

Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon

Development Review Board – Panel B
Minutes–June 26, 2017 6:30 PM

Approved
August 28, 2017

I. Call to Order

Chair Shawn O’Neil called the meeting to order at 6:32 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Shawn O’Neil, Richard Martens, Aaron Woods, Samy Nada, and Samuel Scull

Staff present: Daniel Pauly and Barbara Jacobson

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. Consent Agenda:

A. Approval of minutes of May 22, 2017 meeting

Daniel Pauly, Senior Planner, stated Mr. Woods had noted on Page 11, the first sentence under Board Member Communications should be corrected to read, “Heberlein was elected as DRB Panel B A Chair.”

Samuel Scull moved to approve the May 22, 2017 DRB Panel B meeting minutes as corrected. Samy Nada seconded the motion, which passed unanimously.

VI. Public Hearing:

A. Resolution No. 336 Meridian Creek Middle School Electronic Readerboard: West Linn-Wilsonville School District - Applicant/Owner. The applicant is requesting approval of a Class 3 Sign Permit and Waiver to allow the previously approved manual change message center on the monument sign for Meridian Creek Middle School to be converted to a digital sign. The subject property is legally described as Tax Lot 2000 of Section 18, Township 3 South, Range 1 East, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon.
Staff: Daniel Pauly

Case Files: DB17-0018 Class 3 Sign Permit with Waiver

The following items were entered into the record:

- Exhibit A3: Memorandum dated June 23, 2017 from Daniel Pauly in response to Exhibit B3 from the Applicant.
- Exhibit A4: Picture of two readerboard size options displayed at the back of the meeting room by Staff.
- Exhibit B3: Memorandum dated June 21, 2017 from Keith Liden, Bainbridge, regarding the requested modification and enlargement of the previously approved middle school sign.

Chair O’Neil called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. Aaron Woods, Richard Martens, Samy Nada, and Chair O’Neil declared for the record that

they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Daniel Pauly, Senior Planner, announced that the criteria applicable to the application were stated on pages 1 and 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Pauly presented the Staff report via PowerPoint, briefly reviewing and noting the project's location and surrounding features with these key comments:

- When the middle school came to DRB Panel A initially in February 2016, the school district elected to make the readerboard manual like most of the readerboards for Wilsonville schools. Because the Applicant now wished to switch to a digital readerboard, a waiver was required, so it was before the DRB. The Applicant was requesting one two additional waivers: one for the electronic changeable copy sign, and the other for the approximate 5 sq-ft sign area increase as noted in the memorandum sent out earlier in the week.
- After last month's discussion, and having been involved when the current Sign Code was adopted, he said he wanted to review the strange language the Code had under prohibited signs. Approximately 15 different types of signs were on the prohibited signs list, and two had particular language stating that digital readerboards were prohibited, but could be approved by the DRB: changeable copy signs and signs that moved in the wind, like the changeable banners approved via waiver through the DRB for World of Speed.
- In hindsight, the two types of prohibited signs probably should have been separated more clearly in the Code to differentiate between signs prohibited outright in all circumstances, and signs that could be approved if deemed appropriate and that satisfied the purpose of the Sign Code by meeting waiver criteria.
 - For the subject sign, a waiver and some specific conditions were required. One condition required automatic dimming technology. Because new technology resulted in brighter lighting even at the same wattage, this technology ensured that digital signs would have a similar brightness and visual impact as a static or backlit sign. Automatic dimming technology would allow for adjusting the light level on rainy days and also for adhering to the City's luminance limits.
- In addition, changing image and changeable copy were specifically defined in the Sign Code, but might not be readily understood. A changing image sign was outright prohibited and defined as a sign that through lighting or other means had the appearance of movement or copy change frequency of less than 15 minutes. A changeable copy sign with a copy frequency change of 15 minutes or more could be conditionally permitted by the DRB. That 15 minutes was significantly more than similar regulations in other jurisdictions, but it reflected the idea that these signs were equivalent of static signs, but the DRB needed to review them carefully to ensure that the conditions that would keep them of a similar impact to a static sign were met.
- He provided a brief history of why changes were made to the Sign Code in 2012, explaining that the changes enabled Staff to review and administer some sign and sign change approvals, while certain review and approvals were still required to come before the DRB, including monument signs more than 8-ft high and changeable copy signs.
- Due to concerns about how future technology changes might impact the community, the Planning Commission wanted to ensure the DRB could discuss whether to allow a changeable copy sign. However, the intent was not necessarily to prohibit the signs, but that was where it ended up in the Code. The language outside of the context of the Code heading made a lot more sense than looking at the actual Prohibited Code section heading; however, that was where it was and at the time, Staff did not see any reason to move it to a different section. After speaking with City Attorney Barbara Jacobson and Planning Director Chris

