



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

12/29/2010

TO: Subscribers to Notice of Adopted Plan

or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Woodburn 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: Wednesday, January 12, 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: James Hendryx, City of Woodburn

Gloria Gardiner, DLCD Urban Planning Specialist



£2 DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within <u>5-Working Days after the Final</u>

<u>Ordinance is signed</u> by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

D E	In person electronic mailed
A T E	DEPT OF
S	DEC 23 2010
A M P	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Junsaiction. City of woodburn	Local life number. LA 2010-01
Date of Adoption: December 22, 2010	Date Mailed: December 22, 2010
Was a Notice of Proposed Amendment (Form 1) mailed	to DLCD? Yes No Date: 3-26-2010
☐ Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment
	☐ Zoning Map Amendment
New Land Use Regulation	Other:
Summarize the adopted amendment. Do not use ted	chnical terms. Do not write "See Attached".
 The proposed amendments: Simplify text language Relax standards Format standards into tables Simplify administrative review processes Establish brightness and hold-time restrictions Relax the regulations on nonconforming signs 	
Does the Adoption differ from proposal?	
	original proposed text, increasing the allowable exempting additional flags in residential zones.
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 immedia	te adoption? Yes No

DLCD file No.
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: James N.P. Hendryx, Director Phone: (503) 980-2445 Extension:

Address: 270 Montgomery Street Fax Number: 503-982-5244

City: Woodburn Zip: 97071 E-mail Address: jim.hendryx @ci.woodburn.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this Form 2 on light green paper if available.
- 3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
- 4. Electronic Submittals: Form 2 Notice of Adoption will not be accepted via email or any electronic or digital format at this time.
- 5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
- 6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp. (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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

- 7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
- 8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
- 9. In addition to sending the Form 2 Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
- 10. Need More Copies? You can now access these forms online at http://www.lcd.state.or.us/. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

COUNCIL BILL NO. 2847

ORDINANCE NO. 2473

AN ORDINANCE AMENDING ORDINANCE 2313, THE WOODBURN DEVELOPMENT ORDINANCE, TO ADD NEW SIGN REGULATION PROVISIONS.

WHEREAS, in 2009, the Mayor appointed and the City Council approved a Sign Focus Group to review the sign regulations contained in the Woodburn Development Ordinance ("WDO") and recommend improvements; and

WHEREAS, the Sign Focus Group presented its recommendations to the Planning Commission in a series of workshops; and

WHEREAS, the Planning Commission on September 23, 2010 and October 14, 2010 held public hearings on the proposed new sign regulations; and

WHEREAS, the Planning Commission forwarded a proposed ordinance to the Council with a recommendation of approval; and

WHEREAS, the City Council on November 8, 2010 held a public hearing on the proposed ordinance; and

WHEREAS, the City Council has considered the public testimony, the staff report, the need for the proposed ordinance and the public interest therein; **NOW**, **THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

SECTION 1. Section 1.102 of Ordinance 2313, the Woodburn Development Ordinance, is amended to add the following definitions:

<u>Eave</u>: The overhanging lower edge of a roof.

<u>Property Owner or Lessee</u>: An individual, corporation, partnership, or other legal entity shown on county records as the owner or contract purchaser of the property, or is named as the lessee in a lease agreement regarding the property

SECTION 2. Table 4.1 of Ordinance 2313, the Woodburn Development Ordinance, is amended to read as follows:

TABLE 4.1 SUMMARY OF DECISIONS BY TYPE									
Section Decision	I	П	Ш	ΙV	v	Appeal			
3.110.05.C.1.b Sign Design Review [Added by Ord.2359, §16, passed March 22, 2004] 3.110.05.C.1.a Sign Permit [Added by Ord.2359, §16, passed March 22, 2004]									
3.110. 13 09 Temporary Sign Permit [Added by Ord.2359, §16, passed March 22, 2004]	=								

SECTION 3. Section 5.101 of Ordinance 2313, the Woodburn Development Ordinance, is amended to add the following new section:

5.101.13 Sign Permit / Temporary Sign Permit

- A. Purpose: The purpose of this review is to insure that signs comply with standards found within the Sign Standards (Section 3.11).
- B. Criteria: Applications shall be reviewed for compliance with the sign standards of this ordinance.
- C. Procedure: The Director shall review proposal signs for compliance to City regulations.

