



AGENDA

STAYTON CITY COUNCIL MEETING

Monday, August 17, 2015

Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

CALL TO ORDER

7:00 PM

Mayor Porter

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

PRESENTATIONS / COMMENTS FROM THE PUBLIC

Request for Recognition: If you wish to address the Council, please fill out a green "Request for Recognition" form. Forms are on the table at the back of the room. *Recommended time for presentation is 10 minutes. Recommended time for comments from the public is 3 minutes.*

- a. Presentation on Measure 91 – Marijuana Legalization and Youth by Deputy District Attorney Brendan Murphy

CONSENT AGENDA

- a. August 3, 2015 City Council Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.

PUBLIC HEARING

Ordinance No. 985, Amending Sign Regulations

- a. Staff Report – Dan Fleishman
- b. Questions from Council
- c. Proponents’ Testimony
- d. Opponents’ Testimony
- e. General Testimony
- f. Questions from Public
- g. Questions from Council
- h. Staff Summary
- i. Close of Hearing
- j. Council Deliberation
- k. Council Decision on Ordinance No. 985, Amending Sign Regulations

UNFINISHED BUSINESS

Ordinance No. 984, Regarding Control of Weeds

Action

- a. Staff Report – Dan Fleishman
- b. Council Deliberation
- c. Council Decision

NEW BUSINESS – None

STAFF/COMMISSION REPORTS

Finance Director’s Report – Christine Shaffer

Informational

- a. July 2015 Monthly Finance Department Report

Police Chief’s Report – Rich Sebens

Informational

- a. July 2015 Statistical Report

Public Works Director’s Report

Informational

- a. July 2015 Operating Report

Planning & Development Director’s Report – Dan Fleishman

Informational

- a. July 2015 Activities Report

Library Director’s Report – Katinka Bryk

Informational

- a. July 2015 Activities

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – September 2015

- a. Public Works Standards Updates
- b. Municipal Court Update
- c. Police Department Summer Events Follow-Up
- d. Emergency Plan

ADJOURN

CALENDAR OF EVENTS

AUGUST 2015

Monday	August 17	City Council	7:00 p.m.	Community Center (north end)
Monday	August 31	Planning Commission	7:00 p.m.	Community Center (north end)

SEPTEMBER 2015

Tuesday	September 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 7	CITY OFFICES CLOSED IN OBSERVANCE OF LABOR DAY		
Tuesday	September 8	City Council	7:00 p.m.	Community Center (north end)
Tuesday	September 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	September 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	September 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 21	City Council	7:00 p.m.	Community Center (north end)
Monday	September 28	Planning Commission	7:00 p.m.	Community Center (north end)

OCTOBER 2015

Monday	October 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 6	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	October 9	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	October 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	October 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	October 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 26	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2015

Monday	November 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 3	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	November 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	November 10	Police Advisory Board	6:00 p.m.	City Hall Conference Room
Wednesday	November 11	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY		
Friday	November 13	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	November 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	November 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Thursday	November 26	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING		
Friday	November 27			
Monday	November 30	Planning Commission	7:00 p.m.	Community Center (north end)

DECEMBER 2015

Tuesday	December 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	December 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	December 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 21	City Council	7:00 p.m.	Community Center (north end)
Friday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS DAY		
Monday	December 28	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton
City Council Meeting Minutes
August 3, 2015**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 8:38 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell	Keith Campbell, City Administrator
Councilor Ralph Lewis	Katinka Bryk, Library Director (excused)
Councilor Jennifer Niegel	Dan Fleishman, Director of Planning & Development
Councilor Brian Quigley	Lance Ludwick, Public Works Director
Councilor Joe Usselman	Rich Sebens, Police Chief
	Christine Shaffer, Finance Director
	David Rhoten, City Attorney

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the Agenda	None
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None
Presentations / Comments from the Public	
a. Adam Culbertson and Cleve Stanley	Mr. Culbertson and Mr. Stanley introduced themselves as the owners of Home Grown Remedies in Stayton.
b. Jim Hansen	Spoke in support of referring to the voters the decision of whether or not to ban Marijuana Establishments.
c. John Hudnall	Mr. Hudnall is a medical marijuana grower in Aumsville. He questioned what negative impacts Mr. Hansen knew of regarding medical marijuana dispensaries.
d. Rese Bourdeau	Ms. Bourdeau spoke in support of allowing Marijuana Establishments within Stayton.
Consent Agenda	
a. July 20, 2015 City Council Minutes	Motion from Councilor Lewis, seconded by Councilor Quigley, to approve the Consent Agenda as modified. Motion passed 4:0 (Niegel abstained).

Public Hearing	None
<p>Unfinished Business Ordinance No. 983, Amending SMC 5.12 to Ban “Marijuana Establishments” within the City of Stayton and Resolution No. 933, Referring Ordinance No. 983, “Marijuana Establishments” to the Voters</p> <p>a. Staff Report – Keith Campbell</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p>	<p>Mr. Campbell reviewed the options presented to the Council in his staff report.</p> <p>Discussion of the upcoming presentation from the District Attorney and how to proceed with this issue. Further discussion of potential tax revenue amounts.</p> <p>Motion from Councilor Glidewell that no marijuana establishment is prohibited within the City of Stayton.</p> <p>Motion died due to lack of a second.</p> <p>Mayor Porter called a break in the meeting at 7:38 p.m. The meeting reconvened at 7:41 p.m.</p> <p>Further discussion of the option to tax dispensaries and when the tax option would go before a vote of the community.</p> <p>Motion from Councilor Lewis, seconded by Councilor Niegel, to direct staff to prepare changes to Title 5 to allow marijuana establishments and create a process for licensing and to prepare an ordinance establishing a local tax of 3% on recreational marijuana transactions.</p> <p><u>Council Discussion</u> Brief discussion of whether limitations can still be set with passage of this motion. Mr. Campbell stated the next steps will be determining these limitations.</p> <p>Motion passed 4:1 (Usselman).</p> <p>The Council directed staff to return with options for consideration at a future meeting.</p>
<p>New Business Ordinance No. 984, Regarding Control of Weeds</p> <p>a. Staff Report – Dan Fleishman</p>	<p>Mr. Fleishman briefly reviewed his staff report included in the Council packet.</p>

<p>b. Council Deliberation</p> <p>c. Council Decision</p> <p>Award of Contract for Pioneer Park Improvement Project – Phase 1</p> <p>a. Staff Report – Lance Ludwick</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p> <p>City Survey Results</p> <p>a. Staff Report and Presentation – Keith Campbell</p>	<p>Discussion of scotch broom issues and complaints within the city.</p> <p>Motion from Niegel, seconded by Usselman, to adopt Ordinance No. 984 as presented. Motion passed 4:1 (Glidewell).</p> <p><i>Ordinance No. 984 will return for a second consideration at the August 17, 2015 City Council meeting.</i></p> <p>Mr. Ludwick reviewed the staff report included in the Council packet.</p> <p>Brief discussion of the qualifications of GT General Contracting and if they have done similar projects.</p> <p>Motion from Councilor Niegel, seconded by Councilor Lewis, to award the Pioneer Park Improvement Project – Phase 1 Contract to GT General Contracting in the amount of \$686,652 with additional pavilions pending approval by staff. Motion passed 5:0.</p> <p>Mr. Campbell reviewed the survey results from the recent community survey.</p>
<p>Staff / Commission Reports</p>	<p>None.</p>
<p>Presentations / Comments From the Public</p>	<p>None.</p>
<p>Business from the City Administrator</p>	<p>National Night Out is Tuesday evening at 6:00 p.m. in four Stayton parks.</p>
<p>Business from the Mayor</p> <p>a. Appointment of Franklin Hubbard to the Marion County Veterans Task Force</p>	<p>Motion from Councilor Quigley, seconded by Councilor Niegel, to ratify the appointment of Franklin Hubbard to the Marion County Veterans Task Force. Motion passed 5:0.</p>
<p>Business from the Council</p>	<p>None.</p>
<p>Future Agenda Items – August 17, 2015</p> <p>a. Marijuana Presentation by District Attorney</p> <p>b. Sign Code Public Hearing</p> <p>c. Marijuana Follow-Up</p>	

d. Public Works Standards Updates

APPROVED BY THE STAYTON CITY COUNCIL THIS 17TH DAY OF AUGUST 2015, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Keith D. Campbell, City Administrator

Date: _____

Transcribed by: _____
Alissa Angelo, Deputy City Recorder

DRAFT



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 17, 2015
SUBJECT: Public Hearing on Ordinance 985 Amending Sign Regulations

ISSUE

The issue before the City Council is a public hearing on proposed legislative text amendments to the Stayton Land Use and Development Code, Title 17, Chapters 17.04 and 17.20 regarding the sign regulations.

BACKGROUND INFORMATION

Sign regulation has been the subject of discussion between the City Council and Planning Commission for more than a year. In June 2014 the City Council requested the Planning Commission review the sign regulations in the Land Use and Development Code. The Planning Commission held a public hearing in the summer of 2014, soliciting the public's input on suggested amendments to the Code. Most of the testimony at that public hearing called for better enforcement of the Code, rather than changes to the Code.

The City Council did enact a small change to the regulation of electronic message signs in the fall or early winter of 2014. Also in the late fall, the Planning and Development Office, at the request of the City Administrator, instituted a City-wide review of signs and sent over 60 letters to property owners and businesses regarding violations of the Code.

As a result of that enforcement effort, a group of business owners gathered in an effort to make recommendations for Code Amendments. The City council held two work sessions to review and discuss the sign regulations and then, during their regular meetings, went through the sign regulations sentence by sentence. At your July 6 meeting the City Council finalized their review and forwarded a set of amendments to the Planning Commission for their review and consideration.

ANALYSIS

The significant changes resulting from the City Council's review are:

- Removal of the standards for internally illuminated signs.
- Elimination of the requirement to remove a sign structure one year after a sign has been removed.

- Allowing a business in an individual building within a shopping center to have its own free-standing sign, in addition to the free-standing sign(s) for the shopping center.
- Allowing a business to have two temporary signs, for up to 90 days per year each.
- Allowing a business to have one portable sign.
- Removal of the requirement for a conditional use permit for electronic message signs. Along with this change, is removal of the subjective standards for these signs.
- Allowing electronic message signs to change more frequently.

Also enclosed is a letter from Santiam Hospital with a suggestion for an additional change to the Code. The Hospital's suggestion would allow uses in the Public/Semi-Public zone that have more than 100,000 square feet of floor area to have a maximum sign area of 600 square feet, instead of 64 square feet.

Following their public hearing, the Planning Commission returned the proposed amendments to the City Council with a recommendation for some changes to the amendments. These changes have been incorporated into Ordinance 985. The changes incorporated by the Planning Commission are:

- Section 17.20.140.3.n: add a new provision that would exempt signs for emergency public safety providers from the sign area regulations and necessity to obtain a permit.

This change was incorporated by the Planning Commission in reaction to the comments from Santiam Hospital at the hearing. However, Staff has concerns about the impacts of this change to the Code and believes that the second change incorporated by the Planning Commission adequately addresses the needs of the hospital.

- Section 17.20.140.7.b: allow uses in the P Zone with more than 100,000 square feet of floor area to have up to 600 square feet of sign area.

This change was incorporated by the Planning Commission in response to the letter from Santiam Hospital and their comments at the hearing.

- Section 17.20.140.10.e.1): change the frequency with which an electronic message sign may be changed from 5 seconds as proposed by the city Council to a formula based on the distance the sign is visible and the speed limit of the street.

The Code currently restricts electronic message signs from changing any more frequently than once every minute. The City Council had suggested reducing that time to once every 5 seconds.

Many of the standards for electronic message signs contained in Stayton's Code are based on recommendations contained in *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* prepared for the American Association of State Highway and Transportation Officials (AASHTO). I have included a copy of the executive summary from that report and Chapter 6, with recommendations. If any Council members are interested in reviewing the complete report, I can forward it by email or provide a copy.

The AASHTO report recommends the formula chosen by the Planning Commission for minimum display duration but recognizes that “although a case-by case process of setting minimum display duration would be optimum for traffic safety, ... it would be more practical ... to establish only a small number of display duration minima, based on roads ... that operate with different speed limits and traffic characteristics.” Staff’s recommendation to the Planning Commission was, and to the City Council is, that the minimum display duration be set in the Code, based on an assumption of a 30 mph (44 ft per sec) speed limit and a 1,000 foot sight distance. Rounded to the next higher increment of 10 seconds, this results in a duration of 30 seconds. Establishing such a minimum in the Code will not require determining the sight distance for each sign.

At a previous meeting, the City Council requested information on how other nearby municipalities regulate the display duration on electronic message signs. Salem’s Code distinguishes between different zones. In the industrial zones and commercial zones other than the Commercial Office and Neighborhood Commercial zones, Salem’s minimum duration is 8 seconds. In residential zones, Commercial Office, Neighborhood Commercial, Neighborhood Center Mixed-Use, and Fairview Mixed-Use zones, Salem’s minimum duration is one hour. Silverton has established a one hour minimum duration. Dallas requires a minimum duration of 30 seconds. Monmouth prohibits electronic message signs. Independence, Aumsville, and Sublimity do not appear to have regulations specific to electronic message signs.

- Section 17.20.140.10.e.3): allow electronic message signs to contain graphics.

This change was incorporated by the Planning Commission in reaction to the comments from at the hearing. The amendments, as currently drafted would still require a display of uniform color.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the first consideration of Ordinance 985

Move to approve Ordinance No 985 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 985 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 985 will be brought before the Council for a second consideration at the September 22, 2015 meeting.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 985 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 985 will be brought before the Council for a second consideration at its September 22, 2015 meeting.

3. Return the Ordinance to Staff for further refinement

Move to direct staff to modify Ordinance No. 985 with the following changes ... and present the Ordinance to the City Council for further discussion and consideration at the September 22 meeting.

4. Retain the Code unchanged

No motion is necessary.

