



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

September 10, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment
DLCD File Number 019-06



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: September 26, 2008

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
Gary Fish, DLCD Regional Representative
Steve Oulman, DLCD Regional Representative
Jacob Graichen, City of St. Helens

<paa> ya/

Notice of Adoption

SEP 08 2008

LAND CONSERVATION AND DEVELOPMENT

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 St. Helens**

Local file number: **ZA.10.06**

Date of Adoption: **9/3/2008**

Date Mailed: **9/5/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/29/2006

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".

New sign code. Replaces previous.

Does the Adoption differ from proposal? Yes, Please explain below:

Specifics in text has changed based on further research, and input from the Planning Commission and public, generally.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **UGB wide**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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 #019-06 (15769)

DLCD file No. _____

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

Columbia County, Columbia River Fire & Rescue, St. Helens School Dist., and Columbia River PUD.

Local Contact: **Jacob A. Graichen**

Phone: **(503) 366-8204** Extension:

Address: **PO Box 278**

Fax Number: **503-397-4016**

City: **St. Helens**

Zip: **97051-**

E-mail Address: **jacobg@ci.st-helens.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**.

ORDINANCE NO. 3091

**AN ORDINANCE REPLACING THE ST. HELENS
MUNICIPAL CODE, CHAPTER 17.88, SIGNS**

WHEREAS, pursuant to SHMC 17.20.20(1)(a) the St. Helens City Council initiated a legislative change to the St. Helens Municipal Code, Title 17 (Community Development Code) to replace the City's sign regulations; and

WHEREAS, pursuant to the SHMC and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on December 29, 2006, all property owners within the St. Helens Urban Growth Boundary listed in the Columbia County Tax Assessor records on January 16, 2007, and the local newspaper of record on January 24, 2007 and June 4, 2008; and

WHEREAS, the St. Helens Planning Commission has conducted public hearings on February 13, 2007; March 13, 2007; April 10, 2007; May 8, 2007; June 12, 2007; July 10, 2007; August 14, 2007; September 11, 2007; October 9, 2007; November 13, 2007 and December 11, 2007 and, following deliberation, made a recommendation of approval to the City Council; and

WHEREAS, the St. Helens City Council has conducted public hearings on June 18, 2008 and July 16, 2008 and having the responsibility to approve, approve with modifications, or deny an application for a legislative change, has deliberated and found that based on the information in the record and the applicable criteria in the SHMC that the proposed amendments be approved.

NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

Section 1. The above recitations are true and correct and are incorporated herein by reference.

Section 2. Chapter 17.88, Signs, of the St. Helens Municipal Code is hereby replaced, attached hereto as **Attachment "A"** and made part of this reference.

Section 3. In support of the code amendments described herein, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "B"** and made part of this reference.

Section 4. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be servable.

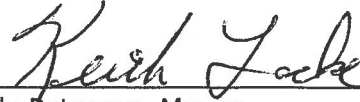
Section 5. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

Section 6. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time:
Read the second time:

August 13, 2008
September 3, 2008

APPROVED AND ADOPTED this 3rd day of September, 2008.



Randy Peterson, Mayor

President

ATTEST:



Kathy Payne, City Recorder

Chapter 17.88

SIGNS

Sections:

- 17.88.010 Purpose.
- 17.88.015 Definitions.
- 17.88.020 General Requirements.
- 17.88.025 Exempt Signs.
- 17.88.030 Prohibited Signs.
- 17.88.035 Nonconforming Signs.
- 17.88.040 Exemptions from Requirement for Permit.
- 17.88.045 Temporary Signs.
- 17.88.050 Sign Districts - General.
- 17.88.055 Residential Sign District.
- 17.88.060 Commercial/Industrial Sign District.
- 17.88.080 Measurements.
- 17.88.085 Projecting Signs.
- 17.88.090 Wall Signs.
- 17.88.095 Freestanding Signs.
- 17.88.100 Awning Signs.
- 17.88.105 Electronic Message Signs.
- 17.88.110 Comprehensive Sign Plan.
- 17.88.120 Construction and Maintenance Standards.
- 17.88.125 Illumination - General Restrictions.
- 17.88.130 Sign Permit Application.
- 17.88.135 Adjustments.
- 17.88.140 Appeal of Decision on Sign Permit of Sign Removal.
- 17.88.145 Inspections.
- 17.88.155 Removal of Signs - General.
- 17.88.160 Removal of Unsafe Signs.
- 17.88.165 Removal of Abandoned Signs.
- 17.88.170 Removal of Signs Erected Without a Permit.

17.88.010 Purpose.

The purposes of this chapter are to protect the health, safety, property and welfare of the public, to provide a neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs, to provide for safe construction, location, erection and maintenance of signs, to prevent proliferation of signs and sign clutter, to minimize adverse visual safety factors to travelers on public highways and streets and on private areas open to public travel, and to achieve this purpose consistent with state and federal constitutional limits on the regulation of speech. To achieve these purposes it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public rights-of-way and private areas open to public travel.

17.88.015 Definitions.

For the purposes of this chapter, unless the context indicates otherwise: words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; undefined words have their ordinary accepted meaning; and, the following words and phrases mean:

(1) Abandoned sign: A sign or sign structure where:

(a) The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located. Discontinuance of use will mean for a period of more than 6 months or whenever electricity use is discontinued for more than 3 months, whichever is first.

(b) The sign has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued, once started.

(2) Alter: To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

(3) Athletic scoreboard: A sign erected next to an athletic field by the owner or operator of the field and which is visible to spectators.

(4) Automobile service station: A retail place of business engaged in the sale of motor fuels.

(5) Awning: A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

(6) Balloon signs: A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

(7) Banner: A sign made of fabric or other non-rigid material with no enclosing framework.

(8) Bench sign: A sign on an outdoor bench.

(9) Blanketing: Blocking a pedestrian's or motorist's view of a projecting sign by another projecting sign.

(10) Boundaries of a site: The area inside the legal lot lines of a site, not including any property in a public right-of-way.

(11) Building Elevation Area: The area of a single side of a building measured in square feet and calculated by multiplying the length of the side of the building by the height of the building

to the roofline. If the roofline height varies along the side of the building, the average of the lowest and highest roofline height on that side shall be used in the calculation.

(12) Building frontage, primary: The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

(13) Building frontage, secondary: The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

(14) Building official: The building official or his or her designee.

(15) Bulletin board: A permanent sign providing information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically, through use of an array of lights in a dot matrix configuration, from which characters can be formed. If electronic, then the time intervals between messages cannot be less than 5 seconds.

(16) Canopy: A permanent roofed structure which may be freestanding or attached to a building, but which is not a completely enclosed structure or awning.

(17) Clearance: The distance between the average grade below a sign to the lowermost portion of the sign.

(18) Community event: An activity or event identified as such by the City Council.

(19) Electronic message sign: A permanent sign providing information in both a horizontal and vertical format (as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. Video signs are not included in this definition. Time intervals between messages or copy changes cannot be less than 5 seconds.

(20) Filing: Depositing a document in the United States mail, postage prepaid and accurately addressed to the city, or leaving a copy with the city recorder at city hall during work hours. For purposes of this chapter, a document is "filed" on the date it is received at city hall.

(21) Flag: A rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, local government, business, organization or a person.

(22) Freestanding sign: A sign that is not attached to a building and is erected on a frame connected to the ground. Ground-mounted, monument and pole signs are specific types of freestanding signs. A freestanding sign does not include a portable sign.

(23) Grade: For freestanding signs, grade is the average level of the ground measured ten feet from either end of the base of the sign, parallel to the sign face(s). For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face(s).

