms. McCormack stated that ultimately that would be a policy decision for the City Council.

The public hearing was opened and the following testimony was given.

a. Rob LaGrone, 135 Silver Lane, Suite 230, Eugene, Oregon, 97404. Mr. LaGrone works for CBS Outdoor. Outdoor advertising is his industry. He is glad to see these regulations being proposed because they are needed. Digital LED signs are the next phase in the on-going modernization of outdoor advertising. The benefits of this next phase in outdoor advertising is that there is a smaller environmental footprint, the signs have a multiplier effect, advertising becomes more feasible for more organizations especially for short-term events, and amber alerts and other emergency notifications are suitable for these signs because they can be programmed remotely so quickly to respond. He is worried about his industry being stuck in the past as LED becomes popular. He likes these regulations but one problem is the size restriction that he is concerned about. The second issue is the non-conforming issue. He asked the Planning Commission to consider recommending to the City Council to treat the upgrade to LED's as if they were another change of ad copy. Mr. LaGrone submitted studies for the Commissioners to review.

Vice Chair Tull asked if Mr. LaGrone's industry make a distinction between signs on a highway where motorists are traveling 50, 60, 70 miles per hour and signs that are in the city with motorists traveling 35 to 45 miles per hour. Mr. LaGrone replied that for the most part the answer is no but when the advertising client is working with his graphic designer to create the ad on a freeway location a smart graphic designer is going to tailor the ad to higher speed traffic.

Ms. McCormack pointed out that on page 68 of the agenda packet Section 10.1150 (H) states: "The conversion of an existing non-conforming ground or wall sign to an electronic message sign is prohibited". This language effects Mr. LaGrone's ability to upgrade or modernize his signs.

Commissioner McFadden asked Ms. McCormack if there was flexibility by developing a conditional use permit approval within the Code so that non-conforming signs could be addressed without affecting the entire Code? Ms. McCormack replied that at this point staff is not ready to answer that question but if this hearing is continued staff could come up with language.

Mr. McConnell reported that he has reviewed the cases cited by Commissioner Mansfield earlier and he is going to agree with him. He believes he is correct.

The public hearing was closed.

Motion: Continue this public hearing to Thursday, September 25, 2014.

Moved by: Commissioner Mansfield Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 5-0.

Motion: That Staff be instructed to prepare material relating to the possibility of recommending legislation that would restrict and prohibit off premises signs in the City of Medford. He is asking that the hearing be enlarged to include that issue.

Moved by: Commissioner Mansfield Seconded by: Commissioner Tull

Roll Call Vote: Motion failed, 2-3, with Commissioner Christie, Commissioner McFadden and Chair Zarosinski voting no.

50.2 **CUP-13-081/E-13-082** Consideration of a request for modifications to a Conditional Use Permit related to landscape buffering and sidewalk placement for Hawthorne Park located on the south side of East Jackson Street, the north side of East Main Street, and the west side of Hawthorne Street within a C-S/P (Commercial – Service/Professional) zoning district. (City of Medford, Applicant; CSA Planning Ltd, Agent).

Chair Zarosinski inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were disclosed.

Chair Zarosinski inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Sarah Sousa, Planner IV, read the conditional use permit criteria and gave a staff report.

The public hearing was opened and the following testimony was given.

a. Craig Stone, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Stone stated that he was present tonight on behalf of the City of Medford Parks and Recreation Department. Mr. Stone stands on the written materials that they have submitted. Also, staffs report that the Planning Commission just heard further supports the proposed amendment.

Commissioner McFadden finds that sometimes backing out with a big rig in places is difficult with square in parking. Was angled parking In the design of this parking lot explored? Mr. Stone replied that he was not the actual party to the design. That was between the three municipal departments.

The public hearing was closed.

Motion: Approve the Final Order per the Staff Report dated August 21, 2014, including Exhibits A through C.

Moved by: Commissioner McFadden Seconded by: Commissioner Christie

Commissioner McFadden stated that it is his opinion that the undergrowth of shrubs would obstruct views. It is an admirable plan.

Roll Call Vote: Motion passed, 5-0.

50.3 **LDP-14-058** Consideration of tentative plat review for a two lot partition on a 4.65 acre parcel located at the western terminus of Annapolis Drive and the northeast side of Normil Terrace approximately 700 feet east of Foothill Road within an SFR-4 (Single-Family Residential – 4 dwelling units per acre) zoning district. (E. J. and Marjorie Fordyce, Applicants; Maize & Associates, Inc., Agent).

INTERNATIONAL SIGN ASSOCIATION

FINDING COMMON GROUND:

ANSWERS TO COMMON QUESTIONS ABOUT ELECTRONIC MESSAGE CENTERS (EMCs)

CITY OF MEDFORD
EXHIBIT # V
File # DCA-13-090

Finding Common Ground:

Answers to Common Questions Involving On-Premise Electronic Message Centers

Is your community trying to determine how to treat on-premise electronic message center signs (EMCs)? Are you trying to strike a balance between the desire for businesses to use EMCs and community aesthetics? Do you have concerns about the safety of EMCs? Are you confused or frustrated about how to properly regulate these types of signs?

If you have answered in the affirmative to any of these questions, you are not alone. Planners, community officials, small businesses and sign companies have struggled with these questions for several years. As the trade association for the on-premise sign industry, ISA has worked with hundreds of communities across the country on EMC issues, lending our expertise in helping to develop reasonable and beneficial code language governing this modern and innovative sign technology.