Neamtzu, it made sense to make some minor Code edits to clarify which of those signs was outright prohibited versus conditionally permitted.

- He noted that for any signs requiring a waiver, content could not be considered and the sign should not impact safety, but particularly traffic safety. The Board must consider whether the sign improved function and aesthetic design, and whether it would be as compatible and complementary as a sign that would be approvable without the waiver.
- As outlined in the Applicant's memorandum, it was not caught right away that the original sign design was actually over the allowed size limit.
 - For context, a building of this size in a commercial/industrial area would be allowed to have a 64 sq ft sign. When the Code was written, there was concern that size of sign would be too large in a residential area because schools were generally across the street or adjacent to residential areas, so a specific requirement limited any signs in the Public Facilities Zone, which included schools adjacent to residentially-zoned land, to 32 sq ft. However, the location of the subject sign was unique. Schools like Boeckman Creek, Boones Ferry, the high school, Wood Middle School, and Lowry, all had their signs in frontages directly adjacent to or across the street from residential developments.
 - The proposed middle school was unique in that a city park would be across the street in the future. It was also removed a bit from residential property to the north that was not expected to be developed anytime soon. Because the context of the proposed sign was different, Staff believed it made sense to allow it.
 - The Applicant wanted to keep the same technology throughout the school district so the readerboard could be operated consistently and easily by anyone. Any reduction required to get under the 32 sq ft mandate would come from the address portion of the sign, which could be done.
 - The main issue in looking at whether the function of the sign deserved a sign waiver was to look at the sign's legibility. He displayed a photo, entered into the record as Exhibit A4, to show the legibility of two different sign sizes, noting the 13.3 sq ft sign would be closer to the door, and the smaller 8 sq ft sign would be toward the windows. It was a difference of about 5 sq ft.
 - The school district said they could meet the Code, but all things being equal, the larger sign would be more legible and possibly more proportional to the rest of the sign. He also displayed a blow up of the proposed text to show how it would fit on the different sizes of sign.

Samy Nada asked if any other existing signs in the city ~~that~~ had been approved at the same size.

Mr. Pauly responded he was sure there were, but he had not done an inventory of signs that were 8 sq ft high and could not readily identify any. He confirmed the Code was the same as it had been on May 22, 2017. No Code amendments had been made since that date, so the Board was operating under the same parameters as the last meeting.

Chair O'Neil noted Mr. Pauly had mentioned a consideration of proposed Code changes and asked if it was likely those changes would be made.

Mr. Pauly responded he was not able to say at this point as it was very preliminary and had not been discussed with the decision-makers. The suggested changes would not really change the policy but would better reflect the legislative intent. Looking at the legislative intent always involved a three-pronged test: looking at the precise language in the regulation, the surrounding language to see if that provided clarification, and the legislative intent. In looking at the legislative record, it was clear that this was coming. Changeable copy signs were essentially allowed; the City Council wanted them reviewed carefully when they did come up, but not to necessarily prevent them entirely.

Barbara Jacobson, City Attorney, stated she had nothing to add and confirmed the Code was exactly as it was the last time these issues were discussed, and was what the Board would consider tonight as well.

Chair O'Neil called for the Applicant's presentation.

Keith Liden, Bainbridge, 1000 SW Broadway, Suite 1700, Portland, OR, 97205, stated Mr. Pauly had described the application quite thoroughly, so he would not go over anything there.