(24) Ground-mounted sign: A freestanding sign with a minimum of 12 inches of vertical solid base directly and continuously connected to at least 50 percent of the sign face width or, is borne by two or more supports which are a minimum of 12 inches but less than eight feet above grade.

(25) Handheld sign: A hand carried sign of six square feet or less in area, worn or carried by a person when being displayed.

(26) Height: The vertical distance measured from grade to the highest attached component of a sign including the supporting structure.

(27) Historical sign: A sign designated as a historic or cultural resource under city, state or federal law.

(28) Historical or landmark marker: A sign constructed in close proximity to a historic place, object, building, or other landmark recognized by an official historical resources entity, where the sign does not exceed 20 square feet in size.

(29) Illuminated sign: A sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is "external" when the light source is separate from the sign and is directed to shine upon the sign and "internal" when the light source emanates from the sign. External illumination is "direct" when the source of light is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

(30) Interior sign: A sign erected and maintained inside of a building, including, but not limited to, a sign attached to or painted on the inside of windows. This definition does not include text, pictures, graphics, or similar representations in display windows.

(31) Marquee: Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

(32) Maintenance: Normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs.

(33) Menu board: A sign placed at the beginning of a drive-up service lane of a food service establishment that includes a two-way speaker system for taking food orders.

(34) Monument sign: A sign that has a solid supporting base equal or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and base.

(35) Name plate: A permanent wall sign located on the front façade of a residential structure.

(36) Neon sign: A sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

(37) Nonconforming sign: A sign that was lawful when it was constructed but does not currently meet the requirements of this code.

(38) Numeric information sign: A sign only displaying current numeric measurements such as time, date, temperature, or stock indices.

(39) Owner: The person owning title to real property on which a sign is located, or the contract purchaser of the real property as shown on the last available complete assessment roll in the office of county assessor. "Owner" also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

(40) Pennant: A sign device made from a strip of flexible material intended to wave in the wind.

(41) Pole sign: A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign device separated vertically from the ground by a distance of nine feet or greater as measured from grade.

(42) Portable sign: A sign which is not permanently affixed to a building, structure, or the ground and designed to be moved from place to place.

(43) Projecting sign: A building mounted sign that projects beyond the building more than 12 inches and is not located on a canopy, awning, or marquee.

(44) Public sign: A sign constructed or placed within the public right-of-way by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or a sign constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right-of-way.

(45) Repair: Mending or replacing broken or worn parts with comparable materials.

(46) Roof elevation area: The area of a single plane of a roof, measured in square feet and calculated by multiplying the difference between the height of the ridge and the height of the eave by the distance between opposing rakes.

(47) Roof line: The top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

(48) Roof sign: A sign erected upon, against, or over the roof of any building or structure.

(49) Seasonal decorations: Every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not and whether attached to utility poles, buildings or any other structure.

(50) Setback: The horizontal distance from the property line to the sign, measured at the closest points of the sign to the property line.

(51) Sign: Any writing, video projection, pictorial representation, illustration, decoration (including any material used to differentiate sign copy from its background), emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

(a) Is a structure or any part thereof (including the roof or wall of a building); or

(b) Is written, printed, projected, painted, constructed, transmitted or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate, canopy, awning, marquee, or a vehicle, or upon any material object or device whatsoever; and

(c) By reason of its form, color, wording, symbol, design, or illumination, attracts or is designed to attract attention and communicate a message. Graphics, murals and art work that do not communicate informational messages, apart from any aesthetic or artistic message, are not signs. It is a disputable presumption that a graphic, mural or art work that depicts or relates to the use of a site or structure on which it is displayed, is intended to communicate an informational message about the site or structure.

(52) Sign copy: The message or image conveyed by a sign.

(53) Sign face: The sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

(54) Sign area: The area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations, or supports.

(55) Sign height: The average level of the grade below the sign to the topmost point of the sign including the supporting sign structure, foundations, and supports.

(56) Site: The area, tract, parcel, or lot of land owned by or under the lawful control of an owner. Abutting platted lots under the same ownership shall be considered one site.

(57) Street frontage: The length or width of a site, measured along a line separating the site from a street or public right-of-way.

(58) Supporting structure: A structure specifically intended for supporting or containing a sign.

(59) Suspended sign: A sign which is attached to the underside of a canopy or awning, and is supported by the canopy or awning.

(60) Temporary sign: A sign that is not permanently attached to a building, structure, or the ground and that is intended to remain in use for no more than a short time.

(61) Tri-vision sign: A sign that contains display surfaces composed of a series of three-sided rotating slates arranged side by side, either horizontally or vertically, that are rotated by an electro-mechanical process, capable of displaying a total of no more than three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

(62) Vehicle sign: A non-illuminated sign permanently or temporarily placed on or attached to the exterior of a motor vehicle, trailer, railroad car, or light rail car that is used in the regular course of business for purposes other than the display of signs.

(63) Video sign: A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

(64) Vision clearance area: A triangular area on a lot at the intersection of two streets or a street and a railroad, alley, or driveway as defined and measured in this code.

(65) Wall sign: A sign that is attached to and extends no more than 12 inches from a wall, or is painted on a wall of a building.

(66) Window sign: A sign attached to, placed upon, or painted on a window or door of a building that is viewable from the outside of the building.

17.88.020 General Requirements.

(1) Except as provided in SHMC 17.88.025, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

(2) Except as provided in SHMC 17.88.025, no person shall erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and this code.

(3) An application for sign permit approval is also subject to the procedures set forth in SHMC 17.88.130.

(4) No owner shall erect or construct a sign on a site that contains unlawful signs.

(5) This chapter shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of this chapter conflicts with a provision of any zoning, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

(6) This chapter is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

(7) If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared invalid for any reason by a court having jurisdiction under state or federal law, the remaining portions of this chapter shall remain in full force and effect.

17.88.025 Exempt Signs.

Except for signs prohibited by this chapter, the following signs are exempt from the provisions of this chapter:

(1) All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside of the structure or building.

(2) Signs required by law, administrative order or judicial order and erected by public employees performing official duties.

17.88.030 Prohibited Signs.

Except for nonconforming signs, the following signs are unlawful and are nuisances:

(1) Abandoned signs.

(2) Any sign constructed, maintained or altered in a manner not in compliance with this chapter.

(3) Any non-public sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device that impedes the intended purpose of the device.

(4) Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

(5) Any sign located in a manner which could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way.

(6) Any sign equipped with moving, rotating or otherwise animated parts, except for athletic scoreboards.

(7) Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign.

(8) Any sign attached to a tree or a plant, a fence or a utility pole, except as otherwise allowed by this chapter.

(9) Any sign within or over any public right of way, or located on private property less than two feet from any area subject to vehicular travel, except for:

(a) Public signs.

(b) Temporary signs specifically allowed within the public right of way under SHMC 17.88.045.

(10) Temporary signs, including banners, pennants, wind signs, and flags, except as otherwise authorized by SHMC 17.88.040 or SHMC 17.88.045.

17.88.035 Nonconforming Signs.

(1) Nonconforming signs may continue to exist, subject to the following provisions:

(a) No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.

(b) A sign that is moved, replaced, or structurally altered shall be brought into conformance with this chapter, except that:

(i) Nonconforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this chapter.

(ii) Nonconforming signs may be structurally altered when the alteration is necessary for structural safety.

(iii) Nonconforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within 90 days after the completion of the public works or public utility construction or repair.

(c) A nonconforming sign that is damaged (such as, but not limited to wind, accident, and lightning) shall not be repaired if the estimated expense to repair the sign exceeds 60 percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within 90 days of the date the sign was damaged. As used herein, "nonconforming sign" includes the sign structure, foundation and supports.