SECTION 4. Section 3.110, Signs, of Ordinance 2313, the Woodburn Development Ordinance, is amended as provided in Exhibit "A", which is attached hereto.

SECTION 5. This Ordinance is justified and explained by the Legislative Findings which are attached hereto as Exhibit "B" and incorporated herein by this reference.

SECTION 6. The sections and subsections of this Ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections and subsections.

Approved as to form: 77.7 12-8 - 2010

City Attorney Date

Approved: 4 Kathryn Figley	Mayor
Passed by Council Submitted to the Mayor Approved by the Mayor Filed in the office of the Recorder	
Attest: Christina Shearer, City Recorder City of Woodburn, Oregon	

3.110 Signs

3.110.01	Purpose
3.110.02	Applicability
3.110.03	Computation of Sign Area
3.110.04	Definitions
3.110.05	Sign Permit Required
3.110.06	General Requirements
3.110.07	Signs Exempt From Permit Requirements
3.110.08	Prohibited Signs
3.110.09	Temporary Signs
3.110.10	Permanent Sign Allowances
3.110.11	Nonconforming Signs
3.110.12	Electronic Changing Image Signs

3.110.01 **Purpose**

- A. To the maximum extent permitted by the U.S. and Oregon Constitutions, the purpose of these regulations is to preserve and improve the appearance of the City and to eliminate hazards to pedestrians and motorists brought about by distracting sign displays. The regulations for signs have the following specific objectives:
 - 1. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
 - 2. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;
 - 3. To reflect and support the desired character and development patterns of the various zones and overlay zones and promote an attractive environment;
 - 4. To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area;
 - 5. To improve pedestrian and traffic safety; and
 - 6. To ensure that the constitutionally guaranteed right of free speech is protected.
- B. The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

3.110.02 Applicability

These regulations apply to signs located within the City. The application of these regulations in no way limits the power of the City to enact other ordinances related to signs.

3.110.03 Computation of Sign Area

- A. The area of freestanding signs and wall signs with one or more cabinets is the area of the display surface.
- B. The area of wall signs composed of individual elements, including, but not limited to, channel letters or painted letters or images, is the area of three rectangles around and enclosing the entire message or image.
- C. Sign area shall include only one side of a two-sided sign, regardless of the presence of sign copy on both sides. Where a sign is of a three dimensional, round or irregular solid shape, the largest cross-section shall be used in a horizontal projection for the purpose of determining sign area.
- D. Sign area shall not include embellishments such as pole covers, decorative roofing, foundation or supports, provided there are no words, symbols or logos on such embellishments.



Figure 3.110.03A: Three rectangles enclose the message or image



Figure 3.110.03B: Three rectangles enclose the message or image

3.110.04 Definitions

Words used in the WDO have their normal dictionary meaning unless they are specifically defined by the WDO.

Awning: A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.

Bench: A seat located upon or adjacent to public property for the use of a combination of passersby or persons awaiting transportation.

Building Code: The most current edition of the Oregon State Structural Specialty Code.

Canopy: A permanent unenclosed roof structure for the purpose of providing shelter to patrons in automobiles.

Complex: Any group of two or more buildings, or individual businesses within a single building, provided at least two of the businesses have separate exterior entrances, on a site that is planned and developed to function as a unit and which has common on-site parking, circulation and access. A complex may consist of multiple lots or parcels that may or may not be under common ownership.

Display Surface: The area made available by the sign for the purpose of displaying a message or image. The display surface includes the area of the message or image and the background.

Façade: The exterior face or wall of a building.

Fluorescent (color): Strikingly bright, vivid, or glowing.

Glare: Illumination of a sign that either directly, or indirectly from reflection, causes illumination on other properties or right-of-way in excess of a measurement of 0.5 foot candles of light measured at the property line.