Just to clarify, EMCs are not digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located on the premises of the business, and that advertise goods and services that are provided at the location.

(Left) Electronic message center (EMC) / on-premise sign advertising a product that is located at the place of buiness

(Right) Digital billboard / off-premise sign advertising a business away from where the sign is located

There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, we are focusing solely and exclusively on EMCs.

We have compiled this guide in order to help all stakeholders make informed decisions about EMCs, addressing common concerns and providing the perspective necessary for the development of effective sign regulations. We hope that the information in this publication can assist each community in finding common ground in the quest for appropriate EMC regulation.

INTERNATIONAL SIGN ASSOCIATION

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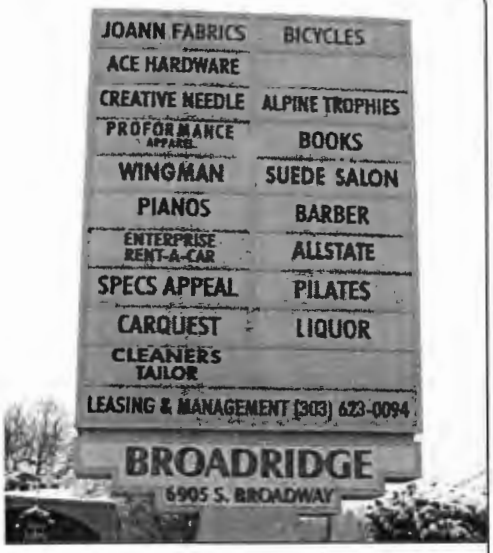


Before • •

After • •

The traditional multitenant sign at the top is forced to use unimaginative fonts and colors in order to fit in all the businesses; the same multitenant sign on the bottom has added an EMC which advertises each tenant every ten seconds, making the sign less cluttered and more attractive.

EMCs and Aesthetics

Issue

Some communities are concerned with the impact of EMCs on the visual environment. Most concerns regarding aesthetics can be resolved with effective regulation. Proper brightness standards and regulated content presentation standards can resolve the majority of aesthetic concerns. When properly regulated and utilized, EMCs can actually enhance community aesthetics.

The manually-changeable reader board, an ancestor to EMC technology, is common in most communities. Mis-matched letters, bland fonts, and other design limitations make a reader board to electronic message center conversion an improvement in aesthetics. A properly regulated EMC is considered by some to be more attractive than a traditional reader board.

Another example of sometimes aesthetically-displeasing signs is multi-tenant panel signs that can be found in many retail multi-tenant shopping centers. Frequently these signs are packed with a long list of tenants, which are functionally invisible to the motoring public. Such lack of visibility affects the viability of the retail center, and unviable businesses can eventually become an eyesore. Allowing an EMC in a retail shopping center can give tenants the visibility they need, replace functionally invisible signs with an effective sign without increasing over all square footage, and thus improve the aesthetic appearance of the shopping center.

Lack of visibility and the ability to change advertising messages often results in some business owners using alternate methods to get the message out. Ironically, prohibitions or severe restrictions on EMCs can result in the very thing such sign codes are intended to avoid; namely, visual clutter by excessive signage. By allowing properly regulated EMCs to operate in a community, you can avoid these aesthetically objectionable behaviors from occurring. If a business owner is able to use an EMC, the need for excessive banners and other forms of visual clutter are eliminated.

Associating these signs with Las Vegas is a common concern voiced in the debate over EMCs and aesthetics. A closer look at the size, height, spacing and content delivery methods on signs on the Las Vegas strip reveals that this comparison is inaccurate. Signs on the Las Vegas strip have few or no set back requirements, spacing limitations, or height restrictions. It is not uncommon for signs on the Las Vegas strip to exceed two hundred feet in height, and most of the larger signs exceed several thousand square feet in total sign area. Most communities do not even come close to allowing signs such as these. Unless your community allows signs of this magnitude, it is highly unlikely that your community will resemble anything like Las Vegas.

Recommendations

The key to addressing aesthetic concerns regarding EMCs is to ensure that the message brightness, duration, and transition method are properly regulated and enforced in conformity to community aesthetic values. EMCs in and of themselves are not aesthetically displeasing.