(d) Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is 60 percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within 90 days of the date the sign was damaged and are diligently pursued thereafter.

(e) Whenever repairs and restoration of a damaged nonconforming sign are not started within 90 days of the date the sign was damaged or are not diligently pursued once started, the sign shall be deemed abandoned.

(f) Abandoned signs shall not be permitted as nonconforming signs.

(g) No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign maintained in violation of this provision shall be removed as provided in this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by this chapter. Any nonconforming sign determined by the planning director to be an abandoned sign shall be removed as provided by this chapter.

(2) Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

17.88.040 Exemptions from Requirement for Permit.

The following signs are allowed in all sign districts without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of this code.

(1) Signs (including name plates, and dates of erection of buildings) on multi-family residential, commercial, industrial, or institutional buildings when the sign is cut into the surface or the façade of a building, or when it is constructed of stone, masonry, bronze or other noncombustible material and projects no more than two inches from a building, so long as the cumulative sign face(s) are eight square feet or less in area.

(2) One indirectly illuminated or non-illuminated sign not exceeding one and one-half square feet in area placed on any non-multifamily residential lot. This type of sign is typically used as a name plate.

(3) Flags. Residential freestanding poles in excess of 20 feet tall require building permits and cannot be able to fall offsite. All other freestanding flag poles over 30 feet in height require building and land use permits.

(4) Vehicle signs.

(5) Signs displayed upon a bus or light rail vehicle owned by a public transit district.

(6) Historical sign or historical or landmark markers (as determined by city ordinance).

(7) Seasonal decorations on private property.

(8) Handheld signs.

(9) Any public notice required by federal, state or local law, regulation or ordinance, or a sign within the public right-of-way that is erected by a governmental agency, utility or contractor doing authorized work within the right-of-way.

(10) A warning sign that does not exceed eight square feet in area and six feet in height, is not erected in a vision clearance area, and is erected on property where there is a danger to the public or to which public access is prohibited.

(11) Non-illuminated interior signs in non-residential sign districts designed primarily to be viewed from a sidewalk or street provided the sign does not obscure more than 25 percent of any individual window.

(12) Illuminated interior signs in non-residential sign districts designed primarily to be viewed from a sidewalk or street, provided the sign face is less than four square feet in area.

(13) One suspended sign for each principal use erected on property which is not considered public right-of-way, under an attached first floor awning or canopy upon a building with direct exterior pedestrian access, provided the sign does not exceed six square feet in area and has a minimum of eight feet of clearance.

(14) An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature.

(15) Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended for viewing by persons within the facility. The signs shall be placed so as to be oriented towards the interior of the field and the viewing stands.

(16) Signs incorporated into vending machines or motor fuel pumps.

(17) Temporary signs as allowed in this chapter.

(18) Public signs.

17.88.045 Temporary Signs.

(1) Temporary signs may be erected and maintained in the city only in compliance with the regulations in this chapter, and with the following specific provisions:

(a) Except as approved in connection with a community event, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.

(b) Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed. A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily moved or blown from its location and allows for the easy removal of the sign.

(c) Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices. Temporary signs shall not obscure or obstruct signs on adjacent premises.

(d) No temporary sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.

(2) In any residential sign district pursuant to SHMC 17.88.050, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling and similar activities. Signage shall be allowed for each lot as follows:

(a) Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

(b) One temporary sign not exceeding six square feet in area and four feet in height which is erected for a maximum of eight days in any calendar month and is removed by sunset on any day it is erected.

(c) 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, and a sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of any construction or remodeling. 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 twelve months.

(d) 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 on properties less than four acres in size or two temporary signs not exceeding 64 square feet in area each and eight feet in height on properties greater than four acres in size.

(3) In any commercial/industrial sign district pursuant to SHMC 17.88.050, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, construction or remodeling, special events and similar activities. Signage shall be allowed for each lot as follows:

(a) Signs not exceeding four square feet in area and five feet in height, during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

(b) A sign not exceeding 32 square feet in area and eight feet in height during the time of sale, lease or rental of the property provided that the sign is placed on the property for sale, lease, or rental and removed within 15 days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area and eight feet in height during the time of construction and remodeling of the property, provided the sign is placed on the property where construction and remodeling is taking place and removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. In no case shall the sign or signs be erected for more than twelve months.

(c) A sign not exceeding 32 square feet in area during the period of a charitable fundraising event being conducted on the property where the sign is erected by a charitable or nonprofit organization. This signs shall not be placed more than seven days prior to the event and must be removed within two days following the event.

(4) Temporary signs for community events shall be allowed without the issuance of permits and shall not affect the amount or type of signage otherwise allowed by this chapter, provided that said signs comply with the following:

(a) Signs shall only be placed on property where the community event is taking place, including rights-of-way subject to street closure for the purpose of the community event;

(b) Signs shall be placed/orientated such that they are not intended to be visible from rights-of-way not subject to street closure for the purpose of the community event or other properties; and

(c) Signs shall be allowed for the duration of the community event only.

(5) No temporary signs or banners shall be allowed in the public right of way or on public property, except for those listed in this subsection or pursuant to SHMC 17.88.045(4).

(a) The following temporary signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic and shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary sign shall extend into a vision clearance area. Temporary signs allowed in the right-of-way shall include:

(i) Signs owned or erected by a governmental entity.

(ii) Signs on public sidewalks in all commercial zones and adjacent to commercial uses which comply with the following standards:

(A) Any temporary sign is placed on the sidewalk within the first three feet behind the curb.

(B) Any temporary sign is present only during the business hours of the responsible enterprise.

(C) Any temporary sign placed elsewhere than directly adjacent to the primary use shall be placed only with the written consent of the property owner of the adjacent property. No more than two temporary signs shall be placed in the public right-of-way adjacent to any property frontage on a single street.

(D) No sign can interfere with ADA requirements or normal pedestrian or vehicle use of a right of way.

(iii) Portable signs limited to a maximum of six square feet in area and three feet in height, displayed only on weekends and holidays, placed at street intersections in relative close proximity to a property for sale or lease during the time of that display. One single sign for each

property or development shall be permitted at each intersection and shall be positioned as to be no closer than two feet from areas subject to vehicular travel.

(iv) Bench signs so long as the bench sign copy does not exceed 15 square feet and the bench sign is approved by the owner.

(b) Temporary banners or seasonal decorations which extend over a street or are attached to utility or streetlight poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the procedures set out in this chapter and shall comply with the following standards:

(i) Banners or decorations which extend over a street shall not exceed 36 square feet per face with the total sign area not to exceed 72 square feet, except that banners which are attached to only a single utility or streetlight pole shall not exceed 6 square feet per face with a total sign area not to exceed 12 square feet.

(ii) Temporary banners or decorations shall be permitted only if the applicant is conducting an event or activity in the City of St. Helens that has been identified as a community event by the St. Helens City Council or for purposes of identifying a geographic area or district of the city. Applications for geographic identification banners shall be submitted by an organized neighborhood association, or shall be accompanied by a petition indicating the consent of at least 51 percent of the property owners or retail establishments in the geographic area delineated on the banner application.

(iii) Applicants requesting permits for temporary banners or decorations in City of St. Helens right-of-way shall obtain all permits and approvals as required prior to submittal of an application for a sign permit. Applicants requesting temporary banners placed over rights-of-way controlled by other agencies other than the City of St. Helens shall obtain written consent from the appropriate agency regarding the proposed banner(s) prior to submittal of an application for a sign permit. The consent shall identify any restrictions desired by the owner or the agency in control of the right-of-way.

(iv) Except for a banner(s) identifying a geographic area or district of the city, banner(s) shall be installed no earlier than 20 days before the onset of the applicant's event or activity and shall be removed within two days of completion of the applicant's event or activity giving rise to the permit.

17.88.050 Sign Districts - General.

(1) The following sign districts are created and applied to designated land. No permit shall be issued for any sign unless specifically allowed as an allowed sign under the terms of the applicable sign district or otherwise allowed as a nonconforming sign under this chapter or exempted under this chapter. Any particular limitation in a sign district regulation shall not be construed to exclude the applicability of other restrictions imposed under this chapter.

(2) The sign districts shall be as follows:

(a) The residential sign district includes all land within the R10, R7, R5, AR, and MHR zoning districts, and pursuant to SHMC 17.88.050(2)(c) and (d).

(b) The commercial/industrial sign district includes all land within the HC, GC, MC, HI, and LI zoning districts, and pursuant to SHMC 17.88.050(2)(c) and (d).

(c) For mixed use zoning districts such as the MU and OTSH zoning districts, the following shall apply:

(i) the residential sign district shall include those properties where residential use is greater than 50% by gross property area and the commercial/industrial sign district shall include those properties where residential use is equal to or less than 50% by gross property area; or

(ii) For properties with multistory and multiuse buildings, sign districts shall include a vertical element such that each story of said building shall be based on the on its use as determined by SHMC 17.88.050(c)(i) for any sign placed on the building, and the grounds (i.e. area of property with no building) of said property shall be based on the use as determined by SHMC 17.88.050(c)(i) of the property at street level.

(d) Signs in other zones not otherwise mentioned in SHMC 17.88.050(2)(a), (b), or (c), shall be treated under the same rules as the abutting sign district closest to the sign.

(3) Property within a rezoned area shall be governed by the provisions of the sign code applicable to the new zoning district upon the effective date of the ordinance amending the zoning map. Completed applications for sign permits made before the effective date of the zone change will be considered under the provisions of this code applicable to the zoning district existing at the time the application was completed. All signs which are not in compliance with the provisions of this chapter applicable to the newly established zoning district shall be considered nonconforming signs.

17.88.055 Residential Sign District.

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter.

(1) Permitted sign types, number and area. Signs within the residential sign district are limited as follows and require issuance of permits under SHMC 17.88.130:

(a) Monument and ground-mounted signs.

(i) In multi-dwelling developments, one double faced monument sign, or not more than two single faced monument signs on either side of each vehicular entrance shall be permitted. Sign area shall not exceed 16 square feet for each sign face.

(ii) In subdivisions, not more than two single faced monument signs for a subdivision or planned unit development having 20 or more lots may be permitted on either side of each public right-of-way or private street tract entrance. Sign area shall not exceed 16 square feet for each sign face.

(iii) For churches, schools, public/semi-public facilities, and privately-owned community centers, one single or double faced monument sign shall be permitted for each such facility. Where such a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed sixteen square feet for each sign face.

(iv) For conforming commercial uses in residential districts, one single or double faced monument sign shall be permitted on the primary frontage of the development. In lieu of one monument sign, one single or double faced ground-mounted sign shall be permitted on the primary frontage of developments which contain five or more principal uses in one structure. Where a development has multiple street frontages, this signage may be permitted on each building frontage that abuts a TSP designated arterial or collector street. Sign area shall not exceed 30 square feet for each sign face.

(b) Bulletin Boards

(i) For schools, churches, public and semi-public facilities, and privately-owned community centers, one single or double faced bulletin board may be incorporated into an approved monument sign. Sign area for a bulletin board shall not exceed 24 square feet for each sign face.

(ii) For conforming commercial uses in residential districts, one single or double faced bulletin board per site may be incorporated into an approved monument or ground mounted sign. Sign area of the bulletin board portion of the sign shall not exceed 65 percent of the total sign face.

(c) Wall signs

(i) For conforming commercial uses permitted in residential districts, one wall sign for each tenant occupancy shall be permitted. Sign area for all wall signs shall not exceed eight (8) percent of the building elevation area, with a maximum individual sign face area of 50 square feet on primary frontages. Sign area for all wall signs shall not exceed six (6) percent of the building elevation area on secondary frontages, with a maximum individual sign face area of 25 square feet.

(ii) For churches, schools, and public/semi-public facilities, one wall sign for each building frontage shall be permitted. Sign area for all wall signs shall not exceed eight (8) percent of the building elevation area with a maximum individual sign face area of 50 square feet on primary frontages, and six (6) percent of the building elevation area on secondary frontages, with a maximum sign face area of 25 square feet.

(iii) For conforming commercial uses in residential districts, total sign face area for all primary building mounted wall signs shall not exceed 12 percent of the building elevation area with a maximum individual sign face area of 100 square feet. Where the use has multiple frontages, the signage on secondary frontages shall not exceed 8 percent of the building elevation area with a maximum sign face area of 50 square feet. No more than two wall signs shall be permitted on the primary building frontage. Only one wall sign shall be permitted on the secondary frontage.

(d) Awning signs.

(i) For conforming commercial uses permitted in residential districts, one awning sign for each building frontage shall be permitted. Total sign area including wall signs shall not exceed 12 percent of the building elevation area, with a maximum sign face area of 50 square feet on primary frontages, and 8 percent of the building elevation area on secondary frontages, with a maximum sign face area of 25 square feet.

(ii) For churches, schools, and public/semi-public facilities, one awning sign for each building frontage shall be permitted. Total sign area including wall signs shall not exceed 12 percent of the building elevation area, with a maximum sign face area of 50 square feet on primary frontages, and 8 percent of the building elevation area on secondary frontages, with a maximum sign face area of 25 square feet.

(iii) For conforming commercial uses in residential districts, total sign face area for primary building mounted wall signs and awning signs shall not exceed 12 percent of the building elevation area with a maximum sign face area of 100 square feet. Where the use has multiple frontages, the signage on secondary frontages shall not exceed 8 percent of the building elevation area, with a maximum sign face area of 50 square feet.

(e) Suspended signs.

For each business in residential districts, one suspended sign over public right-of-way shall be permitted under an attached first floor awning or canopy with direct exterior pedestrian access. Sign area shall not exceed 3 square feet per face with the total sign area not to exceed 6 square feet.

(f) Banner signs.

(i) For multi-dwelling residential developments, one banner sign shall be permitted for each development. The banner sign shall be limited to a display period of a maximum of 30 continuous days twice for each calendar year. Sign area shall not exceed 50 square feet.

(ii) For conforming commercial uses in residential districts, one banner sign shall be permitted for each principal use. The banner sign shall be limited to a display period of a maximum of 30 continuous days twice during the calendar year. Sign area shall not exceed 50 square feet.

(iii) For temporary uses, one banner sign shall be permitted for each temporary use. The banner sign shall be allowed for the same duration as the temporary use. Maximum sign area shall not exceed 50 square feet.

(2) Maximum sign height.

Monument signs shall be no more than six feet in height. Ground-mounted signs shall be no more than 12 feet in height.

(3) Illumination.

(a) For athletic scoreboards, bulletin boards, and wall signs permitted in the residential zoning districts, any illumination of signs shall be indirect.

(b) The illumination of signs within the residential sign district shall comply with the standards contained in this chapter.

17.88.060 Commercial/Industrial Sign District.

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter.

(1) Permitted sign types, number, and area. Signs within the commercial/industrial sign district are limited as follows and require the issuance of permits under SHMC 17.88.130:

(a) Monument or ground-mounted signs.

