



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

12/05/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Canyonville Plan Amendment
DLCD File Number 001-11

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: Wednesday, December 14, 2011

This amendment was submitted to DLCD for review 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 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: Janelle Evans, City of Canyonville
Angela Lazarean, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

NOV 28 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Canyonville**

Local file number:

Date of Adoption: **11/21/2011**

Date Mailed: **11/22/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/7/2011

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".

Repeals the City of Canyonville Sign Ordinance and adopts a new sign ordinance. Substantial new regulations have been established for the replacement of signs on Commercial and Industrial property. Minimal changes have been made to the residential sign regulations. The ordinance also provides a clearly defined process for review and approval of signs.

Does the Adoption differ from proposal? Please select one

no

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 001-11 (18961) [16847]

DLCD file No. _____

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

Oregon Department of Transportation

Local Contact: **Janelle Evans**

Phone: **(541) 839-4258** Extension:

Address: **Box 765**

Fax Number: - -

City: **Canyonville** Zip: **97417-**
cityadministrator@cityofcanyonville

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 608

AN ORDINANCE REPEALING ALL OF CHAPTER 18.80 SIGNS AND REPLACING IT WITH NEW TEXT AND ADDING SIGN DEFINITIONS TO CHAPTER 18.08 FOR ROOF, PROJECTING, OFF PREMISE AND PORTABLE SIGNS

WHEREAS, The existing sign code is vague and does not list clear and concise standards for the placement of signs within the City of Canyonville; and

WHEREAS, The Planning Commission for the City of Canyonville desires to establish clear and objective standards for the placement of signs within the City of Canyonville; and

WHEREAS, It is necessary to repeal Chapter 18.80 Signs of the City of Canyonville Municipal Code in its entirety; and replace Chapter 18.80 Signs with the new standards.

NOW, THEREFORE, The City of Canyonville ordains as follows:

Section 1: Repeal chapter 18.80 (Signs) of the Canyonville Municipal Code in its entirety and replace with the following:

18.80.010 Signs Purpose and Intent:

The provisions of this Ordinance are made to establish reasonable and impartial regulations for all exterior signs and to further the objectives of the Comprehensive Plan of the City of Canyonville; to protect the general health, safety, convenience and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public streets, highways and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values and to further economic development.

18.80.020 Off Premise Sign:

No sign advertising a business which is not conducted on the premises, or a commodity or service which is not the primary product, sale or service on the premises, shall be allowed.

18.80.030 Exempt Signs:

Directional Signs: A sign giving on site directional assistance for the convenience of the public, which does not exceed four (4) square feet in area and which does not use flashing illumination.

Event Sign/Banner: An election sign not exceeding 32 square feet, provided the sign is removed within fourteen days following an election. A temporary non-illuminated sign or banner not exceeding 200 square feet used for a fund raising event.

Flag/Pennant: A governmental flag with or without letters or numbers and other flags and pennants without letters or numbers. Such flags and pennants shall be made of non-rigid material.

Historical/Landmark Signs: A marker erected or maintained by a public authority or by a legally constituted historical society or organization identifying a site, building or structure of historical significance.

Holiday Sign: A sign or decoration used to commemorate a holiday which is removed within seven (7) days following the holiday period.

Interior Sign: Any sign which is not visible and not directed to people using a public street or public pedestrian way.

Mural: A large picture painted on the wall of a building not advertising a specific business or product.

Public Sign: A sign erected by a government agency. A public notice or warning required by a valid and applicable federal, state or local law or regulation and an emergency warning sign erected by a public utility or by a contractor doing authorized work in the public way.

Real Estate or Construction Signs: Temporary non-illuminated real estate (not more than two (2) per lot) or construction signs not exceeding thirty-two (32) square feet, provided said signs are removed within fifteen (15) days after closing or signing of the sale, lease or rental of the property or within seven (7) days of completion of the project.

Sandwich Boards provided they are no less than three (3) feet high and no higher than four (4) feet and shall not be large enough or placed in a manner which obstructs sidewalks.

Window Sign: A sign painted or placed upon a window in a non-residential zone.

18.80.040 Prohibited Signs: The following signs are prohibited:

Abandoned Sign: A sign or a sign structure existing more than sixty (60) days after a business ceases to operate shall be taken down and removed by the owner, agent or person having the beneficial use of the lot upon which such sign may be found.

Billboard: A pole sign exceeding two hundred (200) square feet of sign area.

Simulated Traffic Signs and Obstructions: Any sign which may be confused with or obstruct the view of any authorized traffic signal or device, or extend into the travel portion of a public street or pedestrian way.

