

**A BILL FOR AN ORDINANCE AMENDING
THE CITY OF LEBANON DEVELOPMENT
CODE**

) **ORDINANCE BILL NO. 2015-6**
)
)
) **ORDINANCE NO. 2862**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 15-02-05 and made findings recommending certain amendments to the Development Code of the City of Lebanon on August 19, 2015; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Development Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed Development Code amendments, such hearing being conducted on August 14, 2013; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Based upon the findings adopted herein, the Lebanon Development Code is hereby amended by the inclusion of new language as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Said Exhibit "A" shall be attached to, and become a part of, the Lebanon Development Code upon entry of this order.

Passed by the Lebanon City Council and executed by the Mayor on this on this 9th day of September, 2015 by a vote of 6 yeas and 0 nays.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor

Bob Elliott, Council President



ATTESTED BY:



Linda Kaser, City Clerk

EXHIBIT A

AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

I. Section 16.18.010.B Definitions:

The following new definition shall be included:

5. **CHANGING IMAGE SIGN:** A sign designed to accommodate routine changes of copy, images or patterns of lights. Such signs include, but are not limited to, electronic signs incorporating LED, LCD, plasma, or projected light displays; and, mechanical or manual changeable copy signs.

All subsequent numbers in Section 16.18.010.B shall be revised.

II. Section 16.18.030.B. Prohibited Signs:

Subsection "1." Shall be replaced with the following new language:

1. Rotating and revolving signs, whether mechanical or by means of normal wind currents; and, flashing signs by electrical pulsations, illumination or comparable means.

III. Section 16.18.070:

The following new Section shall be included:

16.18.070 Changing Image Signs

- A. **Area Limitation.** No more than 50% of a permitted sign area shall contain a changing image sign.
- B. **Transition Time.** Where a changing image sign changes from one display to another display there shall be a transition time of not more than two seconds but shall not violate provisions prohibiting flashing signs. The display shall thereafter remain static for the at least the following intervals:
1. Non-residential activities in the following Zones - Residential, Public Use, Mixed Use Zone, Neighborhood Mixed Use, Neighborhood Commercial: 12 seconds.
 2. Central Business Commercial Zone: 10 seconds
 3. Highway Commercial Zone and Industrial Zone: 8 seconds
- C. **Brightness.** A changing image sign shall be constructed with a photocell to compensate for all conditions, day or nighttime hours, and shall adjust the display's brightness to a level that is not in excess of 0.3 foot candles above ambient light levels.

- D. Required Equipment.** Upon installation, the sign owner shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in item "C." above. Submittal of such evidence shall be required to obtain a sign and/or building permit.
- E. Prohibited Applications.** In addition to prohibitions in Section 16.18.030.B, changing image signs shall be prohibited for any residential-related activity in the RL, RM and RH zones; the Neighborhood Mixed Use and Neighborhood Commercial zones; and, residential uses in the Mixed Use zone.

The existing Section 16.18.070 and all subsequent Section numbers shall be revised.

IV. Chapter 32 – Definitions:

The following definition shall be added to Chapter 32:

CHANGING IMAGE SIGN: A sign designed to accommodate routine changes of copy, images or patterns of lights. Such signs include, but are not limited to, electronic signs incorporating LED, LCD, plasma, or projected light displays; and, mechanical or manual changeable copy signs.

EXHIBIT B

LEBANON CITY COUNCIL FINDINGS Planning File No. 15-02-05

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council to amend the Lebanon Development Code.

II. BACKGROUND INFORMATION

The City wishes to amend Lebanon Development Code by establishing regulations regarding changing imaging signs, also known as electronic message signs. Specific amending language is contained in City Council Ordinance Exhibit "A."

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on August 19, 2015. At that hearing, City Planning File 15-02-05 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon Development Code. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

A public hearing was held on this application before the Lebanon City Council on September 12, 2015. At that hearing, City Planning File 15-02-05 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to adopt the proposed amendments to the Lebanon Development Code. The Council found the proposed changes consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

A. The applicant is the City of Lebanon.

- B. The City wishes to amend Lebanon Development Code by establishing regulations regarding changing imaging signs, also known as electronic message signs. Attachment "A." contains the specific language.
- C. The proposal affects all property within the City.
- D. The decision to approve or deny shall be based on the criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. Members of the sign industry asked the City Council to consider allowing electronic message boards within the City. Based on this request, the City Council directed the Planning Commission to consider the matter and provide a recommendation to the Council. Following the Council's direction, the Commission conducted a number of work sessions, and a public hearing, to consider possible code amendments.
- B. The proposed language is contained in Exhibit "A". The material is reviewed below, with the new language or amendments in *italics* followed by a brief **discussion**:

1. *Section 16.18.010.B Definitions:*

- 5. **CHANGING IMAGE SIGN:** *A sign designed to accommodate routine changes of copy, images or patterns of lights. Such signs include, but are not limited to, electronic signs incorporating LED, LCD, plasma, or projected light displays; and, mechanical or manual changeable copy signs.*

All subsequent numbers in Section 16.18.010.B shall be revised.