(i) For principal uses, one single or double faced monument or ground-mounted sign shall be permitted for each lot along the primary street frontage. Where a use has multiple street frontages, this signage may be permitted along each frontage building frontage that abuts a TSP designated arterial or collector street. Sign area shall not exceed 40 square feet for each sign face.

(ii) For churches, schools, and public/semi-public facilities, one single or double faced monument sign shall be permitted for each such facility. Where such a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed 40 square feet for each sign face.

(b) Pole signs.

(i) For principal uses, one freestanding single or double faced pole sign shall be permitted on lots that have a minimum of 40 feet of street frontage and no pole sign can be closer together than 80 feet in addition to other limitations. Sign area shall not exceed 100 square feet for each sign face. Any shopping plaza cannot exceed 150 square feet per face and any shopping center cannot exceed 200 square feet per face and no sign can exceed twice per face size.

(ii) Notwithstanding SHMC 17.88.060(1)(b)(i), pole signs shall not be allowed in the OTSH zoning district.

(c) Wall signs.

(i) For a principal use, the total sign face area for all building mounted wall signs, including multiple signs for multiple tenants, shall not exceed eight (8) percent of the building elevation area on the primary frontage, with a maximum individual sign face area of 120 square feet. Where the use has multiple building frontages, the total signage area on secondary building frontages shall not exceed six (6) percent of the building elevation area, with a maximum individual sign face area of 60 square feet. However, if the building elevation area on a frontage exceeds 5000 square feet, the maximum individual sign area may increase to 199 square feet.

(d) Awning Signs.

(i) For principal uses, the total sign face area for awning signs and wall signs shall not exceed 12 percent of the building elevation area on the primary frontage, with a maximum sign face area of 120 square feet. Where the use has multiple frontages, the signage on secondary building frontages shall not exceed 8 percent of the building elevation area, with a maximum sign face area of 60 square feet.

(e) Numeric Information Signs.

(i) For principal uses, one single or double faced time, numeric information sign with a maximum of six square feet shall be permitted.

(f) Bulletin Boards.

(i) Schools, churches, and public and semi-public facilities, one single or double faced bulletin board may be incorporated into an approved monument or ground-mounted sign. Maximum sign area for a bulletin board shall not exceed 24 square feet for each sign face.

(ii) Theater marquees. One single faced bulletin board, or one double faced bulletin board constructed so that the two faces connect at one end with an angle of 45-degrees or more, may be incorporated into a theater marquee. Maximum sign area for the bulletin board shall not exceed 12 percent of the building elevation area on the primary frontage, with a maximum sign face area of 120 square feet. The total combined area of theatre marquee bulletin boards, awning signs and wall signs shall not exceed the maximum percentage of building elevation area permitted for the building elevation.

(g) Banner and Balloon Signs.

(i) Principal use. One banner sign or one balloon sign shall be permitted for each principal use and shall be limited to a display period of a maximum of 10 continuous days once during the calendar year or ten days accumulative with no more than two periods per calendar

year. Maximum banner area shall not exceed 50 square feet. Maximum diameter of a balloon shall not exceed 20 feet and for a bunch no more than 30 feet total.

(ii) Temporary use. One banner sign shall be permitted for a temporary use and shall be allowed for the same duration as the temporary use. Maximum sign area shall not exceed 50 square feet for a banner sign.

(h) Electronic message signs.

(i) For principal uses, one single or double faced electronic message sign per site may be incorporated into an approved monument or ground-mounted sign. Sign area of the electronic message portion of the sign shall not exceed 50 percent of the total sign face.

(ii) For major or minor business complexes, one single or double faced electronic message sign per complex may be incorporated into a monument or ground-mounted sign approved under the comprehensive sign plan provisions contained in SHMC 17.88.110. Sign area of the electronic message portion of the sign shall not exceed 50 percent of the total sign face.

(i) Illuminated interior signs.

(i) For principal uses, one or more illuminated interior signs may be installed into the windows facing a public street or sidewalk. Sign area of individual illuminated interior signs shall not exceed four square feet; and the cumulative area of two or more illuminated interior signs installed in windows on the same building elevation shall not exceed 15 percent of the overall window area on that elevation.

(j) Projecting signs.

(i) For principal uses, one or more projecting signs shall be permitted per use. Maximum sign area shall not exceed 20 square feet per face with the total sign area not to exceed 40 square feet. Total sign area for wall and projecting signs shall not exceed 12 percent of the building elevation area on the primary frontage. Where the use has multiple frontages, total sign area for wall and projecting signs shall not exceed 9 percent of the building elevation area on the secondary frontage.

(k) Roof signs.

(i) For a principal use, the planning director may approve one roof sign, in lieu of other building mounted signs, only upon finding that there are no other reasonable means of signing the business or use, due to extraordinary circumstances related to the physical location or structure of the building, distance from nearby streets, proximity of surrounding buildings or vegetation, or other factors over which the applicant has no control.

(ii) Approval of a roof sign shall be subject to the following standards:

(A) The sign is installed on a gabled, hipped, mansard, or otherwise sloped roof;

(B) Sign area for the roof sign shall not exceed eight (8) percent of the roof elevation area, with a maximum area of 120 square feet;

(C) The highest point of the roof sign shall not exceed the height of the ridge of the roof; and

(D) Issuance of a building permit and final approval of the installed sign by the Building Department.

(1) Video signs.

(i) Use pursuant to SHMC 17.88.105.

(ii) Messages shall follow the requirements of SHMC 17.88.105 except animation or pictures (copy) shall remain static for a minimum of 12 seconds.

(2) Maximum sign height.

(a) Monument signs shall be no more than six feet in height.

(b) Ground-mounted signs shall be no more than 12 feet in height.

(c) Pole signs permitted in the commercial/industrial sign district, shall not exceed 24 feet in height on the west side of *Columbia River Highway (Hwy. 30)* and 45 feet in height on the east side of *Columbia River Highway (Hwy. 30)* between Gable Road and Milton Creek Bridge on Milton Way.

(3) Illumination.

Illumination of signs within the commercial/industrial sign district shall meet the standards contained in this chapter.

17.88.080 Measurements.

The following shall be used in measuring a sign to determine compliance with this chapter:

(1) Sign area.

(a) Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy. When signs are not framed or on a base material and are inscribed, painted, printed, projected or otherwise placed upon, or attached to a building, canopy, awning or part thereof, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines at 90-degree

angles. Where a sign is of a three dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

(b) The area of all signs in existence at the time of enactment of this ordinance, whether conforming or nonconforming, shall be counted in establishing the permitted sign area.

(c) When signs are constructed in multiple separate pieces containing sign copy, sign face area is determined by a perimeter drawn in straight lines, as small as possible, around all pieces, in accordance with SHMC 17.88.080(1)(a).

(2) Height.

Height is measured from the average level of the grade below the sign to the topmost point of the sign including the supporting structure.

(3) Clearance.

Clearance is measured from the average grade below the sign to the lowermost point of the sign.

(4) Spacing.

(a) For the purpose of applying spacing requirements to signs, distances shall be measured parallel to the centerline of the adjacent street or highway.

(b) The sign or sign location under consideration shall be included as one sign.

(c) A back-to-back sign is counted as a single sign for the purpose of spacing distances.

17.88.085 Projecting Signs.

An otherwise authorized sign shall be permitted to project over public owned and/or controlled property if the sign meets all of the following requirements:

(1) The sign is attached to the face of a building where the building face is located within five feet of the property line abutting a street.

(2) No external cross braces, guy wires, trusses, or similar bracing systems are used in constructing the sign.