ORDINANCE NO. 985

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17,
REGARDING THE REGULATION OF SIGNS**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.140 contains standards applicable to signs;

WHEREAS, THE City Council reviewed Section 17.20.140 and has determined that it is appropriate to revise sign regulations;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code and following a public hearing, has recommended that the Stayton City Council enact proposed amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapters 4 and 20 amended. Stayton Municipal Code, Title 17, Chapters 4 and 20 are hereby amended as shown on Exhibit A attached hereto and incorporated herein.

Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of August, 2015.

CITY OF STAYTON

Signed: _____, 2013

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2013

ATTEST: _____
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

Exhibit A

Amendments to the Sign Regulations in the Stayton Land Use and Development Code

Additions are underlined; deletions are ~~crossed-out~~

17.04.100 DEFINITIONS

MURAL: An illustration (with or without words or numbers) which is painted or otherwise applied ~~(without projections)~~ directly to an outside wall of a structure or by means of flat panels that do not project from the walls.

17.20.140 SIGNS

1. PURPOSE. The purposes of these sign regulations are to provide equitable signage rights; reduce signage conflicts; promote traffic and pedestrian safety; and increase the aesthetic value and economic viability of the city by classifying and regulating the location, size, type, and number of signs and related matters.
2. PERMIT PROCEDURES.
 - a. Permit Required. No person shall construct or alter any sign without first obtaining a permit from the City Planner.
 - b. Current Signs. Owners of ~~conforming or nonconforming signs~~ legally existing signs as of the January 10, 1999 shall not be required to obtain a sign permit.
 - c. Application Requirements.
 - 1) An application for a sign permit shall be submitted on a form prescribed by the City.
 - 1) Within 7 days of submittal the City Planner shall determine whether the application is complete.
 - 2) Within 14 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
 - 3) The decision shall be issued in writing.
 - 2) Sign permits mistakenly issued in violation of these regulations or other provisions of the Code are void. The Stayton City Administrator may revoke a sign permit if it is found that material errors or misstatements of fact were made by the applicant on the permit application.
 - 3) The sign permit does not take the place of any ~~required building~~ other (e.g. structural, mechanical, electrical) permits (e.g. structural, mechanical, electrical) which may be required to construct or locate an approved sign.
 - d. Permit Fees. Permit fees shall be established by City Council resolution.
 - e. Construction and Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:

- 1) All signs shall comply with the applicable provisions of the Oregon Structural Specialty Code in effect at the time of the sign permit application and all other applicable structural, electrical, and other regulations. Issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 - 2) Except for temporary signs, signs shall be constructed of durable materials and be firmly attached to the ground, to a building, or to another structure by direct attachment to a rigid wall, frame, or structure.
 - 3) All signs shall be maintained in a good structural condition and be readable at all times. Sign supports shall be plumb. Broken faces of signs shall be repaired within 45 days of the date of damage. Failed illumination shall be replaced or repaired within 45 days of the date of failure of the lighting fixture or wiring defect. ~~Sign supports shall be removed within one year of the removal of a sign.~~ The provisions of this section shall apply to all signs within the City, including those not meeting these standards on the effective date of this provision.
3. SIGNS GENERALLY PERMITTED. Subject to the limitations listed in this subsection, the following signs and sign erection or alterations are permitted in all zones. These signs shall not require a permit and shall not be included when determining compliance with total allowed area:
- a. Painting or otherwise changing the sign face or copy, and maintenance of legally existing signs. If structural changes are made, the sign shall conform in all respects to these regulations.
 - b. Signs not exceeding 32 square feet which advertise the sale, rental, or lease of the premises upon which the sign is located.
 - c. Signs posted by or under governmental authority, including legal notices, traffic, danger, no trespassing, emergency, and signs related to public services or safety.
 - d. One sign, not to exceed 32 square feet, at each street entrance of a residential development or subdivision.
 - e. Incidental signs not exceeding 6 square feet.
 - f. Official national, state, and local government flags [and a National League of Families' POW/MIA flag](#) on permanent flag poles designed to allow the raising and lowering of flags:
 - 1) One flag ~~or banner~~[pole](#) per property is exempt from the provisions of these regulations.
 - 2) In a residential zone, a flag structure shall not exceed 35 feet.
 - 3) In a Commercial, Industrial or Downtown zone, a flag structure shall not exceed 35 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater.
 - 4) All structures over 10 feet in height supporting flags require a Building Permit and an inspection(s) of the footing and structure, as per the building code, prior to installation of the structure.

- g. Signs within a building that are not visible from the street, sidewalk or other public property.
- h. Signs painted or hung on the inside of a window or door ~~that do not exceed 30% of the window or door area. This area limit shall not apply to neon signs.~~
- i. Commercial murals shall count as a sign in determining total sign area for a business. Murals that do not advertise or identify a business, with a cultural or heritage theme, are not considered commercial signs and are exempt from this ~~ordinance~~[Section](#).
- j. Name signs, not exceeding 2 square feet, identifying the occupants of a dwelling.
- k. Restoration, repair, or replacement of signs that have been demonstrated by the owner to have been in existence since January 1, 1949, provided the sign substantially retains its original appearance and location.
- l. Temporary and portable signs, no larger than 16 square feet in area, announcing community events. Banners hung with the guy wires located on ~~1st~~[First](#) Avenue between Cedar and Regis Streets, are permitted for up to four weeks in advance of the event and shall be removed within 5 days of the end of the event. Banners shall be no larger than 80 square feet in area.

[m. Other portable signs in conformance with the requirements of Section 17.20.140.9-B.b](#)

[n. Signs for facilities for emergency public safety providers such as police, fire, and hospitals.](#)

4. PROHIBITED SIGNS. The following signs shall be prohibited:

- a. Balloons or similar tethered objects.
- b. Roof signs.
- c. Signs emitting an odor, visible matter, or sound.
- d. Signs supported by guy wires of any type except for the guy wires located on ~~1st~~[First](#) Avenue between Cedar and Regis Streets.
- e. Signs that obstruct a fire escape, required exit, window, or door opening used as a means of egress.
- f. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- g. Rotating/revolving signs.
- h. Flashing signs, ~~except as allowed by conditional use permit under the regulations of this sign code.~~
- i. Signs that project into or over driveways or public rights-of-way, except signs ~~under a canopy~~ that projects over a public sidewalk. Such sign shall not be less than eight feet above the ground.
- j. Signs within the sight clearance triangle that obstruct the required vision areas or represent a hazard to pedestrian or vehicle traffic.

- k. Signs that interfere with, imitate, or resemble any official traffic control sign, signal, or device; emergency lights; or which appear to direct traffic (e.g., a beacon light).
- l. Signs attached to any pole, post, utility pole, or placed by its own stake in the ground in a public right-of-way. This restriction shall not apply to bulletin boards for public use as authorized by the City Council.
- m. ~~Message signs, except by conditional use permit.~~
- n. Any new or relocated off-premise sign, unless specifically allowed as a permitted sign in this sign code.
- o. No vehicle or trailer shall be parked for ~~an extended period of time~~ more than 72 hours so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or another premises, unless such sign meets the requirements of this section. This provision applies only to a vehicle the primary purpose of which is advertisement; it is not intended to prohibit any form of sign attached to or on a vehicle the primary use of which is for business purposes other than advertising.
- p. Signs on city property placed by a nongovernmental entity.
- q. Free standing and illuminated signs for all home occupations.

5. ILLUMINATION OF SIGNS

- a. No sign shall be comprised of or illuminated by intermittent light except ~~digital public service messages~~ digital public service signs, such as time, date, temperature, etc.
- b. Externally Illuminated Signs
 - 1) The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.
 - 2) Lighting fixtures illuminating signs shall be carefully located, aimed, and hooded or shielded to prevent direct illumination of public streets or abutting properties.
 - 3) Light fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent public streets or properties.
 - 4) To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizontal).
- c. Internally Illuminated Signs
 - 1) Internally lit signs are permitted only in the commercial, ~~and industrial,~~ public, and downtown zones.

~~In order to prevent internally illuminated signs from becoming light fixtures, such signs shall consist of light lettering or symbols on a dark background. The lightness or darkness is a function of the luminous transmittance of the translucent surface material, and the light source. The higher the luminous transmittance, the lighter the color.~~

- ~~2) The lettering or symbols shall constitute no more than 40% of the surface area of the sign.~~
- ~~3) The luminous transmittance for the lettering or symbols shall not exceed 35%.~~
- ~~4) The luminous transmittance for the background portion of the sign shall not exceed 15%.~~
- ~~5) Light sources shall be fluorescent tubes, spaced at least 12 inches on center, mounted at least 3.5 inches from the translucent surface material.~~
- ~~6) The standards of this subsection shall not apply to gas-filled tubing exposed to view (neon signs).~~

6. NONCONFORMING SIGNS.

- a. Alteration of Nonconforming Sign Faces. Legally existing nonconforming signs are subject to the following provision regarding alteration.
 - 1) A change in sign face alone is allowed without requiring compliance with these regulations.
 - 2) When a nonconforming sign face is damaged or destroyed, such sign face may be restored to its original condition provided such work is completed within sixty days of the damage. However, a sign structure or support mechanism so damaged shall not be replaced except in conformance with the provisions of these regulations.
- b. Permits for Properties with Nonconforming Signs.
 - 1) [repealed Ord. 924]
 - 2) [repealed Ord. 924]
 - 3) Nonconforming Sign Area. All signs in existence as of the date of the permit application shall be included in the total allowed area, number, or size when reviewing applications for new or altered signs to be allowed on the property.
- c. Abatement of Nonconforming Signs.
 - 1) All permanent, free-standing signs, and wall, canopy, projecting or other similar permanent signs in existence on the effective date of these regulations, which are not in conformance with the provisions of these regulations may be repaired, or maintained (including a change in sign face) until such time the sign structure is altered, at which time the sign must conform to applicable sign regulations.
 - 2) [repealed Ord. 924]
 - 3) [repealed Ord. 924]
 - 4) Existing permanent ~~free-standing~~ signs on properties annexed to the city shall be in conformance with the provisions of these regulations within one year following annexation. Temporary signs shall conform to the regulations within 6 months following annexation.
- d. Abandoned Signs. All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, ~~and the entire sign structure shall be~~

~~removed within one year of such cessation of operation.~~ The sign structure shall be maintained in accordance with Section 17.20.140.2.e.3).

7. SIGNS IN THE PUBLIC/SEMI-PUBLIC ZONE. The following regulations apply to signs in the Public/Semi-public zone:
- ~~a. Sign Types. Any combination of wall, canopy, projecting, free-standing, and window signs~~The following sign types are allowed:
 - ~~1) Wall, canopy, projecting, free-standing, and window signs.~~
 - ~~2) Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period. Owners or parties responsible for such displays shall be considered responsible for any public or private nuisance.~~
 - ~~b.a. Any combination of wall, canopy, or free-standing sign~~ not exceeding the sign area and height limitations set forth below shall be allowed.
 - ~~e.b.~~ Total signage area on a property shall not exceed 64 square feet. However, a use with more than 100,000 square feet of gross floor area may up to 600 square feet of sign area.
 - ~~d.c.~~ Maximum Sign Height.
 - 1) Wall or wall mounted signs shall not project above the parapet or roof eaves.
 - 2) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.
 - ~~e.d.~~ Permitted Locations.
 - ~~1) Wall, canopy or projecting signs~~A wall sign may project into the required setback no more than 1.5 feet from the building.
 - ~~1)2) A canopy or projection sign may project up to 3 feet from the building, and may project into a street right-of-way. However, any portion of a canopy or projecting sign that projects over a street right-of-way shall be at least 8 feet above ground level.~~
 - ~~2)3) A free-standing sign shall be setback at least 5 feet from any property line.~~
 - ~~f. Home occupations are subject to this rule and the provisions of Stayton Municipal Code governing home occupations.~~
8. SIGNS IN RESIDENTIAL ZONES. Other than signs permitted under Section 17.020.140.3, signs in the Residential zones are limited to signs for home occupations. Home occupation signs are subject to the provisions of Section 17.020.100.10.
9. SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES. The following regulations shall apply to signs commercial and industrial zones:
- a. Signs for businesses not in integrated business centers:
 - 1) Total Allowed Area. The total allowed sign area of all signs for a business not in an integrated business center is two square feet of for each lineal foot of building frontage up to a maximum of 100 square feet.

