



Oregon

Theodore R. Kubongoski, 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

11/1/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dundee Plan Amendment
DLCD File Number 004-09

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: Tuesday, November 16, 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: Luke Pelz, City of Dundee
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

OCT 27 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 Dundee**

Local file number: **LURA-09-01**

Date of Adoption: **10.19.10**

Date Mailed: **10.26.10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 6.25.10

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".

Amend the Dundee Development Ordinance to delete the existing sign code (section 2.206) and replace with an updated sign code. In general, the changes make sign size and character more consistent in non-residential zones, and add design standards for most signs.

Does the Adoption differ from proposal? Please select one

Yes. It is approximately 75% the same as the proposal. The main differences are:

Lower maximum sizes for wall signs and freestanding signs; number of potential freestanding signs reduced; added design standards for most signs; deleted the Original Art Mural section.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **city wide**

Acres Involved: **NA**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

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

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. 004-09 (18028) [16375]

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

Newberg School District, Chehalem Park and Rec. District

Local Contact: **Steve Olson**

Phone: **(503) 537-1215** Extension:

Address: **PO Box 970**

Fax Number: **503-537-1272**

City: **Newberg**

Zip: **97132**

E-mail Address:

steve.olson@newbergoregon.gov

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.

Updated December 22, 2009

**CITY OF DUNDEE
ORDINANCE NO. 498-2010**

AN ORDINANCE ADOPTING A DEVELOPMENT ORDINANCE AMENDMENT TO REPLACE THE EXISTING SIGN CODE IN SECTION 2.206 SIGNS WITH A NEW SIGN CODE.

WHEREAS, the City recognizes that there are many issues regarding signage in Dundee, including the placement of illegal and temporary signs, inconsistent code language, and inconsistent restrictions on non-residential development.

WHEREAS, the proposed new sign code will be more consistent, easier to enforce, take into account the needs of the business community, make sign size and character more consistent in non-residential areas, and help create an aesthetically appealing city.

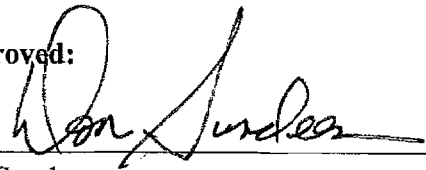
WHEREAS, the City Council held a hearing on this matter on September 7, 2010, continued the hearing on September 21 and October 5, and on October 19, 2010 found that the proposed amendments are in the interest of the public, and meet the goals of the Dundee Comprehensive Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE HEREBY ORDAINS AS FOLLOWS:

1. Adopt the amendments contained in Exhibit "A".
2. Adopt the findings contained in Exhibit "B".

ADOPTED by the Council this 19th day of October 2010.

Approved:



Don Sundeen
Mayor

Attest:



Rob Daykin
City Administrator

EXHIBIT A

DUNDEE DEVELOPMENT ORDINANCE AMENDMENT

File No. LURA-09-01

The following sections of the Dundee Development Code shall be amended as follows:

Section 2.206, titled Signs, is deleted in its entirety. It is replaced with the text below:

2.206 SIGNS

2.206.01. PURPOSE

The purpose of these sign regulations is to help implement the Dundee Comprehensive Plan, to provide equitable and easily administered signage rights, reduce signage conflicts and clutter, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

2.206.02. MEASUREMENT STANDARDS

A. Determining Sign Area and Dimensions

The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign on a fence or wall having no such perimeter, border, or base material shall be computed by enclosing the entire area within a quadrilateral, circle or a triangle of the smallest size sufficient to cover the entire message of the sign. The area of multi-faced signs shall be calculated by adding the area of all sign faces visible from any one point.

B. Determining Sign Height

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb face, or the finished grade where there is no nearby pavement.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

C. Determining Frontages and Frontage Lengths

1. Building Frontage -The frontage of any building shall include the elevation(s) facing a public street or railroad right-of-way, facing a parking area for the building, or containing the public entrance(s) to the building.
2. Building Frontage Length - The length of any building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Enforcement Officer or Planning Commission as clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
3. Lot Frontage – as defined in section 1.200.02.

2.206.03. DEVELOPMENT STANDARDS

The development standards contained in this section are categorized by non-residential zones and residential zones. The residential zone category, for the purposes of 2.206, shall include the R-1 Single Family Residential, R-2 Single Family Residential, and the R-3 Medium Density Residential Zones. The non-residential zone category shall include all other zones.