(3) The sign extends no more than eight feet from the building face.

(4) The sign does not project above the roof line or parapet wall, whichever is higher.

(5) Projecting signs shall conform to all provisions of this section which are designed to eliminate blanketing and to provide safe minimum clearance along public sidewalks and streets.

The sign must have a minimum of eight feet clearance. The outer edge of the projecting sign must be set back a minimum of two feet from the curb line.

(6) Spacing between an earlier erected and any later erected projecting sign shall be a minimum of 20 feet.

17.88.090 Wall Signs.

(1) A wall sign shall not project more than 12 inches from the wall to which it is attached. A wall sign located on an alley frontage shall not project more than 12 inches from the wall to which it is attached and shall have 15 feet of clearance.

(2) A wall sign shall not project above the roof line, or top of the parapet wall, whichever is higher.

(3) No external braces, guy wires, "A" frames, or similar bracing systems shall be used in constructing a wall sign.

(4) The height of a wall sign attached to the end or face of a marquee shall not exceed 30 inches. The lower edge of this sign shall not extend below the marquee.

(5) Wall signs on mansard roofs of 30 degrees or less may be installed vertically if solid background is used.

17.88.095 Freestanding Signs.

(1) No part of a freestanding sign shall be erected or maintained within three feet of a street front property line, or within five feet of a side lot line, unless the application for the permit has been reviewed by the fire marshal and the fire marshal has determined that the location of the sign does not interfere with adequate fire access to any property.

(2) No part of a freestanding sign shall project or extend into any public right-of-way.

(3) Except as provided in this subsection, no freestanding sign shall project or extend into any vision clearance area. One or two sign poles supporting a freestanding sign may be located within the vision clearance area if they are necessary for the support of the sign, and if no other portion of the sign is located within the vision clearance area between two feet and ten feet overgrade.

(4) A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross braces, guy wires, "T" frames, "A" frames, "trusses," or similar bracing systems shall be used to buttress, balance, or support a freestanding sign.

(5) Only one freestanding sign is allowed for each street frontage, unless multiple signs are approved through a comprehensive sign plan.

(6) A minimum of 14 feet in clearance is required in areas accessible to vehicles. The lowest point of these signs may be less than 14 feet above grade in areas not accessible to vehicles when the signs are protected from physical damage by the installation of bumper poles or other ground protections.

(7) Freestanding signs permitted in a commercial/industrial sign district shall not be located closer than 50 linear feet from the property line of any residential zoned property as measured along the street frontage.

17.88.100 Awning Signs.

(1) Awning signs are permitted only as an integral part of the awning to which they are attached or applied.

(2) The awning supporting structure shall maintain a clearance of eight feet.

(3) An awning shall not extend to within two feet from the curb. An awning shall not project above the roofline.

(4) The awning sign shall extend no more than eight feet from the building face.

17.88.105 Electronic Message Signs.

Electronic message signs permitted under this chapter shall comply with the following standards:

(1) The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

(2) Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.

(3) Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.

(4) Sign copy shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.

(5) No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the planning director.

17.88.110 Comprehensive Sign Plan.

A comprehensive sign plan provides a means for defining common sign regulations for multi-tenant projects by providing incentives in the design and display of multiple signs. A comprehensive sign plan shall be required for all shopping plazas or centers. An application for a comprehensive sign plan approval shall be filed at the time permits for permanent signs on the property are sought. If a sign is for a development that requires development review under the St. Helens Community Development Code, then the sign shall be reviewed as part of the development review process prior to approval of a sign permit. The plan shall be reviewed under the procedures set out in SHMC 17.88.130. A decision on the plan application is subject to review under the procedures set out in SHMC 17.88.140.

(1) An application for a comprehensive sign plan shall include information on the following:

- (a) The location of all wall, projecting, monument, and freestanding signs.
- (b) A description of the signs including construction materials, color scheme, unifying design elements, and any proposed lighting.
- (c) An itemization of sign sizes including height and area at all identified sign locations.
- (d) The location of any area designated for temporary signs, and documentation of the means by which such signs may be illuminated if approved.

(2) A comprehensive sign plan shall comply with the following standards:

- (a) The signs and the signs together with the architectural style of structures in the business complex shall share common design elements. The content of any sign message shall not be considered in determining whether common design elements are present.
- (b) The comprehensive sign plan shall accommodate future revisions that may be required because of changes in principal uses or tenants; and
- (c) The comprehensive sign plan shall comply with the standards of this chapter, including any special allowances for sign area, number, location, and height provided for in this section.

(3) Wall signs in a comprehensive sign plan shall meet the following requirement:

- (a) The allowed sign area shall be the amount authorized in the relevant sign district.

(4) Freestanding signs and monument signs in shopping plazas shall meet the following requirements:

- (a) One freestanding sign shall be permitted for the entire complex. The maximum height of such sign shall be 20 feet (except where otherwise allowed in this chapter). The maximum

area of this sign shall be 100 square feet for a single faced sign and 200 square feet for a double-faced sign (except where otherwise allowed in this chapter).

(b) One monument sign shall be permitted on each pad site or lot located within the complex. The sign shall not exceed six feet in height and 32 square feet in area for a single faced sign and 64 square feet in area for a double faced sign.

(5) Freestanding signs and monument signs in shopping centers shall meet the following requirements:

(a) One freestanding sign shall be permitted for the entire complex. The maximum height of this sign shall be 26 feet (except where otherwise allowed in this chapter). The maximum area of this sign shall be 130 square feet for a single faced sign and 260 square feet for a double faced sign (except where otherwise allowed in this chapter).

(b) Where a complex has multiple street frontages, one freestanding sign shall be permitted on each street frontage classified as an arterial or collector in the Transportation System Plan and having a minimum of 100 feet of frontage. There shall be at least 100 lineal feet of separation, measured along each side of the right-of-way, between the two freestanding signs.

(c) One monument sign shall be permitted on each pad site or lot located within the complex. The sign shall not exceed six feet in height and 32 square feet in area for a single faced sign and 64 square feet in area for a double faced sign.

(6) Monument signs in industrial parks shall meet the following requirements:

(a) One double faced sign located at the primary vehicular entrance or a maximum of two single faced signs on either side of the primary vehicular entrance shall be permitted. The sign shall not exceed 32 square feet in area for a single faced sign and 64 square feet for a double faced sign. The sign may either be constructed as a monument sign with a maximum six foot height, or incorporated into a decorative wall.

(b) One monument sign shall be permitted on each lot located within the industrial and research business complex. The sign shall not exceed four feet in height and 16 square feet in area for a single faced sign and 32 square feet in area for a double faced sign.

17.88.120 Construction and Maintenance Standards.

(1) All permanent signs shall be constructed and erected in accordance with the requirements of the Uniform Building Code.

(2) All illuminated signs must be installed by a state licensed sign contractor, subject to the requirements of the State Electrical Code. All electrically illuminated signs shall be listed, labeled, and tested by a testing agency recognized by the State of Oregon.

(3) Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining building and electrical permits, the applicant shall obtain a sign permit or demonstrate an exception from the permit requirements of this chapter.

(4) All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.

(5) No person required to obtain a sign permit under this chapter shall scatter, daub, or leave any paint, paste, glue, or other substances used for painting or affixing advertising matter or scatter or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth, or materials of whatsoever kind removed from signs on any public street, sidewalk, or private property.

(6) No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No signs shall be erected or maintained so as to obstruct any building opening to such an extent that light or ventilation is reduced below minimums required by any applicable law or provisions of this code.

17.88.125 Illumination – General Restrictions

(1) No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.