EMCs and Code Enforcement

INTERNATIONAL SIGN ASSOCIATION

Issue

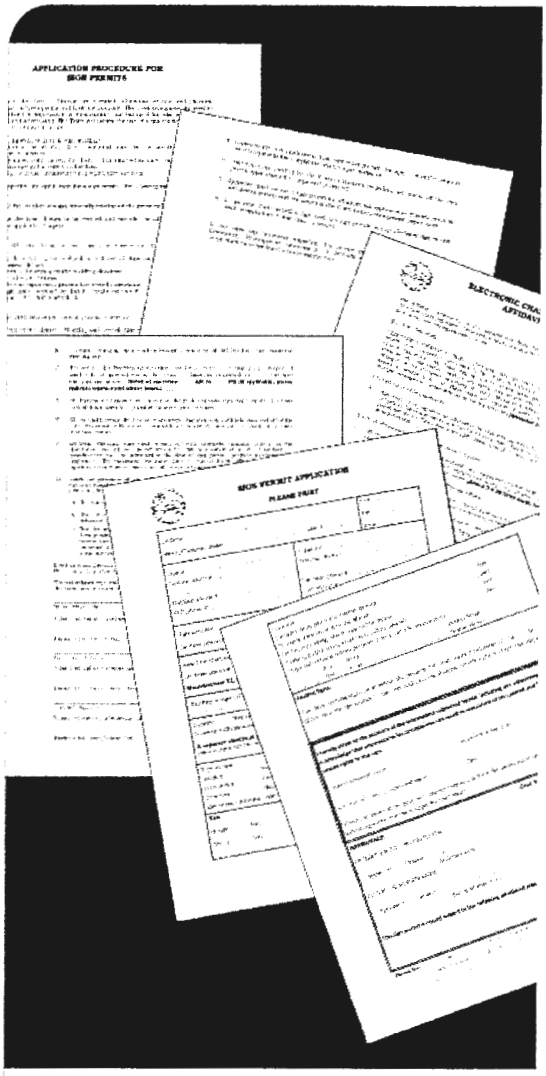
Local sign codes often have provisions regarding the regulation of EMCs. Sign companies help their customers learn what regulations govern their EMCs when the product is sold. Once the EMC is permitted, it is up to the sign owner to make sure that they program their sign so that it is in compliance with the local sign code. EMC manufacturers can only build signs that are capable of compliance.

In some rare instances, out of fear that some extra-judicial programming will take place after an EMC is permitted and operational, some local regulators have attempted to take the position that such signs are prohibited altogether.

Recommendations

The sign industry encourages strict compliance with sign codes and should always educate customers on how to properly operate EMCs. However, occasionally EMCs are programmed beyond the limitations of local regulation by their owners. Acknowledging the difficulty of city code enforcement, one way of encouraging proper and legal use of these signs by their owners is to have the owner sign an affidavit at the same time the sign is permitted in which the owner agrees to abide by the local regulations or else be cited and pay a fine.

There is no legal basis to deny a static-display electronic sign, as it is legally indistinguishable from any other illuminated sign. Car usage is not prohibited merely because cars are designed so that they can exceed the speed limit; tickets are issued to the driver if they *do* exceed the speed limit. Likewise, if a sign owner *actually* violates the zoning or sign code, the remedy is to cite them for the violation, not to presume that they will do so and refuse to issue permits at the outset.



Cities can require EMC users to promise that they will program and use their signs in compliance with the local sign code, including imposing penalties for knowingly violating the ordinance.

This EMC user can only use amber-colored text messages, which can be bland and limit the creativity of their business's message.

EMCs and Color Restrictions

Issue

Some jurisdictions have established restrictions on the types of content displayed on EMCs. Among the restrictions are limits to the number of colors displayed or a prohibition on full-color images. Many of these limitations are based on a belief that multiple colors or "photo-quality" images are more intrusive or distracting to motorists. We believe that restrictions on the appearance of EMC displays fail to advance any compelling governmental interest and represent an impermissible content-based regulation.

Color-Based Limits

Color restrictions can take the form of limiting the total number of colors displayed ("one color only" or "no more than 3 colors") or specifying the colors allowed ("amber only" or "no red lights"). As a practical issue, most EMCs are comprised of RGB pixels capable of displaying full color images. In order to display most colors, the image actually consists of a mixture of individual LEDs displaying red, green, or blue in varying amounts. Even if the display appears to be a single color ("white"), when viewed at a close distance the EMC can be seen to generating multiple colors of light that blend together as the viewing distance increases. Restrictions on the number of colors are problematic to enforce as questions of color shading and the "black" appearance of unlit LEDs complicate the ability to precisely determine the number of colors being displayed.

Additionally, many EMCs are designed to display information in a format similar to conventional signs. A filling station commonly displays the prices of gasoline, diesel fuel, ethanol and kerosene using different colored numerals. If a manual changeable copy panel can display a message using multiple colors, an EMC should be afforded the ability to display the identical message.

Recommendations

Any attempt to regulate EMCs based on the appearance of the display may run afoul of judicial scrutiny of content-based regulations. Other federal protections on the display of registered trademarks also may affect controls on the display of logos (for example, the Federal Lanham Trademark Act.)

Any EMC should be allowed to display text information, graphics, or images identical to a permanent display on a non-EMC sign. EMC-specific regulations should avoid restrictions on the information displayed and be limited to appropriate controls on sign brightness, size, and message change.

EMCs and Definitional Problems & Solutions

INTERNATIONAL SIGN ASSOCIATION

Issue

When it comes to drafting and enforcing signs codes, it is important for the language and definitions have clear, reasonable, workable and easily understandable meanings. This is especially true when it comes to definitions in the part of the sign code that covers EMCs. This language can often be technologically incorrect, difficult to implement, and unworkable in practice, resulting in sign codes that don't benefit regulators, sign users or the community.

Terms that need consistent clarification in regard to EMC regulatory language can be as basic as the definition of a changeable message sign. There are two kinds of such signs, manually-changed and electronically-changed. Most manually-changed signs involve a background surface with horizontal channels, into which plastic letters and numbers are inserted into the channels on the sign face. The message must be changed by having an employee or technician remove the existing plastic letters and replacing them with the new message.