Height: Height is measured from the lowest point of the grade below the sign (excluding artificial berm) to the topmost point of the sign.

Marquee: A permanent roofed structure attached to and supported by a building, and projecting out from a building wall, or over public access, but not including a canopy or awning.

Premises: The land and buildings contained within the boundaries of a single-tenant site or complex.

Sign: Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public. Some examples of signs are materials or lights meeting this definition are commonly referred to as signs, placards, A-frame signs, posters, billboards, murals, diagrams, banners, flags, or projected slides, images or holograms. The scope of the term "sign" does not depend on the content of the message or image conveyed. Specific definitions for signs regulated in Section 3.110 include the following:

A-Frame Sign: A double-faced temporary sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.

Awning Sign: A sign attached to or incorporated into an awning.

Balloon: An inflatable device less than 36 inches in greatest dimension and anchored by some means to a structure or the ground.

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

Bench Sign: A sign on an outdoor bench.

Blimp: An inflatable device 36 inches or greater in greatest dimension and anchored by some means to a structure or the ground.

Changing Image Sign: A sign designed to accommodate routine changes of copy, images, or patterns of lights. Such signs include, but are not limited, to electronic signs incorporating LED, LCD, plasma, or projected light displays, and mechanical or manual changeable copy signs.

Drive-Through Sign: A sign located adjacent to the driveway leading to a drive-through window and not legible from the public right-of-way. Such signs typically display menus or other information to drive-through customers.

Externally Illuminated Sign: A sign where the light source is separate from the sign and is directed so as to shine on the exterior of the sign.

Flag: A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes colors or intensity of illumination more frequently than specified in Section 3.110.12.A.

Freestanding Sign: A sign wholly supported by a sign structure in the ground. Freestanding signs include, but are not limited to, monument signs, pole signs, A-frame signs, and lawn signs.

Illuminated Sign: A sign that incorporates light-emitting elements on or within the sign, or that is lit by external light sources directed at the sign.

Internally Illuminated Sign: A sign where the light source is contained within the sign and is directed so as to shine on the interior of the sign.

Lawn Sign: A temporary freestanding sign made of weather-resistant lightweight materials, that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

Monument Sign: A freestanding sign that is placed on a solid base that extends a minimum of one foot above the ground and extends at least 75 percent of the length and width of the sign. The aboveground portion of the base is considered part of the total allowable height of a monument sign. A monument sign less than 8 feet high need not have a solid base.

Moving Sign: A sign, EXCEPT a flag, balloon, or pennant, in which the display surface changes orientation or position. Moving signs include, but are not limited to, rotating

signs, pinwheels, wind socks, and blimps.

Nonconforming Sign: A sign lawfully established prior to the adoption of current standards or a sign lawfully established on property annexed to the City, which does not conform to the current sign standards.

Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: Any sign other than a temporary sign.

Pole Sign: A freestanding sign which exceeds eight feet in height.

Portable Sign: A sign that is not affixed to a structure or the ground in a permanent manner and that may be moved easily from place to place.

Projecting Sign: A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.

Roof sign: Any sign erected upon, or extending above or over, the eave or roof of any building or structure. A sign erected upon a roof which does not vary more than 20 degrees from vertical shall be regulated as a wall sign.

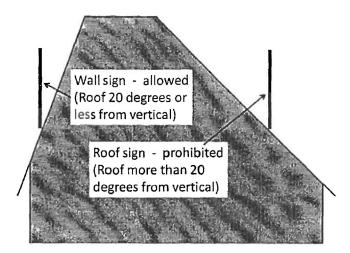


Figure 3.110.04A: Illustration of roof and wall signs

Subdivision Sign: A sign located on land in a recorded subdivision containing four lots or more.

Suspended Sign: A sign suspended from the underside of a canopy, awning, arcade, marquee, or other roofed open structure and oriented to pedestrian traffic.

Temporary Sign: A sign that is not permanently affixed or attached to a building, structure, or the ground. Temporary signs include, but are not limited to A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs, and portable signs.