Vacant Lot Sign: Except exempt signs, a sign erected on a lot that has no structures capable of being occupied as a residence or business. Notwithstanding the foregoing, signs otherwise permitted under this Article may be placed on a lot improved for off street parking as provided by the City of Canyonville.

Vehicular Sign: Any sign written or placed upon or within a parked motor vehicle with the primary purpose of providing a sign not otherwise allowed by this Ordinance. This does not include any sign permanently or temporarily placed on or attached to a motor vehicle, when the vehicle is used in the regular course of business for purposes other than the display of signs.

Vision Clearance: Any sign in the Clear-Vision Area as defined in Section 18.76.010 of the City of Canyonville Zoning Ordinance.

18.80.045 Permit Procedures: Except for signs listed as exempt in Section 18.80.030 no sign or sign structure shall be displayed, erected, altered, relocated or replaced until a sign permit has been issued by the City Administrator or designee. For the purpose of this Ordinance, all signs are considered accessory uses of the lot upon which they are located.

1. Application for a sign permit shall be made by the owner, tenant or authorized agent of the property upon which the sign is to be located. The application shall be approved, denied or referred back to the applicant within ten (10) working days from the date the application was submitted.
2. **Criteria for Permit Approval:** A sign permit will be approved if compliance to the following exists:
 - a. Conformance to structural requirements and electrical code, if applicable.
 - b. Meets location standards.
 - c. Complies with allowed signage for the zoning designation.
3. **Plan Requirements:** The application for a sign permit shall be accompanied by a site plan with the following information:
 - a. Name, address and telephone number of the owner, tenant or authorized agent of the property upon which the sign is located.
 - b. Location by legal description (township, range, section, tax lot) and physical address.
 - c. Dimensions of the sign and the sign structure and, where applicable, the dimensions of the wall surface of the building to which the sign is to be attached and a current photograph of the building.
 - d. Proposed location of the sign in relation to the face of the building, in front of which or above which the sign is to be erected.
 - e. Proposed location of the sign in relation to the boundaries of the lot upon which the sign is to be placed.

4. Signs exempt from permits: These exceptions do not relieve the owner of the sign from the responsibility of its erection, maintenance and compliance with the provisions of the Ordinance or any other law or Ordinance regulating the same. The following changes do not require a sign permit.
 - a. The changing of the advertising copy or message of a painted, plastic face or printed sign only.
 - b. The electrical, repainting, cleaning, repair or maintenance of a sign.
5. Fee: The fee for a sign permit shall be as set by Council resolution. The fee for any sign which has been erected without a sign permit shall be double the regular sign fee.
6. Building Code Compliances: All signs and sign structures shall comply with the Uniform Building Code and the Oregon Electrical Safety Specialty Code adopted by the City of Canyonville. All pole signs, attached or projecting wall signs and roof signs will require a building permit in addition to the sign permit. Signs for which a building or electrical permit is required shall be subject to inspection by the City's Building Official or State Electrical Inspector. The Building Official may order the removal of a sign that is not maintained in accordance with this Ordinance. Signs may be re-inspected at the discretion of the Building Official.

18.80.050 Standards and Criteria:

General Sign Provisions:

1. Signs may not project out over public property beyond six (6) feet, nor closer than two (2) feet from the vertical extension of the curb line.
2. All signs shall have a vertical clearance of seven and one half (7 ½) feet above public property.
3. No signs shall stand or be based on public property without authorization of agency jurisdiction.
4. Regulatory equipment shall be installed in all illuminated signs to preclude interference with radio and television.
5. All signs shall be maintained in good repair, and where applicable, in full operating conditions at all times.
6. Flashing signs or any material that gives the appearance of flashing such as reflective disks are prohibited. Tracer lights are not prohibited.
7. External illumination of signs shall be shielded so that the light source elements are not directly visible from property in a residential zoning district which is adjacent to or across the street from the property in the non-residential zoning district.

8. Signs or sign structures shall not be erected in such a manner that a portion of their surface or supports will interfere with the free use of any fire escape or exit.
9. Signs shall not obstruct building openings to the extent that light or ventilation is reduced. Signs erected within five (5) feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

