



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: January 27, 2016

Jurisdiction: City of Dundee

Local file no.: LURA 15-12

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/26/2016. 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 70 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
 File No.: 003-15 {23736}  
 Received: 1/26/2016

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 Dundee

Local file no.: **LURA 15-12**

Date of adoption: 1/5/16

Date sent: 1/26/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/13/15

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:

Yes. Slight changes to the regulations for electronic message sign brightness and size.

Local contact (name and title): Jim Jacks

Phone: 503 540-1619

E-mail: [jjacks@mwvcog.org](mailto:jjacks@mwvcog.org)

Street address: 100 High St. SE, Suite 200

City: Salem

Zip: 97301-

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**

**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):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, 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 comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, 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:

Dundee Dev. Code: 17.306.030, C (Sign Design St'ds). 17.306.050, B (Sign Adjustments & Variances). 17.306.060, D (Changeable Copy signs) & E, 4 (Prohibited signs). 17.501, D & L (Definitions). 17.406.030, A (Adj & Var applicability).

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

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List affected state or federal agencies, local governments and special districts: None.

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.

12/1/15 Staff report to City Council.

1/5/16 Staff report to City Council.

**CITY OF DUNDEE**  
**ORDINANCE NO. 544-2016**

**AN ORDINANCE AMENDING THE CITY'S SIGN REGULATIONS, RELATED  
REGULATIONS AND THE DUNDEE DEVELOPMENT CODE  
(LURA 15-12)**

**WHEREAS**, The City Council initiated amendments to the City's sign regulations on January, 2015 to address needed revisions.

**WHEREAS**, The Dundee Planning Commission conducted public meetings on April 15, July 15 and August 19, 2015 wherein work sessions were held discussing sign issues and the proposed amendments to the City's sign regulations.

**WHEREAS**, The proposed amendments are necessary to ensure currency and consistency among the sign regulations, sign definitions and sign issues that may be the subject of a sign variance.

**WHEREAS**, The Planning Commission conducted a duly noticed public hearing on September 16, 2015, at which time the public was given full opportunity to be present and heard on the matter, considered the City staff report, the proposed sign amendments to the Dundee Development Code text, and passed a motion recommending the City Council approve the amendments, including deleting electronic signs as a permitted type of sign.

**WHEREAS**, The City Council conducted a duly noticed public hearing on October 20, 2015, at which time the public was given full opportunity to be present and heard on the matter, considered the City staff report, the Planning Commission's recommendation, the oral testimony by parties in attendance and the proposed amendments to the Dundee Development Code text.

**WHEREAS**, The City Council continued the October 20, 2015 hearing to November 17, 2015, at which time the public was given full opportunity to be present and heard on the matter, considered the November 17, 2015 City staff report, the oral testimony by parties in attendance and the proposed amendments to the Dundee Development Code text.

**WHEREAS**, The City Council continued the November 17, 2015 to December 1, 2015, at which time the public was given full opportunity to be present and heard on the matter, considered the December 1, 2015 City staff report, the oral testimony by parties in attendance and the proposed amendments to the Dundee Development Code text.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE  
HEREBY ORDAINS AS FOLLOWS:**

Section 1. The October 20, 2015 staff report with its attached "mark-up" copy of the proposed amendments, the November 17, 2015 staff report, and the December 1, 2015 staff report with the revised "mark-up" copy of the Changeable Copy Sign standards are hereby adopted, and by this reference made a part hereof.

Section 2. The sign regulation amendments attached hereto as Exhibit "A" are hereby adopted and by this reference made a part hereof.

Section 3. Those certain finding of fact in support of the adoption of the sign regulation amendments attached hereto as Exhibit "B" are hereby adopted and by this reference made a part hereof.

**ADOPTED by the Council this 5<sup>th</sup> day of January 2016.**

**Approved:**

  
\_\_\_\_\_  
David Russ, *Mayor*

**Attest:**

  
\_\_\_\_\_  
Rob Daykin, *City Administrator/Recorder*

EXHIBIT "A"

ORDINANCE 544-2016

LURA 15-12 Sign Regulation Amendments

**Chapter 17.306  
SIGNS**

**17.306.010 Purpose.**

[No change.]

**17.306.020 Measurement standards.**

[No change.]

**17.306.030 Development standards.**

[No change to the lead-in sentence to Section 17.306.030, or to Sections A, B, D and E.]