A. Wall Signs

1. Non-Residential Zones
 - a. At least (20) square feet of wall signage shall be allowed for each building frontage.
 - b. For single story structures the basic allowance for wall signs shall be limited to one (1) square foot of sign area for each linear foot of building frontage length. Additional permitted sign area may be increased by one half (0.5) square feet for each additional building floor above one (1) floor. The total sign area on a building frontage shall not exceed 150 square feet. Each building frontage may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs.
 - c. The projection of the sign face shall not exceed a distance of twelve (12) inches from the face of the wall which the sign is attached, except as allowed for projecting signs under subsection g below.
 - d. The sign shall be placed on the wall that is used to calculate the total area allowance.
 - e. Awning signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.
 - ii. The awning shall maintain a minimum height of eight feet above grade.
 - iii. An awning shall not extend to within two feet from the curb face.
 - iv. The awning sign shall extend no more than eight feet from the building face.
 - v. An awning shall not project above the roofline.

- f. Roof signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. The signs shall not exceed the highest point of the roof to which it is attached.
 - ii. The signs shall be located on the roof directly above the building frontage used to calculate the permitted area.
- g. Projecting wall signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. The bottom of the sign shall be a minimum of eight (8) feet above grade; the sign shall not project more than four (4) feet from the wall of the building on which the sign is placed and may not be closer than two (2) feet from the face of the curb; and the height shall not exceed the highest point of the wall to which it is attached.
- h. An exterior window sign shall be considered a wall sign for the purposes of this Code.
- i. Canopy signs are permitted, in addition to the allowance for wall signs. Canopy signs shall have a maximum area of six (6) square feet; the bottom of the sign shall be a minimum of eight (8) feet above the sidewalk; the height shall not exceed the highest point of the roof; the sign shall not project more than twelve (12) inches from the face of the canopy; and adjacent canopy signs shall not be closer than twenty five (25) feet.

2. Residential Zones

- a. The basic area allowance for wall signs is as follows:
 - i. Single-family and two-family (duplex) dwelling – the total sign area shall not exceed six (6) square feet.
 - ii. Multiple family dwelling – the total sign area shall not exceed twenty four (24) square feet.
 - iii. Non-residential uses – the total sign area shall not exceed one (1) square foot for each foot of building frontage, not to exceed a maximum total area of one hundred (100) square feet.
- b. Each lot may have multiple signs. The total aggregated sign area shall not exceed the allowances in subsection *a* above.
- c. The sign shall not be a roof sign.
- d. An exterior window sign shall be considered a wall sign for the purposes of this Code.

B. Freestanding Signs

1. Non-Residential Zones

- a. One freestanding sign shall be allowed per lot frontage. One additional freestanding sign shall be permitted for every one hundred fifty (150) feet of lot frontage. Each sign shall be located a minimum distance of fifty (50) feet from another freestanding sign located on the same lot.

- b. The combined area of all freestanding signs along one lot frontage shall be a maximum of four tenths (0.4) square foot for each foot of lineal lot frontage. The maximum area of any single sign shall not exceed fifty (50) square feet. At least twenty (20) square feet is allowed per frontage.
- c. The maximum height shall not exceed twelve (12) feet.
- d. No portion of a freestanding sign shall be in, or project over, a public right-of-way.

2. Residential Zones

- a. The basic area allowance for freestanding signs is as follows:
 - i. Single-family and two-family (duplex) dwelling – the total sign area shall not exceed fifteen (15) square feet.
 - ii. Multiple family dwelling – the total sign area shall not exceed thirty (30) square feet.
 - iii. Non-residential uses – the total sign area shall not exceed fifty (50) square feet.
- b. One (1) sign shall be permitted for each lot frontage.
- c. The height of the sign shall not exceed six (6) feet.
- d. The sign may be located in any yard.
- e. In addition to the allowance for freestanding signs in residential zones, one (1) sign may be permitted at each street entrance of a residential subdivision that comprises twenty (20) or more lots. The height of the additional sign may not exceed a height of six (6) feet. The additional sign may be located in any yard.

C. Design Standards

SIGN DESIGN STANDARDS

These design standards apply to:

1. All signs larger than 6 square feet in non-residential zones
2. Institutional uses in residential zones if the use abuts Hwy 99W.

The sign design standards supersede other development code requirements for signs, including those in the Victorian Overlay and the Service Station ordinance.

All signs must incorporate at least two (2) of the design elements below, except signs with internally illuminated faces must include at least three (3) of the design elements.

1. The sign primarily includes raised or engraved individual letters or graphics on a background wall or sign face (raised or engraved depth at least one half inch). Letters made from neon tube lighting are one type of raised letters.

2. The outline or top of the sign frame (or the letters and graphics if no frame) is predominantly curved or non-rectangular.

3. The sign incorporates stone, masonry, sculpted metal, wrought iron, or natural wood as a frame or background (not plywood, particleboard or other wood composite).

4. Indirectly illuminated or non-illuminated

5. If internally illuminated then no more than 50% of the face is light-colored

6. Freestanding sign is no more than 6 feet tall.

7. For wall signs, total sign area is at least 20% below maximum allowed on that building frontage. For freestanding signs, sign area is at least 20% below the total area allowed for that sign.

8. Installing only one freestanding sign on a lot that qualifies for two or more freestanding signs.

D. Temporary Signs

1. Generally Permitted – Each lot may be permitted one (1) temporary sign. The sign shall not exceed six (6) square feet. The sign may be in any yard, but not in the public right of way. The sign is permitted for ninety (90) days out of any consecutive 365 day period.

2. Additional Temporary Signs:

In addition to the generally permitted temporary signs, a lot may contain any of the following additional temporary signs during the time periods specified below:

- a. *Election Events* – An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain up to twelve (12) square feet of additional temporary signage in a residential zone, and up to fifty (50) square feet of additional temporary signage in non-residential zones. These signs shall not be located in the public right of way.

- b. *Special Events* - Each lot may be permitted additional signs for other events including, but not limited to: grand openings, clearance sales, garage sales, local festivals, birthdays, religious events, and or federal holidays. Each lot may be permitted to have signage for one (1) special event in one (1) consecutive thirty (30) day period. The signage may be permitted for three (3) consecutive days. Each lot may be permitted an unlimited number of signs not to exceed a total of twelve (12) square feet in a residential zone, and fifty (50) square feet in a non-residential zone. These signs shall not be located in the public right of way.
- c. *Construction Events* – Signs may be placed during a construction event pursuant to a permit issued by the city on the lot, provided total number does not exceed four (4) and total cumulative size does not exceed sixty four (64) square feet. For the purposes of Section C, a construction event begins on the date of local structural permit approval and ends on the date the permit is finalized or expires. These signs shall not be placed in the public right of way.
- d. *Sales event* –
 - i. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding 32 square feet in area and eight feet in height is allowed on properties less than four acres in size, or two temporary signs not exceeding 32 square feet in area each and eight feet in height are allowed on properties greater than four acres in size.
 - ii. Existing development: A post-style sign not exceeding six square feet in area and five feet in height, or a hanging-style sign not exceeding six square feet in area and six feet in height, during the time of sale, lease or rental of the property; provided, that the sign is removed within 15 days of the sale, lease or rental of the property. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.
- e. *Portable daily sign* – A portable sign may be permitted to be located in the public right of way or on private property in any non-residential zone provided the following:
 - i. No more than one (1) sign per business with the permission of the owner/operator of the adjacent business. An exception is allowed for single businesses with long frontages; an additional sign is allowed for every 100 feet of frontage.
 - ii. The sign area shall not exceed a total of six (6) square feet per side. The area of the sign within the right of way shall not be included in the total allowed area for other temporary signs on the adjacent lot.
 - iii. The sign is self-supporting. The sign shall not be attached to any structure or object including, but not limited to utility poles, mail boxes, trees, and governmental signs. Examples include A-frame or sandwich board signs.

- iv. A minimum five (5) foot horizontal travel and fire hydrant clearance shall be provided on the sidewalk. The sign shall not be placed on the street or in any on-street parking area, and shall not interfere with the vision clearance requirements of this code.
 - v. The sign shall be removed during non-business hours of the adjacent business.
3. Signs for temporary businesses
Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotation lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.
4. Design
- a. All temporary signs shall be portable signs.
 - b. The maximum height for temporary signs shall not exceed six (6) feet.

E. Signs Allowed Without Permit

The following signs are permitted in all zones without a permit but still shall meet all requirements of this Code and the Oregon Structural Specialty Code. All other signs not listed in 2.206.03 (D), including but not limited to wall signs and freestanding signs, require permit approval prior to construction. The following signs shall not be included when determining compliance with total allowed area or number of other signs that require a permit.

- 1. Temporary signs that meet the standards of Section 2.206.03.
- 2. Signs entirely within a building including interior window signs.
- 3. Signs not visible from a right of way.
- 4. Any governmental sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- 5. Address identification signs.
- 6. One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or City Council designated festival.
- 7. Driveway signs: In addition to the other signs allowed, a lot in any zone may contain signs with the following conditions:
 - a. For lots with one (1) driveway, two (2) signs shall be permitted at the driveway entrance or exit.
 - b. If a lot has more than one (1) driveway, one (1) sign shall be permitted for each driveway; and,
 - c. One (1) sign shall be permitted at each internal drive aisle intersection.
 - d. The area of each sign shall not exceed four (4) square feet.
 - e. The sign may be located in any yard.
 - f. The height of the sign shall not exceed three (3) feet.

2.206.04. NON-CONFORMING SIGNS

A. General Provisions

1. Nonconforming signs shall be maintained in good condition pursuant to Section 2.206.06.
2. A nonconforming sign shall not be altered, modified or reconstructed except:
 - a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
 - b. When the existing use has new ownership or tenant which results in a change in the name or logo of the use or business on the property, and such change complies with subsection d. below;
 - c. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection d. below;
 - d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, height or relocation of the sign unless such changes conform to subsection a. above.

B. Limitations for Non-Conforming Signs

1. A nonconforming sign shall be removed upon verification that any of the following conditions have been met:
 - a. The use of the property with such non-conforming sign has been abandoned for more than two (2) consecutive years; or
 - b. The regulation or amendment to these regulations which made the sign non-conforming has been in effect for ten (10) years or more.
 - c. The development site is granted land use approval for a Type 1A or 1B, Type II, or Type III request.
 - d. The sign is a temporary sign as defined in Section 2.206.07.
2. Extension of time to comply - The dates established in this Section for a sign to be brought about into compliance with the requirements of these regulations may be extended at the request of the sign owner or leasee. An extension request shall be considered by the Planning Commission and follow the procedural and notice requirements of the Type IB land use action. In evaluating the extension of time for a nonconforming sign, the Planning Commission shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup the initial investment:
 - a. The value of the sign at the time of construction and the length of time the sign has been in place;
 - b. The life expectancy of the original investment in the sign and its salvage value, if any;
 - c. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;

- d. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
- e. The extent to which the sign is not in compliance with the requirements of these regulations; and
- f. The degree to which the City determines that the sign is consistent with the purposes of these regulations.
- g. Whether the sign has "historical" or "landmark" significance as determined by the Planning Commission and should, therefore, be exempt from the requirements of Section 2.206.04.
- h. Whether the sign is in a good state of repair and maintenance.

2.206.05. SIGN REVIEW PROCEDURES

A. Application requirements

An application for sign permit approval shall be made on a form provided by the City Recorder. The application shall include, at a minimum:

- 1. A sketch drawn to scale that includes: the design, location, height, area, and type, shielding, and wattage of illumination.
- 2. A sketch drawn to scale showing the location and size of all existing signs on site.
- 3. Name, contact information, and address of the sign designer and or contractor.
- 4. Signature of the property owner.
- 5. Application fee.
- 6. Submittal of a structural permit and application fees.

B. Appeals and variances

All appeals and major variances regarding the sign ordinance shall be heard by the Planning Commission. Minor variances shall not be permitted regarding the sign standards contained in Section 2.206.

2.206.06. SUPPLEMENTAL CONSIDERATIONS

A. Construction Standards

- 1. The construction, erection, safety and maintenance of all signs shall comply with the current edition of the Oregon Structural Specialty Code and all of the following:
 - a. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
 - b. Banners are allowed only as temporary signs.
 - c. All freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
 - d. Signs shall not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
 - e. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
 - f. Signs may be illuminated – by external or internal means --provided that:
 - i. Light sources shall be shielded from all adjacent buildings and streets; and
 - ii. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.