Discussion: This is the definition that will be included at the beginning of Chapter 16 and in Chapter 32 (Definitions). It recognizes that while these types of signs are primarily electronic they may also be mechanical.

2. Section 16.18.030.B. Prohibited Signs

Subsection "1." Shall be replaced with the following new language:

- 1. *Rotating and revolving signs, whether mechanical or by means of normal wind currents; and, flashing signs by electrical pulsations, illumination or comparable means.*

Discussion: This Section addresses prohibited signs and this subsection originally contained language prohibiting changing image signs and moving signs. This subsection was revised to eliminate the prohibition on changing image signs but continue to prohibit moving signs and signs that flash.

3. 16.18.070 *Changing Image Signs*

- A. Area Limitation.** *No more than 50% of a permitted sign area shall contain a changing image sign.*

Discussion: This does not reduce total allowable sign area but simply limits what percentage of allowed signage can be dedicated to such signs. Two other comments: first, the new language will be placed in Section 16.18.070. This seemed logical and all subsequent subsections will be renumbered. Second, the heading coincides with the definition. These signs will be primarily electronic but can also be mechanical as well.

- B. Transition Time.** *Changing image signs shall change from one display to another display in a transition time of not more than two seconds but shall not violate provisions prohibiting flashing signs. The display shall thereafter remain static for the at least the following intervals:*

1. *Non-residential activities in the following Zones - Residential, Public Use, Mixed Use Zone, Neighborhood Mixed Use, Neighborhood Commercial: 12 seconds.*
2. *Central Business Commercial Zone: 10 seconds*
3. *Highway Commercial Zone and Industrial Zone: 8 seconds*

Discussion: This subsection includes two requirements. First, the transition time is limited to a maximum of two seconds, avoiding protracted changes which could be disruptive. Further, the transition time cannot be such that it violates provisions regarding flashing signs. Second, the static time is established for each zone and/or type of use. Again, for non-commercial areas the image needs to be presented longer; this is reduced for the higher speed and developed Highway Commercial areas.

The language is inclusive regarding all the Development Code zones. This allows churches (and other non-residential uses) in the Residential zones to have changing image signs. Finally, the language is such that scrolling messages would be prohibited as there is no transition between discrete displays of information.

- C. Brightness.** *A changing image sign shall be constructed with a photocell to compensate for all conditions, day or nighttime hours, and shall adjust the display's brightness to a level that is not in excess of 0.3 foot candles above ambient light levels.*

Discussion: This Section reflect current industry practices. While the use of "lumens" is acceptable, the new language not only maintains comparable brightness levels but also requires new signs to include the necessary equipment to comply with these provisions. This should reduce enforcement costs.

D. Required Equipment. Upon installation, the sign owner shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in item “C.” above. Submittal of such evidence shall be required to obtain a sign and/or building permit.

Discussion: Installation of the signs will require building and electrical permits. This provision ensures the sign – when applicable - is capable of meeting the “brightness” requirement in item “C.”.

E. Prohibited Applications. Changing image signs shall be prohibited for any residential-related activity in the RL, RM and RH zones; the Neighborhood Mixed Use and Neighborhood Commercial zones; and, residential uses in the Mixed Use zone.

The existing Section 16.18.070 and all subsequent Section numbers shall be revised.

Discussion: This provision emphasizes these signs are not appropriate for residential uses. However, this subsection was clarified to focus on residential uses; non-residential uses, such as churches, can still use such signs.

4. Chapter 32 – Definitions:

CHANGING IMAGE SIGN: A sign designed to accommodate routine changes of copy, images or patterns of lights. Such signs include, but are not limited to, electronic signs incorporating LED, LCD, plasma, or projected light displays; and, mechanical or manual changeable copy signs.

Discussion: As noted, this definition shall also be placed in Chapter 32.

- D. The Community Development Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCD). The Department did not receive any comments.

