



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/01/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Carlton Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 15, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Suzanne Dufner, City of Carlton
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM

2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

NOV 26 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Carlton**

Local file number: **LA 10-01**

Date of Adoption: **11/8/10**

Date Mailed: **11/24/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/29/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to the Carlton Sign Code to clarify and streamline temporary and nonconforming sign provisions.

Does the Adoption differ from proposal? No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
x x

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-10 (18441) [16432]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Suzanne Dufner, City Planner**

Phone: (503) 540-1616 Extension:

Address: **105 High St SE**

Fax Number: **503-588-6094**

City: **Salem**

Zip: **97301**

E-mail Address: **sdufner@mwvcog.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE #686

AN ORDINANCE AMENDING CHAPTER 17.80 (SIGNS) OF THE CITY OF CARLTON DEVELOPMENT CODE

WHEREAS, on April 13, 2009, the Carlton City Council adopted Ordinance 678, an ordinance that amended the Carlton Development Code, and included amendments to Chapter 17.80 (Signs); and

WHEREAS, upon Ordinance 678 become effective, the Carlton City Council deemed it necessary to reconsider the amendments to Chapter 17.80 (Signs) of the Carlton Development Code; and

WHEREAS, the Carlton City Council held a public hearing to reconsider and amend Ordinance 678 regarding amendments to the Carlton Sign Code (Chapter 17.80), on September 13, 2010, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, proper notice of the said public hearing was given to the public pursuant to applicable state statutes; and

NOW THEREFORE; The people of the City of Carlton ordain as follows;

SECTION 1. Adoption. The amendment to the City of Carlton Development Code, Chapter 17.80 (Signs) attached hereto and marked Exhibit A is hereby adopted.

Passed by this Council this 8th day of November, 2010, by the following vote:

AYES: Oriet, VanDeWalle, Berry, Williams, Rhoads, Jernstedt, Carl

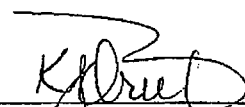
NAYS: _____

ABSTAIN: _____

ABSENT: _____

Approved by the Mayor this 8th day of November, 2010.

ATTEST: 
City Recorder


Mayor

Chapter 17.80

SIGNS

17.80.040 Signs allowed.

The following signs and sign work are allowed outright in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

A. Re-painting, changes to the sign face or copy and maintenance of signs legally existing on the effective date of the ordinance codified in this chapter.

B. Temporary Signs.

1. Real estate signs not exceeding six square feet that advertise the sale, rental, or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit. Only one real estate sign per lot may be displayed at any time, except on corner lots. Two signs are permitted on corner lots; however only one sign per street frontage is permitted.

2. Political signs shall not exceed six square feet. Political signs may be used up to sixty (60) days prior to an election but shall be removed not later than seven days following the date of the election.

3. Portable signs and other temporary signs that do not exceed six square feet in area. No lot may display temporary signs for more than ninety (90) days in any three hundred sixty five (365) day period. Only one temporary sign per lot may be displayed at a time.

4. Balloons or similar types of tethered objects that do not exceed a total cumulative diameter of 24 inches for a period not to exceed two weeks.

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. Directional or informational signs bearing no advertising message and not exceeding four square feet in area erected for the convenience of the public such as signs identifying restrooms, public telephones, walkways and similar features or facilities.

E. Flags with a total cumulative area not to exceed 75 square feet per lot on permanent flagpoles that are designed to allow raising and lowering of the flags.

F. Signs within a building.

G. In a commercial or industrial zone, signs painted or hung on the inside of windows.

H. ~~Residential name plates shall not exceed two square feet. Only one such sign shall be permitted upon the premises and may only be indirectly illuminated.~~

I. Memorial signs or tablets and names of buildings and dates of erection when cut into or attached to the surface or façade of the building.

J. Signs placed by a public utility showing the location of underground facilities.

K. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

ORDINANCE 686 (Amendments to Carlton Development Code Chapter 17.80 - Signs)
EXHIBIT A

L. Building or freestanding signs that display or reflect the history or character of Carlton, as approved by the city council, after recommendation by the planning commission. (Ord. 647 § 1 (Exh. A)(part), 2006; Ord. 619, 2003)

17.80.050 Signs prohibited.

The following signs are prohibited in all zones:

A. Portable signs within the public right-of-way, except for sidewalk or sandwich board signs that comply with Section 17.80.080(D).

B. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.

C. Signs that use or employ side guy lines of any type.

D. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.

E. Signs closer than twenty-four (24) inches horizontally or vertically from any overhead power line or public utility guy wire.

F. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property 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 nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.

G. Rotating/revolving signs, except by conditional use permit.

H. Flashing signs.

I. Private signs that project into public right-of-ways, except signs under a canopy that project over a public sidewalk where the sign is not less than eight feet above the sidewalk.

J. Signs that obstruct required vision clearance area as defined in Section 17.92.080 or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.

K. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.

L. Signs attached to any pole, post, utility pole, or otherwise placed in the public right-of-way.

M. Signs or sign structures placed on or over private property without the written consent of the owner or agent thereof.

N. Pennants, banner signs and streamers except in nonresidential and commercial zones, which do not exceed a total cumulative area of twelve (12) square feet with prior approval of the city manager for a period of display not to exceed thirty (30) days.

O. Billboard signs.

P. Roof signs, except by variance.

Q. Signs attached to trees, shrubs, stones or fences.

ORDINANCE 686 (Amendments to Carlton Development Code Chapter 17.80 - Signs)
EXHIBIT A

- R. Bench signs, except as a conditional use, or those designating donor(s).
 - S. Any sign on unimproved property unless allowed as a real estate or temporary sign.
 - T. Any illegible sign or sign that has twenty-five (25) percent or more of its surface destroyed, defaced or missing.
 - U. Message signs, except by conditional use permit.
- (Ord. 647 § 1 (Exh. A)(part), 2006; Ord. 619, 2003)

17.80.080 Signs in commercial and industrial zones.

All signs in the Commercial Business, Commercial Industrial and General Industrial zones shall conform to Sections 17.80.020 through 17.80.050 and the following standards:

A. Signs or sign structures located in commercial and industrial zones which are within seventy-five (75) feet of a residentially zone property shall be set back so as to meet the side and front yard setback requirements of the adjoining residential district.

B. Accessory temporary signs are permitted provided such signs are securely affixed to the surface of a building wall or window, and must have the date of initial posting clearly written on the face of the sign. Such signs, including but not limited to sale signs and special product announcements, must be removed not later than ten (10) days after initial posting. Such signs shall not exceed the permitted ratio of sign area, including temporary signs, to building face area.

C. Historical signs that are an integral part of a building design, or signs with a cultural significance to the community, as determined by the planning commission, may be exempted from the standards for signs.

D. Sidewalk signs or sandwich boards are permitted provided:

1. There is only one (1) sidewalk or sandwich board sign per business entrance on premise. ~~One (1) additional off-premise sandwich board sign is permitted in place of another business's sandwich board sign provided the business obtains written permission of the property owner where the sign would be placed prior to placement and the sign is not located within a public right-of-way. Vacant lots may have one (1) sandwich board sign per lot.~~

2. The sign is professional in appearance with a maximum height of three (3) feet and a maximum width of two (2) feet in width. The height of the sign is measured from the grade of the curb line lowest to the base of the sign, to the highest point of the sign, sign structure or frame; whichever is greater.

3. The total sign area does not exceed six (6) square feet per side. The base material used to support a sign shall be included in the dimensions used to calculate the sign area.

4. The sign is removed at the close of each business day.

~~5. For off-premise sandwich board signs, the sign shall not be placed within a public right-of-way and the business must obtain the written permission of the property owner where the sign will be placed prior to placement.~~

6. ~~On-premise~~ Sidewalk or sandwich board signs shall only be allowed within an adjacent public right-of-way along the frontage of the business displaying the sign, when they can be placed so that a minimum clear width of three (3) feet within the right-of-way is available for pedestrians immediately adjacent to the sign. Adjacent private property

ORDINANCE 686 (Amendments to Carlton Development Code Chapter 17.80 - Signs)
EXHIBIT A

may be used to provide the three (3) foot clear width area when approved by the City Manager.