- iii. The illumination meets the dark sky lighting standards, contained in the Appendix H of the Public Works Design Standards.
- iv. The sign is not an animated sign.
- v. In addition, signs in residential zones may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, or fluctuate.

B. Maintenance

- 1. All signs shall be maintained in accordance with the following:
 - a. The property owner shall maintain the sign; in a condition appropriate to the intended use; to all City standards; and has a continuing obligation to comply with all building code requirements.
 - b. All signs, excluding the sign structure, for a business shall be removed within thirty days after that business ceases to operate.
 - c. Illegal and abandoned signs which are not removed or are erected in violation of this ordinance may be removed by the City of Dundee following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the City exercises its authority under this provision.
 - d. If the sign is deemed by the Zoning Enforcement Officer to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within seventy two (72) hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after thirty (30) days, the unsafe condition has not been corrected through repair or removal, the Zoning Enforcement Officer may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within thirty (30) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional one (1) percent penalty for collection as prescribed for unpaid real estate taxes.
 - e. In cases of emergency, the Zoning Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice.
 - f. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - i. There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - ii. There is no enlargement or increase in any of the dimensions of the sign or its structure;
 - iii. The sign is accessory to a legally permitted, conditional or nonconforming use.

C. Changeable Copy

Changeable copy by non-electronic means may be utilized on any permitted sign, and is limited to a maximum of twenty five (25) square feet. Changeable copy by electronic means is limited to a maximum of four (4) square feet.

D. Prohibited Signs

1. The following signs are prohibited:
 - a. Abandoned signs as defined in Section 2.206.07
 - b. Animated, rotating signs and festoons as defined in Section 2.206.07, inflatable signs, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except special event signs or banners permitted in 2.206.03 (D).
 - c. Interior window signs that exceed twenty five (25) percent of the total window area.
 - d. Electronic changeable copy signs that exceed four (4) square feet.
 - e. Roof signs, as defined in Section 2.206.07, that project above the highest point of the roof.
 - f. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals. Signs that obstruct require vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
 - g. Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of-way unless explicitly permitted by this Code.
 - h. Signs that emit odor, visible matter, or sound
 - i. Signs that use or employ guy lines of any type.
 - j. Signs on unimproved property, unless allowed as a temporary sign by the provisions of this Code.
 - k. Vehicle signs - signs on vehicles when the vehicle is placed in a location not otherwise permitted for parking such vehicles, any sign attached to an unlicensed or inoperable vehicle in the public right of way or on private property, and signs not permanently attached to any vehicle parked in the public right of way or on private property.
 - l. Any sign not permitted by this code.

2.206.07. DEFINITIONS

The following words and phrases used in this Sign Code shall have the following meanings:

1. **Abandoned Sign.** A sign that is located on an improved site that has not had legal occupancy for a period exceeding two (2) consecutive years.
2. **Address Identification Sign.** A wall sign, required to be placed by law, containing only the address of a building, such sign being located on the same site as the structure.

3. **Alteration.** Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.
4. **Animated Sign.** A sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance more than one (1) times in a one (1) minute period.
5. **Area of Sign.** Refer to measurement standards in Section 2.206.02.
6. **Awning.** A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
7. **Awning Sign.** Any sign painted on or attached to or supported by an awning, not including banner signs.
8. **Balloon Sign.** A lighter-than-air gas-filled balloon, tethered in a fixed location, that has a sign with a message on its surface or attached in any manner to the balloon.
9. **Banner Sign.** A sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to, cardboard, canvas, cloth and/or plastic. Banner signs do not include awning signs.
10. **Canopy.** (a) A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure (for example, a freestanding canopy at a service station); (b) A permanent projecting structure extending from a building over a walkway.
11. **Canopy Sign.** Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs from being visible to the pedestrian walking under the canopy. **See Also Projecting Sign.**
12. **Changeable Copy Sign.** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.
13. **Event, Construction.** A period beginning on the date of local structural permit approval and ending on the date the final certificate of occupancy is issued.
14. **Event, Election.** A period ninety (90) days prior to and fourteen (14) days after any local, state, or national election.
15. **Event, Special.** One (1), three (3) consecutive day period within one (1), thirty (30) consecutive day period.
16. **Flag.** A fabric that is attached to a pole on one end only.
17. **Flag display.** One or more flags attached to a single pole.
18. **Footcandle.** A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.
19. **Freestanding Sign.** Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, including a fence or freestanding wall.
20. **Frontage, Building.** Refer to measurement standards in Section 2.206.02.
21. **Frontage, Lot.** Refer to Section 1.200.02 for lot definitions.

22. **Governmental Sign.** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
23. **Grade.** The level of the site at the property line located at the closest distance to the sign.
24. **Height of Sign.** Refer to measurement standards in Section 2.206.02.
25. **Illegal Sign.** Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code.
26. **Illuminated Sign.** Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.
27. **Logo, Logogram, or Logotype.** An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.
28. **Nonconforming Sign.** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.
29. **Portable Sign.** Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.
30. **Projecting, Wall Sign.** A wall sign which projects more than twelve (12) inches from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.
31. **Revolving or Rotating Sign.** An animated sign.
32. **Roof Sign.** Any sign erected upon a roof, parapet, or roof-mounted equipment structure.
33. **Sign.** Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign does not include any architectural or landscape features that may also attract attention.
34. **Sign Face.** An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.
35. **Site.** All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.
36. **Temporary Sign.** Any sign which is installed for a period not to exceed the time limitations of Section 2.206.03 (D).
37. **Vehicle Sign.** Any sign permanently or temporarily attached to or placed on a vehicle or trailer.
38. **Wall Sign.** Any sign attached to or painted on the wall of a building in a plane parallel or approximately parallel to the plane of said wall.
39. **Window, Area of.** The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than twelve (12) inches wide.
40. **Window Sign, Exterior.** Any sign affixed in any manner to the exterior of a window. An exterior window sign shall be considered a wall sign for the purposes of this Code.

41. **Window Sign, Interior.** Any sign affixed in any manner to a window or within two (2) feet of a window and viewable from the exterior.
42. **Zoning Enforcement Officer.** For the purposes of this Code the Zoning Enforcement Officer shall be the City Administrator or the acting administrator.

EXHIBIT B

FINDINGS

File No. LURA-09-01

TYPE IV LEGISLATIVE AMENDMENT CRITERIA:

Proposed amendments shall be consistent with Dundee Comprehensive Plan policies and the State land use goals.

FINDINGS:

The proposed amendments are consistent with the following Comprehensive Plan goals and State land use goals:

Dundee Comprehensive Plan

Economy

Goal:

- *To maintain a level of economic development adequate to meet public need.*

Objectives:

- *To protect areas well suited for business use from encroachment of other uses.*
- *To assure commercial and industrial developments preserve and enhance the aesthetic character and livability of Dundee.*
- *To avoid unnecessary "strip" or scattered commercial development along Highway 99W.*

Policies:

2. *The city should preserve and upgrade the businesses along 99W by supporting highway improvements that will alleviate traffic congestion, by requiring off-street parking and by requiring high design standards in new developments.*

State Land Use Goals

Goal 9 : Economic Development

- *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The amendments are consistent with the Plan and State goals because:

1. Signs are essential to the prosperity and vitality of most local businesses. The proposed sign code allows local businesses to have signs of sufficient size and number to provide good visibility for the businesses. The proposed sign code increases the overall amount of signage allowed for most sites in non-residential zones, and bases the amount of allowed signage on either the length of the lot frontage or size of the building frontage. This provision ensures

that similar-sized commercial buildings are treated consistently, and eliminates the category of “integrated business centers.” The proposed sign code will also provide improved visibility for businesses by allowing projecting wall signs.

2. The proposed sign code preserves and enhances the aesthetic character and livability of Dundee by limiting the overall height and size of signs, by controlling the number and size of temporary signs, and by requiring signs to meet design standards that will improve the aesthetic character of signs while allowing some flexibility. The proposed code includes a list of design standards that will improve the aesthetic character of most signs. The proposed code allows flexibility, however, by only requiring signs to incorporate two or three out of the eight listed design elements.

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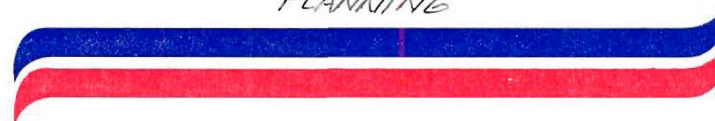
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CITY OF NEWBERG

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PLANNING



*ATTN: PLAN AMENDMENT SPECIALIST
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