(2) Regardless of the maximum wattages or milliamphere rating capacities allowable under this chapter, no light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.

(3) External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.

(4) Except as may be approved under a comprehensive sign plan, temporary signs shall not be illuminated.

(5) The illumination of signs shall comply with the following standards:

(a) No exposed reflective type bulb, par spot nor incandescent lamp, which incandescent lamp exceeds 25 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

(b) When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for any colored tubing.

(c) When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed:

(i) Within residential sign districts, illumination equivalent to 425 milliampere rating tubing behind a sign face with tubes spaced at least seven inches, center to center.

(ii) Within commercial or industrial sign districts, illumination equivalent to 800 milliampere rating tubing behind a sign face spaced at least nine inches, center to center.

17.88.130 Sign Permit Application.

(1) Except as provided in this chapter, a permit is required to erect, construct, repair or alter a sign. If a sign is for a new development that requires development review under the St. Helens Community Development Code, then the sign shall be reviewed as part of the development review process prior to approval of a sign permit.

(2) An application for a sign permit shall be made on a form prescribed by the planning director and shall be filed with the city. The application shall be filed by the owner of the sign or a representative of the sign's owner. A separate sign permit application is required for each sign, unless a combined application for all signs in a proposed development is proposed. The application shall include information required by the planning director and the following:

(a) A sketch of the site, drawn to scale, showing the approximate location of existing structures, existing signs, and the proposed sign.

(b) Building frontage elevations drawn to scale, showing the sign's relative location and placement.

(c) An illustration of the proposed sign, drawn to scale, showing the design, elevations, sign face dimensions and area, materials and engineering data which demonstrates its structural stability. The illustration of the proposed sign need not show the sign message, but shall show the size, style, and design of the lettering, numbers, and graphics conveying any message. The content of any message shall not be considered in the evaluation of a sign permit application.

(d) The names and addresses of the applicant, the owner of the property on which the sign is to be located, the manufacturer of the sign and the person installing the sign, and the construction contractor's board number of the installer. The owner of the property on which the sign is to be located shall sign the sign permit application.

(e) A fee in the amount set by council resolution. When a person begins construction of a sign requiring a sign permit before the permit is approved, the permit fee shall be doubled.

(3) When deemed necessary by the building official, building or electrical permits shall be obtained as a part of the sign permit process. When required by St. Helens Community Development Code or Building Code, the approval of the fire marshal shall be obtained.

(4) The planning director shall grant or deny the sign permit application based upon the information submitted with the application and other information obtained by the city.

(5) A sign permit application shall be approved if:

(a) The application complies with all of the applicable provisions of this chapter, and any other objective requirement imposed by law. No standard shall be applied to deny a permit if the operation of that standard violates a constitutional right of the applicant. If, as part of the application, an applicant identifies a particular standard alleged to have unconstitutional effect, and provides reasons for that contention, the planning director shall seek the opinion of the city attorney on the contention. If the city attorney concludes that the operation of the standard violates a constitutional right of the applicant, the planning director shall not apply the standard in reviewing the application.

(b) The applicable permit fee has been paid.

(6) An approved sign shall be constructed and installed within six months of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this chapter or other provisions of this code are void. The planning director may grant a reasonable extension of time for the installation deadline upon a showing of reasonable grounds for delay.

(7) If sign does not conform to the building code after inspection, the sign will be subject to removal per this chapter.

(8) The planning director may revoke a sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.

17.88.135 Adjustments.

(1) Adjustments to the numeric standards of this section shall be allowed only in compliance with this subsection. Adjustments may be requested to allow relocation of a sign, on the subject property, reducing the height of a sign, or enlarging the area of a sign. Adjustments allowing the use of prohibited signs, or allowing signage other than that specifically allowed by this code, are not permitted.

(2) Requests for adjustments shall be filed with the City, on a form provided by the Planning Department, and accompanied by a fee as approved by the City Council. The request shall include the information required for a sign permit, as specified in this chapter, the specific standard from which the adjustment is requested, and the numeric amount of the adjustment, and written responses to the following approval criteria:

(a) Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property, (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the same vicinity or sign district, and the adjustment is necessary to permit signage comparable with other properties in the same sign district in the vicinity;

(b) The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and

(c) Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

(3) The Planning Commission shall conduct a public hearing on the request for adjustment. The Commission shall approve, approve with conditions, or deny the adjustment, based upon the evidence at the hearing. The Commission may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from approving the adjustment. The hearing shall be conducted under the procedures used by the Commission for a quasi-judicial land use hearing.

(4) The Commission shall issue its decision in writing explaining the reasons why the adjustment was approved or denied. The decision shall be mailed to the address of the applicant on the application by regular mail. The decision of the Commission shall be appealable per this code.

17.88.140 Appeal of Decision on Sign Permit or Sign Removal.

(1) An applicant may appeal the denial of an application for a sign permit, conditions of approval of the allowance of a permit or revocation of the permit. A sign owner may appeal an order of the planning director directing the removal of a sign. An appeal may be initiated by submitting at City Hall a form prescribed by the planning director within 14 days of the date of mailing the decision of the planning director. The form shall specify the basis for the appeal. Except as provided herein, the appeal shall be to the Planning Commission.

(2) The city recorder shall give written notice of the hearing by mail to owners as required of all quasi-judicial land use decisions and per this code.

(3) The appeal authority shall conduct a public hearing on the appeal. The authority shall grant or deny the permit or uphold or change the decision of the planning director based upon the evidence at the hearing and the record of its administrative proceedings. The hearing shall be conducted under the procedures stated in this code.

(4) The authority shall issue its decision in writing explaining the reasons why the permit was granted or denied or the decision of the planning director or building official was upheld or changed. The decision shall be mailed to the address of the applicant on the application by regular mail.

(5) In considering the appellant's contentions, the authority shall exercise only the following review criteria:

(a) Determining whether the planning director failed to follow applicable procedures in taking action on the permit or the sign in ways that prejudiced the rights of the appellant.

(b) Determining whether the planning director properly applied the provisions of this chapter.

(c) Modifying the decision of the planning director only to the minimum extent necessary to be consistent with the requirements of this chapter or of other laws.

(d) Attaching such conditions to granting all or a portion of any appeal as necessary to achieve the purposes of this chapter.

17.88.145 Inspections.

(1) If a building permit is required, the building official shall perform a sign inspection upon notification by the permittee that the construction is ready for inspection. Failure of the permittee to notify the building official of the progress of construction for inspection purposes shall result in the revocation of the sign permit. A final inspection of a sign shall be made upon completion of all construction work and prior to its illumination.

(2) All signs may be inspected or reinspected at the discretion of the building official. The building official may inspect footings for monument, ground-mounted or freestanding signs. The building official may enter at reasonable time upon the premises of any person licensed under the provisions of this chapter for the purpose of inspection of signs under construction.

17.88.155 Removal of Signs - General.

(1) The planning director may remove or may order the removal of any sign erected or maintained in violation of the provisions of this chapter or other applicable provisions of this code. Signs installed in violation of any prior sign code or applicable laws and regulations, and which are in violation of this chapter, shall be removed, replaced or altered in order to conform to the requirements of this chapter. An order to remove a sign shall be in writing and mailed to the owner of the sign or the owner of the building, structure or premises on which the sign is located.

(2) The order shall inform the owner that the sign violates the regulations in this chapter and must be brought into compliance or be removed within 30 days of the date of the order. The planning director may order immediate removal of a sign under this chapter. The order shall also

inform the sign owner the reasons why the planning director concludes the sign violates the regulations in this chapter and shall inform the owner of appeal rights under SHMC 17.88.140.