18.80.060 Signs in Residential Zones: No sign shall be allowed except the following:

1. One (1) sign indentifying only the name of the owner or occupant of a building, provided such sign does not exceed six (6) square feet in size, is non illuminated and located ten (10) feet or more from the lot line.
2. One (1) sign identifying only the business name of a home occupation occupying that lot, provided such sign does not exceed two (2) square feet in sign area, is non illuminated, and which shall be either placed in a window or attached to the building.
3. One (1) sign pertaining to the lease or sale of a building or property provided such sign does not exceed six (6) square feet in size.
4. One (1) identification sign facing the bordering street, not to exceed sixteen (16) square feet of sign area, for any permitted or conditional use except residences and home occupations. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may have indirect illumination but non flashing and shall be designed to prevent off premise illumination.
5. Temporary sign, for one (1) year, advertising a new subdivision, provided such sign does not exceed thirty-two (32) square feet of sign area, advertises only the subdivision in which it is located, is non illuminated, and is erected only at a dedicated street entrance and within the property lines. Such sign shall be removed if construction on the subdivision is not in progress within sixty (60) days following the date of the sign permit.
6. The maximum sign height is seven (7) feet.

18.80.070 Signs in Commercial/Industrial zones: All signs located on a lot within the Commercial and industrial zones shall conform to the following limitations:

1. Except as provided in three (3) below, for a single business whether on one or more contiguous lots the maximum number of signs is three (3), one of which may be a pole sign.
2. Except as provided in three (3) below, for multiple businesses in a shopping center, for multiple businesses sharing common off street parking facilities or for multiple businesses with the same property owner, all of which are located on one or more contiguous lots, each business shall be allowed one sign not to

exceed one hundred (100) square feet in size. In addition, the shopping center shall be allowed one pole sign (not to exceed two hundred (200) square feet in area), which shall identify the center and may also identify businesses in the center.

3. When a business or businesses have two hundred (200) continuous lineal feet of frontage on one (1) street, the maximum number of signs shall be increased by one (1) sign (pole or portable) for each one hundred (100) feet of frontage up to a maximum of four (4) additional signs. Any two (2) of these signs may be combined in a single sign not to exceed two hundred (200) square feet in area.
4. A roof sign may be allowed for one (1) of the pole signs.
5. Except for attached wall signs, each sign face shall not exceed one hundred (100) square feet in area and shall not exceed thirty five (35) feet in height.
6. Flush mounted wall signs shall not exceed two hundred (200) square feet in area.
7. Each business at a new location may have one (1) temporary sign on each street frontage of the lot occupied by the business provided the sign area does not exceed fifty (50) square feet and provided the sign is not displayed for more than 365 days or until the permanent sign is installed, whichever occurs first.

18.80.080 Signs in Agricultural zones:

1. Maximum number of signs requiring a permit is three (3).
2. Maximum number of pole signs is one (1).
3. Except for attached wall signs, each sign face shall not exceed fifty (50) square feet in area.
4. Attached wall signs shall not exceed one hundred (100) square feet of sign area.
5. Pole signs shall not exceed thirty five (35) feet in height.

18.80.090 Nonconforming Signs: Non conforming signs are those signs lawfully installed prior to the effective date of the revised sign code.

1. Non conforming signs shall not be changed, expanded, or altered in any manner which would increase the degree of its non-conformity, or be moved in whole or in part to any other location where it would remain non-conforming.
2. Prohibited signs existing prior to adoption of this ordinance, advertising current business or use, will be considered non-conforming.
3. Termination by damage or destruction: Any non-conforming sign and supporting structure damaged or destroyed maybe replaced with Planning Commission approval.

Section 2: Add the following definitions to Chapter 18.08

18.08.772 Sign, projecting: A sign other than a wall sign that projects from and is supported by a wall of the building.

18.08.774 Sign, roof: Any sign erected on a roof or which extends in height above the roofline of the building on which the sign is erected.

Section 3: Severance Clause. Should any section, provision, clause, or portion of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared invalid.

Section 4. Effective Date. This ordinance shall become effective on the 30th day following its passage.

PASSED by the Canyonville City Council this 21st day of NOVEMBER, 2011.

APPROVED AND SIGNED this 21st day of NOVEMBER, 2011.


Robert A Deaton, Mayor

ATTEST:


Janelle Evans, City Recorder

City of Canyonville

Pioneers of the Past

250 N. Main Street
PO Box 765
Canyonville, OR 97417

Pioneers of the Future

Ph. (541) 839-4258
Fax (541) 839-4680
e-mail city@cityofcanyonville.com

Final Order

DATE: November 21, 2011

APPLICATION: Ordinance amendment

APPLICANT: City of Canyonville
250 N. Main
Canyonville, OR 97417

REQUEST:

The City is proposing an amendment to the Land Use Section of the Municipal Code. The amendment will repeal the existing sign code language and establish new sign code regulations. Minor changes have been made to signs in the residential zones and significant regulations have been developed for signs in the Commercial and Industrial zones.