- He noted the memorandum dated June 21, 2017 was really as a follow up to when the Applicant was informed that the sign waiver also needed to address the sign area. The Applicant had not known that that would be an issue, and was only focused on the changeable readerboard sign when completing the initial application.
- When approaching the school on 63rd, the district wanted people to realize that the school parking lot was the driveway immediately adjacent to the sign and not to turn into the school, then have to backtrack and work their way around to the parking lot. The Applicant believed the additional size for the address portion of the sign was appropriate so it could be seen as people were coming down 63rd to give them more advance warning.
- He agreed the bigger sign's location was unique relative to residential properties. The sign would be approximately 400 ft or so east of the established residential area, the Landover subdivision on the west side of the school boundary. Additionally, an EFU property currently outside of the urban growth boundary (UGB) was located to the northwest. The sign was probably about 40 ft from the property line, but more than 400 ft from the current existing residence. As noted, a future community park was the intended use in the Public Facilities Zone across the street, so there were significant distances between the sign and any residential use, and the Applicant believed this small, additional area should not represent a problem in this specific case. He noted Section 4.15602(08)A did allow the DRB to grant a waiver for the proposed sign area request along with the readerboard sign.
- The Applicant believed the waiver request was a small departure from what the City's ordinance normally required, and that the additional size for the address would be beneficial in helping to identify the school and parking lot.

Richard Martens asked how far the sign would be located from Advance Rd.

Mr. Liden responded it was at least 400 ft. He had measured the distance from the sign to the house on the 5-acre parcel, which was about 400 ft, so the measurement to the road was probably 400 ft to 500 ft.

Samuel Scull asked if the sign was facing north/south.

Mr. Liden replied the sign was oriented so it could be read when traveling towards it on 63rd Ave, so people traveling north/south would be able to see it.

Chair O'Neil called for public testimony in favor of, opposed, and neutral to the application. Seeing none, he closed the public hearing at 7:01 pm.

Samy Nada moved to accept the Staff report with the addition of Exhibits A3, A4, and B3, and approve Resolution No. 336 with Option 2, as described in Exhibit B3. Aaron Woods seconded the motion.

Aaron Woods stated the signs displayed at the back of the room were pretty descriptive when looking at the smaller versus the larger one. He could see that the larger sign, especially when traveling down 63rd at night, would be more advantageous. From an aesthetic standpoint, the larger sign, in reference to the readerboard, would look much better.

Mr. Nada agreed, adding that the fact that the sign was away from the main streets and would only be visible to those going to the school or future city park gave him grounds to accept the application as proposed because as it would not be seen from main streets.

Chair O'Neil referred to his comments at the May 22, 2017 meeting, reiterating that he had a hard time with who the applicant was, even though he was supposed to ignore that. He noted that the City had not made any Code changes yet, as stated by Mr. Pauly. His concerns were clearly set forth in the minutes. He had a real problem with the precedent being set and with how the community would be reviewing the proposed sign if they knew it was in their neighborhood or if it was a different applicant. He was resubmitted those issues, as well as everything he had raised on May 22nd. He understood his colleagues' disagreement with him, noting it was important that there be changes, not a discussion; but until Staff and the City came up with that he would have to remain consistent with what he had stated previously.

Mr. Pauly clarified that Exhibits A3, B3, and A4 were to be entered into the record.

The motion passed 4 to 1 with Chair O'Neil opposed.

Chair O'Neil read the rules of appeal into the record.

VII. Board Member Communications

A. Recent City Council Action Minutes

Daniel Pauly, Senior Planner, highlighted the Council action minutes noting the adoption of the budget, as well as the Transit Master Plan and Frog Pond Master Plan, which would pave the way for both DRBs to hear some land use applications out in the Frog Pond area. He clarified that the Frog Pond Master Plan had been approved on first reading with direction for some clarification on one item and was expected to be approved at the next Council meeting.

Barbara Jacobson, City Attorney explained a special assessment needed to be imposed for the Frog Pond area to cover some of the infrastructure costs, and that was still to come before Council. Otherwise, the rest of the Frog Pond Master Plan was approved.

Mr. Pauly confirmed builders had been in touch with the planning office already and very much in touch with property owners in Frog Pond as well. Construction was not expected this summer as it was already too late, but applications were anticipated late this year or early next year for construction to begin next summer.

VIII. Staff Communications

Daniel Pauly, Senior Planner, noted that he had been asked to get a photo of the Board after the meeting.

IX. Adjournment

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant