



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

AMENDED NOTICE OF ADOPTED AMENDMENT

December 12, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Reedsport Plan Amendment
DLCD File Number 001-07

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: December 27, 2007

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: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Janelle Evans, City of Reedsport

<paa> ya/

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF
DEC 07 2007
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Reedsport Local file number:

Date of Adoption: December 3, 2007 Date Mailed: Dec. 6, 2007

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 9-24-07

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 Reedsport Zoning Ordinance to prohibit off premise signs along Highway 101 & 38 which are being designated as scenic byways. This will make the sign ordinance section compatible with ODOT's regulations for scenic highways.

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. 001-07

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

Oregon Dept. of Transportation

Local Contact:	Janelle Evans	Phone: (541) 271 3603	Extension:
Address:	451 Winchester Ave.	Fax Number:	- -
City:	Reedsport	Zip: 97467	E-mail Address: jevans@reedsport.or.us

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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF REEDSPORT
451 WINCHESTER AVE.
REEDSPORT OR 97467
(541) 271-3603

ZONING ORDINANCE AMENDMENT
REEDSPORT CITY COUNCIL
FINAL ORDER

Applicant: City of Reedsport
451 Winchester Ave.
Reedsport OR 97467

Location: all property fronting Highway 101 & 38

Request: To amend the Reedsport zoning Ordinance to prohibit off
premise advertising signs along Highway 101 & 38

Order: Approved.

Date of Action: December 3, 2007

Appeal Provisions: A decision by the Reedsport City Council can be appealed to
the Land Use Board of Appeals pursuant to ORS 197.830 (8) no later than 21 days after
the date the decision became final.

Decision Criteria and Findings: See Attachment "A".

Final Action: The Reedsport City Council voted to adopt the Planning Commission's
Findings and recommendation to amend the Reedsport Zoning Ordinance to
Prohibit off premise advertising signs along Highway 101 & 38.


Janelle Evans, Planner

December 6, 2007
date mailed

EXHIBIT "A"

DECISION CRITERIA #1: There is a need for the proposed change.

- 1a. Section 4.050 Item 10 of the Reedsport Zoning Ordinance provides for the approval of off premise signs through a variance application. Specifically it states:

Off premise signs will be processed as a variance application and will require proof in the form of a signed agreement by the owner of the property on which the sign is to be place.

The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this ordinance without the approval of a variance.

- 1b. The proposed text amendment would specifically state that off premise signs are prohibited along Highway 101 & 38. The proposed language is as follows:

*Off premise signs will be processed as a variance application and will require proof in the form of a signed agreement by the owner of the property on which the sign is to be place. **Off premise advertising signs along Highway 101 & 38 are prohibited and not allowed through the variance process.***

The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this ordinance without the approval of a variance.

- 1c. Highway 101 and 38 are actually under the jurisdiction of the Oregon Department of Transportation (OPOT). Sign regulations within the City on properties adjacent to the highway are to be coordinated with ODOT and the City. ODOT only regulates off premise signs.

- 1d. Highway 101 is designated as a scenic byway and Highway 38 is in the process of being designated as a scenic byway.

- 1e. ODOT sign regulations specifically prohibit any off premise advertising signs along scenic byways. Amending the Reedsport zoning ordinance to specifically state that off premise advertising signs are prohibited will eliminate any potential conflict between the City's ordinance and ODOT regulations.

- 1f. The restriction only applies to advertising signs it does not include destination or directional signs that are allowed by ODOT.

Criteria 2: Is said action detrimental to properties surrounding or adjacent to the area requested for the amendment?

- 2a. The regulation is not a new regulation. Currently ODOT does not allow off premise signs along the Highway and the City advises applicants that they will need an approval from ODOT for any off premise advertising signs.
- 2b. Amending the Reedsport Zoning Ordinance to prohibit of premise signs along Highway 101 and 38 will eliminate the need to refer them to ODOT. However, this is a change to the City's ordinance and does restrict the use of some properties under the City's ordinance.
- 2c. Measure 56 defines a rezone as any amendment to a City Ordinance that limits or prohibits land uses previously allowed. A notice to all property owners along Highway 101 and 38 was mailed on October 25, 2007.
- 2d. The City has received a few telephone calls for clarification of the restriction. However, no objections to the proposed amendment have been received either orally or in writing.
- 2e. A notice of the proposed amendment has been published in the Umpqua Post on November 7, 2007.

Criteria 3: Is the proposed amendment in conflict with the adopted Comprehensive Plan for the area?

- 3a. The City of Reedsport has adopted a Transportation System Plan and adopted it as part of the Reedsport Comprehensive Plan. Goal #1 states: Develop a transportation system to enhance Reedsport's livability and meet federal, state and local requirements.
- 3b. Prohibiting off premise advertising signs along Highway 101 & 38 which are scenic byways is a state requirement and complies with Goal #1.

Criteria 4: Will the proposed amendment adversely affect the public health, safety and general welfare?

- 4a. The proposed amendment does not have an effect on the public health, safety or welfare of the citizens of Reedsport. The regulation already exists in ODOT's codes and amending the City's Ordinance will only assist in compliance with ODOT's codes.

Criteria 5: What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?

- 5a. The proposed amendment doesn't alter or change the allowable land uses so there is no effect on the existing land use pattern or compatibility issues.

5b. Currently there are no off premise advertising signs that exist along Highway 101 or 38.

7. **Maximum Height**

The maximum height of all signs shall be no greater than 30 feet above ground level.

8. **Mural Signs**

Mural signs will be calculated by the length of the longest message line and the height of the top and bottom lines to determine square footage.

9. **Nonconforming Signs**

- a. Non-conforming signs are those signs lawfully installed prior to the effective date of the September 9, 1996 Revised Sign Code or signs on property annexed to the City which do not conform to the requirements of this amended ordinance.
- b. Non-conforming signs shall not be changed, expanded, or altered in any manner which would increase the degree of its non-conformity, or be moved in whole or in part to any other location where it would remain non-conforming. (See Maintenance)
- c. Prohibited signs existing prior to adoption of this ordinance, advertising current business or use, will be considered non-conforming.
- d. Termination by damage or destruction: Any non-conforming sign and supporting structure damaged or destroyed by any means, to the extent of 50% of its replacement cost (new) shall be terminated and shall not be restored.

10. **Off Premise Signs**

Off premise signs will be processed as a variance application and will require proof in the form of a signed agreement by the owner of the property on which the sign is to be placed. ***Off premise advertising signs along Highway 101 & 38 are prohibited and not allowed through the variance process.***

The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this ordinance without the approval of a variance.

11. **Sign Placement**



DLCD
Plan Amendment
635 Capitol St NE Suite 150
Salem OR 97301