- 2) Type, Maximum Number, and Size of Signs. Within the total allowed signage area, one free-standing sign for each street frontage, and one wall, canopy or projecting sign is permitted. A free-standing sign shall be limited to a maximum of 50% of the total allowed [sign](#) area.
 - 3) Maximum Sign Height.
 - 1) Wall or wall mounted signs shall not project above the parapet or roof eaves.
 - 2) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.
 - 4) Location.
 - 1) Wall or canopy signs may project up to 1.5 feet from the building.
 - 2) Projecting signs may project up to 3 feet from the building, [and may project into a street right-of-way. However, any portion of a canopy or projecting sign that projects over a street right-of-way shall be at least 8 feet above ground level.](#)
 - 3) Monument signs shall not project over street rights-of-way and they shall not be located within a sight clearance triangle or special street setback. Other free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.
- b. Signs for integrated business centers.
- 1) Total Allowed Area.
 - a) Signs attached to a building for an individual business within an integrated business center shall be no larger than one square foot of sign area for each lineal foot of building frontage for the individual business, up to a maximum of 80 square feet per business. If a building is located more than 50 feet from the front lot line, the maximum sign area may be increased by 50%. If a building is located more than 100 feet from the front lot line, the maximum sign area may be increased by 100%. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center.
 - b) Integrated business center. One free-standing sign is permitted for each street on which an integrated business center has frontage. If there is only one street frontage, the sign shall not exceed 150 square feet in area; otherwise, the maximum sign area for each sign shall be 100 square feet.
 - c) [Businesses that are located in an individual building within the integrated business center may have one freestanding sign in addition to the freestanding sign for the center. The sign shall be no larger than 40 square feet in sign area, no taller than 8 feet above ground, and shall be located within 30 feet of the building in which the business is located.](#)

- 2) Maximum Sign Height.
 - 1) Wall or wall mounted signs shall not project above the parapet or roof eaves.
 - 2) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.
 - 3) Location.
 - 1) Wall or canopy signs may project up to 1.5 feet from the building.
 - 2) ~~Projection~~ Projecting signs may project up to 3 feet from the building, and may project into a street right-of-way. However, any portion of a projecting sign that projects over a street right-of-way shall be at least 8 feet above ground level.
 - 3) Monument signs shall not project over street right-of-way and they shall not be located within a sight clearance triangle or special street setbacks.
 - 4) Other free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.
 - c. Additional Signs. Within the limitation of this subsection, the types of signs discussed in this subsection do not require a permit and are not included in calculations for allowed area and number of signs:
 - 1) When a business has two public entrances on separate building walls, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance.
 - 2) Directional signs (e.g., “Exit” or “Entrance”) are allowed either as wall or free-standing signs. Each such sign shall be limited to three square feet in area and there shall be no more than two signs per driveway. Free-standing directional signs shall be limited to a height of 4 feet.
 - 3) Order signs describing products and/or order instructions to a customer (e.g., menu boards at a drive-through restaurant) shall be limited to 40 square feet in area and a maximum height of 8 feet. ~~Any order sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall, or hedge in accordance with Section 17.20.090.~~
 - d. ~~Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs other than trailer mounted reader boards or any other sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. No individual sign shall be larger than 16 square feet. All temporary signs must be placed within ten feet of the structure or vehicle used for the temporary business and may not be placed within any public right of way.~~
- 9-A. SIGNS IN THE DOWNTOWN ZONES. The following regulations shall apply to signs in the Downtown Zones.

- a. Sign Types and Maximum Number of Signs. Within the CCMU, DCMU, and DRMU zones, ~~the following sign types are allowed:~~
- ~~1) In the CCMU Zone, any combination of wall, canopy, projecting, and window signs is permitted not exceeding the sign area limitations. In the DRMU Zone~~ in addition to any combination of wall, canopy, projecting and window signs, one free-standing sign for each street on which the lot fronts may be erected between a building and the front lot line provided the building is at least 20 feet from the front lot line.
 - ~~2) Sidewalk signs in conformance with Section 17.20.140.9 A.e. below.~~
- b. Number of Signs. Each business may have one wall, canopy or projecting sign attached to a building for each side of the building facing a street or public sidewalk the business occupies, not including awning signs.
- c. Total Allowed Area. The total allowed sign area for any wall, canopy or projecting signs for a business ~~in the CCMU, DCMU, or DRMU zones~~ is one square foot of sign area per lineal foot of building frontage for the individual business, ~~up to a maximum of 30 square feet~~. The maximum sign area for any free-standing sign ~~in the DRMU zone~~ is 30 square feet.
- d. Maximum Sign Height. Wall or wall-mounted signs shall not be taller than 20 feet and shall not project above the parapet or roof eaves. A free-standing sign shall not exceed 12 feet in height.
- e. Location.
- 1) Wall or canopy signs may project up to 1.5 feet from the building.
 - 2) Projection signs may project up to 4.3 feet from the building. Any portion of a projection sign that projects over a street right-of-way shall not be less than 8 feet above the ground level.
 - 3) Free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.
- ~~f. Sidewalk Signs. Any business located in the CCMU, DCMU, or DRMU zone may have one sign erected on the public sidewalk in conformance with the following standards:~~
- ~~i. A sidewalk sign shall be either an A-frame sandwich sign or be a hanging sign supported by a metal frame inserted into a hole the sidewalk provided by the City.~~
 - ~~ii. The sign shall be entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 17.20.140.9 A.1~~

- ~~iii. A sidewalk sign shall be placed either within six inches of the curb line or within 2 feet of the front lot line, in order to minimize interference with pedestrians. In either location, the sign shall not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 17.20.140.9-A.2~~

Figure 17.20.140.9-A.1
Placement of Portable Signs in the R-O-W

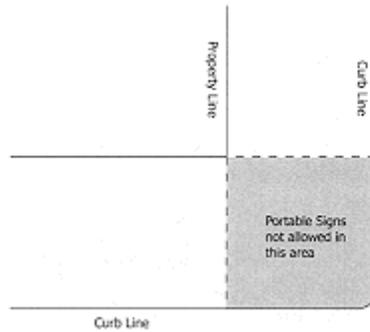
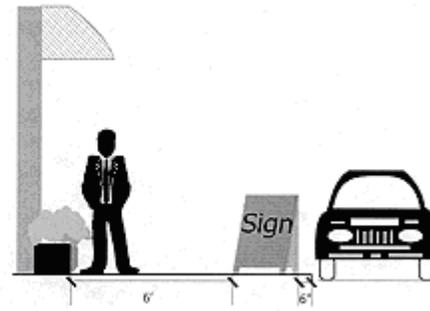


Figure 17.20.140.9-A.2
Placement of Portable Signs in the R-O-W



- ~~iv. The maximum sign area of a sandwich sign shall be 6 square feet, counting only one side of the sandwich sign. The maximum sign area of a hanging sign shall be 4 square feet.~~
- ~~v. A sidewalk sign may be erected only during the hours a business is open.~~
- ~~vi. A sidewalk sign shall not be illuminated.~~

9-B. TEMPORARY AND PORTABLE SIGNS.

a. Temporary Signs. No more than two temporary signs per business shall be permitted at any one time. Temporary signs shall conform to the following:

- 1) A temporary sign shall not exceed 16 square feet in area.
- 2) The placement of temporary signs shall be limited to a period not exceeding 90 days within any calendar year. This restriction applies to the display of all temporary signs throughout a calendar year and not to each individual sign.
- 3) A temporary sign shall not be located within the public right-of-way or violate vision clearance provisions.
- 4) A newly opened business may have a temporary sign for up to 180 days while waiting for a permanent sign to be manufactured and installed.

b. Portable Signs. No more than one portable sign per business shall be permitted at any one time. Portable signs shall conform to the following:

- 1) Except for public safety, all trailer-mounted reader boards shall be prohibited.
- 2) The maximum permitted area shall be 12 square feet per display surface.
- 3) The maximum height shall be four feet above ground level.

- 4) Except in the Downtown Zones, portable signs for businesses not within an integrated business center shall be located on the property on which the business is located. Portable signs within an integrated business center shall be located between the building and parking area and immediately in front of the business.
- 5) In the Downtown Zones a portable sign may be erected on the public sidewalk in conformance with the following standards
- a) The portable sign shall be either an A-frame sandwich sign or be a hanging sign supported by a metal frame inserted into a hole the sidewalk provided by the City.
 - b) The portable sign shall be entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 17.20.140.9-A.1
 - c) A portable sign shall be placed either within six inches of the curb line or within 2 feet of the front lot line, in order to minimize interference with pedestrians. In either location, the sign shall not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 17.20.140.9-A.2.

Figure 17.20.140.9-A.1
Placement of Portable Signs in the R-O-W

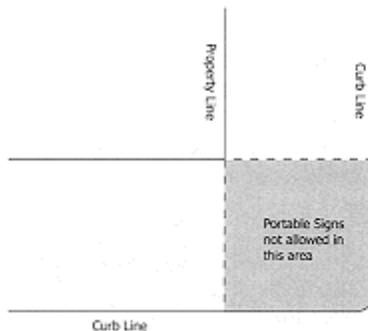
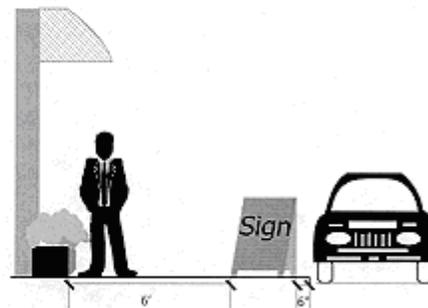


Figure 17.20.140.9-A.2
Placement of Portable Signs in the R-O-W



- d) The maximum sign area of an A-frame sandwich sign shall be 6 square feet, counting only one side of the sign. The maximum sign area of a hanging sign shall be 4 square feet.
 - e) A portable sign may be erected only during the hours a business is open.
 - ~~e)~~ 6) A portable sign shall not be illuminated.
- e-c. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs other than trailer-mounted reader boards or any other sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. No individual sign shall be larger than 16 square feet. All temporary signs must be placed within ten feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

10. ~~CONDITIONAL USE PERMITS~~ELECTRONIC MESSAGE SIGNS. Applications for ~~conditional use permits~~ for message signs shall be reviewed ~~processed~~ according to ~~procedures set forth in the Stayton Land Use and Development Code. The criteria to be reviewed and applied in conditional use permit proceedings are set forth~~ in this section:
- a. Proposed sign is located in a Public, Commercial, or Industrial zone.
 - b. ~~Proposed sign, when conditioned, will not significantly increase street level sign clutter or adversely dominate the visual image of the area.~~
 - c. ~~Proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.~~
 - d. ~~Proposed sign will not represent a traffic or safety hazard.~~
 - e. The following standards shall apply.
 - 1) With the exception of a message sign that displays only the time or temperature, the frequency with which a message or display may be changed ~~no more than once every minute~~ shall be determined by dividing the distance for which the sign will be visible on a street by the speed limit of the street expressed in feet per second.
 - 2) The message or display must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.
 - 3) The message or display ~~may~~ shall be ~~consist only of alphabetic or numeric text of a uniform color on a plain background of a uniform color and may not include any graphic, pictorial or photographic images.~~
 - 4) The electronic display may comprise no more than 50% of the surface area of a message sign.
 - 5) No more than one ~~changeable~~ message sign with 2 sides is allowed per lot.
 - 6) [Repealed Ord. 978]
 - 7) The luminance of the sign shall be limited to no more than 280 candelas per square meter. The applicant shall submit information from the sign manufacturer indicating the luminance will be met as measured with a luminance meter aperture of 1 degree or less, 50 feet directly in front of the sign with the sign in a fully illuminated mode. If the message sign displays white or multi-colored light, the luminance shall be measured in ~~of~~ white light.
 - 8) The sign shall default to the off position in the case of any failure of mechanisms that control luminance or other display features.
 - f. ~~Except for a message sign dedicated to announcing only community events and public service messages, the total allowed sign area for an establishment shall be reduced by 25% if the establishment has a message sign.~~
 - g. The pProposed sign shall comply with all other regulations including, but not limited to, height and placement restrictions.
 - h. The provisions of Section 17.20.140.4.n notwithstanding, a message sign dedicated to announcing only community events and public service messages may also display the

name or logos of businesses, provided that the ~~portion of the sign identifying the businesses is not more than 25% of the total sign area and the~~ business names or logos are not part of the electronic message portion of the sign.

11. VARIANCES. Any deviation from the standards set forth in these regulations shall be by variance. No variance shall be approved without affirmative findings that the request fully satisfies the following criteria:
 - a. There are unique circumstances ~~of~~or conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.
 - b. Granting of the variance compensates for those circumstances in a manner equitable with other property owners and is not a special privilege to any business. Any variance granted shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.
 - c. Granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified public welfare considerations.
 - d. Granting a variance shall not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. Desire to match standard sign sizes (e.g., chain store signs) shall not be considered as a reason for a variance.
 - e. The need for a variance shall not be the result of condition created by the applicant or a previous owner.
 - f. The variance must be consistent with the purposes of this section.

12. [Repealed, Ord. 898]

July 21, 2015

Dan Fleishman
Director of Planning and Development
City of Stayton
311 N Third Ave
Stayton, OR 97383

Dear Mr. Fleishman,

Thank you for allowing us the opportunity to present the following proposed revision to the city's sign regulations.

Santiam Hospital is in the "Public/Semi-Public Zone" regulated by the Stayton Land Use and Development Code. Consequently, section 17.20.140(7) applies to signs on hospital property. As currently proposed, that rule permits 64 square feet of "total signage area on a property"—including all "wall, canopy, projecting, free-standing, and window signs" combined. Other sections of the code allow for "incidental" signs as well as "emergency" signs and other signs "related to public services or safety" that are not included in that 64-square-foot limitation. Sec. 17.20.140(3). However, any signs indicating the hospital name or logo must fit within the 64-square-foot restriction.

To allow greater signage on large buildings in the Public/Semi-Public Zone, Santiam Hospital proposes the following amendment to the Development Code:

Section 17.20.140(7)(b): Except as specifically provided in this rule, total signage area on a property shall not exceed 64 square feet. On a property with a building that is 100,000 square feet or greater, total signage for the property shall not exceed 600 square feet.

To our knowledge, this proposed amendment would apply to only two properties in the Public/Semi-Public Zone: Santiam Hospital and Stayton High School. No other properties in the Public/Semi-Public Zone have buildings 100,000 square feet or greater. Hospitals are required to have a number of directional signs, most of which are two sided.

We welcome your comments and feedback as we ask the council for its consideration of this proposed revision.

Sincerely,



Terry Fletchall
President & CEO

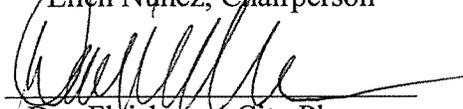
Code, as presented in a document entitled, "Proposed Amendment to the Sign Regulations in the Stayton Land Use and Development Code, For Planning Commission Public Hearing, July 27, 2015," with the following changes:

- Add a provision in Section 17.20.140.7.b to allow uses in the P zone with more than 100,000 square feet of floor area to have up to 600 sq ft of sign area.
- Exempt public safety facilities such as police, fire, and hospitals from any sign area maximum regulations.
- Change the message change time for electronic message signs to be based on a formula based on sight distance the sign is visible and speed limit of the street.
- Allow graphics on an electronic message sign.