VI. CRITERIA AND FINDINGS

- A. Chapter 16.28 establishes the procedures and criteria for amending the text of both the Comprehensive Plan and the Development Code. Section 16.28.010 identifies the purpose of text amendments while Section 16.28.020 identifies the various types of amendments. The proposed changes involve only the text of the Development Code; amendments to the Comprehensive Plan are not required.
- B. Section 16.28.030 identifies those agents authorized to initiate a text amendment. Conforming to provisions in this Section, City Council initiated this action.

- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This administrative process requires City compliance.
- D. Sections 16.28.050 and 16.28.060 require all proposed amendments to the Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals, and with all adopted facility plans, including the Transportation System Plan. These Sections do not apply, as the proposal does not amend the Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

FINDINGS: The Code amendment does not change functional classifications or performance standards for City transportation routes.

- F. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes a recommendation to Council and the Council renders the final decision. For the record, the Council hearing and process comply with the requirements for a legislative action.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment application if it satisfies the relevant Decision Criteria: Oregon Department of Land Conservation and Development (DLCD) administrative rules, the applicable Statewide Planning Goals, the applicable provisions of the Lebanon Comprehensive Plan, and any other applicable and relevant facility or special area plans, specific projects or goals adopted by the City.

FINDINGS: Findings in response to the above noted criteria:

1. DLCD Administrative Rules – Oregon Administrative Rules address a variety of issues including development on farmland, provisions for needed housing, requirements to expand an urban growth boundary, meeting natural resource planning requirements and similar issues. The Commission finds there are no Administrative Rules that specifically address the proposed Code amendment. Further, the DLCD did not identify Administrative Rules for the City to consider.
2. Statewide Planning Goals - Compliance with the Statewide Goals is noted as follows:

Goal 1, Citizen Involvement: The Planning Commission and City Council will conduct public hearings on the request, consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the locally adopted Development Code requirements.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed changes to the Code do not alter existing regulations that affect identified historic, cultural, or natural resources within Lebanon.

Goal 6, Air, Water and Land Resource Quality: Nothing in this amendment establishes or promotes land uses that adversely affect air, water or resource quality issues.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas; these remain in force.

Goal 8, Recreational Needs: The proposed changes do not create uses that adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: The City anticipates the Code amendment will benefit economic development by providing advertising alternatives.

Goal 10, Housing: The proposed Code amendment does not affect housing supply or location, or, the City's ability to meet housing needs.

Goal 11, Public Facilities and Services: Any new use allowed by the amendments must still comply with existing public facility requirements. The amendment does not affect the City's ability to provide public services.

Goal 12, Transportation: As previously noted, the proposed Code revisions do not create uses or activities that significantly affect the City's transportation facilities. It must also be noted the proposed changing image signs are not expected to impact traffic safety (*Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs*; AASHTO, Subcommittee on Traffic Engineering).

Goal 13, Energy Conservation: The amendments do not alter provisions for energy supplies.

Goal 14, Urbanization: The proposed amendments address urban uses within an urban environment.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments are consistent with Goal provisions, or, the amendments do not directly affect Goal provisions.

3. Lebanon Comprehensive Plan – The Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. Each Chapter is reviewed below:

a. Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. As introductory provisions, this Chapter does not directly apply to the proposed text amendments.

b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.

FINDINGS: This Chapter does not apply, as the Code revision does not establish new regulations involving wetlands, wildlife habitat or other resources identified as requiring preservation or protection.

c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.

FINDINGS: This Chapter does not apply, as the proposed Code amendments do not affect urban development within the community.

d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses.

FINDINGS: This Chapter does not apply as the proposal Code amendments do not modify or alter existing zoning, and thereby, the City’s ability to provide different types of land, of suitable size and quantity, to meet a variety of development needs.

e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both.

FINDINGS: The amendments provide an alternative advertising medium which may have some economic benefits.

f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

FINDINGS: The amendments do not directly apply, as they do not affect the City’s ability to meet the community’s housing needs.

g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a

variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit.

FINDINGS: Policies in this Chapter focus on design elements to improve density and housing options while encouraging mixing or combining land uses (residential, commercial, industrial, public) to increase urban livability. Therefore, this Chapter does not directly apply to the request.

- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit.

FINDINGS: The amendments do not change functional classifications or performance standards for transportation routes, and based on the previous noted study, should not impact traffic safety.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve urban development.

FINDINGS: The amendments do not alter the City's ability to provide necessary public services.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map.

FINDINGS: This Chapter does not apply as the proposal amends only the Development Code text; there are no changes to the Comprehensive Plan or Zoning maps.

- 4. Other Facility Plans or Projects - In reviewing other documents, Department staff did not identify and plans or policies that apply to the proposed Code amendments.

VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Code comply with the applicable decision criteria.