DECISION:

The City Council adopted the Planning Commission's findings and their recommendation to approve the proposed amendments.

DECISION CRITERIA AND FINDINGS:

The following is a list of the decision criteria applicable to the request. Based on their conclusions, the Commission must approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

DECISION CRITERIA #1: Approval of the request is consistent with the statewide planning goals.

FINDINGS:

- 1a. The proposed amendment is to repeal the existing sign ordinance section of the Canyonville Municipal Code and replace it with new updated regulations. The adoption of the new regulations does not impact any of the Statewide Planning Goals.

DECISION CRITERIA #2: Approval of the request is consistent with the Comprehensive Plan.

FINDINGS:

- 2a.** The Canyonville Comprehensive Plan establishes a Citizen Involvement goal to provide sufficient opportunities for Citizen Involvement in the City's Planning Process. It further provides for the implementation of the goal through the following policies:
1. The City shall, through the Planning Commission and the Common Council, allow interested persons to participate in the adoption, review and evaluation of the Canyonville Comprehensive Plan and Implementing measures, amendments and revisions thereto by means of oral or written testimony.
 2. Written material and other exhibits considered in making land use policy decisions shall be available for public review at City Hall.
- 2b.** A copy of the proposed text amendment, staff report and implementing ordinance have been available at City Hall for review since September 7, 2011.
- 2c.** Section 18.88.070 of the Canyonville Municipal Code Section 1 (A) requires at least one public hearing on any proposed text amendment. Notice of the hearing is required to be published in a newspaper not less than 20 days before the hearing.
- 2d.** Notice of the proposed text amendment was published in the Douglas County Mail on October 13, 2011. The required 45 days notice for text amendments was sent to Department of Land Conservation and Management on September 9, 2011.
- 2e.** The establishment of new sign regulations does not alter the Comprehensive Plan.

DECISION CRITERIA #3: The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.

FINDINGS:

- 3a.** The proposed amendment does not change the allowable uses in the existing zones so there is no impact to the public facilities.

DECISION CRITERIA #4: The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.

FINDINGS:

- 4a. The existing sign regulations in the Municipal Code are very subjective. Any sign over 32 square feet in size must be approved by the Planning Commission. However, the approval criteria is not clearly stated in the ordinance. Most of the regulations listed deal with sign construction regulation. There is not guidance as to the allowable number of signs, sign heights, or size of signs.
- 4b. The City's proximity to Interstate 5 has made it a popular location for billboards. The current ordinance does not provide the City sufficient protection from an invasion of billboards. With no height restrictions or size limitations the City has no way to restrict the billboards.
- 4c. The new ordinance will provide clear objective standards in which to review a sign permit application and establish reasonable regulations. In the Commercial and Industrial zones it establishes a height restriction of 35 feet, limits the number of allowable signs to 3, limits the size of the signs to 100 square feet except for wall mounted signs which may be 200 square feet in size.
- 4d. The new ordinance outlines the sign permit application process and clearly defines the application requirements.

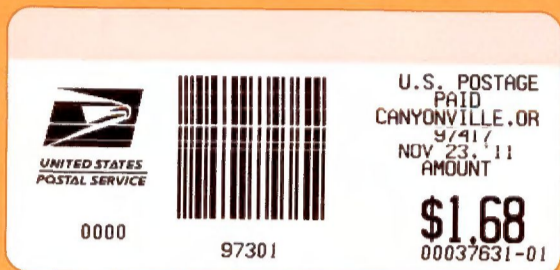
DECISION CRITERIA #5: When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility in accordance with Oregon Administrative Rule OAR 660-0012-0060.

- 5a. The proposed amendment does not impact the transportation system.

DECISION CRITERIA #6: A proposal shall be in the public interest with regard to neighborhood or community conditions when it can be shown to be compatible with the neighborhood such that the full range of possible uses will not interfere with conforming uses in the neighborhood.

- 6a. The existing sign ordinance allows non-illuminated signs of not more than six square feet pertaining to activity on the property in residential zones. The only other requirement is that the signs must be a minimum of 10' or more inside a lot line.
- 6b. The proposed ordinance addresses signage in a residential zone more specifically. It identifies different types of signs allowed in a residential zone and establishes standards for these signs. It specifically addresses signs for home occupations, temporary signs for advertising new subdivisions, signs for lease or sale of a building and establishes a maximum sign height of 7 feet.
- 6c. It is in the public's best interest for the City to have a sign ordinance which contains clear objective standards and criteria for permitted signs, establishes a defined permit process, regulates the number of signs and the height of signs. Adoption of the new sign regulations and process will ensure the compatibility of signs within the individual zones.

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