



Oregon

Theodore R. Kubongski, 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

9/30/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment
DLCD File Number 007-10

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: Tuesday, October 12, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Dan Fleishman, City of Stayton
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

SEP 23 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 Stayton**

Local file number: **#03-07/10**

Date of Adoption: **September 20, 2010**

Date Mailed: **September 24, 2010**

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

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".

The amendment:

- a. repeals the provision for legally nonconforming signs to be removed
- b. allows freestanding signs in the Downtown Residential Mixed Use zone
- c. clarifies the requirements for maintenance of signs in good condition

Does the Adoption differ from proposal? Please select one

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 007-10 (18534) [16345]

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

none

Local Contact: **Dan Fleishman**

Phone: (503) 769-2998 Extension:

Address: **362 N First Ave**

Fax Number: **503-767-2134**

City: **Stayton**

Zip: **OR**

E-mail Address: **dfleishman@ci.stayton.or.us**

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 NO. 924

AN ORDINANCE AMENDING THE REGULATION OF SIGNS IN
STAYTON MUNICIPAL CODE, TITLE 17

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, Title 17 of Stayton Municipal Code (SMC; Code), Chapter 20, Section 17.20.140 establishes the regulations for signs within the City of Stayton;

WHEREAS, SMC Section 17.20.140.9-A. currently prohibits free standing signs in the downtown zones;

WHEREAS, although the maximum setback requirement for new buildings in the Downtown Residential Mixed Use (DRMU) Zone is 20 feet, there are a number of business properties in the DRMU Zone that have buildings on them that are more than 20 feet from the front lot line and therefore have room for a freestanding sign;

WHEREAS, SMC Section 17.20.140.6.c currently requires that any legally existing sign that does not meet the standards for signs in the Code be removed no later than February 9, 2013;

WHEREAS, SMC Section 17.20.140.2.e.3 contains standards for the construction and maintenance of signs that refer to obsolete codes and are vague in regard to the requirements for maintenance;

WHEREAS, following study and a public hearing, the Stayton Planning Commission has recommended that the Code be amended to allow free standing signs in the DRMU Zone when buildings are at least 20 feet from the front property line, to repeal the requirement for the abatement of legally existing nonconforming signs and to clarify the construction and maintenance requirements for signs; and,

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments set forth below comply with the City of Stayton Comprehensive Plan and are in the interests of the health, safety and general welfare of the citizens of the City of Stayton.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Section 17.20.140.2 amended. Stayton Municipal Code, Title 17, Section 17.20.140.2 is hereby amended, in part, to correct an incorrect citation, to update reference to the code for the construction and erection of signs and to clarify the requirements for the maintenance of signs, as follows:

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 existing as of the January 10, 1999 shall not be required to obtain a sign permit ~~except as required under the abatement procedure described in subsection 5.c below.~~
- c. Application Requirements.
 - 1) An application for a sign permit shall be submitted on a form prescribed by the City.

- a) Within 7 days of submittal the City Planner shall determine whether the application is complete.
 - b) Within 14 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
 - c) 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 (e.g. structural, mechanical, electrical) permits 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 ~~Uniform Building 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.

Section 2. Section 17.20.140.6 amended. Stayton Municipal Code, Title 17, Section 17.20.140.6 is hereby amended, in part, to repeal the requirements for abatement of legally existing nonconforming signs, as follows:

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) ~~Businesses Not In Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations.~~
- 2) ~~Business and Integrated Business Centers. For individual businesses in integrated business centers, no permits shall be issued for new or altered signs unless all signs of the individual businesses comply with these regulations. No free-standing sign permits will be issued for the integrated business center unless all free-standing signs conform to the design format.~~
- 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, maintained (including a change in sign face) until such time the sign structure is altered or the entire sign is replaced, at which time the sign must conform to applicable sign regulations. ~~All permanent signs not in compliance on the effective date of these regulations must conform on or before February 9, 2013.~~
- 2) ~~Temporary and portable signs which are not in conformance with the provisions of these regulations shall be regarded as nonconforming and shall be removed on or before August 9, 1998.~~
- 3) ~~The City Planner shall, as a public service, notify noneonforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline. Failure of the administrator or designate to notify the owner of the deadline shall not relieve the owner of responsibility to conform with these regulations within the time period therein.~~
- 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 or on or before February 9, 2008, whichever comes later. 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.

Section 3. Section 17.20.140.9-A amended. Stayton Municipal Code, Title 17, Section 17.20.140.9-A is hereby amended, in part, to allow free-standing signs in the Downtown Residential Mixed Use Zone, as follows:

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 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.ef. 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 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. In the DRMU Zone, a free-standing sign shall not exceed 6 feet in height if within 10 feet of the front lot line and 16 feet in any other location.
- 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 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 or DRMU zone may have one sign erected on the public sidewalk in conformance with the following standards. (Added Ord. 902, May 7, 2008)
 - 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 ~~in~~ 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.
 - 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.

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

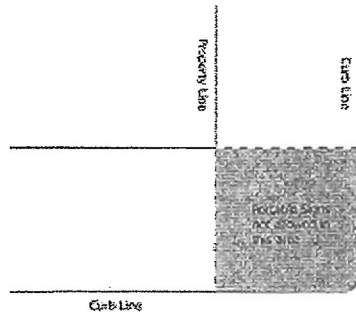
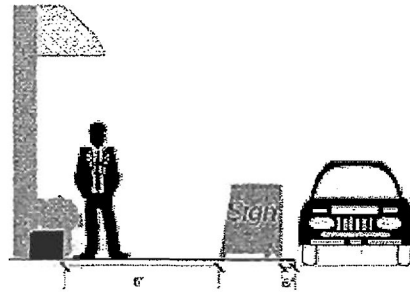


Figure 17.20.140.9-A.2
Placement of Portable Signs in the R-O-W



vi. A sidewalk sign shall not be illuminated.

Section 4. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 5. Notification to State. 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 20th day of September 2010.

CITY OF STAYTON

Signed: 9/21, 2010

BY: [Signature]
Gerry Aboud, Mayor

Signed: 9/24, 2010

ATTEST: [Signature]
Don Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

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CITY OF STAYTON
362 N. THIRD AVENUE
STAYTON, OREGON 97383

To PLAN AMENDMENT SPECIALIST
DLCID
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540