



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

06/14/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Fairview Plan Amendment
DLCD File Number 006-10

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: Monday, June 27, 2011

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.

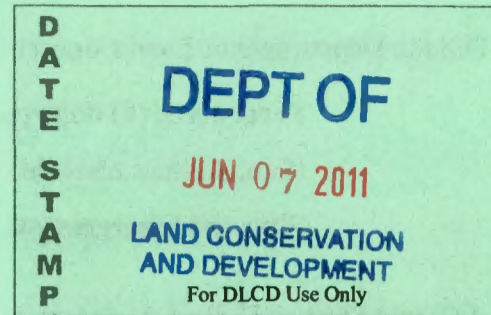
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification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

Cc: Erika Fitzgerald, City of Fairview
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

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2 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 Fairview Local file number: 10-59-ZA/Ord. 2-2011
Date of Adoption: 6/1/2011 Date Mailed: 6/6/2011
Date original Notice of Proposed Amendment was mailed to DLCD: 12/9/2010

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Minor follow-up amendments to Fairview Municipal Code (FMC) 19.170 Sign Regulations including standards for electronic message centers, pennants, standards for projecting and awning signs in the Village Mixed Use Zone and definitions of "scroll", "site", and "flashing".

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".
Minor changes to standards for electronic message centers, definitions of "scroll", "site" and "flashing", time, place and manner standards for pennants, and clarification of standards for projecting and awning signs in Village Mixed Use Zone.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: City-wide Acres Involved: N/A

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1,2,9

Was an Exception Adopted? YES NO

DLCD File No.: 006-10 (18643) [16663]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Erika Fitzgerald** Phone: **(503) 674-6242** Extension: _____
Address: **1300 NE Village Street** City: **Fairview**
Zip Code + 4: **97204-3817** Email Address: **fitzgeralde@ci.fairview.o**

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or 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
(2-2011)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRVIEW, FAIRVIEW,
OREGON, AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.170 SIGN
REGULATIONS FOR ELECTRONIC MESSAGE CENTERS, PENNANTS, AND OTHER
MINOR CHANGES.**

WHEREAS, public hearings were held by the Planning Commission on January 25, 2011 and April 26, 2011 and by the City Council on June 1, 2011 and

WHEREAS, notice of said hearings was provided in accordance with Fairview Municipal Code 19.416 and Oregon Revised Statutes 227.186, and

WHEREAS, amendments are consistent with the Fairview Municipal Code and comprehensive plan policies and provisions, and

WHEREAS, Chapter 19.170 Sign Regulations was adopted in 1990 under Ordinance 9-1990, and

WHEREAS, the amendments adopted under this ordinance address follow-up items to Ordinance 2-2010, adopted in July 2010, to improve the City of Fairview's sign regulations by:

- a. Developing standards for displays on electronic message centers,
- b. Improving standards for the time, place and manner for the use of pennants,
- c. Regulating the number of projecting signs and awning signs allowed in the Village Mixed Use zone based on business frontage and,
- d. Creating definitions of scroll, site, and flashing to more easily apply sign regulations.

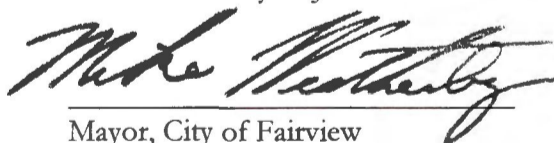
WHEREAS, the purpose of this ordinance is to create sign regulations that meet the needs of businesses and residents while also protecting public safety and preserving the aesthetic character of the community.

NOW, THEREFORE; The City of Fairview ordains as follows:

Section 1. FMC Chapter 19.170 is amended as shown in Attachment 1.


Section 2. This ordinance shall be effective upon and from 30 days of adoption.

Motion adopted by the City Council of the City of Fairview this 1st day of June 2011.