Unsafe sign: A sign constituting a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage, abandonment or inability to meet lateral and/or vertical loads as determined by the City of Woodburn

Building Official.

Wall Sign: Any sign attached to or erected against the wall of a building or structure, or attached to or erected against a roof which does not vary more than 20 degrees from vertical, with the exposed face of the sign in a plane parallel to the plane of the wall or roof, and which does not project more than 18 inches from the wall or roof.

Window Sign: A sign that is placed inside a building (such as placement on a windowsill), within six inches of a window or attached to the inside of a window.

Sign Maintenance: Normal care needed to keep a sign functional such as painting, cleaning, oiling, and changing light bulbs. Does not include an alteration to the sign.

Sign Repair: Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

Sign Structure: The structure, supports, uprights, braces, framework and display surfaces of a sign.

Single-tenant Site: A development that is not a complex.

Structural Alteration: Modification of a sign or sign structure that affects size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign are examples of structural alterations. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

3.110.05 Sign Permit Required

- A. A sign permit is required to erect, replace, construct, relocate, or alter a sign, unless such sign is exempt under Section 3.110.07. To initiate consideration of a sign permit, a complete City application, accompanying information, and a filing fee must be submitted to the Director. The Director shall issue a sign permit if the applicant demonstrates compliance with all provisions of Section 3.110.
- B. Sign maintenance, sign repair and changing of a sign display surface is allowed without obtaining a sign permit so long as structural alterations are not made and the sign display surface is not altered in shape or size.
- C. If a building permit is required to erect the sign, the sign permit approval shall expire at the same time the building permit expires. If a building permit is not required to erect the sign, the sign permit approval shall expire 180 days from the date of approval unless substantial construction of the sign has occurred.

3.110.06 General Requirements

- A. Location: No portion of a freestanding sign shall be located less than five feet from any boundary property line or in the special setback area established by Section 3.103.05.
- B. Sign Maintenance: Signs and sign structures together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Director may order the removal of any sign or sign structure that is not maintained. Signs and sign structures that are dangerous must be taken down and removed or made safe, as the Director deems necessary.
- C. Signs shall be constructed of weather-resistant material. Paper products such as construction paper, poster board, and cardboard are not considered weather-resistant materials and are not allowed.
- D. Each sign should be designed to be consistent with the architectural style of the main building or buildings on the site. Signs should be designed to incorporate at least one of the predominately visual elements of the building, such as type of construction materials or color. The use of fluorescent colors or highly reflective materials should be discouraged.
- E. Supporting elements of pole signs shall be covered consistent with subsection (D) above. The total width of pole covers shall be at least 30 percent of the sign display width.
- F. Freestanding signs shall appear to be a single unit and shall not have separate or detached cabinets or display surfaces that are not architecturally integrated into the primary display surface.

3.110.07 Signs Exempt From Permit Requirements

The following are exempt from application and permit requirements of this Section, but are subject to other applicable portions of this Section and the City Code and may require building and electrical permits:

- A. Signs that are inside a building, except window signs, or signs that do not have a primary purpose of being legible from a public street or another property. Such signs include, but are not limited to, scoreboard signs, signs on the inside of ball field fences, signs within a stadium, and signs located within the site of a special event such as a festival or carnival.
- B. Signs required by federal, state, or city law on private property, except signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display) if the sign is no more than six square feet in area. Such signs include building addresses, handicap parking signs, designation of fire lanes, public hearing notices, and directional signs.
- C. Signs owned and maintained by federal or state agencies or the City of Woodburn.
- D. Signs lawfully erected in the public right-of-way in accordance with applicable state and local laws and regulations, including public utility signs, traffic signs and traffic control devices.

3.110.08 Prohibited signs

The following signs and advertising devices are prohibited:

- A. A sign located on the roof of any building or structure.
- B. A sign in public rights-of-way except awning, projecting, wall, and suspended signs projecting over a public right-of-way in conformity with Section 3.110, unless specifically allowed under 3.110.01 or exempt under Section 3.110.05.
- C. Internally illuminated awning sign.
- D. A permanent sign located on an undeveloped lot or parcel, except subdivision signs.
- E. A beacon light, searchlight, strobe light or a sign containing such lights.
- F. Neon tubing on the exterior of a building.
- G. A sign that imitates or resembles official traffic lights, signs or signals, or a sign that interferes with the effectiveness of any official traffic light, sign or signal.
- H. An illuminated sign that produces glare.
- I. A sign required to have been issued a sign permit, but for which no sign permit has been issued.
- J. A sign with visible incandescent bulbs or fluorescent tubes or a sign with a visible direct source of illumination, except neon, light-emitting diodes, or plasma displays, and not otherwise allowed under Section 3.110.10 or exempt under Section 3.110.07.
- K. An unsafe sign or a sign that constitutes a public nuisance.
- L. A sign that incorporates flames or emits sounds or odors.
- M. A sign supported in whole or in part by cables or guy wires, or that has cables or guy wires extending to or from it.
- N. Blimps.
- O. Signs attached to utility poles or boxes, except those attached by the utility.
- P. Flashing signs.
- Q. Moving signs.
- R. Changing image temporary signs.
- S. Flags with an aspect ratio (hoist to fly, or height to width) greater than 1:1.

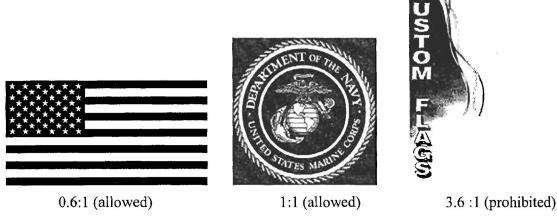


Figure 3.110.08A: Aspect ratio of flags

3.110.09 Temporary Signs

- A. Certain temporary signs that are not otherwise exempt under Section 3.110.07 may be approved for a limited period of time as a means of drawing attention to special events such as grand openings, carnivals, charitable events, seasonable openings, special promotions, etc. Approval of a Temporary Sign Permit application shall be required prior to placement of such signs.
- B. Criteria. The Director shall approve an application for a Temporary Sign Permit only if it complies with the following approval criteria:
 - 1. The following types of temporary signs are permitted with a Temporary Sign Permit: A-frames, banners, flags, pennants, balloons, strings of lights, streamers, and lawn signs. Temporary sign types not specified above, including other types of portable signs and blimps, are not permitted with a Temporary Sign Permit.
 - 2. An owner or tenant of an individual property, a tenant in a complex, and the owner of a complex may obtain Temporary Sign Permits.
 - 3. No temporary sign shall obstruct on-site pedestrian or vehicular access or circulation.
 - 4. Temporary Sign Permits shall be limited to a specified number of 15-day periods per calendar year. Said periods may run consecutively; however, unused days from one period shall not be added to another period. The number of Temporary Sign Permits and maximum sign area shall be as follows:

Table 3.110.09A Temporary Signs in the RM and P/SP Zones						
Use	Туре	ype Time Maximum total sign area (square feet)		Maximum height (feet)		
	Lawn or A-frame	45 days before a public election or the time the election is called, whichever is earlier, until seven days after the election	6	No individual sign may exceed six square feet in area	• Lawn: 7 • A-frame: 3	
Any use		All other times of the year	2	8	• Lawn: 7 • A-frame: 3	
	Decorations and lights relating to federal, state, or City recognized	45 days before the holiday or event, until 15 days after the holiday or event	Unlimited	Unlimited	Unlimited	
events, seasons, or holidays Exempt from application and permit requirements						

Table 3.110.09B Temporary Signs in the RS and R1S Zones						
Use	Туре	Time	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	
Any use	Lawn or A-frame	45 days before a public election or the time the election is called, whichever is earlier, until seven days after the election	6	No individual sign may exceed six square feet in area	• Lawn: 7 • A-frame: 3	
		All other times of the year	2	8	• Lawn: 7 • A-frame: 3	

