

CITY OF DUNDEE
PLANNING COMMISSION AGENDA
City Council Meeting Chambers
620 SW 5th Street
Dundee, OR 97115
P.O. Box 220

MEETING DATE: August 19, 2015
Meeting Time: 7:00pm

- I. Call Meeting to Order.**
- II. Approval of Minutes from Previous Meetings**
* July 15, 2015
- III. Public Comment**
- IV. Work Session**
1) LURA 15-12, Proposed Sign Code Changes
- V. Planning Issues from Commission Members**
- VI. Adjournment**

The City Council chambers are accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Melody Osborne, Planning Secretary at 503-538-3922.

MEMORANDUM

TO: Dundee Planning Commission
FROM: Jim Jacks, COG Planner
CC: Rob Daykin, City Administrator
DATE: August 19, 2015
SUBJECT: Electronic Sign Information

BACKGROUND

On April 15, 2015 the Planning Commission received a Memo from the City Planner, Jessica Pelz, and received proposed draft sign amendments to Section 17.306 of the Dundee Development Code. The last page of the proposed draft amendments included additional issues for the Commission to discuss.

On July 15, 2015 the Planning Commission held a second work session on the proposed draft amendments which included additional recommended amendments based on the Council of Governments planner's review of the Sign Regulations. The issue of electronic signs was discussed at length.

Concerns expressed by the Commission for electronic signs was their brightness (during day and at night), not appropriate for the city, colors, and display time. The planner's meeting notes indicate there was consensus at the end of the work session to retain the current 4 square foot area for electronic signs and to address brightness, color, and display timing (transition method and transition duration).

PURPOSE

The purpose of the August 19, 2015 Commission work session is to review the information included in this memo regarding electronic signs.

ELECTRONIC SIGN INFORMATION

Planning staff reviewed several city sign codes and several national publications on electronic signage.

Examples from 5 Cities

The following is a summary of the five city codes (Keizer, Newberg, McMinnville, Lake Oswego and Ashland).

Keizer is prescriptive in their sign code, including allowing different brightness levels (in nits) for different colored displays. The Keizer language appears to be the most suitable for inclusion into the Dundee sign code.

McMinnville allows electronic changeable copy not exceeding 24 SF in area, but prohibits flashing or video signs.

Newberg has straightforward regulations for electronic signs, but the brightness standard is vague.

Ashland's code for electronic signs is somewhat vague and does not appear to be clarified in other section of their code.

Lake Oswego limits changeable copy signs (electronic and non-electronic) to 50% of allowed signs in Commercial and Industrial zones. The code prohibits moving/flashing signs in all zones.

General Information From National Publications

Brightness. Generally, brightness is the single biggest concern when distinguishing between electronic and non-electronic signs. The reviewed literature suggests that if brightness is properly regulated, then the other issues are not significant. Secondary concerns include movement, hold times, transitions and colors.

The following is from "Sign Brightness: Measuring Sign Brightness" by Gregory Young. Brightness is measured in two ways.

"Luminance" quantifies surface brightness, or the amount of light an object gives off. For example, a sign that is illuminated by incandescent light bulbs, LED's or fluorescent tubes produces light. Luminance is measured in nits. A nit is a term used to describe a metric unity of luminance. It is defined as candela per square meter. The unit is based on the candela, the modern metric unit of luminous intensity and the square meter.

"Illuminance" quantifies the amount of light which falls onto an object. For example, a wood sign that is not illuminated produces no light, but it gives off light that is reflected from sun light, vehicle headlights, street lights and other sources of light. It is measured in footcandles. A footcandle is a unit of light density incident on a plane and measureable with an illuminance meter, i.e., a light meter.

Luminance/Illuminance meters can be found online starting at \$100-\$150 and range up to several thousands of dollars. An appropriate light meter to measure illuminated signs (measure nits) should be obtained with the assistance of a lighting engineer or qualified assistance from a light meter manufacturer or retailer.