On the other hand, for the most part EMCs use light emitting display technologies such as LEDs. These kids of changeable message signs are operated via computer at a remote location and can change messages as fast as they can be programmed. For the purposes of this document, we are focusing on the definitional issues that arise when it comes to EMCs

Recommendations

EMC regulatory language should cover certain technical capabilities of such signs such as:

ANIMATION — the usage of multiple frames running at a fast enough speed that the human eye perceives the content to be in continuous movement.

DISSOLVE — a mode of message transition on an EMC accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

FADE — a mode of message transition on an EMC accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FLASHING — an intermittent or flashing light source where the identical EMC message is constantly repeated at extremely fast intervals.

FRAME — a complete, static display screen on an EMC.

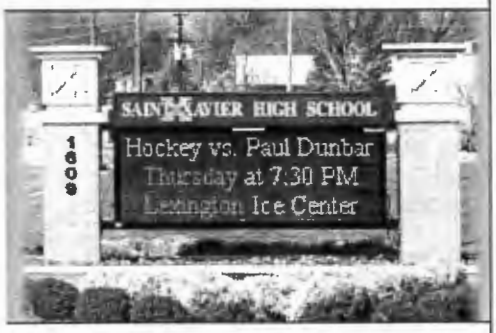
FRAME EFFECT — a visual effect on an EMC applied to a single frame to attract the attention of viewers.

SCROLL — a mode of message transition on an EMC where the message appears to move vertically across the display surface.

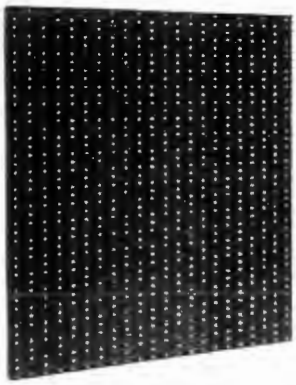
STATIC MESSAGE — messages that contain static messages only, and do not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement.

TRANSITION — a visual effect used on an EMC to change from one message to another.

TRAVEL — a mode of message transition on an EMC where the message appears to move horizontally across the display surface.



The school sign on the top has been allotted a very small area for its EMC as compared to the school sign on the bottom. The school sign on the bottom is therefore able to present more information in a more legible fashion on the screen in comparison.



EMCs use light emitting diodes, or LEDs, which are one of the more energy-efficient forms of lighting available today.

EMCs and Digital Area Size Limitations

Issue

Some jurisdictions have adopted restrictive square footage area restrictions for EMCs. For example, restrictive allowable square footage for EMCs would be to only allow 25% of the maximum square footage for a sign. We believe that if square footage restrictions for electronic message centers are too restrictive this may lead to limiting the type of message that a business can display. A smaller EMC may only lend itself to effectively displaying text, restricting the business to utilize images. Since EMC's are considered such an effective method for a business to advertise, this will also have a potential negative economic impact on a business.

Economic Considerations

EMCs have proven to be a very cost effective method of advertising, especially when compared to radio, television, and print media. A typical small business does not have the recognition of a national chain. Therefore, affordable and effective advertising that is provided by an EMC can be an important factor of a successful business.

Recommendations

In support of the business community and particularly small business, no square footage area restrictions or minimal restrictions of the allowable square footage, are recommended for EMCs. This will afford a business the flexibility to display images or text providing, full marketing advantage afforded by electronic message centers. By allowing the business community greater flexibility in the allowable square footage of EMC's can also lead to overall support and economic enhancement of the community. An additional advantage of allowing minimal restrictions on the allowable area for EMC's will enable enhanced messaging for community or civic events.

EMCs and Energy Consumption

Issue

Some jurisdictions are concerned about the amount of energy consumption by electronic signs, including EMCs. Modern EMCs use light-emitting diode or "LED" lighting technology to produce changeable messages. LED lighting is one of the most energy efficient forms of lighting, according to the U.S. Department of Energy.

Recommendations

Gains in LED efficiency over the past few years have been dramatic. Many EMC manufacturers have reported efficiency gains of almost 80% over a five-year period, and it appears that the trend towards more efficiency will continue. EMCs are on the cutting edge of the most energy efficient sign technologies.

When compared to other forms of advertising such as print media, radio, or television, and EMC is a more environmentally responsible form of advertising. The energy, paper, and equipment used in other forms of advertising far outweigh the energy consumption and overall environmental impact of an EMC.

EMCs and the Highway Beautification Act

INTERNATIONAL SIGN ASSOCIATION

Issue

The Highway Beautification Act (23 USC 131) of 1965 calls for control of outdoor advertising or billboards within 660 feet of the nation's Interstate Highway System and the existing federal-aid primary highway system.

Since its passage, the Highway Beautification Act has been consistently interpreted as exempting on-premise signs under its jurisdiction. However, in recent years a few state and federal officials have mistakenly sought to regulate on-premise signs using the Act as justification.

Recommendations

The Highway Beautification Act cannot be used as justification for government officials to regulate on-premise signs. The HBA does not apply to all signs within 660 feet of a primary aid highway or interstate system. 23 USC 131(c)(2) and 23 USC 131(c)(3) of the Act provide exceptions for on-premise signs, including for on-premise EMCs. It was never the legislative intent of the drafters of the Highway Beautification Act or its subsequent amendments to place on-premise signs under any federal control.

President Lyndon Johnson and his wife "Lady Bird" at the signing of the 1965 Highway Beautification Act, which regulates outdoor advertising (billboards), not on-premise signs

Electronic message centers have often been the target of moratoriums by local officials. However, prohibiting these types of signs (or other typess, such as pole signs or window signs) can often hurt existing businesses in the community and could discourage the development of new businesses.