Table 3.110.09B Temporary Signs in the RS and R1S Zones						
Use	Туре	Time	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	
	Decorations and lights relating to federal, state, or City recognized	45 days before the holiday or event, until 15 days after the holiday or event	Unlimited	Unlimited	Unlimited	
	events, seasons, or holidays	Exempt from application and permit requirements				

Lawn signs and A-frame signs in the RS or R1S zone may be located in the public right-of-way provided that:

- a. The signs shall be established by the property owner or property owner's agent,
- b. No sign may be established in the right-of-way of a Major Arterial street,
- c. Signs shall not be placed in vision clearance areas (Section 3.103.10) or in adjacent rights-of-way,
- d. Signs shall not be on or overhanging a travel or on-street parking lane,
- e. Signs shall not be on or overhanging a sidewalk, and
- f. No portion of a sign shall be less than 3 feet from the back of a curb.

Flags and window signs are listed with permanent signs, Table 3.110.10A.

Table 3.110.09C Temporary Signs in Commercial and Industrial Zones							
Use	Туре	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	15-day periods		
Single-tenant nonresidential site	All except A- frame	Unlimited	200	Lawn: 7	4		
	A-frame	• 1 in the DDC zone • 2 in all other zones	8	3	Unlimited		
Individual tenant in a	All except A- frame	Unlimited	100	Lawn: 7	4		

Table 3.110.09C Temporary Signs in Commercial and Industrial Zones						
Use	Туре	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	15-day periods	
nonresidential complex	A-frame	• 1 in the DDC zone • 2 in all other zones	8	3	Unlimited	
Nonresidential complex with less	All except A- frame	Unlimited	200	Lawn: 7	4	
than 20 tenant spaces	A-frame	Not allowed				
Nonresidential complex with 20	All except A- frame	Unlimited	400	Lawn: 7	6	
or more tenant spaces	A-frame	Not allowed				
Any use	Decorations and lights relating to federal, state, or City recognized events, seasons, or	Unlimited	Unlimited	Unlimited	45 days before the holiday or event, until 15 days after the holiday or event	
	holidays	Exempt from application and permit requirements				

Temporary signs for an individual tenant in a complex, except A-frame signs, shall be limited to banners and flags on the exterior walls and windows of the individual tenant space.

Table 3.110.09C Temporary Signs in Commercial and Industrial Zones								
Use	Туре	Maximum Number	Maximum total sign area (square feet)	Maximum height (feet)	15-day periods			

A-frame signs in the DDC zone shall conform to the following standards.

- a. The sign may be located on private property or in the public right-of-way.
- b. The sign shall not exceed 3 feet in width, 3 feet in height, and 9 square feet in area.
- c. The sign shall be at least one foot from the curb so as not to interfere with on-street parking,
- d. A minimum access width of 4 feet shall be maintained along all sidewalks and building entrances accessible to the public. Signs should be placed either next to the building or at the curbside by a street tree, bench, or other public amenity so as not to block onstreet parking.
- e. The sign permit shall be revocable in case of noncompliance.
- f. The sign shall not be placed in a vision clearance area (Section 3.103.10) or in adjacent rights-of-way.
- g. The sign shall be utilized only during business hours and shall be removed during non-business hours.
- h. The sign shall not be illuminated.
- i. The sign owner shall assume all liability for incidents involving the sign by signing a document exempting the City from liability.

Flags and window signs are listed with permanent signs, Tables 3.110.10B-E.

3.110.10 Permanent Sign Allowances

Permanent signs shall not exceed the number, size, or height specified in the following tables, and shall comply with the other regulations noted in the following tables.