Ellen Nunez, Chairperson

7-30-15
Date



Dan Fleishman, City Planner

7/30/15
Date

***Safety Impacts of the Emerging Digital
Display Technology for Outdoor
Advertising Signs***

Requested by:

American Association of State Highway
and Transportation Officials (AASHTO)

Subcommittee on Traffic Engineering

Prepared by:

Jerry Wachtel, CPE
President, The Veridian Group, Inc.
Berkeley, California

January, 2009

EXECUTIVE SUMMARY

In July 2007, the Highways Subcommittee on Traffic Operations (SCOTE) of the Association of State Highway and Transportation Officials (AASHTO) issued a proposed policy resolution on outdoor advertising. This document recognized that inattentive driving was a major contributor to highway crashes, and that new technologies were enabling the outdoor advertising industry to display more attention-getting messages that were likely to cause drivers to be less attentive to the driving task. The document further noted that national interest and concern about the safety implications of these advanced outdoor advertising displays had been expressed by FHWA and TRB as well as by State and local government agencies. Because the subcommittee recognized the potential safety implications of such signs and the lack of "substantiating evidence" for determining appropriate guidelines for their control, SCOTE resolved to support the undertaking of research as quickly as possible into the safety and operational effects of these technologies and to forward its resolution to the AASHTO Standing Committee on Highways to be considered a high priority project for consideration by the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP). The SCOTE resolution became a Research Problem Statement [(NCHRP 20-7 (256))], which led to the undertaking of this work in February 2008.

The specific objective of the study was to develop guidance for State Departments of Transportation and other highway operating agencies with respect to the safety implications of digital display technology being increasingly used for outdoor advertising signs. The objective was to be achieved through the conduct of a critical literature review of existing guidelines and research results, including, separately, research undertaken and published by the outdoor advertising industry; an identification of the human factors elements related to the operational characteristics of such signs; a review of the experiences of other countries with this outdoor advertising sign technology; and the preparation of a final, peer reviewed, report documenting the work conducted and including recommended guidance related to the safety aspects of digital display technology for outdoor advertising signs.

Earlier reports published by FHWA in 1980 and 2001 had extensively reviewed the research literature in the field of outdoor advertising, and an FHWA study that ran concurrently with this project also included a review of the more recent research literature. The goals of the FHWA study, however, were quite different than those of the project reported here. Whereas this study had as its objective the development of guidelines that State and local government agencies could adopt immediately, the FHWA study sought to identify unmet research needs with regard to the potential impact of these signs on driver attention and distraction, and to propose a research strategy to fill these knowledge gaps. Thus, the two studies, conducted concurrently, were complementary - this one seeking to develop readily useable guidelines that could be implemented at the State and local level based on our existing knowledge base, and the other seeking a more comprehensive understanding of the safety implications of these signs that might lead to guidance and/or regulation at the Federal level.

Because the technologies used in the signs of interest in this report are relatively recent, and because these technologies have advanced quickly in key performance characteristics (e.g. brightness, resolution, off-axis viewing) and have become much more affordable in recent years, research, too, has increased dramatically since the 2001 FHWA report. Indeed, of the 150 references cited in this report, more than 20 represent original, empirical research, conducted roughly within the past decade, that directly or indirectly address the potential for driver distraction from outdoor advertising signs. Ironically, and consistent with the research studies cited in the prior FHWA reports, the technology continues to lead both policy and research, and only a small number of these studies actually dealt with these advanced digital display technologies. Such research was, however, sponsored by government agencies as well as industry, in the laboratory and in the field, using controlled experimental techniques as well as statistical analysis of crash summaries. In addition to research conducted in the US, the report reviews studies performed in England, Scotland, Finland, Australia, Canada, South Africa, Brazil and The Netherlands. Because of the complexity of the issue, the number of variables present in every real-world situation, and the difficulties of statistical and methodological control in the conduct of such research, we have attempted to make our review of the literature critical as well as comprehensive.

Several conclusions can be drawn from the extensive literature on this topic. First, there are strong theoretical underpinnings in the psychology of cognition, perception, psychophysics, and human factors, to suggest why stimuli such as roadside digital billboards can capture and hold a person's attention, even at the expense of primary task performance. Second, it is difficult to perform a study in this domain that does not suffer, at some level, from weaknesses that may affect the strength or generalizability of its findings. Third, the research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations, especially in those studies performed in the past decade, regularly demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance. Fourth, the recommendations from research, and the existence of guidelines or regulations that stem from that research, are quite consistent, although not fully so, both in the areas in which digital billboards are suggested for control (e.g. brightness, message duration and message change interval, and billboard location with regard to official traffic control devices, roadway geometry, and vehicle maneuver requirements at interchanges, lane drops, merges and diverges), and with regard to the specific constraints that should be placed on such signs' placement and operation. Several countries have developed comprehensive, thoughtful policies for control of roadside advertising, and their efforts can serve as models for State and local governments within the US. A number of US counties and cities, too, have developed policies and regulations for the control of digital outdoor advertising that comport with the research. In some cases, such local regulations are forward looking, in that they address technologies, or applications of technology, that are not yet in widespread use.

During the course of this project, we identified several recent extensions of digital advertising technologies that may add further to the distraction potential of these displays. The growing use of LED technology for advertising in on-premise applications is of concern because such signs may be larger than traditional billboards, closer to the right-of-way and to roadway sections with high task demands, and may include animation and full motion video. At least one State is considering the use of its official changeable message sign network for the display of digital advertising. And an unknown number of private or toll-road operators are also contemplating the sale of advertising within their rights-of-way. In addition, we are seeing the deployment of LED displays, often featuring video, on vehicles moving in the traffic stream. Vehicles as diverse as small trucks and vans, public transit buses, and large, over-the-road trailers, are now being outfitted with LED advertising, and the potential for driver distraction grows with each such installation. Our review suggests that, with few exceptions, government agencies have no regulations or guidelines in place to address these new uses. The newest digital billboards are also increasingly capable of “interacting” with approaching drivers. In some cases, the Radio Frequency Identification Device (RFID) embedded in a vehicle’s key or on-board computer system, can trigger a personalized message on a digital billboard; in other cases, the billboard can display a message tailored to the radio frequency of passing vehicles. Still other billboards encourage drivers to interact with the sign by texting a message or calling a number displayed on the billboard. A patent that incorporates cameras mounted to billboards, together with eye-movement recording devices, claims to be able to capture images of drivers, and their eye movements, as they approach the billboard. Our review has not identified any government agencies, in the US or abroad, that have addressed these new technologies or their applications.

The report consists of ten parts. After an introduction and background presentation in Section 1, the literature in the field is comprehensively and critically reviewed. General research is discussed in Section 2, and research sponsored by the outdoor advertising industry is presented in Section 3. The key human factors issues that inform the potential response of drivers to digital roadside billboards are summarized in Section 4. Section 5 of the report reviews a representative sample of guidelines and regulations that currently exist in a number of foreign countries as well as in several jurisdictions within the US. This is followed by a series of recommendations for potential regulations and guidance in Section 6. These recommendations are those that (a) have worked elsewhere, and (b) are based on sound research or science, and therefore might have practical applications for those jurisdictions seeking guidance to inform their own decision-making. Section 7 addresses issues of digital advertising on-premise and on right-of-way. Section 8 discusses some of the newest roadway-related applications of computer-controlled LED advertising that have begun to appear on and adjacent to public roads in the US and abroad, and for which little policy has yet been considered. Section 9 summarizes the report’s conclusions, and Section 10 presents the list of references cited in the body of the report.

SECTION 6.

RECOMMENDATIONS FOR GUIDELINES

Based on the knowledge gained from the research reviewed in this project, as well as research conducted earlier and reviewed previously, good human factors practice, and guidelines or regulations developed or under consideration in jurisdictions throughout the US and world-wide, we have prepared a set of recommendations that State and local government agencies as well as private roadway operating authorities may wish to consider for use. We recognize that there are not yet comprehensive research-based answers to fully inform such guidance or regulation, and, given the complexity of the issue and the number of factors involved, it may be years before such results are available. Nonetheless, we have found, through the work undertaken for this project, that the research conducted within roughly the past ten years has quite consistently demonstrated empirical concern about driver distraction from roadside billboards, and has identified a number of DBB location and operational characteristics that seem to exacerbate the risk and/or consequences of such distraction, that the need for guidelines and/or regulations can be met within our current degree of knowledge. Indeed, of those research studies that have addressed driver distraction and roadside billboards, nearly every empirical study undertaken since 1995, including that by Lee et al., and sponsored by the outdoor advertising industry, have demonstrated that there is an adverse relationship between distraction and digital billboards.

MINIMUM MESSAGE DISPLAY DURATION (MESSAGE ON-TIME).

Perhaps the most contentious issue to be addressed in guidelines or regulations can be found in debates about the minimum duration of a message displayed on a DBB. For it is here that the goals of the DBB owner and those of the highway safety specialist are most at odds. Since roadside outdoor advertising is sold, to a large extent, on the number of drivers that pass the sign on a daily or hourly basis, and since certain times of day (e.g. rush hour) provide a larger audience, it is clearly to the sign operator's benefit to minimize the time for which any given message is presented so as to be able to offer more messages per unit time. There is, perhaps, a minimum display time below which both advertisers and regulators may agree that message display is unreasonable – for the advertiser because the time interval is too brief for a message to be read; for the traffic safety expert because the display obviously appears to “flash,” and flashing signs are almost universally prohibited.

We are not aware of any research that has been conducted on the effects on distraction of the duration of time that a message on a DBB remains visible before changing to the next message. The OAAA (Undated a) has, periodically, issued guidance to its members on minimum display duration. It recommends 4 s. The FHWA (Shepherd, 2007) has recommended a minimum 8 s duration, and the OAAA (Undated b) reports that 41 States have enacted message display minima, ranging from 4 to 10 s. To our knowledge there is no empirical basis for any of these recommended or required display intervals. Indeed, as

discussed below, good human factors practice would suggest that minimum display duration should differ with sight distance, prevailing speeds, and other factors.

Without the benefit of research, we must rely on human factors principles when attempting to develop a meaningful standard for minimum message duration. There are two human factors concerns that help to inform the analysis for this issue. First, it is widely understood that bright lights and visual change can draw the eye to a stimulus that is brighter than the surroundings, and/or exhibits movement or apparent movement. DBBs possess these properties, particularly at night and when they can be seen from considerable distances. In addition, the Zeigarnik Effect suggests that drivers will be attracted to attend longer to a display whose message changes as they approach it, in an effort to “complete” the viewing experience; in other words, to be able to look at a changeable message sign until he or she has seen the “complete” message. The simple way to minimize both of these potentially distracting effects of DBBs is to reduce to a minimum the likelihood that any given driver will observe an actual message change or to see more than a single displayed image. Given that any driver may come upon a given DBB at the moment of message change, regardless of the message duration, this objective cannot be met. However, it is not unreasonable to place a lower limit on message display duration to ensure that it is highly likely that motorists will be unable to see more than two successive messages (which would, by definition, include one message change). This can be accomplished by determining the sight distance and the prevailing speed (or the posted speed limit) for a road on which such a DBB appears, calculating the time for which a given DBB will be within the view of approaching drivers, and setting the minimum message duration at that interval or greater. Several jurisdictions have adopted this approach (see, for example, TEC, 1989; TERS, 2007). This is also the approach that was followed by the New York State Department of Transportation during the development of its draft regulations (NYSDOT, 2008a). The result of this analysis in New York was a proposed requirement for a minimum message display time of 61 s. (This proposed requirement was substantially reduced after a public comment period [NYSDOT, 2008b]). Of course, for different sight distances and different prevailing speeds, this minimum message duration would be different. Although a case-by-case process of setting minimum display durations would be optimum for traffic safety, it is likely that for both regulatory and enforcement purposes and for the ability of sign owners to establish standardized display intervals (and, hence, standardized advertising rates), it would be more practical for a road authority to establish only a small number of display duration minima, based on roads within their jurisdiction that operate with different speed limits and traffic characteristics.

Recommendation.

It is recommended that the following formula be used for calculating a minimum acceptable DBB display duration:

Sight distance to the DBB (ft) / Speed Limit (ft/sec) = Minimum display duration (sec).

INTERVAL BETWEEN SUCCESSIVE DISPLAYS.

There is little disagreement between those roadway authorities which have promulgated guidance or regulations concerning the interval between successive displays. It is clear and consistent that this time interval should be as close to zero as possible. Some jurisdictions define the change interval as “instantaneous,” others describe it as 0.1 s or less. The reason for this position is simple. Given that it is a combination of brightness and motion (real or apparent) that attracts a viewer’s gaze to a DBB, a perceptible dark or blank interval between successive displays will increase the sense of apparent motion (i.e. bright-dark-bright is more visually compelling than bright-bright).

Recommendation:

Regardless of how it is operationally defined, the interval between successive displays should be essentially zero, such that an approaching driver cannot perceive any blanking of the display screen.

VISUAL EFFECTS BETWEEN SUCCESSIVE DISPLAYS.

Even more so than the case for the display interval, regulatory authorities are in complete agreement that there should be no visual “special effects” of any kind during the transition between successive messages. It is clear that the screen should transition from one message to the next with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, or animation. Different jurisdictions have described such prohibited effects differently, but the purpose is the same – a seamless, imperceptible transition from one image to the next.

Recommendation.

No special visual effects of any kind should be permitted to accompany the transition between any two successive messages. (Of course, it is assumed that no special visual effects are permitted during the time that any message is displayed on the screen).

MESSAGE SEQUENCING.

Message sequencing is a term used to describe a single thought, idea, concept, message, or advertisement for a product or service that is divided into segments and presented over two or more successive display phases of a single DBB or across two or more individual DBBs. Like the old “Burma Shave” signs that lined the country’s roadways beginning in the 1920s (Vossler, 1997), the use of roadside advertising signs to communicate a message in segments is based on the premise of capturing and holding the driver’s attention throughout the time or distance chosen to present the complete message. This premise is, in turn, based on the understanding of the Zeigarnik Effect; or, as described in the Wikipedia entry, the signs were effective for “drawing the attention (of) passers-by who were curious to discover the punchline” (Wikipedia contributors, 2009).

We believe that sequencing should be prohibited, whether on a single sign or multiple signs. This can be effectively accomplished by establishing minimum longitudinal distances between DBBs, or by ensuring that the minimum message display time is sufficiently long that a driver cannot view more than two such messages on a given passage, or by a combination of both. Even more simply, restrictions can follow those promulgated by SANRAL, which state: succinctly: “no message may be spread across more than one advertisement” (SANRAL, 2000).

Recommendation.

Message sequencing should be prohibited.

AMOUNT OF INFORMATION DISPLAYED.

Other factors held constant, the more information that is presented on a DBB, the longer it will take an observer to read the message, and as shown in studies of official CMS, the more likely it will be that drivers will slow to read the message, adversely affecting traffic flow and safety. This concern is exacerbated in situations when a driver might want to memorize or memorialize part or all of a message displayed on a DBB. Dudek (2008), in discussing official CMSs using the latest LED technology, reports that about 85% of drivers can begin reading a message about 800 ft upstream of the sign if the sign uses character heights of 18 in. At a reading speed of one word per second (demonstrated in numerous studies), this translates to maximum message lengths of eight words at 55 mph, seven at 65 mph, and six at 70 mph (p. 9). One must keep in mind, however, that these message lengths assume a message optimized for legibility and readability. To the extent that message fonts, typefaces, colors, color contrast, and other factors detract from readability, these message lengths must be reduced.

To our knowledge, no US jurisdiction places restrictions on the amount of information that may be presented on billboards, including DBBs. As stated above, the amount of information on official traffic signs is controlled as a result of years of human factors research. Both the outdoor (OAAA) and on-premise sign industries (International Sign Association [ISA]) have, from time to time, provided guidance to their members about the relationship between the effectiveness of a sign and the amount of information presented on it.

Several government agencies outside the US have promulgated regulations or guidance that addresses this issue from the perspective of driver workload. Some limit the number of words or characters permitted on a sign; others restrict the number of bits of information that a sign may contain. Lengthy strings of numbers and/or letters, such as telephone or license plates numbers, or internet addresses, have come under scrutiny in a number of jurisdictions because of the demands that they may place on the driver.

There remains, however, a clear distinction between the efforts of highway and traffic safety experts on the one hand and the creators of outdoor advertising sign content on the

other, in the approach that they have followed to the design of messages meant to be read by drivers. The MUTCD and the research on which it relies recognize that road signs are something of a “necessary evil.” They are required to communicate warnings, regulations, guidance and other information to road users. But, because even official signs draw the driver’s eyes away from the principal task, such signs are designed to communicate their message quickly, clearly, and consistently. Advertisers, on the other hand, have demonstrated little predilection to follow these principles; rather, their goal is to attract the driver’s attention, and hold it long enough to communicate their message. For this reason, as well as others including brand identification and the need to compete with other signs for attention, billboards, including DBBs, tend to rely on bright colors, bold graphics, attention-getting images, and clever phrases to perform their job. Words and phrases may be presented anywhere on the sign face, including sideways and upside down, depicted in multiple fonts and typefaces that may be difficult and time-consuming to read. Color and contrast may draw attention to the sign and yet prove to be a challenge to the driver to read the message in the time available for it to be seen.

While it is not within the power of any government agency or road operating authority in the US to dictate the type or nature of display content or presentation, we believe that it is reasonable for such authorities to impose limits on the amount of information that can be presented. Precedent for guidelines on information content can be found in the work of duToit and Coetzee (2001) in South Africa, Martens (2009) in The Netherlands, and Dudek (2008) in the US. The basis for such control as used on official signs is presented in the MUTCD (2003) at Section 2E.21 (p. 2E-20).

Recommendations.

Specific upper limits on the amount of information that might be permitted on DBBs should differ depending upon sight distance, speed limits (or prevailing speeds), and driver task demands imposed by the design and operation of the roadway. Without specific research it would be premature to recommend such limits in this report. However, reasonable guidance based on relevant human factors research, as discussed in Section 5 of the present report, has been developed by SANRAL (2000) and for the highway authorities in The Netherlands (Martens, 2009), and might prove to be a useful starting point for interested agencies. Further, the work by Dudek (2008) and his colleagues provides valuable insights, although this research is targeted at official CMS.

It should be noted that the use of telephone numbers, internet addresses, text message instructions, etc., is potentially harmful to traffic safety because drivers may slow to read, record, or even copy such information while in traffic. Evidence of such traffic slowing has been shown by Dudek, et al. (2007) with regard to AMBER Alert messages on official changeable message signs. Figure 6 shows a DBB displaying a commercial message that includes a number of these elements.



Figure 6. A DBB adjacent to an interstate highway in California. The sign includes an internet address, text messaging instructions, characters in multiple colors, sizes and typefaces, poor figure-ground contrast, and several graphic elements too small to read.

INFORMATION PRESENTATION.

As discussed immediately above, considerable research in both the US and abroad has produced clear and consistent recommendations for display presentation characteristics that facilitate speed and ease of reading and rapid, unambiguous message interpretation. These recommendations, through years of development and constant refinement have resulted in uniform standards for official signs. The lessons learned from this research, and the adoption of the spirit of such standards by the outdoor advertising industry could produce DBBs that facilitate rapid, error-free reading of roadside advertisements with lower levels of driver attentional demand and distraction. Typeface, font, color and contrast of figure and background, character size, etc., all play a role in the legibility and readability of a display. Figure 6, above, shows the potential difficulty of reading a message presented on a DBB with several display features that are less than optimum for readability by approaching drivers.

Recommendations.

Specific recommendations for the design of DBB advertisements are beyond the scope of this report, and, possibly, outside the authority of regulators. This is an area, however, where considerable guidance is available to advertisers and DBB owners from sources inside the outdoor advertising industry as well as human factors and traffic safety experts, and the MUTCD itself. Stronger industry guidance and self-regulation regarding the design of information presentation on DBBs could go a long way toward reducing their potential for driver distraction.

DBB Size.

The larger the size of the DBB, the larger the images and characters that can be displayed on it, the brighter it can appear to be, and the greater the distance from which it can be seen and read.

In the US, the majority of DBBs erected to date, and, to the best of our knowledge, the majority of those contemplated in the near term, are one-to-one replacements for, or the same size as, existing conventional billboards. The most common size for such billboards adjacent to roadways is 14 ft by 48 ft in a horizontal format.

Regulations governing DBB size may be based on factors other than sight distance or legibility, such as zoning, land use, structural constraints, etc., and are beyond the scope of this report.

On-premise and vehicle-mounted digital (and video) signs, do not necessarily conform to these standards. The issue of DBB size in this context is briefly discussed in Section 6.

Recommendations.

Since the principal focus of this report is off-premise DBBs, recommendations for maximum sign sizes are inappropriate.

BRIGHTNESS, LUMINANCE AND ILLUMINANCE.

The issue of brightness, luminance, and illuminance is at once the most contentious, the most important, the most “public,” and the least well understood aspect of DBB operation and its potential for adverse impacts on approaching drivers. And yet, it is the issue that may be the most amendable to a solution that is satisfactory to DBB owners and operators, traffic safety experts and regulators, and the traveling public.

Brightness is a measure of the *perceived* intensity of a source of light. As described by Halsted (1993), “brightness is a subjective attribute of light to which humans assign a label between very dim and very bright (brilliant). Brightness is perceived, not measured... The response is non-linear and complex. The sensitivity of the eye decreases as the magnitude of the light increases” (p. 2). A DBB is constructed of thousands of Light Emitting Diodes (LEDs) that operate together to produce the myriad colors and levels of light that we see when we view such a sign. Thus, we may consider a DBB to be a source of light, although, in actuality, it is built of many individual sources. If we were to set a DBB to its maximum output and observe the sign in full sunlight, it would appear less bright to the human observer than it would if we viewed the same sign, at the same setting, at night. Similarly, if we viewed the sign at the same setting at night in a bright urban landscape it would appear less bright than if we viewed it in a dark rural environment. Accordingly, when trying to develop guidelines or requirements for the “brightness” of DBBs, what we really mean is that we need to establish objective, measurable limits on the amount of light that such billboards actually emit, and set different upper bounds for different environmental and ambient conditions. Such

conditions might include daylight in sun or clouds, dusk and dawn, adverse weather such as rain or fog, and nighttime conditions in urban, suburban, or rural settings. In short, “brightness” cannot be used as a criterion to regulate or provide guidance for the output of DBBs.

Whereas brightness measures the subjective, human perception of the DBB’s intensity, two objective measures are available for the actual measurement and establishment of limits. *Illuminance* describes the amount of light coming from a light source that lands on a surface. Horizontal illuminance describes the amount of light landing on a horizontal surface, such as the light reaching the surface of a desk or table from a lighting fixture mounted overhead. Vertical illuminance describes the amount of light landing on a vertical surface. For example, a light shining on a wall, or a vehicle’s headlights shining on a non-illuminated road sign. Illuminance is measured in *footcandles (fc)* or *lux (lx)*. *Luminance* describes the amount of light leaving a surface in a particular direction, or reflected off that surface, and can be thought of as the measured brightness of a surface as seen by the eye. Luminance is measured in *candelas per square meter (cd/m²)*, also referred to as the *nits* (one nit = one candela per square meter). A typical LCD computer monitor, for example, has a luminance of 300 nits or higher.

We might think of illuminance as the lighting *of* an object, and luminance as the light coming *from* an object. In the case of a traditional, static billboard that is illuminated at night by floodlights, as well as in the case of a DBB which uses LED technology that is often described as “self-luminous,” we are concerned with luminance, the light being emitted from the billboard rather than illuminance. Through a simple example, we can demonstrate how these two different measurement principles work, and why luminance is preferred for our application. If we shine a light onto a white wall, and shine the same light onto a dark grey wall from the same distance, the illuminance (the light falling on the wall) will be identical, but the luminance will be much lower for the grey wall, because it reflects back to the observer’s eye much less of the light striking it.

Both the Illuminating Engineering Society of North America (IESNA) in its standard RP-19-01, and the Commission Internationale de L’Eclairage (CIE), in its publication 111-1994 (both cited in Andersen, 2008a), discuss luminance values for road signs – externally and internally lighted signs in the first case, and changeable message signs in the second. In its discussion of sign brightness, the 3M Corporation says: “luminance is the best measure available to judge relative sign brightness” (3M, 2005).

With an important exception discussed below, the luminance of a DBB is relatively unimportant during a sunny day. However, it is precisely because a DBB must have a very high luminance capability to be visible in bright sunlight, that its output must be reduced at night, at dawn or dusk, or in inclement weather.

Through what some have called the “moth effect” (see, for example, Green, 2006) but may be more appropriately seen as a variant of the physiological mechanisms of phototropism or phototaxis, the eye is drawn to the brightest objects in the field of view.

Thus, other things equal, a brighter billboard will attract a driver's gaze earlier and, potentially, longer, than other visual stimuli in the environment that appear less bright.

At night, dawn or dusk, or in inclement weather such as rain or fog, where visibility conditions are poorer than in daylight, a bright sign can draw attention away from the road, official TCDs, and other vehicles, and can render signs lighted to a lesser degree more difficult to discern, particularly when the billboard and the official signs must be viewed at the same time. Similarly, vehicle rear lighting can become more difficult to see, and less conspicuous, if it is to be viewed at the same time, and within the same field of view, as a brightly lit DBB.

There is no single luminance level that can be established as a reasonable criterion because brightness (although not actual luminance) is dependent upon the surrounding environment in the context of which a particular DBB is viewed. Thus, for example, a DBB of the same size and luminance will appear to the driver to be much brighter if it is located in a rural area or along an unlit roadway, than it would if it was in a brightly lit urban environment or adjacent to a illuminated freeway.

All of the research identified in this report, and all of the identified regulatory authorities that have imposed billboard, including DBB, brightness limits, use luminance as their measurement approach. On the other hand, the OAAA uses illuminance. The discussion below highlights these differences and explains the implications of them for the setting of regulations or guidance.

On behalf of the New York State Department of Transportation, the Lighting Research Center of the Rensselaer Polytechnic Institute (Bullough and Skinner, 2008) prepared a document titled: "Technical Memorandum: Evaluation of Billboard Sign Luminance." The principal purpose of RPI's work was to provide NYSDOT with estimates of the luminance levels of existing, static, externally-illuminated billboards adjacent to State highways so that the State could make an informed decision about maximum luminance levels that might be permitted for DBBs using "self-luminous light sources such as light-emitting diodes (LEDs)" (p. 1). The work consisted of three steps – a review of recommendations and methods to calculate luminances from IESNA and industry sources; field measurements of the luminances of several billboards in situ; and a computer simulation of a billboard lighting installation based on industry recommendations.

The report describes the IESNA recommendations (Rea, 2000) for "illuminated billboard signs and other large advertising panels" (i.e. the dedicated, fixed lighting shining on the billboard to illuminate it at night) and identifies two factors that must be considered when applying these values. The first is the degree of reflectivity of the billboard itself – a dark-colored sign will reflect less light than will a light-colored sign (assuming that the lighting sources are equal). The second is the surrounding location – whether the billboard is located in a bright, typically urban, setting, or in a dark, typically rural setting. The IESNA values for billboards in bright surroundings is 1000 lux (abbreviated lx), and for dark surroundings, 500 lx. Assuming that a billboard had a white sign face

with a reflectance of 0.8, the luminance (L) of such a billboard (the amount of light reflected back from the sign) would be 250 candela per square meter (cd/m^2) in the bright environment, and $130 \text{ cd}/\text{m}^2$ in the dark setting. The authors then reviewed product information supplied by two billboard manufacturers and concluded that industry recommendations were in close accord with those recommended by the IESNA.

The researchers then recorded the luminance values for six conventional billboard faces and four LED billboard faces using a Minolta LS-100 luminance meter. Their measurement methods are well described in their report and won't be repeated here. They found that the LED billboards ranged from $160\text{-}320 \text{ cd}/\text{m}^2$ at night, with a mean value of $225 \text{ cd}/\text{m}^2$. The conventional billboards (excluding two faces that were apparently not illuminated) ranged from $150\text{-}240 \text{ cd}/\text{m}^2$ with a mean of $182.5 \text{ cd}/\text{m}^2$.