C. Design Standards.

<b>SIGN DESIGN STANDARDS</b>
These design standards apply to:  All signs larger than six square feet in nonresidential zones.  Institutional uses in residential zones if the use abuts Hwy 99W.  All signs must incorporate at least two of the design elements below, except signs with internally illuminated faces must include at least three of the design elements.
1. At least 50 percent of the sign includes raised or engraved individual letters or graphics on a background wall or sign face (raised or engraved depth at least one-half inch). Letters or graphics made from neon tube lighting are one type of raised letters.
2. At least 50 percent of the outline or top of the sign frame (or the letters and graphics if no frame) is curved or nonrectangular.
3. The sign incorporates stone, masonry, sculpted metal, wrought iron, or natural wood as a frame or background (not plywood, particle board or other wood composite).

<b>SIGN DESIGN STANDARDS</b>
4. The sign is indirectly illuminated or non-illuminated.
5. If internally illuminated then no more than 50 percent of the face is light-colored.
6. Freestanding sign is no more than six feet tall.
7. For wall signs, total sign area is at least 20 percent below maximum allowed on that building frontage. For freestanding signs, sign area is at least 20 percent below the total area allowed for that sign.
8. Installing only one freestanding sign on a lot that qualifies for two or more freestanding signs.

**17.306.040 Nonconforming signs.**

[No change.]

**17.306.050 Sign review procedures.**

[ A. No change.]

B. Adjustments and Variances. All applications for adjustments and variances regarding this chapter shall be submitted, reviewed and decided in accordance with the process and approval criteria for a variance.

Adjustments shall not be permitted regarding the sign standards contained in this chapter.

**17.306.060 Supplemental considerations.**

[No change to Sections A, B, C or F.]

D. Changeable Copy. Changeable copy by non-electronic means may be utilized on any permitted sign, and is limited to a maximum of 25 square feet of sign face. A sign with changeable copy by electronic means is subject to the size limitations in Subsection 8, below, and shall be constructed, operated and continuously comply with the following provisions:

1. Lumination

a. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 280 candelas per square meter (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 140 candelas per square meter (nits) over ambient light conditions.

b. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in Subsection 17.306.060, D, 1, a.

- c. In addition to the standard of Subsection 17.306.060, D, 1, a, no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right-of-way. Upon notice by the City Administrator or designee that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the lumination of the sign.
2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
3. The party owning or controlling an electronic display sign shall adjust the sign to meet the brightness standards in accordance with the determination of the City Administrator or designee.
  - a. The adjustment shall be made within two (2) days of notice of non-compliance from the City Administrator or designee.
  - b. The party owning or controlling the electronic display sign may appeal the determination of the City Administrator or designee to the Planning Commission, in accordance with the public hearing process for Type III actions set forth in Section 17.401.
4. Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions. The party owning or controlling an electronic display sign shall turn off the sign or lighting within one (1) hour of being notified by the City Administrator or designee that it is not in compliance with the standards of this section.
5. An application for a sign permit shall include documents from the sign manufacturer showing the lumination standards in Subsections 1, a, b, and c, and 4, above, are met.
6. A sign with an electronic display greater than four (4) square feet shall be a freestanding monument sign only.
7. The message on an electronic display sign shall change no more than once every ten (10) seconds for signs with an electronic sign face of four square feet or less, and no more than once every ten (10) minutes for signs with an electronic sign face greater than four square feet. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than two (2) seconds between each separate message or display.



E. Prohibited Signs. The following signs are prohibited:

[ 1 - 3. No change. ]

4. Electronic changeable copy signs that exceed four (4) square feet of sign face, or where the sign is located on property owned by a unit of government, exceed eight (8) square feet of sign face.

[ 5 - 12. No change. ]

### **17.501 Definitions**

[ Lead-in sentences. No change. ]

[A - C. No change.]

D. "Animated sign" means a sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates or visibly alters in appearance.

[E - K. No change.]

L. "Changeable copy sign" means a sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means or manually through placement of letters or symbols on a panel mounted in or on a track system.

[M - MM. No change.]

## **Chapter 17.406 VARIANCES AND ADJUSTMENTS**

### **17.406.030 Adjustments.**

A. Applicability. The planning official may authorize an adjustment when the request would result in a 20 percent change or less to a quantifiable standard, and where the criteria in subsection (B) of this section are met. Any request to change a quantifiable standard by more than 20 percent would require a variance application.

