



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

April 19, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Banks Plan Amendment  
DLCD File Number 001-06

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: May 8, 2006**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: K.J. Won, City of Banks

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FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

(See reverse side for submittal requirements)

APR 17 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Banks Local File No.: Ord. no. 061400 (If no number, use none)

Date of Adoption: April 11, 2006 (Must be filled in) Date Mailed: April 14, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: January 25, 2006

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: (Please Specify Type of Action)

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

The subject amendment updates the City's sign ordinance regulations and will clarify ambiguities in the existing ordinance.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

"Same"

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: City wide Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goal 2

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-06 (14962)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: K.J. Won, AICP Banks Area Code + Phone Number: 503 292-2221  
City Planner

Address: 3178 SW 87th Ave., Portland, OR 97225

City: Portland Zip Code+4: 97225

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies 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**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 061400**

***Amend Ordinance no. 061300 adopting sign regulations for the City of Banks by substituting the following text revisions:***

**1. Section 2: Application**

Amend Section 2 to read:

*"All signs except those identified under Section 9 and Section 18 1) b), or exempt under Section 13 as of the effective date of this ordinance shall require a sign permit, which may be approved subject to meeting all standards and provisions of this ordinance."*

**2. Section 6: General Provisions**

Delete Section 6 5)

[Section 6 5) currently reads: "Logos shall be integrated into the overall sign design and are subject to all requirements of this ordinance."]

**3. Section 9: Permit Exceptions**

Amend Section 9 to add sub-paragraph e) as follows:

*"e) Replacement of an existing sign, provided that the replacement sign is identical to the existing sign with respect to type, size, height, location, construction materials, and lighting."*

**4. Section 10: Regulations by Sign Type**

Amend Section 10 g) (2) (a) to read:

*"(a) Two (2) ground-mounted signs are allowed on the same property in any zone, provided that the sign height for each sign does not exceed six (6) feet above ground level and the total sign areas for both signs do not exceed thirty-two (32) square feet per sign face."*

Amend Section 10 n) to add (4):

*"(4) The property shall be permitted no more than one temporary sign."*

5. Section 13: Exemptions

Add a new paragraph to Section 13 d):

*"However, signage advertising a new subdivision tract will be subject to the following requirements, instead of the provisions stated above:*

- (1) The total amount of subdivision tract signs is limited to one sign per street frontage within the subdivision tract.*
- (2) Sign height shall not exceed twelve (12) feet including appendages.*
- (3) Sign area shall not exceed thirty-two (32) square feet of surface area including all borders.*
- (4) Sign shall be set back at least fifteen (15) feet from all subdivision tract boundary lines on which it is to be located.*
- (5) Signs shall be removed no later than the date of sale for the lot representing ninety (90) percent of the total lots approved for the subdivision tract."*

Add sub-paragraph p):

- "p) Permanent City identification signs erected on private property, and such signs do not count toward the maximum sign area limits, nor the maximum number of freestanding signs allowed on a site."*

6. Section 16: Prohibited Signs

Amend sub-paragraph d) to read:

- "d) Signs that revolve, rotate, move or create the illusion of movement, rotation or revolvment, or have any visible moving, revolving or rotating surfaces or parts, excluding time and temperature devices not related to a product as identified under Section 5 17) c)."*

Add sub-paragraph e):

- "e) Except as expressly permitted as a community or seasonal event as provided under Section 7 6), beacons, pennants, inflatable signs, tethered balloons, and other attention gaining devices are prohibited."*

7. Section 18: Non-Conforming, Abandoned and Illegal Signs

Amend Section 18 1) to read:

**"1) Non-Conforming Signs**

*A non-conforming sign is a sign erected prior to the adoption of this ordinance and does not conform to the provisions contained herein.*

a) *A non-conforming sign shall be brought into conformance with this ordinance whenever the sign is:*

- (1) Structurally altered, or;*
- (2) Relocated, or;*
- (3) Replaced with a different type of sign, or;*
- (4) Replaced with a different size of sign, or;*
- (5) Replaced with a sign having different construction materials, or;*
- (6) Replaced with a sign having a change in lighting.*

b) *The replacement of a non-conforming sign that meets the criteria under Section 9 e) is not subject to Section 7 sign permit application regulations.*

c) *The following regulations apply to non-conforming signs:*

- (1) A sign may be removed from its sign structure for the purpose of repair or maintenance.*
- (2) Signs may be structurally altered where such alteration is necessary for public safety. (Such signs may be reinstalled if they are moved for construction or repairs of public works or public facilities and such reinstallation is completed within one (1) year."*

THEREFORE, BE IT RESOLVED by the City Council of Banks that the subject sign regulation amendments are hereby adopted on April 11, 2006.

  
Mike Lyda, Mayor

ATTEST:

  
Jolynn Becker, City Recorder

Summary of Votes:

Brian Biehl	<input checked="" type="radio"/> Yes/No
Pete Edison	<input checked="" type="radio"/> Yes/No
Teri Branstitre	<input checked="" type="radio"/> Yes/No
Chris Thackeray	<input checked="" type="radio"/> Yes/No
Dan Keller	<input checked="" type="radio"/> Yes/No