Table 3.110.10A Permanent Signs in RS, R1S, RM, and P/SP Zones		
Monument Signs		
Use Allowance		
Non-residential use, less than 3 acres	• Max. 1 • Max. 8' high • Max. 20 sf	
Non-residential use, 3 acres or more	 Max. 1 per street frontage Max. 2 signs Max. 8' high Max. 32 sf each 	

Table 3.110.10A Permanent Signs in RS, R1S, RM, and P/SP Zones	
Multiple-family dwellings	• Max. 1 • Max. 8' high • Max. 20 sf
Subdivision with more than 4 lots or mobile home park with more than 4 spaces	 Max. 1 on each side of entrance from public street Max. 2 monument or wall signs total per public street entrance Max. 8' high Max. 20 sf each
	Wall Signs
Use	Allowance
Non-residential use, less than 3 acres	• Max. 1 • Max. 20 sf
Non-residential use, 3 acres or more	 Max. 1 per wall facing a public street Max. 2 signs Max. 32 sf each
Single-family Dwellings	 Max. 2 Max. 3 sf total Exempt from application and permit requirements
Multiple-family dwellings	Max. 1Max. 20 sfAllowed by permit
	 Max. 2 Max. 3 sf total Exempt from application and permit requirements
Subdivision with more than 4 lots or mobile home park with more than 4 spaces	 Max. 1 on each side of entrance from public street Max. 2 monument or wall signs total per public street entrance Max. 20 sf each Allowed on freestanding walls only
	Flags
Individual dwelling units in multiple- family dwellings	 Max. 1 per dwelling unit Max. 16 square feet Must be attached to the dwelling unit Exempt from application and permit requirements

Table 3.110.10A Permanent	Signs in RS, R1S, RM, and P/SP Zones
All other uses, including multiple-family dwellings	 Max. 3 Max. 40 square feet each Max. 40' high Exempt from application and permit requirements
•	Window Signs

- Max. 50 percent of window area on each façade
- Exempt from application and permit requirements

Bench Signs

- Max. 1 square foot per bench.
- Exempt from application and permit requirements

Pole, awning, marquee, canopy, projecting, and suspended signs are not allowed.

Changing image is allowed as part of a monument sign only, up to 65 percent of the sign area, for nonresidential uses only.

Externally illuminated signs are allowed. Internally illuminated signs are not allowed, except for changing image signs.

A sign on a freestanding wall shall not project above the wall.

Non-residential complexes with two or more buildings and multiple-family residential complexes with four or more buildings are allowed one additional sign per street access. Such signs shall be located a minimum of 50 feet from the public right-of-way. Each sign shall be limited to a maximum area of 24 square feet. Freestanding signs shall be limited to a maximum height of eight feet. Such signs typically display a directory or map of the complex.

Table 3.110.10B	Permanent Signs in the CG Zone	
Pole Signs		
Frontage	Freeway Overlay (See Figure 1)	Elsewhere
Less than 100'	Not allowed	Not allowed
100-299'	 Max. 1 per single-tenant site or complex Max. 45' high Max. 200 sf or 4.5 sf per foot of actual height, whichever is less 	 Max. 1 per single-tenant site or complex Max. 20' high Max. 32 sf (single tenant) Max. 50 sf (complex)

Table 3.110.10B	Permanent Signs in the CG Z	one
300-599'	 Max. 1 per single-tenant site or complex Max. 45' high Max. 200 sf or 4.5 sf per foot of actual height, whichever is less 	 Max. 1 per single-tenant site or complex Max. 20' high Max. 50 sf (single tenant) Max. 75 sf (complex)
600- 999'	 Max. 1 per single-tenant site or complex Max. 45' high Max. 300 sf or 6.7 sf per foot of actual height, whichever is less 	
1,000-1,199'	 Max. 1 per single-tenant site or complex Max. 45' high Max. 550 sf or 12.3 sf per foot of actual height, whichever is less 	 Max. 1 per single-tenant site or complex Max. 20' high Max. 100 sf
1,200' or more	 Max. 1 per single-tenant site or complex Max. 45' high Max. 850 sf or 18.9 sf per foot of actual height, whichever is less 	
	Monument Signs	
Frontage	Allowar	ace
1-299'	 Max. 1 per frontage on the same stree Max. 4 signs per single-tenant site or Max. 8' high Max. 32 sf each 	
300' or more	Max. 1 per single-tenant site or compMax. 20' highMax. 100 sf	lex
	Wall Signs	
-	çade or 200 sf, whichever is less by 50 percent if the wall is more than 200) feet from the public right-of-
<u> </u>	Awning/Marquee Signs	
• Deemed wall signs	1 1 1	
Shall not extend abo	ve or below the awning or marquee	
	Canopy Signs	