[ B. No change. ]

**EXHIBIT "B"**

**ORDINANCE 544-2016**

**FINDINGS**

**LURA 15-12 SIGN REGULATION AMENDMENTS**

1. The Dundee Development Code (DDC), Section 17.405.020, Procedure, Subsection A, states:  
"A. Except for corrections, amendments to development code or comprehensive plan text are legislative actions. Text amendments can be initiated by the city council or planning commission."

Finding. LURA 15-12, Sign Regulation Amendments, proposes changes to the DDC text, therefore it is a Legislative amendment per DDC, 17.405.020, A. The City Council initiated the amendment process.

2. The DDC, Section 17.401.060, Type V (legislative review - city council decision), Subsection C, 3, states:

"3. At least 10 days before the scheduled city council public hearing date, public notice shall be published in a newspaper of general circulation in the city. "

Finding. Notice of the City Council hearing was published in the Newberg Graphic at least 10 days before the scheduled City Council public hearing on October 20, 2015.

3. The DDC, Section 17.405.020, Procedure, Subsection C, states:

"C. Proposals for a development code amendment must comply with applicable comprehensive plan goals and policies, statewide planning goals, and Oregon Administrative Rules."

Finding. The following findings address applicable comprehensive plan goals and policies, statewide planning goals, and Oregon Administrative Rules.

4. Applicable comprehensive plan goals and policies.

Finding. The Dundee Comprehensive Plan Goals and Policies were carefully reviewed and it is concluded none of the goals or policies apply to the proposed sign regulation amendments.

5. Statewide Planning Goals.

Goal 1 - Citizen Involvement.

Finding. The purpose of Statewide Planning Goal 1 is, "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

The City of Dundee Planning Commission discussed the proposed sign amendments in public meetings on April 15, July 15 and August 19. Citizens attending those meetings were allowed to comment on the proposed amendments. Oral and written comments by the public were received and considered at the September 16, 2015 Planning Commission public hearing and at the October 20, November 17, and December 1, 2015 City Council public hearings.

The proposed amendments meet Goal 1.

#### Goal 2 – Land Use Planning

Finding. The proposed amendments are based on inventory information and analyses of the information. The process leading to the proposed amendments considered alternatives and made conclusions based on the information, the analyses and alternatives. Goal 2 is met.

#### Goal 3 – Agricultural Resources.

Finding. Goal 3 does not apply because agricultural resources are not affected.

#### Goal 4 – Forest Resources.

Finding. Goal 4 does not apply because forest resources are not affected.

#### Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces.

Finding. Goal 5 does not apply because natural resources, scenic and historic areas and open spaces are not affected.

#### Goal 6 - Air, Water and Land Quality.

Finding. Goal 6 does not apply because air, water and land quality are not affected.

#### Goal 7 - Areas Subject to Natural Hazards.

Finding. Goal 7 does not apply because natural hazards are not affected.

#### Goal 8 - Recreational Needs.

Finding. Goal 8 does not apply because recreational needs are not affected.

#### Goal 9 – Economy.

Finding. Goal 9 does not apply because economic elements are not affected.

#### Goal 10 – Housing.

Finding. Goal 10 does not apply because housing resources are not affected.

Goal 11 - Public Facilities and Services.

Finding. Goal 11 does not apply because public facilities and services are not affected.

Goal 12 – Transportation.

Finding. Goal 12 does not apply because transportation resources are not affected.

Goal 13 - Energy Conservation.

Finding. Goal 13 does not apply because energy resources are not affected.

Goal 14 – Urbanization.

Finding. Goal 14 does not apply because the UGB is not affected.

6. Oregon Administrative Rules (OAR).

Finding. The Oregon Land Conservation and Development Commission OAR's are set forth in Division 660. The Division 660 OAR's were reviewed and it is concluded none of the Division 660 OAR's address sign regulations.

7. Conclusory Finding.

The proposed Sign Regulation amendments meet the approval criteria set forth in the Dundee Development Code for amendments to the Development Code per Section 17.405.030, Criteria.

# Memorandum

TO: Dundee City Council  
FROM: Jim Jacks, AICP, Interim Planner  
CC: Rob Daykin, City Administrator  
DATE: January 5, 2016  
SUBJECT: Adoption of Ordinance for LURA 15-12, Sign Regulation Amendments  
Sign Code Amendments - Section 17.306  
Adjustment/Variance Clarification - Section 17.406  
Definition Amendments - Section 17.501

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## Background

On October 20, 2015 the City Council conducted a public hearing regarding proposed amendments to the Dundee Development Code's Sign Regulations, Section 17.306, and related amendments in Sections 17.406 and 17.501.