EMCs and Moratoriums

Issue

Moratoriums are not necessary to change a sign ordinance unless it can be proven that specific kinds of signs imminently threaten public health and safety. Communities should be able to research options and revise their sign codes without resorting to moratoriums.

Many communities enact temporary moratoriums on certain kinds of signs while they considet how to regulate these specific signs. During this period of time, permits are not issued for the specific types of signs. In some cases, a temporary moratorium leads to a permanent ban on the kinds of signs in question.

Recommendations

ISA believes that sign moratoriums make for poor public policy for several reasons, including the following:

(1) moratoriums can have the affect of favoring businesses which have the targeted signs alteady in existence;
(2) government signs are often not included under moratoriums;
(3) moratoriums often take place during impottant economic opportunities (i.e. Christmas, summer tourism season etc) for local businesses; and
(4) moratoriums could discourage development of new businesses.

Most importantly, sign moratoriums can usually be avoided by effectively involving and communicating with the appropriate community stakeholders.

If a community elects to enact or extend a sign moratorium, it should be used as a last resort, and only then in furtherance of an imminent health or safety concern. A sign moratorium should be limited to the shortest possible duration.

EMCs and Night-time Brightness

International Sign Association

Issue

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and community leaders have a common goal: ensuring that EMCs are appropriately legible. The messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright when it is dark outside.

That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

Recommendations

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry.

As a result of this research, the recommended night-time brightness level for EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice. Dozens of jurisdictions across the country have adopted these standards, either in whole or in part.

Included with this research and recommendations are model statutory language and six short steps to help guide the process. You can find these EMC Night-time Brightness Recommendations at www.signs.org/brightness.

This shopping center's electronic message center (EMC) is communicating a message not about any goods or services sold on the property, but about a non-commercial community-oriented event that is happening at a place other than at the location of the sign. It is perfectly acceptable for an on-premise EMC to broadcast such a non-commercial message; however, if the same sign were to communicate a commercial message about a store in the next town or advertise for a product that was not sold at that particular location, it would be in danger of losing its permitted status as an on-premise sign and could instead be classified as an off-premise sign. This new classification would usually entail undergoing a new permitting process, additional fees and other arduous procedures.

EMCs and Off-Premise Messages

Issue

An on-premise sign is a communication device whose message and design relate to a business, an event, goods, profession or service being conducted, sold, or offered at the same location as where the sign is erected. An off-premise sign is any sign that is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed and that does not identify the place of business as purveyor of the merchandise, services, etc. advertised upon the sign.

When an on-premise EMC is programmed to include among its several messages one that advertises a business, an event, goods, profession or service being conducted, sold, or offered at a different location from where the sign is erected, it may be viewed by some government officials as being an off-premise sign, and need to be permitted and regulated as such. This can have adverse impacts on both the individual sign users as well as other future sign users who will need approval from zoning or permitting authorities.

Recommendations

ISA believes that the messages that should be displayed on signs permitted under on-premise sign regulations should be messages relating to a business, an event, goods, profession or service being conducted, sold, or offered at the same location as where the sign is erected. ISA also believes that on-premise signs should be permitted to display noncommercial messages and public service announcements without risk of losing their on-premise status or exemption from outdoor advertising restrictions.

EMCs and Text-Only Restrictions

INTERNATIONAL SIGN ASSOCIATION

Issue

Some jurisdictions have established restrictions on the types of content displayed on EMCs. Among the restrictions are prohibitions on high-quality images. Many of these limitations are based on a belief that "photo-quality" images are more intrusive or distracting to motorists. We believe that restrictions on the appearance of EMC displays fail to advance any compelling governmental interest and represent an impermissible content-based regulation.

Alphanumeric Limits

Alphanumeric controls are designed to limit displays to the 62 Latin letters and Arabic numbers. Photographic images, graphics, and other characters are prohibited. While alphanumeric text allows messages to be expressed, the limited displays are not necessarily as effective as images can be. As noted in the APA's *Street Graphics and the Law*, (pictographic) images are encouraged as they are more easily comprehended than text. Additionally, images allow businesses to express the products offered at their location using registered trademarks and logos, which are much more readily identified than words expressing the same message.

Recommendations

Any attempt to regulate EMCs based on the appearance of the display may run afoul of judicial scrutiny of content-based regulations. Other federal protections on the display of registered trademarks also may affect controls on the display of logos.

Any EMC should be allowed to display text information, graphics, or images identical to a permanent display on a non-EMC sign. EMC-specific regulations should avoid restrictions on the information displayed and be limited to appropriate controls on sign brightness, size, and message change.

The Burger King EMC photo at the top can only use text, while the Burger King EMC photo on the bottom can also show pictures, logos, and other images.

Pictured is an official District of Columbia Department of Transportation digital sign, with a two-second time interval, informing motorists during rush-hour on a high-traffic area about their distracted driving law. That our nation's capital uses this type of signage technology to educate drivers demonstrates that digital technology enhances safe traffic conditions.