Mayor, City of Fairview
Mike Weatherby

ATTEST


Recorder, City of Fairview
Joseph Gall

Attachment 1
Ordinance 02-2011

Proposed Code Amendments to Fairview Municipal Code (FMC)
Section 19.170 Sign Regulations

Strike through indicates language to be deleted. Underline indicates proposed language.

FMC 19.170.020 Definitions

“Scroll” means the continuous movement of a message on an electronic message center in a horizontal, vertical or diagonal direction.

Deleted:

“Site” means the area, tract, parcel or lot of land.

“Flashing” means an intermittent or sequential light source used primarily to attract attention.

19.170.080 Exemptions

B. Signs exempt from permitting requirements in 19.170.030.

The following signs shall not require a permit but shall conform to all other applicable provisions of this title:

13. Pennants.

a. May not obstruct sidewalks or driveways.

b. May not be placed in the right of way.

c. Pole on which pennant is attached may not exceed 15 feet in height.

d. Area of pennant may not exceed 24 square feet.

e. One (1) pennant allowed per 100 feet of site frontage with a maximum of six (6) pennants per frontage.

f. Pennant and structure to which pennant is attached must be properly secured to prevent property damage or personal injury due to movement by wind or other physical force.

g. Pennants must be properly maintained; any torn or tattered pennants must be removed or replaced immediately.

h. Prohibited in single family residential zones (R, R-7.5, R-10, R/SFLD, VSF, VTH).

FMC 19.170.120 Permitted signs within Community Service Parks (CSP) Zone

1. Sign Features.

c. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed eight (8) square feet.

Deleted: Flashing signs are prohibited. Not permitted in the single family residential zone.

The display of messages shall conform to the following standards:

- i. Messages may scroll across the electronic message center.
- ii. Flashing messages are prohibited.

FMC 19.170.130 Permitted signs within Commercial and Light Industrial zones (CC, TCC, NC, LI, VO, and VC)

B. Sign Features.

3. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed eight square feet.

Deleted: Flashing signs are prohibited.

The display of messages shall conform to the following standards:

- i. Messages may scroll across the electronic message center.
- ii. Flashing messages are prohibited.

19.170.140 Permitted signs within Village Mixed Use (VMU) Zone. All permanent signs are subject to permitting requirements in FMC 19.170.030.

A. Ground story and upper story signs may only be placed on the front elevation except for mixed use townhouses that have ground story doors or windows along driveways, walkways, or parking areas. In such cases window signs up to 25% of the total window area are allowed.

Ground Story				
Type	Area	Height/Clearance	Number	Illumination
Fascia	Total area of all signs may not exceed 10% of the area of the ground story.*	3 foot max height	No number restriction if within the maximum area allowed.	Internal only if confined to lettering and/or logo. Duration of illumination limited to 7am-10pm. No illumination on signs located on side or rear elevations.
Window		None.		
Door		None.		
Awning (materials limited to metal, glass, and/or fabric)	Window and door signs may not exceed 25% of the total window/door area. Maximum 4 square feet for signs located on side or rear elevations.	Maximum 4 foot projection from the wall to which the awning is attached. Minimum clearance of 7 feet above finished grade.	<u>1 per business frontage.</u>	
Projecting	7.5 square feet. Front elevation only.	Maximum 4 foot vertical dimension. Maximum 4 foot projection from the wall to which it is attached. Minimum clearance of 7 feet above finished grade.	<u>1 per business frontage.</u>	None permitted.

* Excludes projecting and A-board signs.

Deleted: per site.

Deleted: per site.

FMC 19.170.150 Permitted signs within Industrial Zones (GI).

A. Sign Features.

3. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed eight square feet.

Deleted: Flashing signs are prohibited.

- The display of messages shall conform to the following standards:
- i. Messages may scroll across the electronic message center.
 - ii. Flashing messages are prohibited.

OF THE RETURN ADDRESS. FOLD AT DOTTED LINE



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DEPT OF

JUN 07 2011

LAND CONSERVATION
AND DEVELOPMENT

City of Fairview



1300 NE Village Street
PO Box 337
Fairview, Oregon 97024
(503) 665-7929

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