The City Council continued the hearing to November 17, 2015, and again to December 1, 2015, to allow additional information to be provided regarding electronic signs and additional signage for properties that are land locked or with narrow frontages.

On November 17 the Council reached consensus that any additional signage for land locked properties and properties with narrow frontage would necessitate addressing the copy on the sign, therefore, no amendments should be carried forward for land locked or narrow frontage properties. The Council determined that the current Code's guarantee of at least 20 square feet for a freestanding sign for a property with a narrow frontage on a public street was sufficient. The Council determined that a sign that would be located on a property "in front" of a land locked property would have to have copy related to the business on the land locked property. To determine if the sign on the property "in front" was actually related to the business on the land locked property the city would have to read the copy on the sign. Sign regulations cannot address copy, thus the city's sign regulations cannot allow such signage.

On December 1 the Council reached consensus that for electronic signs the current 4 square foot sign face area should be retained and amend the sign regulations to limit electronic signs on properties owned by governmental entities to 8 square feet of sign face area.

On December 1 the Council reached consensus to limit changeable electronic copy sign brightness to 280 and 140 candelas per square meter (nits) at nighttime and daytime over ambient light conditions.

## Staff Recommendation

Staff recommends the City Council adopt the proposed Ordinance with Exhibit "A" (a "clean copy" of the amended Sign Code language) and Exhibit "B" (findings).

# Memorandum

TO: Dundee City Council  
FROM: Jim Jacks, AICP, Interim Planner  
CC: Rob Daykin, City Administrator  
DATE: December 1, 2015  
SUBJECT: Continued Public Hearing for LURA 15-12, Sign Regulation Amendments  
Proposed Sign Code Amendments - Section 17.306  
Proposed Adjustment/Variance clarification - Section 17.406  
Proposed Definition Amendments - Section 17.501

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## Background

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The City Council continued the hearing to November 17, 2015 to allow additional information to be provided regarding electronic signs and additional signage for properties that are land locked or with narrow frontages.

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For electronic signs the Council reached consensus to retain the current 4 square feet and amend the sign regulations to allow properties owned by governmental entities to have 8 square feet.

The Council reached consensus that brightness is the primary issue for electronic signs and their luminance (the amount of light given off by the sign) should be measured in nits (candelas per square meter).

The City Council continued the hearing to December 1, 2015 to allow staff to provide a recommended standard for brightness measured in candelas per square meter (nits).

The sources reviewed by staff all address digital billboards (DBB), not the smaller size signs that Dundee allows, or proposes to allow. Also, the sources generally tied brightness levels to driver safety, "dark skies" or reduced energy consumption (sustainability). In addition to these issues the City Council appears to be primarily concerned about the "look" and "feel" of Dundee's main street.

Overall, the various sources and the several city standards reviewed by staff have a wide range of nit standards. The staff recommendation is based on the nit levels for several cities in Oregon.

### Sign Brightness

The perception of sign brightness is a function of how much light it is producing as well as the ambient lighting conditions. For ambient nighttime conditions, there may be a full moon lighting the nighttime sky or a new moon where there is no illumination by the moon. There may be street lights, parking lot lights, vehicle headlights or lights from a building nearby. When the nighttime ambient light is higher, the sign needs to be brighter and when the nighttime ambient light is lower, it needs to be lower.

For daytime conditions, there may be a clear day with full sun or there may be thin or thick clouds. For clear days the ambient light may be different when the sun is overhead at noon during summer versus when it is low in the sky at noon during winter. The light produced by a sign facing south will have to overcome the direct rays of the mid-day sun shining on that sign face whereas a sign face that is facing north, east or west will not have to overcome those mid-day direct rays.

The early morning sun rises in the east, is at full exposure from the south at mid-day and is setting in the west. Thus, at different times of the day the sun may be shining on the face, side or back of a sign.

Whatever the level of the ambient daytime light, the sign must produce enough light to be readable.

The report notes that an illuminated sign during the day is perceived differently than at night, and the nighttime perception is different in rural areas where the ambient light is darker versus urban areas where the ambient light is lighter.

It appears that the range of light is greater during the day than during the night. Thus, the staff recommendation is for a single level at night, i.e., 280 nits, and a variable level during the day, i.e., not more than 140 nits over the ambient light.