Hold Time. One physical factor a sign code can regulate is the hold time. If the local government is not concerned about hold times, an electronic sign can change as often as the technology will allow. Scrolling is an example where there is no hold time, i.e., the message changes constantly. If the local government is concerned about hold times, an electronic sign would not be allowed to scroll, but instead would be allowed to show a message for a period of time (the hold time) and then change to another message for a given period of time. The hold time can be from one or more seconds to several minutes or hours.

Transition. When a local government is concerned about hold times, a concern is the method of changing from one message that is held for a period of time to the next message that is held for a period of time. One physical factor a sign code can regulate is the method of transition (instantaneous or fade/dissolve). If the local government is not concerned about the method of transition, it need not adopt a transition regulation. If the local government is concerned about the method of transition, it can adopt a transition regulation.

The two types of transition are instantaneous and fade/dissolve. An instantaneous change is where the static message is held for the allowed period and then instantaneously changes all at once to the next static message which is held for the allowed period. A fade/dissolve method is where the static message "goes away" gradually (fades/dissolves) in a few seconds and the next static message appears for the allowed period.

A significant issue with fading/dissolving is, if it takes too long, viewers will complain that the next message does not appear fast enough and they've missed the next message.

Some contend that fading/dissolving is more aesthetically pleasing compared to the instantaneous method where one message blinks off and the next message blinks on.

Color. The American Planning Association's September 24, 2014 webinar sponsored by the County Planning Division addressed "Regulating Electronic Message Centers." It recommended avoiding color based regulations because there could be 1st Amendment issues related to content neutrality and there could be Lanham Act/Trademark infringement issues. Many trademarks include color and if a city's sign regulations do not allow a company to display a trademarked color, then the company may contend their 1st Amendment rights are being violated.

The City of Keizer's regulations address brightness standards (nits) for red, green and amber. It is not clear if the electronic sign technology allows other colors.

PROPOSED ELECTRONIC SIGN REGULATIONS

The following draft proposed electronic sign regulations are based on the Keizer and McMinnville sign code regulations.

The following are excerpts from the Dundee sign regulations showing draft proposed electronic sign regulations. Note the following proposed regulations focus on the issues discussed above and do not as yet include definitions for the terms used in the proposed electronic sign section.

17.306.060 Supplemental considerations.

A - C are not shown as they do not relate to electronic signs.

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**. Changeable copy by electronic means is limited to a maximum of four square feet **of sign face provided the electronic display sign is constructed, operated and complies with the following provisions:**

1. **At the time of installation, electronic display signs may be illuminated to a degree of brightness that is no greater than 7,500 nits between sunrise and sunset and that is no greater than 1,000 nits between sunset and sunrise, provided that an electronic display sign comprised solely of one color shall not exceed the following levels;**
 - a. **For a display comprised of red only, 3,150 nits between sunrise and sunset, and 450 nits between sunset and sunrise;**
 - b. **For a display comprised of green only, 6,300 nits between sunrise and sunset, and 900 nits between sunset and sunrise;**
 - c. **For a display comprised of amber only, 4,690 nits between sunrise and sunset, and 670 nits between sunset and sunrise.**
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 City Manager's determination. The adjustment shall be made within two (2) days of notice of non-compliance from the City Manager. The party owning or controlling the electronic display sign may appeal the City Manager's determination to the Planning Commission, using the public hearing process for Type III actions set forth in Section 17.401.**
4. **Electronic display signs shall be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and 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, within one (1) hour turn off the sign or lighting when notified by the City Manager that it is not complying with the standards in this section.**
5. **A freestanding sign with an electronic display sign shall be a monument sign.**
6. **The message on an electronic display sign shall change no more than once each minute. The method of change shall be instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.**

STAFF RECOMMENDATION

Staff recommends the Commission review this memo and the proposed amendments and provide comments to staff at the August 19 Planning Commission work session.