Bullough and Skinner next created a computer simulation model to determine whether they could reproduce their field measurements. Their model consisted of a 14 ft. by 48 ft. fixed, illuminated billboard with a white (0.8 reflectance) sign face and a 40 ft. tall mounting pole with reflectance of 0.25. Their virtual billboard installation was created in a simulated dark nighttime setting. They found that the luminance values of the billboard signs were generally consistent across their three tests, and they concluded that "it is probably reasonable to expect that the luminance of a conventional billboard would not be likely to exceed about $280 \text{ cd}/\text{m}^2$ during the nighttime" (p. 4).

When discussing luminance measurements for DBBs, the authors make several recommendations:

- Luminance measurements should be made directly in front of a sign.
- Because LEDs have higher light output at lower temperatures, measurements should be made within predefined, and consistent ambient temperature ranges.
- A luminance meter aperture of 1 deg or less should be used.
- Because LED billboards are composed of arrays of LEDs, their surfaces are not uniform. If viewed from very close distances, they will appear as an array of bright points against a dark background. Thus, a viewing distance of approximately 50 ft is suggested, since a 1-deg meter aperture would subtend approximately 10 in at this distance, sufficient to ensure uniformity of the display.
- Since light from the ambient environment adds to the recorded luminance, measurements should not be taken at distances greater than that suggested above.
- Measurements should be made while the sign display is white to present the maximum luminance values.

In its draft regulations, the State recognized that DBBs at night, if excessively bright, could not only cause distraction, but also could compromise dark adaptation, particularly for older drivers. (The potential for discomfort or disability glare was not discussed in the State’s proposal, but was briefly addressed in the RPI report). Based on RPI’s work and as a result of the State’s review of the billboard industry’s own published literature, the State initially recommended a “maximum brightness” for DBBs at night of 280 cd/m². This upper limit remained in force when the State issued its final regulations.

On behalf of the government of Queensland, Australia, TERS (2002) also described a specific measurement technique using luminance, and identified specific constraints for nighttime luminance levels. Appendix D to their report cites, as a basis for their guidelines, the research results from Johnson and Cole (1976) that “brightness from illuminated Advertising Devices directed at road traffic should be minimized under all conditions” (p. 20).

Similar to the work by RPI for NYSDOT, these authors indicate that the surroundings in which the billboard is located is a major factor that affects its brightness, given a particular luminance level. They have defined three “Lighting Environment Zones”

The maximum recommended luminance levels for billboards of all sizes, measured in cd/m², are as shown below:

Lighting Environment Zone 1	Lighting Environment Zone 2	Lighting Environment Zone 3
500 cd/m ²	350 cd/m ²	300 cd/m ²

TERS describes its luminance measurement methodology as summarized below:

- Allow the billboard to “burn in” for at least 100 hours.
- Use a luminance meter with a field of view of 2 degrees.
- Ensure that no ambient background area or spurious light source beyond the billboard is included in the field of view of the luminance meter.
- Take the measurement with the operator standing at the edge of the traveled way, in a direct line, and at a longitudinal distance from the billboard determined by a formula shown as:

$$x = 28a \text{ meters}$$

where x is the longitudinal distance from the billboard and a is the short dimension of the billboard. Thus, for a billboard that measures 14 ft. (4.3 m) in its shortest dimension, the measurement would be made from 120.4 meters (395 ft.) away.

- If the longer axis of the billboard is greater than 1.5 times the shorter axis, take a series of measurements and average the results to determine a mean luminance level for the entire sign face.

Although the luminance measurement distance recommended by TERS is greater than that proposed by RTI, there is a simple explanation for this apparent discrepancy. First, the measurement technique presented by TERS is for use with conventional billboards, and recognizes that there may be wide variations in luminance at different positions across the sign face. Thus, their measurement technique places the luminance meter sufficiently far from the billboard to take in the overall sign face without also including nearby ambient lighting sources. If the TERS measurement methodology were to be applied to a DBB, and if the measurements were to be made with a uniform white sign face, as proposed by RPI, then it is likely that the proposed measurement distances would be closer, recognizing that TERS suggests a 2 deg field of view and RPI suggests 1 deg.

Recommendations.

The measurement of luminance is reasonably straightforward, and, although there are some technical disagreements on how this measurement should be made, these differences are minor. Both New York State (Bullough and Skinner, 2008) and the Queensland (Australia) government (TERS, 2002) use equivalent methods, which are similar to the approach recommended by an FHWA expert in this field (Andersen, 2008b).

These methods can be adopted for use by any jurisdiction, with two caveats. First, although Queensland has explicitly recognized the need for different maximum billboard luminance levels depending upon different roadway environments, such ambient lighting conditions in the U.S. may differ from those in Australia, and State and local jurisdictions may wish to define their environmental surroundings to be in closer accord with local conditions “on the ground.” Second, given that luminance standards must establish maximum acceptable levels, it is important that the any measurement of DBBs in the field be done with the signs set to their maximum output, i.e. displaying a completely white screen. Because digital billboards can display an essentially infinite variety of colors and patterns, it is not appropriate to take field measurements of signs displaying actual messages, since, at any given time, such messages may not represent the maximum luminance values of which the sign is capable. (Figure 6 shows a DBB which, because of its color, may be representative of a low luminance level).

The OAAA, in its “Code of Principles on Digital Billboards” (OAAA, 2008) makes the following statement with regard to DBB luminance:

We are committed to ensuring that the ambient light conditions associates with standard-size digital billboards are monitored by a light sensing device at all times and that display brightness will be appropriately adjusted as ambient light levels change.

Although not included within its code of principles, the OAAA (2008) states:

The outdoor advertising industry has established guidelines after commissioning research by Dr. Ian Lewin, a former chairman of the Illuminating Engineering Society of North America (IESNA). Digital billboards, according to the standards, should have lighting levels no more than 0.3 foot candles (fc) above the level of surrounding ambient light conditions.”

Unfortunately, this research study is not available on the OAAA website, and OAAA officials refused our request for access to Dr. Levin’s research. The language reported by the organization on its website, however, suggests two problems with their approach. First, they used illuminance as their measurement technique, whereas other organizations used luminance. Second, the OAAA expert apparently recommended that DBBs be controlled such that their maximum display output is capped at a fixed amount (0.3 fc) greater than the surrounding environment. This specification may be inappropriate because illumination levels do not increase in linear fashion. Thus, a DBB with an output that is 0.3 fc higher than the ambient illumination in an urban environment (where the majority of DBBs are likely to be located) will appear to the driver to be much brighter than official TCDs and other traffic, whereas a DBB with an output that is 0.3 fc higher than that of a suburban or rural environment may not appear to be so extremely bright, and may be less likely to overwhelm important safety targets and signals of lower luminance.

There is one ambient lighting/weather condition that suggests a need for an exception to the recommendations that DBB luminance controls are unnecessary in daylight. This exception occurs during daytime fog. In daytime fog, the ambient lighting conditions may be described as high brightness and low contrast. The water vapor in the atmosphere scatters light sources and may cause glare. In dense fog, drivers may have difficulty seeing vehicles ahead of them, even when these vehicles have their lights on. Multi-vehicle crashes are not infrequent in dense fog, and this is often attributed to drivers being unable to see vehicles ahead of them in sufficient time and distance to stop. The very high luminance levels of which modern DBBs are capable, and to which they are typically set during daylight so as to be visible in full sunlight, may have a potentially deleterious effect in fog, especially if the DBB is placed so that it is close to the center of the driver’s focal vision upon approach, such as might be the case on a horizontal curve

As recommended by the OAAA, DBBs should be equipped with sensors that measure ambient brightness, and dimmers that can control the sign output to predetermined levels. Although necessary, this is not sufficient. These predetermined levels should be established by the means suggested above. Further, if the onboard sensors cannot detect daytime fog and adjust the sign’s output accordingly, jurisdictions should develop their own output limitations for these conditions.

The good news is that regulatory bodies and billboard companies seem to reach similar conclusions about the maximum luminance values that billboards should not exceed under defined conditions. If these two stakeholder groups can agree upon measurement

methods, environmental descriptors, and means for ensuring that limits are not exceeded, one of the key concerns about the distraction potential of DBBs could be close to resolution.

DISPLAY LUMINANCE IN THE EVENT OF FAILURE.

There are a number of failure modes that can affect the luminance of a DBB, and there have been reported cases of failures in which the display luminance defaulted to a level far higher than intended or permitted.

Although, as discussed above, the OAAA provides guidance on its website and in periodic reports about suggested upper limits on display luminance (which it calls brightness, and suggests that DBBs include a device to automatically control the sign brightness relative to the ambient environment, the organization is silent on the issue of luminance control in the event of system or subsystem failure.

Recommendations.

Roadway authorities should incorporate into their guidelines verifiable requirements that, in the event of any failure or combination of failures that affect DBB luminance, the display will default to an output level no higher than that which has been independently determined to be the acceptable maximum under normal operation. If this cannot be achieved, then the display should be required to default to an “off” position until the problem can be resolved.

LONGITUDINAL SPACING BETWEEN DIGITAL BILLBOARDS.

As noted by the OAAA, different States have widely varying longitudinal spacing requirements for billboards in general and DBBs in particular. These requirements are typically described by the distance in feet that the nearest billboards must be spaced from one another. Often there is a different spacing requirement for billboards on opposite sides of the road. From the perspective of potential driver distraction, however, longitudinal billboard spacing should not be based on absolute distance, but upon whether two or more such billboards are within the driver’s field of view at the same time, and, consequently, whether the unsynchronized changing messages on such billboards can distract by conveying the appearance of flashing. Accordingly, longitudinal spacing minima may vary depending upon prevailing travel speeds, sight distance, and topography, and thus may vary considerably from one location to another, even within the same jurisdiction.

Recommendations.

Governments or roadway operating authorities should establish minimum longitudinal spacing requirements for DBBs such that an approaching driver is not faced with two or more DBB displays within his field of view at the same time. This minimizes the risk of distraction and ensures that a flashing effect (that may be caused by two [or

more] different signs cycling through messages on different programs) will not occur. Any such longitudinal spacing requirements should address signs on both sides of the roadway. If a consistent spacing requirement is appropriate or necessary within any particular jurisdiction, then the most conservative spacing consistent with the above requirements should be established.

DBB PLACEMENT WITH RELATION TO TRAFFIC CONTROL DEVICES AND DRIVER DECISION AND ACTION POINTS.

Beyond the design and operational characteristics of DBBs themselves (brightness, display duration, etc.) perhaps the most important DBB characteristic with impact on traffic safety is the placement of such signs in relation to driver decision and action points, and to the traffic control devices (signs, signals and markings) that aid drivers in these decisions and guide them in these actions. Specifically, it is understood that the cognitive demands on drivers is greatest (other factors held constant) when they must position themselves to take an exit, enter a freeway, reduce or drop lanes, merge with other traffic, change route, etc..

The independent research reviewed for this report recognizes the importance of such constraints almost without exception, and the many jurisdictions, in the U.S. and abroad, that have published guidance and/or regulations nearly all address these concerns. And although these guidelines and restrictions are not fully consistent across regulatory agencies, they are remarkably similar. Although some published guidance and regulation is too vague to be useful in terms of enforcement potential or proven safety benefits. Others may well serve as a model that State and local governments, and other roadway authorities might adopt.

We believe that the adoption of objective constraints for DBB placement in relation to official TCDs, to intersections and interchanges, and to decision and action points is firmly justified because, to a great extent, the design and placement of TCDs themselves is the result of empirical research that has led to nationwide standards. Similarly, the design of intersections and interchanges, and of roadway design for safe and efficient traffic movements, is based on long-standing, well-researched, thoroughly documented principles. Accordingly, we believe that prohibitions against the placement of distracting irrelevant stimuli in roadway settings where drivers must make decisions and take actions should be imposed.

Recommendations.

The guidance provided by the government of Queensland, Australia is particularly well researched and documented, and might serve as a basis for US highway agencies. Similarly, the recommendations promulgated in New South Wales, Australia, are relevant, as is the guidance developed in South Africa, with specific regard to the placement of DBBs relative to official traffic signs.

ANNUAL OPERATING PERMITS.

There are several reasons why a Government agency or toll road or other roadway operating agency might want to rescind the operating permit for a DBB after initial approval. For example, traffic delays, crashes, or other operational difficulties may increase and the authority may attribute such difficulties to the presence or operation of the sign. New technologies may become available and used on the sign that the authorities find inappropriate. The sign may experience frequent failures or misoperation. The road abutting the sign may need to handle increasing traffic, or may need to be upgraded with additional lanes, interchanges, or signage, placing the DBB, after the fact, in a location that the authorities believe to be unsafe.

The City of Oakdale, Minnesota, as discussed in Section 5, grants annual permits to operate DBBs; the permits must be renewed each year. This allows the City to maintain oversight of sign operation, and facilitates updates to controlling legislation should new technologies emerge or should new operational data or research findings suggest needed changes to sign location or operation. Without such a process, a permitted sign may continue to operate unchecked, regardless of whether new information would suggest modifications to placement or operation.

Recommendation.

Government agencies and roadway operating authorities might consider the practice adopted in Oakdale, Minnesota, whereby owners of DBBs are granted a permit to operate a sign for a year, and must renew the permit annually.



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 17, 2015
SUBJECT: Ordinance 984 Regarding Control of Weeds

ISSUE

The issue before the City Council is the second consideration of Ordinance 984 Regarding Control of Weeds. The proposed ordinance amends Title 8 of the Stayton Municipal Code, to clarify the Scotch Broom is considered Noxious Vegetation and define the word "weed."

BACKGROUND INFORMATION

The Council approve the first consideration of Ordinance 984 at the August 3 meeting by a 4 to 1 vote. Because it was not a unanimous vote, a second consideration is required by the City Charter.

