



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

04/10/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Madras Plan Amendment
DLCD File Number 002-08

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: Thursday, April 23, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Nicholas Snead, City of Madras
Gloria Gardiner, DLCD Urban Planning Specialist

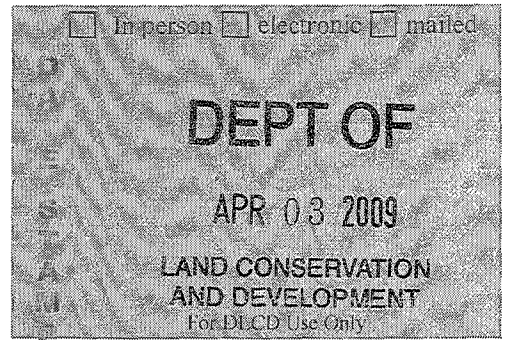
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FORM 2

DLCD

Notice of Adoption

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



Jurisdiction: **City of Madras**

Local file number: **TA-08-2**

Date of Adoption: **2/24/2009**

Date Mailed: **4/2/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/29/2008

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".

Amendment to City of Madras Sign Code to allow "maintenance" of non conforming pole signs located in the C-2 zone.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **C-2**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD FILE No. 002-08(17300)[15462]

DLCD file No. _____

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

Oregon Department of Land Conservation and Development Department

Local Contact: **Nicholas Snead**

Phone: **(541) 475-3388** Extension:

Address: **71 SE D Street**

Fax Number: **541-475-3959**

City: **Madras**

Zip:

E-mail Address: **nsnead@ci.madras.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. 815

AN ORDINANCE AMENDING ORDINANCE NO. 697, [AN ORDINANCE REGULATING THE PLACEMENT, SIZE, AND TYPES OF SIGNS DISPLAYED ON BUILDINGS AND PREMISES WITHIN THE CITY OF MADRAS.....] TO ALLOW POLE SIGNS IN THE DOWNTOWN COMMERCIAL (C-2) ZONE TO BE MAINTAINED IN THEIR ORIGINAL STATE AND TO ALLOW THE BUSINESS NAME AND LOGO TO BE CHANGED ON POLE SIGNS SO LONG AS A CHANGE OF USE DOES NOT OCCUR, AND DECLARING AN EMERGENCY.

WHEREAS, the City Community Development Department received requests from property owners in the Downtown Commercial (C-2) zone asking that they be allowed to place a new business name and logo on their existing pole signs to provide adequate signage for new businesses that want to occupy vacant tenant spaces or buildings; and

WHEREAS, the city's sign ordinance does not allow new pole signs, or the alteration or replacement of existing pole signs in the Downtown Commercial (C-2) zone; and

WHEREAS, existing pole signs are classified as non-conforming signs, and any alteration of a pole sign must conform to the requirements of the sign ordinance by replacement of the pole sign with a monument sign; and

WHEREAS, existing pole signs can only be maintained if the maintenance is limited to "minor repairs" necessary to maintain the pole sign in its original state; and

WHEREAS, the City Planning Commission held a public hearing on January 7, 2009 to accept testimony from the public on the proposed text amendments; and

WHEREAS, after taking into consideration all verbal and written testimony, and deliberating the matter fully, the City Planning Commission voted four-to-one to recommend to the City Council that the City Council approve the proposed text amendments; and

WHEREAS, a public hearing was held before the City Council on February 10, 2009 to accept comments from the public; and

WHEREAS, after taking into consideration all verbal and written testimony, and deliberating the matter fully, the City Council voted to accept the Planning Commission's recommendation to approve the proposed text amendments to Ordinance No. 697.

NOW, THEREFORE, the City of Madras ordains as follows:

1) **AMENDMENTS**

Article 6, Maintenance and Enforcement, Section 6.1 - Existing Sign Alteration or Replacement, the first paragraph now reads:

Businesses or premises which currently have signs at the date of adoption of this ordinance which are non-conforming to this ordinance shall not be altered or replaced unless the sign is made to conform with the provisions of this ordinance.