7. The sign is not to be located within a sidewalk bulb-out area or a location which interferes with traffic visibility.

E. Reserved.

F. Suspended signs that are suspended from the underside of a horizontal plane surface and is supported by that surface, shall have a maximum area of three square feet and shall not project more than thirty (30) inches from the face of the building.

(Ord. No. 678, § 1(Exh. A), 4-13-2009; Ord. 661 § 1 (Exh. A)(part), 2007; Ord. 647 § 1 (Exh. A)(part), 2006; Ord. 619, 2003)

17.80.090 Signs in commercial and industrial zones—Appearance.

Signs shall be constructed of wood, brick, tile, masonry, synthetic materials, ~~canvas, vinyl,~~ glass, wrought iron, or metal. Signs shall be constructed of materials consistent with the age, appearance and purpose of the buildings adjacent to the sign. The design shall reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses. Fluorescent or unusually bright colors shall not be permitted. (Ord. 647 § 1 (Exh. A)(part), 2006; Ord. 619, 2003)

17.80.140 Nonconforming signs.

Signs that were legally established prior to the adoption of this code on October 8, 2003, and no longer meet the sign code standards are considered nonconforming signs. Nonconforming signs may continue to be in use, subject to the restrictions in this section:

A. General Requirements for Nonconforming Signs.

1. A nonconforming sign shall not be:

a. Modified, unless the modification brings the sign into compliance with this chapter. A change of copy is allowed, except that any change in a wall sign which is painted on a structure shall comply with the requirements of this chapter.

b. Expanded.

c. Relocated.

2. A nonconforming sign may undergo normal maintenance, except:

a. "Normal maintenance" excludes major structure repairs designed to extend the useful life of the nonconforming sign.

b. If a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60 percent of its replacement value, the nonconforming sign shall not be repaired and shall be removed.

3. Upon change of use of a business or premises, a nonconforming sign shall be brought into compliance with this code within 180 days.

~~To ease the economic impact of this title on persons with substantial investments in signs in existence on the date of adoption of this ordinance, nonconforming signs, not including temporary signs such as sidewalk or sandwich board signs, may be continued provided they are maintained in good repair, subject to the following provisions. All signs erected after thirty (30) days following adoption of this title must be approved prior to installation. All signs must be in conformance with the provisions of this Chapter within ten (10) years of adoption of this title.~~

ORDINANCE 686 (Amendments to Carlton Development Code Chapter 17.80 - Signs)
EXHIBIT A

~~A. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming status if:~~

~~1. The sign is altered in any way in structure or copy, which tends to be or makes the sign less in compliance with the requirements of this section than it was before the alteration.~~

~~2. The sign is relocated to a position making it less in compliance with the requirements of this section.~~

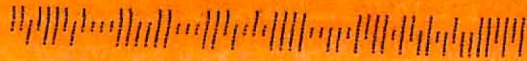
~~3. The sign is replaced.~~

~~4. Signs not maintained in good repair, any illegible sign or sign that has twenty-five (25) percent or more of its surface destroyed, defaced, missing or inaccurately represents the name or nature of the current business.~~

~~In such events the City Manager shall notify the sign user, sign owner, or owner of the property upon which the sign is located of cancellation of the signs nonconforming status and the sign shall be removed or a new sign permit secured.~~

~~B. Damaged Nonconforming Sign Faces. When a nonconforming sign is damaged or destroyed by fire, flood, wind, or other calamity, such sign face may be restored to its original condition provided such work is completed within thirty (30) days of such calamity. A sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.~~

~~BC. Abandoned Signs. All signs and sign structures for a business shall be removed within thirty (30) days after that business ceases to operate on a regular basis. Abandoned signs that are not removed may be removed by the city following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the abandoned sign and the city exercises its authority under this provision. (Ord. No. 678, § 1 (Exh. A), 4-13-2009; Ord. 647 § 1 (Exh. A)(part), 2006; Ord. 619, 2003)~~



Mid-Willamette Valley
Council of Governments
105 High Street SE
Salem OR 97301

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Attn: Plan Amendment Specialist
DLCD
635 Capitol St NE, Suite 150
Salem OR 97301-2540