RECOMMENDATION

Staff recommends the City Council enact Ordinance 984 as presented.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the second consideration of Ordinance 984

Move to approve Ordinance No 984 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the motion is carried, Ordinance No. 984 is enacted and will be presented to the Mayor for his approval.

2. Retain the Code unchanged

No motion is necessary.

ORDINANCE NO. 984

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE
(SMC) TITLE 8, REGARDING CONTROL OF WEEDS**

WHEREAS, SMC Title 8, Chapter 8.04 controls noxious vegetation including weeds more than 10 inches in height;

WHEREAS SMC Section 8.04.010 does not adequately define the word “weed;”

WHEREAS, the Marion County Weed Control District annually publishes a list of weeds of concern;

WHEREAS, it is desirable to amend the code to clarify what is a weed;

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Definition of Noxious Weed Amended. The definition of Noxious Vegetation in SMC, Title 8, Chapter 8.04, Section 8.04.010 is hereby amended as follows:

NOXIOUS VEGETATION:

- a. Weeds more than 10 inches high;
- b. Grass more than 10 inches high and not within the exception stated in subsection 1 of this Chapter;
- c. Poison oak;
- d. Poison ivy;
- e. Blackberry bushes that extend into a public thoroughfare or across a property line;
- f. Vegetation that is:
 - i. A safety hazard because of the possibility of falling branches;
 - ii. A fire hazard because it is near other combustibles;
 - iii. A traffic hazard because it impairs the view of a public thoroughfare, otherwise makes use of the thoroughfare hazardous, or does not meet the sight distance triangle requirements contained in SMC Section 17.26.020.4.c) and d); ~~or~~
- g. Dandelions, hawkweed, Queen Ann’s lace, tansy ragwort, or other weeds that have gone to seed; ~~or~~ or
- h. Scotch broom.
- ~~h.i.~~ Noxious vegetation does not include vegetation that constitutes an agricultural crop unless that vegetation is a health hazard, a fire hazard, or a traffic hazard. (Ord. 977, December 2014)

Section 2. “Weed” Defined. SMC Title 8, Chapter 8.04, Section 8.04.010 is hereby amended to add a definition of the word “weed,” as follows:

WEED: Any plant on Marion County Weed District’s list of plants categorized as “Educate and Control” or “Immediate Action/Eradicate.”

Section 3. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of August, 2015.

CITY OF STAYTON

Signed: _____, 2015

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2015

ATTEST: _____
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

DRAFT



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Christine Shaffer, Finance Director
DATE: August 17, 2015
SUBJECT: Monthly Staff Report

Attached are the month-end reports for the major operating funds of the City. I have identified the following funds as the major operating funds: General Fund, Public Works Administration Fund, Library Fund, Water Fund, Storm Water, Sewer Fund, Street Fund and Swimming Pool Fund. If you have any questions, please let me know.

Departmental activity:

Utility Billing:	July 2015	June 2015
Number of Bills sent out	2,684	2,666
Delinquent Notices sent out	486	466
Courtesy Delinquent Notices sent to Landlords	142	146
Notified of Impending Shut off & Penalty	141	95
Customers with Interrupted Services Non-Payment	20	13
Services still Disconnected	0	0

Accounts Payable:

Number of Checks Issued	207	182
Total Amount of Checks	\$386,155.66	\$247,117.36

CITY OF STAYTON
FUND SUMMARY
FOR THE 1 MONTHS ENDING JULY 31, 2015

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	14,216.78	1,809,000.00	1,794,783.22	.8
CHARGES FOR SERVICES	383.00	7,200.00	6,817.00	5.3
GRANTS & CONTRIBUTIONS	2,089.82	1,500.00	(589.82)	139.3
FRANCHISE FEES	59,992.76	788,000.00	728,007.24	7.6
LICENSES, PERMITS & FEES	1,062.49	20,000.00	18,937.51	5.3
FINES & FORFEITURES	12,471.91	105,500.00	93,028.09	11.8
INTERGOVERNMENTAL	19,699.26	175,190.00	155,490.74	11.2
INTEREST	(533.33)	2,000.00	2,533.33	(26.7)
MISCELLANEOUS/TRANSFERS	5,881.69	402,455.00	396,573.31	1.5
	<u>115,264.38</u>	<u>3,310,845.00</u>	<u>3,195,580.62</u>	<u>3.5</u>
<u>EXPENDITURES</u>				
NON-DEPARTMENTAL	15,424.97	418,300.00	402,875.03	3.7
ADMINISTRATION	40,352.18	495,852.00	455,499.82	8.1
POLICE	187,058.58	1,968,841.00	1,781,782.42	9.5
PLANNING	12,822.70	181,340.00	168,517.30	7.1
COMMUNITY CENTER	6,944.55	89,948.00	83,003.45	7.7
PARKS	15,834.46	171,383.00	155,548.54	9.2
MUNICIPAL COURT	5,188.94	128,859.00	123,670.06	4.0
STREET LIGHTING	.00	116,685.00	116,685.00	.0
	<u>283,626.38</u>	<u>3,571,208.00</u>	<u>3,287,581.62</u>	<u>7.9</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 1 MONTHS ENDING JULY 31, 2015

PUBLIC WORKS ADMINISTRATION

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
INTEREST	.00	100.00	100.00	.0
MISCELLANEOUS/TRANSFERS	45.00	426,390.00	426,345.00	.0
	<u>45.00</u>	<u>426,490.00</u>	<u>426,445.00</u>	<u>.0</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	41,887.48	457,852.00	415,964.52	9.2
	<u>41,887.48</u>	<u>457,852.00</u>	<u>415,964.52</u>	<u>9.2</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 1 MONTHS ENDING JULY 31, 2015

LIBRARY FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	1,205.63	157,262.00	156,056.37	.8
CHARGES FOR SERVICES	2,338.95	82,647.00	80,308.05	2.8
GRANTS & CONTRIBUTIONS	.00	25,200.00	25,200.00	.0
LICENSES, PERMITS & FEES	2,724.00	13,000.00	10,276.00	21.0
FINES & FORFEITURES	826.06	12,000.00	11,173.94	6.9
INTERGOVERNMENTAL	.00	1,351.00	1,351.00	.0
INTEREST	.00	400.00	400.00	.0
MISCELLANEOUS/TRANSFERS	.00	120,000.00	120,000.00	.0
	<u>7,094.64</u>	<u>411,860.00</u>	<u>404,765.36</u>	<u>1.7</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	<u>37,265.58</u>	<u>446,550.00</u>	<u>409,284.42</u>	<u>8.4</u>
	<u>37,265.58</u>	<u>446,550.00</u>	<u>409,284.42</u>	<u>8.4</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 1 MONTHS ENDING JULY 31, 2015

WATER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	206,778.59	1,754,000.00	1,547,221.41	11.8
LICENSES, PERMITS & FEES	3,545.88	30,000.00	26,454.12	11.8
INTEREST	.00	4,000.00	4,000.00	.0
MISCELLANEOUS/TRANSFERS	591.20	2,000.00	1,408.80	29.6
	<u>210,915.67</u>	<u>1,790,000.00</u>	<u>1,579,084.33</u>	<u>11.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	120,494.63	2,109,665.00	1,989,170.37	5.7
	<u>120,494.63</u>	<u>2,109,665.00</u>	<u>1,989,170.37</u>	<u>5.7</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 1 MONTHS ENDING JULY 31, 2015

STORM WATER ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CHARGES FOR SERVICE	19,819.78	260,000.00	240,180.22	7.6
INTEREST	.00	200.00	200.00	.0
MISCELLANEOUS/TRANSFERS	.00	240,000.00	240,000.00	.0
	<u>19,819.78</u>	<u>500,200.00</u>	<u>480,380.22</u>	<u>4.0</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	13,567.20	447,205.00	433,637.80	3.0
	<u>13,567.20</u>	<u>447,205.00</u>	<u>433,637.80</u>	<u>3.0</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 1 MONTHS ENDING JULY 31, 2015

SEWER ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CHARGES FOR SERVICES	239,444.21	2,997,498.00	2,758,053.79	8.0
INTEREST	.00	12,500.00	12,500.00	.0
MISCELLANEOUS/TRANSFERS	.00	12,500.00	12,500.00	.0
	<u>239,444.21</u>	<u>3,022,498.00</u>	<u>2,783,053.79</u>	<u>7.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	114,229.70	3,784,956.00	3,670,726.30	3.0
	<u>114,229.70</u>	<u>3,784,956.00</u>	<u>3,670,726.30</u>	<u>3.0</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 1 MONTHS ENDING JULY 31, 2015

STREET FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	7,189.17	84,000.00	76,810.83	8.6
INTERGOVERNMENTAL	167,914.94	511,876.00	343,961.06	32.8
INTEREST	.00	900.00	900.00	.0
MISCELLANEOUS/TRANSFERS	1,935.05	50,250.00	48,314.95	3.9
	<u>177,039.16</u>	<u>647,026.00</u>	<u>469,986.84</u>	<u>27.4</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	13,188.48	878,552.00	865,363.52	1.5
	<u>13,188.48</u>	<u>878,552.00</u>	<u>865,363.52</u>	<u>1.5</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 1 MONTHS ENDING JULY 31, 2015

SWIMMING POOL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	1,324.93	159,750.00	158,425.07	.8
GRANTS & CONTRIBUTIONS	.00	10,000.00	10,000.00	.0
INTEREST	.00	250.00	250.00	.0
MISCELLANEOUS/TRANSFERS	.00	15,000.00	15,000.00	.0
	<u>1,324.93</u>	<u>185,000.00</u>	<u>183,675.07</u>	<u>.7</u>
 <u>EXPENDITURES</u>				
DEPARTMENT 86	14,686.98	205,928.00	191,241.02	7.1
	<u>14,686.98</u>	<u>205,928.00</u>	<u>191,241.02</u>	<u>7.1</u>



CITY OF STAYTON
MEMORANDUM

TO: Mayor Henry Porter and the Stayton City Council
FROM: Rich Sebens, Chief of Police
DATE: August 17, 2015
SUBJECT: Staff Report

Below you will see the stats for the Police Department for the month of July 2015.

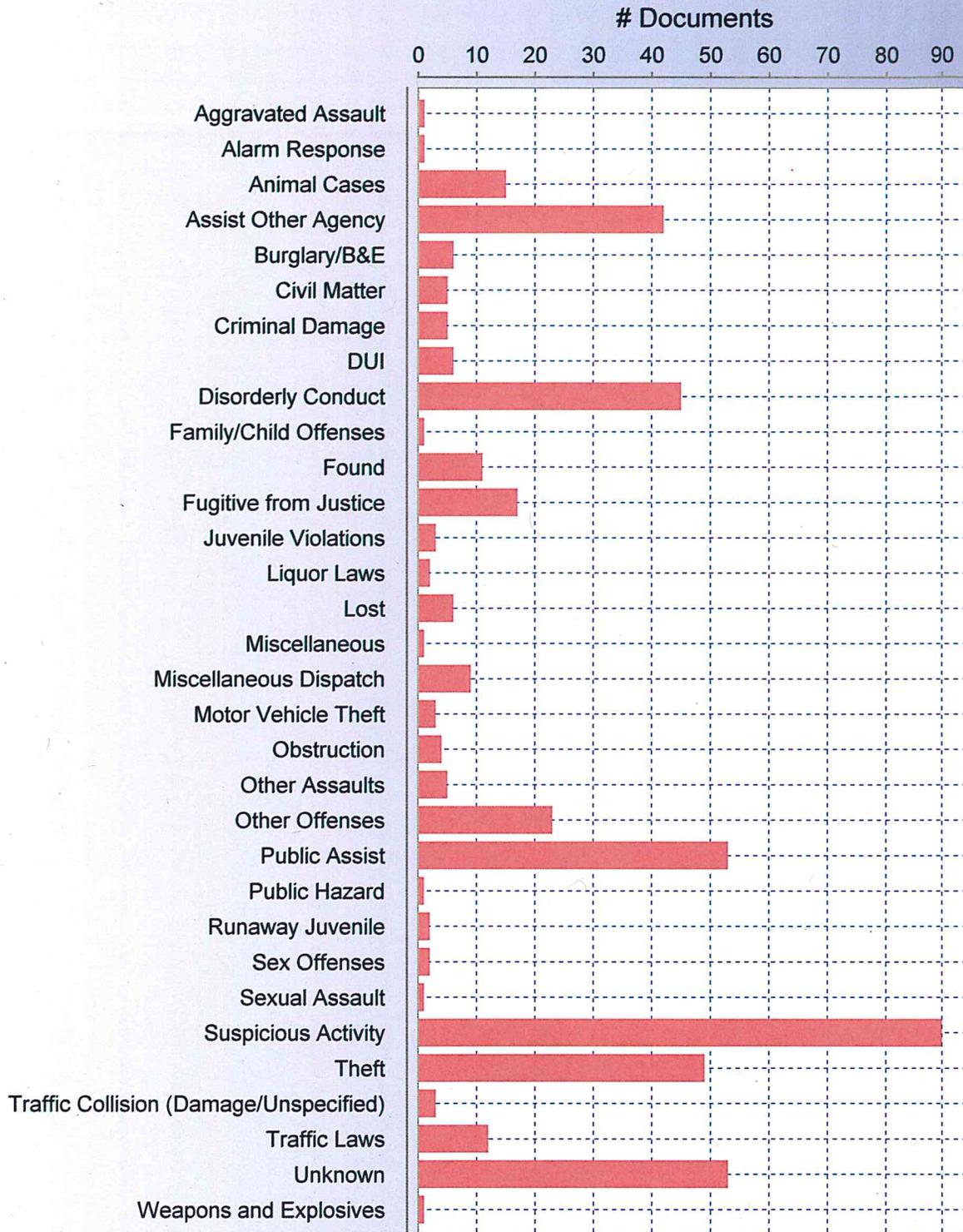
	July 2015	Year to Date 2015	July 2014	Year to Date 2014
Police Activity	844	5331	739	4779
Investigated Incidents	425	2250	183	1561
Citations/Warning	79/145	1793	138	833
Traffic Accidents	8	56	12	46
Juvenile Abuse	2	19	1	20
Arrests	50	296	47	353
Reserve Volunteer Hrs.	507	2644	206.25	1682.50
Citizen Volunteer Hrs.	5	25	24	146
Peer Court Referrals:	6	39	4	27

**STATION POLICE DEPARTMENT
CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS
7/1/2015 - 7/31/2015**

	CRIMES				CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED			
	7/1/15 to 7/31/15		1/1/14 to 1/1/14		7/1/15 to 7/31/15		1/1/14 to 1/1/14		7/1/15 to 7/31/15		1/1/15 to 7/31/15		7/1/15 to 7/31/15		1/1/15 to 7/31/15	
	7/1/15 to 7/31/15	1/1/15 to 7/31/15	7/1/14 to 7/31/14	1/1/14 to 1/1/14	% Change Yr to Yr	7/1/15 to 7/31/15	1/1/15 to 7/31/15	7/1/14 to 7/31/14	1/1/14 to 1/1/14	7/1/15 to 7/31/15	1/1/15 to 7/31/15	7/1/14 to 7/31/14	1/1/14 to 1/1/14	Juv	Adult	Total
NON-CRIMINAL																
ACCIDENT-INJURY	0	5	8	-37.5%												
ACCIDENT-PROPERTY	3	31	22	40.9%												
ALL OTHER NON-CRIMINAL	298	1,597	942	69.5%												
NON CRIM DOMESTIC DISTURB	16	90	46	95.7%												
NON-CRIMINAL TOTALS	317	1,723	1,018	69.3%												
PERSON																
AGGRAVATED ASSAULT	0	4	11	-63.6%												
KIDNAPPING	0	0	3	-100.0%												
NEGLIGENT MANSLAUGHTER	0	0	0	0.0%												
OFFENSE AGAINST FAMILY	0	2	0	0.0%												
OTHER ASSAULTS	9	46	50	-8.0%												
RAPE	1	1	2	-50.0%												
RESTRAINING ORDER VIOLATION	0	6	7	-14.3%												
ROBBERY	0	2	1	100.0%												
SEX OFFENSES	1	11	13	-15.4%												
PERSON TOTALS	11	72	87	-17.2%												
PROPERTY																
ARSON	0	1	1	0.0%												
BURGLARY - BUSINESS	0	4	5	-20.0%												
BURGLARY - OTHER STRUCTURE	1	4	5	-20.0%												
BURGLARY - RESIDENCE	5	13	32	-59.4%												
COUNTERFEITING/FORGERY	0	1	5	-80.0%												
FRAUD	2	30	33	-9.1%												
LARCENY																
Pickpocket	0	1	0	0.0%												
Purse Snatching	1	2	0	0.0%												
Shoplifting	10	41	34	20.6%												
Theft from a Motor Vehicle	11	32	54	-40.7%												
Theft of MV Parts/Accessories	1	5	6	-16.7%												
Theft of Bicycle	3	11	21	-47.6%												
Theft from Building	6	14	17	-17.6%												
All Other Larceny	8	55	65	-15.4%												

	CRIMES			CRIMES CLEARED BY ARREST & EXCEPTION			PERCENT CLEARED			PERSONS ARRESTED		
	7/1/15 to 7/31/15	1/1/15 to 7/31/15	1/1/14 to 7/31/14	7/1/15 to 7/31/15	1/1/15 to 7/31/15	1/1/14 to 7/31/14	7/1/15 to 7/31/15	1/1/15 to 7/31/15	1/1/14 to 7/31/14	7/1/15 to 7/31/15	1/1/15 to 7/31/15	1/1/14 to 7/31/14
	7/1/15 to 7/31/15	1/1/15 to 7/31/15	1/1/14 to 7/31/14	7/1/15 to 7/31/15	1/1/15 to 7/31/15	1/1/14 to 7/31/14	7/1/15 to 7/31/15	1/1/15 to 7/31/15	1/1/14 to 7/31/14	Juv	Adult	Total
LARCENY	40	161	197	12	43	44	30.0%	26.7%	22.3%	1	14	15
MOTOR VEHICLE THEFT	3	8	13	1	1	4	33.3%	12.5%	30.8%	0	0	0
STOLEN PROPERTY	0	2	2	0	2	2	0.0%	100.0%	100.0%	0	0	0
VANDALISM	8	59	52	0	7	17	0.0%	11.9%	32.7%	0	0	0
PROPERTY TOTALS	59	283	345	15	63	85	25.4%	22.3%	24.6%	1	15	16
SOCIETY												
ALL OTHER	23	101	99	9	41	32	39.1%	40.6%	32.3%	1	4	5
ANIMAL	0	0	1	0	0	1	0.0%	0.0%	100.0%	0	0	0
CURFEW	4	14	4	4	14	4	100.0%	100.0%	100.0%	4	0	4
CUSTODY-MENTAL	0	4	6	0	3	6	0.0%	75.0%	100.0%	0	0	0
DISORDERLY CONDUCT	7	28	29	7	25	29	100.0%	89.3%	100.0%	0	7	7
DR WHILE SUSP	0	8	17	0	8	17	0.0%	100.0%	100.0%	0	0	0
DRIVING UNDER INFLUENCE	4	33	30	4	33	30	100.0%	100.0%	100.0%	0	4	4
ELUDING	0	3	0	0	2	0	0.0%	66.7%	0.0%	0	0	0
ESCAPE	0	1	1	0	1	1	0.0%	100.0%	100.0%	0	0	0
FAIL TO DISPLAY DL	0	3	0	0	2	0	0.0%	66.7%	0.0%	0	0	0
FUGITIVE	0	0	0	0	0	0	0.0%	0.0%	0.0%	0	0	0
HIT & RUN	5	21	21	0	7	6	0.0%	33.3%	28.6%	0	0	0
LIQUOR LAWS	3	9	17	3	8	17	100.0%	88.9%	100.0%	2	9	11
MIP TOBACCO	0	5	4	0	5	4	0.0%	100.0%	100.0%	0	0	0
NARCOTICS/DRUGS	1	40	31	1	39	30	100.0%	97.5%	96.8%	0	2	2
PROP RECOV - FOR OTHER AGENCY	0	1	3	0	0	0	0.0%	0.0%	0.0%	0	0	0
RECKLESS DRIVING	0	1	4	0	0	4	0.0%	0.0%	100.0%	0	0	0
RUNAWAY	2	8	10	2	7	10	100.0%	87.5%	100.0%	2	0	2
SEX OFFENSES	0	3	0	0	1	0	0.0%	33.3%	0.0%	0	0	0
TRESPASS	8	47	22	6	34	17	75.0%	72.3%	77.3%	0	1	1
VEH RECOV - FOR OTHER AGENCY	0	1	0	0	1	0	0.0%	100.0%	0.0%	0	0	0
WARRANT	14	71	90	14	70	90	100.0%	98.6%	100.0%	0	0	0
WEAPONS	0	3	9	0	3	9	0.0%	100.0%	100.0%	0	0	0
SOCIETY TOTALS	71	405	398	50	304	307	70.4%	75.1%	77.1%	9	45	54
GRAND TOTALS	458	2,483	1,848									

Crime Types



■ All Crime Types



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Kelli Stevens, Administrative Assistant
DATE: August 17th, 2015
SUBJECT: Public Works Monthly Operating Report for July 2015

- | <u>KEY ACTIVITIES</u> | <u>STATUS</u> |
|------------------------|---|
| • WWTP Facility | Effluent flows: 25.96 million gallons were treated during July. The highest flow was 1.01 million gallons on July 22nd and the lowest flow was 0.67 million gallons on July 19th. The average flow was 0.84 million gallons. Total rainfall for July was 0.05 inches. |
| • WTP | Highest production day was 6,557,000 gallons on July 18th, 2015. |
| • Water System | Replaced six meters. Cleaned sand filters #1 & #2. Installed 100 new radios. Repaired water service at 1048 Ridgefield. Repair to a water line at 415 Elwood. |
| • Streets | Swept 40 curb miles and removed approximately 15 cubic yards of material. |
| • Parks | Volunteers: Community Service – 0 hours, Volunteer – 0 hours, Life skills High School Students – 0 hours. Total = 0 hours. |

• **Building Permits**

<u>Permit Type</u>	<u>Issued</u>	<u>SDC's Paid</u>
New Single Family Dwelling	3	\$36,368.00
Residential Building Addition/Alter/Other	0	0
Commercial Building Addition/Alter/Other	3	0
Electrical	0	0
Mechanical	0	0
Plumbing	0	0
TOTAL	5	\$36,368.00

One (1) Residential SDC = \$10,357.00 + \$670.00 for Mill Creek SDC + Storm Water SDC \$1861.00 or \$2669.00



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Planning and Development Director
DATE: August 17, 2015
SUBJECT: Report of Activities for July, 2015

Enforcement Activity Highlights

Sent one letter regarding a recreational vehicle in the front yard of a lot, seven warning letters regarding unmowed grass and four notices of violation regarding unmowed grass. The City hired a contractor to mow the grass at two properties.

Planning & Development Activity Summary

Letters went out to property owners encroaching on alleys, enclosing a Right of Way Encroachment Permit form.

Working with Public Works Department staff, improvements to the Geographic Information System continued



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Porter and the Stayton City Council
FROM: Katinka Bryk- Library Director
DATE: August 17, 2015
SUBJECT: July Library report

The children have been enjoying a juggler, a storyteller, a magician and a musician for special Summer Reading Programs on Thursdays. One Tuesday there was a scientist from Evergreen Aviation who had them build rockets and on another an astronomer who taught them about the moon..

Trivia Night hosted by the library at Ugo's was a blast for teens and adults. Upcoming trivia night is Tuesday August 18th. We may continue it into the fall as it is so popular. The teens have been creating costumes and backdrops for the Murder Mystery Party on Saturday August 1st. There are eight characters and the participants work through the clues to the villain.

The adult book club, Tea Time for Book Lovers, read *The Amazing Adventures of Kavalier and Clay* by Michael Chabon. It is a fascinating book about the birth of the superhero comic strip.

The Library and the Friends of the Library had booths at the Santiam Summerfest. The Library did face painting and provided interactive street art in the form of hopscotch and a twisting path with activities at each station. We handed out over 70 newsletters to customers while their children were getting their faces painted like tigers or bats or with flowers. It was a successful and fun way to have library staff out of the building and in the community.

Miss Lisa, the Outreach Storyteller, has been a presence at free summer lunches throughout the community. She has a small table and a crate of books from which the children and families can pick one to read during lunch. She also does a story time during lunch. It has been successful in continuing to build her relationships with young children and their families.

2015-2016 Monthly Library Statistics

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2014-15 FY	2015-16 YTD
TOTAL CHECKOUTS	13,247												116,534	13,247

OTHER CIRCULATION SERVICES

Self check out	4,841												20,821	4,841
Library2Go (ebooks +)	845												6,658	845

INCOME RECEIVED

Non-resident cards	\$780.00												\$7,002.50	\$780
Fines: overdue & lost books	\$826.06												\$12,303.09	\$826
Room fees	\$1,944.00												\$4,235.00	\$1,944
TOTAL													\$23,540.59	\$3,550.06

REFERENCE QUESTIONS

In-Person, by phone and computer help	598												5,967	598
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NEW PATRON CARDS

	126												1,220	126
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INTERNET USE

	1,421												16,312	1,421
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PROGRAM ATTENDANCE

Children/teens	617												4,779	617
Adults	472												2,978	472
Outreach	834												4,183	834
TOTAL													11,940	1,923

MEETING ROOM ATTENDANCE

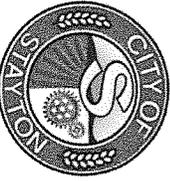
	1,089												10,676	1,089
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PATRON VISITS

	8,085												85,386	8,085
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VOLUNTEER HOURS

	263												2,157	263
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CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the meeting, and should be submitted to staff. Please wait for recognition from the Mayor prior to addressing the Council.

Name (please print): Kelly Schweiber

Address: 175 E High St Stayton
Street City State Zip

Topic: Sign code ordinance

Speaking in...
Support of _____ Opposition to _____ General Testimony

Comments: General - responsible sign management
5 second hold time - Staff recommended 30 sec timing -
heads recommended 6-10 sec

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.



CITY OF STAYTON REQUEST FOR RECOGNITION

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Name (please print): BRE, Petersson

Address: Breeze & Co, First Ave Stayton, Ore,
Street City State Zip 97383

Topic: SLGN/Portable

Speaking In...

Support of _____

Opposition to _____

General Testimony

Comments: question - Review Plans for All Frames made enforce.

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning & Development Department at (503) 769-2998, or call the office located at 211 N 3rd Avenue Stayton 97383.

SCRIPT TO BE READ AT COMMENCEMENT OF PUBLIC HEARING

Good evening, my name is Hank Porter, the Mayor of Stayton and I will be presiding over this hearing. This is the time and place set for the public hearing in the matter of Land Use File #8-07/15, concerning legislative amendments to the Land Use Development Code regarding sign regulation.

This hearing is now open.

At the back counter is the agenda for this evening's meeting, which lays out the order in which people will be called on to speak during the public hearing, a copy of the proposed amendments, the City Council's Rules of Procedure for Land Use Public Hearings, and a brochure written to facilitate your participation in the public hearing. You are encouraged to obtain and read a copy of these documents as well.

At this time I would ask the audience if there are any objections to the notice for this hearing. I hear none (if there are none). To the jurisdiction of this body to hear and consider this matter? I hear none (if there are none). Are there any declarations of conflict of interest; ex parte contact or bias by any members of this body? I hear none (if there are none).

We are now ready for the staff report.

CLOSING STATEMENT

The City Council's decision may be appealed to the Land Use Board of Appeals within 21 days in accordance with ORS 197.830.