EMCs and Traffic Safety

Issue

Many jurisdictions that consider regulations on EMCs fear that allowing this technology to be used in signage will lead to an increase in traffic accidents. These fears are unfounded. The LED technology inherent in electronic message centers have been studied for over 30 years and have never been found to be hazardous to traffic safety. Studies from reputable organizations such as Virginia Tech Transportation Institute, Tantala Associates and even the Federal Highway Administration have found that digital signs are appropriate along the nation's roadways.

The Federal Government has accepted the use of this technology in signage along the roadways. Over forty State Governments have specifically adopted regulations allowing for its usage. In fact, digital signs are found throughout the United States.

Recommendations

There are two basic types of safety studies in the United States: Statistical and Human Factors. Neither type of study has ever shown that digital signs cause an increase in accidents or are a hazard to the traveling public.

Statistical studies look at multiple locations and attempt to determine whether the introduction of a stimulus (in this instance an EMC) caused an increase in accidents. The study begins by looking at traffic data at specific locations, for a number of years before the digital sign is erected. This data provides a baseline by which to judge whether there was an increase in accidents. The researcher then analyzes the same data that is present for these locations after the digital sign is erected. No statistical study has ever shown that digital signs cause an increase in accidenrs. In fact, a 2012 study by Texas A&M University researched over 120 locations of EMCs in four states, and found that there is "no statistically significant impact between the installation of on-premise digital signs and an increase in crashes."

Human Factors studies look at the way in which a stimulus affects a driver. Such studies have been done on any number of stimuli: eating and drinking, changing the radio-A/C dials, texting, etc. This type of study looks at how a driver may become distracted by a stimuli and how such distraction could increase the likelihood of an accident. No such study has ever found that digital signs are so distracting as to be the cause of an accident.

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MINUTES
Planning Commission Meeting
September 25, 2014

The regular meeting of the Medford Planning Commission was called to order at 5:39 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present	Staff
Michael Zarosinski, Chair	Bianca Petrou, Assistant Planning Director
Robert Tull, Vice Chair	Kelly Akin, Principal Planner
Bill Christie	Kevin McConnell, Deputy City Attorney
Norman Fincher	Alex Georgevitch, Transportation Manager
Bill Mansfield	Ralph Sartain, Lead Fire Inspector
David McFadden	Eric Johnson, Medford Water Commission, Principal Engineer
Patrick Miranda	Rodney Grehn, Medford Water Commission, Staff Engineer
Alec Schwimmer	Chris Reising, Deputy City Manager/Development Services
	Terri Rozzana, Recording Secretary
Commissioners Absent	Praline McCormack, Planner II
	Desmond McGeough, Planner II

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 **ZC-14-065** Final Order of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-4 (Single-Family Residential, 4 dwelling units per gross acre) on one parcel located at 336 Charlotte Ann Road, consisting of approximately 0.44 acres on the south side of Charlotte Ann Road, approximately 860 feet east of South Pacific Highway. (Daniel Gan, Applicant; Stephen M. Terry, Agent).

Motion: Adopt the consent calendar.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Voice Vote: Motion passed, 8-0.

30. Minutes.

30.1 The minutes for September 11, 2014, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

CITY OF MEDFORD
EXHIBIT # W
File # DCA-13-090

50. Public Hearing.

Old Business

50.1 **DCA-13-090** Consideration of an ordinance amending *Land Development Code*, Sections 10.764, 10.1010, 10.1022, 10.1046, 10.1100, 10.1200, 10.1300, 10.1400, 10.1410, 10.1500, 10.1510, 10.1600, 10.1610, 10.1700, 10.1710, 10.1800, 10.1810 regarding electronic message signs to provide brightness standards and a method for measuring brightness, adding definitions for new

terms and revising definitions for existing terms, housekeeping revisions, prohibiting specific sign effects, and in commercial and industrial zoning districts reducing the size by half; creating new Section 10.1140 pertaining to standards and regulations of all signs, and creating new Section 10.1150 pertaining to standards and regulations of all electronic message signs in the City of Medford, including: brightness, rate of message change, transition types, prohibiting blinking flashing types of lights, requiring photocells, requiring greater setbacks and reduced height at signalized intersections, and requiring existing signs to comply with all new regulations except location and size within 180 days. (City of Medford, Applicant).

Praline McCormack, Planner II, presented a summary of the amendment along with a brief discussion of the supplemental information that was provided in the agenda packet.

Chair Zarosinski stated there was a concern from the industry at the last meeting regarding time of transition for a message change. They recommended it be instant. How was that considered? Ms. McCormack replied that is an option.

Vice Chair Tull recognized Ms. McCormack for an extraordinary year of her effort for this complicated situation.

The public hearing was opened and the following testimony was given.

a. Rob LaGrone, 135 Silver Lane, Suite 230, Eugene, Oregon, 97401. Mr. LaGrone works for CBS Outdoor and testified at the August 28, 2014, Planning Commission meeting. He spoke about the proven safety of the digital billboard signs in the way that the industry uses them. It is the same as the State requires static 8 second messages, no flashing or animation, automatic diming and brightness control. The digital signs that they use improve aesthetics as well as night sky affects. LED panels have a cleaner more modern appearance than static boards when one sees them up close because they do not need decks for crewmen to stand on or external lights sticking out. They signs that they use have louvers and are angled slightly downward. They have been tested and found to cast less light in the sky than the static lights they replace. He is concerned with the restriction on size. He asked the Commission to recommend allowing all billboards to be upgraded to the next phase in outdoor advertising in their current face size whether they conform to the current sign code or not.

   Chair Zarosinski asked Mr. LaGrone if he was asking the Commission to allow bigger signs with no animation. Mr. LaGrone replied that is the way his industry uses them.

   Commissioner McFadden asked Mr. LaGrone how many signs does he manage in this area? Mr. LaGrone replied roughly thirty.

b. John Watt, 101 E 8th Street, Medford, Oregon, 97501. Mr. Watt stated that he was representing the Chamber of Commerce this evening. They were approached by a number of business owners who have electronic signs or are thinking about having electronic signs to form a committee to address the issue. He is present this evening to make some general comments from a business owners perspective. He thanked Bianca Petrou, Praline McCormack and Chris Reising for coming to the Chamber on Tuesday to share information and answer questions.

c. Brad Hicks, 101 East 8th Street, Medford, Oregon, 97501. Mr. Hicks reported that he was present tonight representing the Chamber of Medford/Jackson County. He thanked the Commission for the

extension in this issue because they asked for it at the last minute. He thanked staff for meeting with them and helping them through questions. He also thanked staff for their response in the case of the Verizon issue. Mr. Hicks mentioned the letter he submitted earlier today expressing their concerns. One of their concerns was the sign size. They are aware of no evidence that electronic signs of the size now permitted are somehow unsafe or inappropriate and urge the Commission not to change the sign size standards.

Chair Zarosinski asked Mr. Hicks if he had any thoughts on how his committee would react to the sign size remaining the same with no animation. Mr. Hicks replied that he did not know if he wanted to speak on behalf of that group without sitting back down with them but he thinks the answer might be that there are probably a lot of answers within that committee to that same question. He thinks some would say absolutely some would say absolutely not. He cannot give a straight answer.

Chair Zarosinski asked Ms. McCormack to speak to the 50% reduction. Ms. McCormack replied that was an arbitrary decision that was made in discussions at a study session.

Commissioner Schwimmer stated that during the study sessions he does not recall the Commission discussing sign reduction. That issue is most troublesome for him based on testimony provided this evening the framework of being able to retrofit existing signage with electronic boards and inherent cost in doing that. The sign reduction issue and basing it on basically creating a non-conforming signs with the majority of signs in town is an issue for him. He does not recall the Commission discussing that during study sessions. The fact that now they are saying they came up with that without an objective basis is something that concerns him. Ms. McCormack stated the language about the conversion of existing non-conforming signs is currently in the Code.

Chair Zarosinski asked Ms. McCormack if she found a clear definition of a strobe affect, similar to what she did with glare. Ms. McCormack replied that there are definitions for blinking in the Code. The definition for scintillating is to sparkle or shine brightly to admit flashes of light. The definition for flashing is a sign incorporating intermittent blinking or flashing light source where the same display message is constantly repeated at extremely fast intervals.

Ms. McCormack stated that staff reviewed extensively other city's sign codes when they were preparing this amendment.

Mr. McConnell asked whether other cities had a similar definition for glare. Ms. McCormack replied yes.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, the Planning Commission forwards a favorable recommendation for adoption to the City Council per the Supplement dated September 16, 2014, and the Staff Report dated August 19, 2014, including Exhibits B through R-3, and including four new changes and two new Exhibits S and T., without revising the electronic sign size limitation.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Friendly Amendment made by Commissioner Mansfield: Commissioner Mansfield stated that he senses a division amongst the Commission on the issue of size. Perhaps a better way to do it is move for approval as written and then someone can make a motion to amend it to change the 75 feet back to 150 feet and they can all vote on that.

Commissioner McFadden stated that he understands where Commissioner Mansfield is leading with that and he has a problem with that. The power of the motion makes him able to make the motion as he sees fit. If someone wants to make a subsequent amendment to that motion in order to make that change it can be handled in that format rather than him changing the motion that he made. If Commissioner Mansfield wants to make a motion that we make an amendment to change that and vote on it that is his motion to make if he chooses.

Mr. McConnell asked for clarification that the motion maker does not agree to the friendly amendment. Commissioner McFadden replied that is correct.

Motion: Amend the motion to remove the change from 150 square feet to 75 square feet, thus if his motion to amend were to be approved then the recommendation if enacted finally would be back as staff recommended.

Moved by: Commissioner Mansfield Seconded by: Commissioner Tull

Commissioner Mansfield withdrew his motion and made a subsequent motion.

Motion: Remove Commissioner McFadden's motion regarding size and instead approve the recommendation of staff as given.

Moved by: Commissioner Mansfield Seconded by: Commissioner Tull

Chair Zarosinski stated that he had concerns of maintaining the full animation requirements in the Code at the sizes that they are at. He believes that is why they are here.

Commissioner Miranda commented that his understanding is that there are a number of signs out there that are currently non-conforming without the animation.

Roll Call Vote on the amendment: 2-6, with Commissioner Christie, Commissioner Fincher, Commissioner McFadden, Commissioner Miranda, Commissioner Schwimmer and Chair Zarosinski voting no.

Motion: Electronic message signs may maintain the existing allowable size if they are static (no animation). If one wants animation it has to revert to the smaller size.

Moved by: Commissioner Zarosinski Seconded by: Commissioner Christie

Commissioner Schwimmer has issues with safety. People diverting their eyes from the traffic to look at the signs. It was his understanding that the rate of change would be solved. There has to be clear and objective standards in a Code and a revision has to be the same. He does not know if they have it here.

Chair Zarosinski reported that the studies put out by the FHWA are all based on static electronic message signs with no animation. They have 8 seconds for the rate of change in their reports. It is his opinion that the distraction came from a larger animated sign.

Roll Call Vote: 7-1, with Commissioner Schwimmer voting no.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, the Planning Commission forwards a favorable recommendation for adoption to the City Council per the Supplement dated September 16, 2014, and the Staff Report dated August 19, 2014, including Exhibits B through R-3, and including four new changes and two new Exhibits S and T., without revising the electronic sign size limitation without animation and maintaining the current staff report size, animated.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Roll Call Vote: Motion passed, 7-1, with Commissioner Schwimmer voting no.

50.2 **LDS-14-072** Consideration of a request for tentative plat approval for Annapolis Drive Estates, an 11-lot residential subdivision on a 4.24 acre site located at the western terminus of Annapolis Drive and on the northeast side of Normil Terrace approximately 700 feet east of Foothill Road, within an SFR-4 (Single-Family Residential – 4 units per acre) zoning district. (Buntin Construction, LLC, Applicant; Maize & Associates, Agent).

Chair Zarosinski inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were disclosed.

Chair Zarosinski inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Desmond McGeough, Planner II, referenced the handouts distributed to the Planning Commission in emails and placed at their seats that would be identified as Exhibits J and K. Mr. McGeough read the land division criteria and gave a staff report.

Mr. McConnell reminded the Commission that he has provided a document placed at their seats called "Planning Commission Training". While the Commission is hearing testimony tonight they may want to review the three questions that are provided in the document. It may help them in their decision of this issue.

Commissioner McFadden asked where does the storm drain legally go that is on the corner that is paved? Mr. McGeough deferred the question to the applicant.

The public hearing was opened and the following testimony was given.

a. Jim Maize, Maize & Associates, Inc., P. O. Box 628, Medford, Oregon, 97501. Mr. Maize stated that he was present tonight representing Buntin Construction, LLC. Terry Buntin, President of Buntin Construction LLC is in the audience this evening to answer any questions the Planning Commission may have. Mr. Maize addressed Commissioner McFadden's question that the storm drainage easement was constructed in conjunction with the development that occurred further to the east

along with water and sanitary sewer. That line runs along the west property line and heads north and empties out into the property adjoining to the north of the applicant's property and then west. This leads into an important point. The infrastructure to this subdivision was installed after the 2008 approval of the same subdivision essentially with some changes in the lot design. That tentative plat expired without all of the completion of the infrastructure. Final plat approval was never achieved by the applicant. A new application was submitted although there have been some changes. Those changes are important. One of the changes was the configuration of the lots. There were lots that were oriented to make better use of the slopes and the views. As a result by changing those lot configurations and reducing the lots by a couple it resulted in better access. Mr. Maize referenced the letter he submitted dated September 24, 2014. It addresses the concerns of the letter submitted by Scott & Keri Friesen, dated September 8, 2014, labeled Exhibit I of the agenda packet regarding a condition requiring the northwest extension of the water line in the Normil Terrace right-of-way across the subject property to the corner of the Friesen property which is a distance of approximately 685 feet. There is no evidence in the record to show that there is either an essential nexus or a rough proportionality between the burden of the condition upon the applicant and the impact of the development on public water facilities. It is not the applicant's responsibility to show that there is not, it is the City's responsibility to show there is a connection.

Mr. McConnell stated that Mr. Maize talked about the cost of extending the water main along Normil Terrace the 685 feet. Does he have an estimate of what that cost would be? Mr. Maize stated that in talking with the Medford Water Commission $100 a lineal foot was given which would be approximately $68,000.

Vice Chair Tull requested Mr. Maize to state again for the Commission the rationale for reconfiguring the lots that are now 3, 4, and 5. Mr. Maize deferred the question to the applicant because it was a design issue more than anything else. He designed the lots to have better use of the views and the space between each other.

b. Terry Buntin, Buntin Construction, LLC, 572 Parsons Drive, Suite 100, Medford, Oregon, 97501. Mr. Buntin reported that there are several reasons for the reconfiguration of the lots. The first reason is that at the bottom of Lot 4 it far exceeds the 15% slope. Another reason is that Lot 6 is encumbered by too much pavement for access down to the storm drain and sewer man-holes. The topography at the top of Lot 6 is sloping approximately 10% to 12%, downward is approximately 20% rendering that lot tough to build on. With the current design there are two minimum access roadways versus one. Every lot has a view either looking out to the south, southwest or the west. Lots 8, 9 and 10 will have a view to the northwest.

c.. Carlyle Stout, 215 Laurel Street, Medford, Oregon, 97501. Mr. Carlyle reported that he was present tonight on behalf of the Apostolic Faith Church. The Church is adjacent to the Friesen property. Mr. Stout stated that he submitted into the record a letter dated September 23, 2014, that expresses the reasons opposing the approval as it has been recommended by the Planning Commission. Their objection has to do with the water. Their issues are addressed in the submitted letter.

Commissioner Schwimmer stated that the Commission has to make and individualized determination that the exaction is related to the impact of the development. How is this development related to that exaction when the property Mr. Stout is representing is in the northeast and the water is in the southwest? Mr. Stout replied that is comes down to the public safety issue and extending the water services so there can be future development.