(3) If the owner fails to immediately remove an unsafe or abandoned sign or otherwise fails to file an appeal or remove a sign within 30 days of the date of the planning director's order, or within the time provided in the decision rendered following an appeal, the planning director may cause the sign to be removed. The removal shall be at the expense of the owner of the sign or the owner of the building, structure, or premises on which the sign is located.

(4) These costs and expenses, including, but not limited to, the notification, efforts to secure compliance, painting out of a sign, sign removal, storage, or transportation, shall be a lien against land or premises on which the sign is located, and may be collected or foreclosed in the same manner as liens that are entered in the liens docket of the City of St. Helens.

(5) Instead of removing a sign, the planning director may file charges against the sign owner in St. Helens Municipal Court. Each day following the 30 day period in which the sign owner is not in compliance with this chapter constitutes a separate violation.

17.88.160 Removal of Unsafe Signs.

If the planning director finds that any sign is in violation of the applicable provision of this code and that, by reason of its condition, it presents an immediate and serious danger to the public, the planning director may, without prior written notice, order the immediate removal or repair of the sign within a specified period. The planning director may remove or authorize others to remove the sign in the event that the person responsible for such sign cannot be found or if that person, after notification, refuses to repair or remove it. The owner of the sign and the owner of the building, structure, or premises on which the sign is located, are jointly and severably liable for the cost of removing such sign as provided for the removal of unlawful signs in this chapter.

17.88.165 Removal of Abandoned Signs.

(1) An owner of a sign, including any painted sign, shall remove the sign when it is abandoned.

(2) Abandoned signs shall be reversed or painted over within 30 days, or the entire sign and sign structure removed within 90 days of the date the owner or tenant who no longer uses the sign or within 90 days of the date the sign was damaged.

(3) Abandoned signs may be removed and costs may be collected as provided in SHMC 17.88.155 for removal of unlawful signs.

(4) A sign need not be removed under this section when a successor tenant, or business or property owner, agrees to maintain the sign as provided in this chapter, by filing a letter of intent with the planning director no later than 30 days after receiving notice to do so from the city.

17.88.170 Removal of Signs Erected Without a Permit.

The planning director may remove or order the removal, without prior written notice, of any sign erected without a sign permit required by this chapter. Removal costs may be collected as provided in SHMC 17.88.155 for removal of unlawful signs.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
ZA.10.06**

APPLICANT: City of St. Helens

OWNER: n/a

ZONING: n/a

LOCATION: City-wide

PROPOSAL: Amendments to Chapter 17.88 – Signs, of the SHMC

The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable.

SITE INFORMATION

This proposal would apply city-wide. These amendments were initiated in response to: 1) citizen requests to revisit the City's sign regulations and 2) recent court rulings.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

Before the Planning Commission, the first public hearing was held February 13, 2007 and continued several times to final deliberations set for Dec. 11, 2007.

June 18, 2008 before the City Council.

Notice of this proposal was originally sent to property owners within St. Helens Urban Growth Boundary on January 16, 2007 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. For the June 18, 2008 Council hearing, notice was published in The Chronicle on June 4, 2008. Notice was sent to the Oregon Department of Land Conservation and Development on December 29, 2006.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120 – Standards for Legislative Decision

(1) The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

(a) The statewide planning goals and guidelines adopted under ORS Chapter 197;

(b) Any federal or state statutes or guidelines found applicable;

- (c) The applicable comprehensive plan policies, procedures, appendices and maps, and
- (d) The applicable provisions of the implementing ordinances.

(a) Discussion:

Statewide Planning Goal 1 is Citizen Involvement.

The request for public participation to review the current rules and to help formulate changes was made early in the process with very minimal response. The City is holding public hearings to continue the invitation for comments from both the affected owners and from all interested persons. Opportunities for public and citizen participation were made.

Statewide Planning Goal 2 is Land Use Planning.

The Statewide Planning Goal states that “All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs.” The main issues for signs pertain to economic development and aesthetics. The City has established a land use planning process and is following this process in accordance with implementing rules.

Statewide Planning Goal 3 on Agricultural Lands.

The City has taken an exception to this planning goal and continues to take the same exception for the same reasons as already approved by the State.

Statewide Planning Goal 4 on Forest Lands.

The City takes exception to this planning goal as it does not apply to lands within the existing Urban Growth Boundary.

Statewide Planning Goal 5 on Open Spaces, Scenic and Historic Areas, and Natural Resources.

This proposed amendment does not relate to this Goal as it is not about natural resources and such.

Statewide Planning Goal 6 on Air, Water, and Land Resources Quality.

This Goal is not applicable as the proposed amendments are about signs.

Statewide Planning Goal 7 for Areas Subject to Natural Disasters and Hazards.

The proposed changes are about sign rules and have little to do with this Goal.

Statewide Planning Goal 8 on Recreational Needs.

This proposal will change the requirements for signs and has little to do with this Goal.

Statewide Planning Goal 9 on Economic Development.

The primary purpose for signs is to provide identification or convey a message and the secondary purpose is to inform the public of the use. A community concern with signs is

their impact on visual picture or aesthetics. Sign rules must comply with the Constitutional rights for free speech. Sign regulations should balance the public's need to know information and to find activities and the public's visual concerns about the appearance of their community. The proposed changes have been reviewed by staff based upon the issues of the constitutional rights for free speech, the needs of businesses and others to inform the public on locations and activities and the general interests of the public to control the appearance of their community. The proposed changes should be fair and equitable to all the concerned parties in a community.

Statewide Planning Goal 10 on Housing.

This proposal will change the requirements for signs and has little to do with this Goal.

Statewide Planning Goal 11 on Public Facilities Planning.

The proposed amendments will generally not impact public facilities as the changes are for signs and not for infrastructure.

Statewide Planning Goal 12 on Transportation.

There are some sign rules that could impact safety for transportation and the proposed changes should control the possible negative impacts, such as distractions to motorists. Signs do support transportation in some cases and the proposed changes should assist in that effort. The proposed changes should have little impact on transportation but where applicable, the rules will help and not be contrary the transportation goal.

Statewide Planning Goal 13 on Energy Conservation.

Signs are not directly related to energy conservation.

Statewide Planning Goal 14 on Urbanization.

This goal is for developing lands that are not already urbanized and this zone is for an existing urbanized area of the City. The proposed amendments are for uses within existing urban areas. This proposed zone change does not impact this Statewide Planning Goal.

Statewide Planning Goal 15 for Willamette Greenway

Signs are generally not allowed in the Willamette Greenway.

Finding: These code amendments are not contrary to the Statewide Planning Goals and Guidelines adopted under ORS Chapter 197.

(b) Discussion: All of the federal or state statutes and/or guidelines found applicable should have been addressed above. Moreover, the proposed amendments acknowledge recent court ruling with regards to sign regulations and free speech (e.g. first amendment to the U.S. constitution).

Finding: These code amendments are not contrary to known federal or state statute.

(c) Discussion: There are no applicable comprehensive plan policies, procedures, appendices and maps not already addressed elsewhere herein.


Finding: These code amendments are not contrary to City (local) laws.

(d) Discussion: This is a change to the City's implementing ordinances. No other implementation law other than the sign regulations currently in effect will be affected.


Finding: These code amendments are not contrary to the City's implementing ordinances, namely, the St. Helens Municipal Code.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves this text amendment.



Randy Peterson, Mayor
President



Date

St. Helens
Box 278
OR 97051



Attn: Plan Amendment Specialist
Dept. of Land Conservation & Develop.
635 Capitol Street NE, Ste. 150
Salem, OR 97301-2540