### City Standards

The following Oregon cities use candelas per square meter (nits):

CITY	DAYTIME	NIGHTTIME	SINGLE LEVEL
STAYTON	NA	NA	280
SALEM	7,500*	1,000*	NA
KEIZER	7,500*	1,000*	NA
MARION COUNTY	7,500*	1,000*	NA
ST. HELENS	8,000	1,000	NA
SANDY	NA	600	NA
TUALATIN	NA	500	NA
HILLSBORO	8,000	1,000	NA
WILSONVILLE	5,000	500	NA

\* Salem, Keizer and Marion County use the same standard and it includes the following for single colors:

Red only: 3,150 daytime and 450 nighttime.

Green only: 6,300 daytime and 900 nighttime.

Amber only: 4,690 daytime and 670 nighttime.

## Staff Recommendation

The Stayton standard of 280 nits is the most recently amended code that was reviewed. Their process included the direct participation of a sign industry representative from a sign manufacturing firm in Salem. It appears to be a reasonable standard. There is no nighttime/daytime difference. A sign permit applicant must submit information from the sign manufacturer indicating the luminance standard will be met.

Staff recommends the following language for brightness. The recommendation includes a nighttime and a daytime standard.

The proposed language for 17.306.030, D, 1, follows:

D. Changeable Copy. Changeable copy by non-electronic means may be utilized on any permitted sign, and is limited to a maximum of 25 square feet **of sign face**. **A sign with changeable** copy by electronic means is **subject to the size limitations in Subsection 8 below and** ~~limited to a maximum of four square feet~~ **shall be constructed, operated and continuously comply with the following provisions:**

### 1. Illumination

**a. An electronic display sign may not have a nighttime (dusk to dawn)lumination intensity of more than 280 candelas per square meter (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 140 candelas per square meter (nits) over ambient light conditions.**

**b. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in Subsection 17.306.060, D, 1, a.**

**c. In addition to the standard of Subsection 17.306.060, D, 1, a, no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right-of-way. Upon notice by the City Administrator or designee that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.**

Attachment 1 is draft proposed language for changeable copy signs.



**Attachment 1: Proposed revised language for electronic signs..**

Language to be deleted is shown in ~~strikethrough~~ and language to be added is shown in **bold underlining**.

D. Changeable Copy. Changeable copy by non-electronic means may be utilized on any permitted sign, and is limited to a maximum of 25 square feet **of sign face**. **A sign with changeable** copy by electronic means is ~~limited to a maximum of four square feet~~ **subject to the size limitations in Subsection 8 below and shall be constructed, operated and continuously comply with the following provisions:**

**1. Illumination**

**a. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 280 candelas per square meter (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 140 candelas per square meter (nits) over ambient light conditions.**

**b. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in Subsection 17.306.060, D, 1, a.**

**c. In addition to the standard of Subsection 17.306.060, D, 1, a, no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right-of-way. Upon notice by the City Administrator or designee that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.**

**2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.**

**3. The party owning or controlling an electronic display sign shall adjust the sign to meet the brightness standards in accordance with the determination of the City Administrator or designee.**

**a. The adjustment shall be made within two (2) days of notice of non-compliance from the City Administrator or designee.**

**b. The party owning or controlling the electronic display sign may appeal the determination of the City Administrator or designee to the Planning Commission in accordance with the public hearing process for Type III actions set forth in Section 17.401.**

- 4. Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions. The party owning or controlling an electronic display sign shall turn off the sign or lighting within one (1) hour of being notified by the City Administrator or designee that it is not in compliance with the standards of this section.**
- 5. An application for a sign permit shall include documents from the sign manufacturer showing the lumination standards in Subsections 1, a, b, and c, and 4, above, are met.**
- 6. A sign with an electronic display greater than four square feet shall be a freestanding monument sign only.**
- 7. The message on an electronic display sign shall change no more than once every ten seconds for signs with an electronic sign face of four square feet or less and no more than once every ten minutes for signs with an electronic sign face greater than four square feet. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.**
- 8. A sign with changeable copy by electronic means is limited to a maximum of four square feet, however, a sign with changeable copy by electronic means which is located on property owned by a unit of government is limited to a maximum of eight square feet.**

E. Prohibited Signs. The following signs are prohibited:

- 4. Electronic changeable copy signs that exceed foursquare feet of sign face, or where the sign is located on property owned by a unit of government, exceed eight square feet of sign face.**