



Oregon

Theodore R. Kubongoski, 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

2/26/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 12, 2010

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Dan Fleishman, City of Stayton
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

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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 Stayton**

Local file number: 9-09/09

Date of Adoption: **February 16, 2010**

Date Mailed: **February 22, 2010**

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

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Changes the locations and standards for electronic message signs (EMS). EMS will now be permitted in the Public/Semi-Public, the Commercial Core Mixed Use and the Downtown Residential Mixed Use zones. In addition, new standards are enacted regarding the luminance, color of lights and default switching on EMS. The frequency in which the message on an EMS may change is reduced from once every five minutes to once a minute.

Does the Adoption differ from proposal? **NO**

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

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.

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

Local Contact: **Dan Fleishman**

Phone: (503) 769-2998 Extension:

Address: **362 N Third Ave**

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

City: **Stayton**

Zip: **97383**

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

ORDINANCE NO. 919

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE, TITLE 17
TO REVISE THE STANDARDS FOR ELECTRONIC MESSAGE SIGNS**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the Stayton Comprehensive Plan and Title 17, Land Use and Development, of the Stayton Municipal Code (SMC), Section 17.20.140.10, currently contains standards for electronic message signs;

WHEREAS, the City Council finds that electronic message signs have a higher potential to distract drivers than other allowed signage;

WHEREAS, the current standards for electronic message signs make no provision for signs that provide community announcements;

WHEREAS, the City Council recognizes the need for appropriate standards for electronic message signs and wishes to balance the desires of business owners to advertise their businesses with the potential traffic hazards and off site impacts of electronic message signs;

WHEREAS, the current method of advertising community events with banners strung over N. First Avenue is no longer safe and the public utility workers who have, in the past, strung such banners are no longer available to do so in the winter months;

WHEREAS, the City Council recognizes the value to the citizens of the City of Stayton and the not-for-profit community organizations within the City of Stayton of providing a mechanism for announcing community events;

WHEREAS, following a public hearing, the Stayton Planning Commission has recommended the Stayton City Council enact the proposed amendments to Stayton's standards for electronic message signs; and

WHEREAS, following a public hearing, the Stayton City Council deems the proposed amendments to comply with the provisions of the Comprehensive Plan.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code, Title 17, Section 17.20.140.10, is amended to read,

(Additions are underlined; Deletions are ~~crossed-out~~)

17.20.140 SIGNS

10. **CONDITIONAL USE PERMITS.** Applications for conditional use permits for message signs shall be processed according to procedures set forth in the Stayton Land Use and Development Code. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this section:

- a. Proposed sign is located in the Downtown Residential Mixed Use Zone, the Central Core Mixed Use Zone, or a Public, Commercial, or Industrial zone.
- b. Proposed sign, when conditioned, will not significantly increase street level sign clutter or adversely dominate the visual image of the area.
- c. Proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
- d. Proposed sign will not represent a traffic or safety hazard.

- e. The following standards shall apply.
 - 1) With the exception of a message sign that displays only the time or temperature, the message or display may be changed no more than once every ~~5~~ minutes.
 - 2) The message or display must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.
 - 3) The message or display may consist only of alphabetic or numeric text on a plain background of uniform color and may not include any graphic, pictorial or photographic images.
 - 4) The display may comprise no more than 50% of the surface area of a message sign.
 - ~~5) No more than one changeable sign with 2 sides is allowed per lot.~~
 - 5) Only white or amber lights may be used.
 - 6) The luminance of the sign shall be limited to no more than 280 candelas per square meter. The applicant shall submit information from the sign manufacturer indicating the luminance will be met as measured with a luminance meter aperture of 1 degree or less, 50 feet directly in front of the sign with the sign in a fully illuminated mode of white light.
 - 7) The sign shall default to the off position in the case of any failure of mechanisms that control luminance or other display features.
- f. Except for a message sign dedicated to announcing only community events and public service messages, the The total allowed sign area for an establishment shall be reduced by 25% if the establishment has a message sign.
- g. Proposed sign shall comply with all other regulations including, but not limited to, height and placement restriction.
- h. The provisions of Section 17.20.140.4.n notwithstanding, a message sign dedicated to announcing only community events and public service messages may also display the name or logos of businesses, provided that the portion of the sign identifying the businesses is not more than 25% of the total sign area and the business names or logos are not part of the electronic message portion of the sign.

SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

SECTION 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

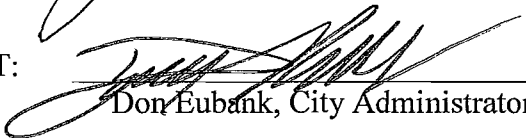
ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of February, 2010.

CITY OF STAYTON

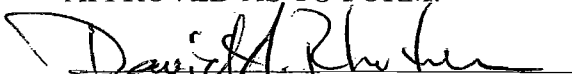
Signed: February 17, 2010

BY: 
Gerry Aboud, Mayor

Signed: 2/17, 2010

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:

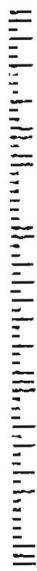

David A. Rhoten, City Attorney



CITY OF STAYTON
362 N. Third Ave.
Stayton, OR 97383

Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem OR 97301

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