Article 6, Maintenance and Enforcement, Section 6.1 - Existing Sign Alteration or Replacement, the first paragraph shall be changed to read:

Businesses or premises which currently have signs at the date of adoption of this ordinance which are non-conforming to this ordinance shall not be altered or replaced unless the sign is made to conform with the provisions of this ordinance, or otherwise allowed under Section 6.4, Sign Maintenance Requirements.

Article 6, Maintenance and Enforcement, Section 6.4 - Sign Maintenance Requirements, the first paragraph now reads:

All signs within the city limits shall be maintained in a secure and safe manner. Maintenance includes minor repairs necessary to maintain the sign in its original state. Portable and freestanding signs shall be kept clear of rubbish and weeds. All other signs shall be securely mounted to a structure. If any sign is found not to be securely mounted, or if it is a hazard, the owner shall be notified and shall be instructed to secure the sign. If the owner shall fail or neglect to secure the sign after ten (10) days previous notice, the city may remove the sign.

Article 6, Maintenance and Enforcement, Section 6.4 - Sign Maintenance Requirements, the first paragraph shall be changed to read as follows:

- A. All signs within the city limits shall be maintained in a secure and safe manner. Maintenance includes minor repairs necessary to maintain the sign in its original state.
- B. Maintenance to pole signs located in the Downtown Commercial (C-2) zone shall be allowed to:

1) be maintained as defined in Section 8-9.6.4(A) of this Ordinance; and

2) change the business name and logo on existing pole signs so long as the use of a building does not change (i.e. retail to retail). A change in use of a building requires all signage to comply with all requirements of this ordinance. A change of use shall be determined by the difference in the minimum number of required off-street parking spaces between the previous and proposed use as required in Table 4.5-1 Section 8-12.4.5 of the City of Madras Zoning Ordinance. If there is a difference in the minimum number of required off-street parking spaces, it shall constitute a change of use for only the purposes Sign Maintenance Requirements of this Ordinance.

C. Portable and freestanding signs shall be kept clear of rubbish and weeds. All other signs shall be securely mounted to a structure. If any sign is found not to be securely mounted, or if it is a hazard, the owner shall be notified and shall be instructed to secure the sign. If the owner shall fail or neglect to secure the sign after ten (10) days previous notice, the city may remove the sign.

2) CONSTITUTIONALITY

If any section, subsection, sentence, clause or portion of this ordinance is for any reason held invalid or rendered unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect constitutionality of the remaining portion thereof.

3) REVISIONS OR REPEAL

This ordinance may be revised or repealed as provided by law.

4) CORRECTIONS

This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

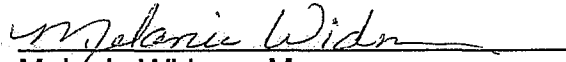
5) EMERGENCY CLAUSE

It is hereby determined and declared that existing conditions are such that it is necessary for the immediate preservation of the peace, health,

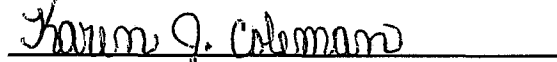
general welfare and safety of the citizens of the City of Madras that an emergency be declared to exist and this ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras, Oregon.

ADOPTED by the City Council of the City of Madras and signed by the Mayor
this 24th day of February, 2009.

Ayes: 4
Nays: 1
Abstentions: 0
Absent: 0
Vacancies: 1


Melanie Widmer, Mayor

ATTEST:


Karen J. Coleman, City Recorder

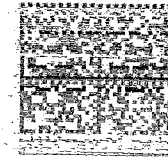


CITY OF MADRAS

COMMUNITY DEVELOPMENT

71 S.E. D Street

Madras, OR 97741-1685



UNITED STATES POSTAGE



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Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem Oregon 97301-2540