Table 3.110.10B Permanent Signs in the CG Zone

- Max. 2 sides of canopy
- Max. 15 percent of canopy face or 50 sf, whichever is less

Projecting Signs

- Not allowed on a site or complex with a pole or monument sign
- Max. 1 per single-tenant site or complex
- Min. 8' above ground
- Max. 24 sf
- Max. 6' projection

Suspended Signs

- Max. 1 at each entrance to a building or tenant space
- Shall not project past the outer edge of the roof structure
- Min. 8' above ground
- Max. 6 sf

Drive-through Signs

- Max. 2
- Max. 8' high
- Max. 8' wide

Flags

- Max. 2
- Max. 40 square feet each
- Max. 40' high
- Exempt from application and permit requirements

Window Signs

- Max. 50 percent of window area on each façade
- Exempt from application and permit requirements

Signs on Phone Booths and Product Dispensers

- Max. 3 square feet on an individual unit
- Exempt from application and permit requirements

Bench Signs

- Max. 1 square foot per bench
- Exempt from application and permit requirements

A monument sign may not be established on the same frontage as a pole sign.

Changing image is allowed on freestanding signs only, up to 50 percent of the total sign area.

Externally or internally illuminated signs – except internally illuminated awnings – are allowed.

Table 3.110.10B Permanent Signs in the CG Zone

For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

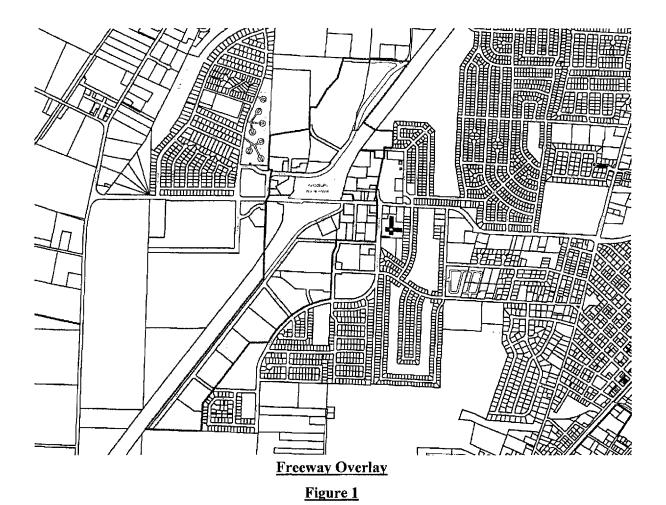


Table 3.110.10C Permanent Signs in the CO Zone

Monument Signs

- Max. 1 per street frontage, 2 total
- Max. 8' high
- Max. 32 sf each

Table 3.110.10C	Permanent Signs in the CO Zone
	Wall Signs
Max. 1 per tenant plusMax. 4 percent of faça	s 1 to identify each building or complex ade area
	Drive-through Signs
• Max. 2 • Max. 8' high • Max. 8' wide	
	Flags
Max. 2Max. 40 square feet eaMax. 40' highExempt from applicat	ach ion and permit requirements
	Window Signs
· · · · · · · · · · · · · · · · · · ·	ndow area on each façade ion and permit requirements
	Signs on Phone Booths and Product Dispensers
Max. 3 square feet onExempt from applicat	an individual unit ion and permit requirements
	Bench Signs
• Max. 1 square foot pe • Exempt from applicat	r bench ion and permit requirements
Pole, awning, marquee, not allowed.	canopy, projecting, and suspended signs, and changing image signs are
Externally or internally	illuminated signs are allowed.

Table 3.110.10D Permanent Signs in the DDC and NNC Zones **Monument Signs** • Max. 1 per single-tenant site or complex • Max. 8' high • Max. 20 sf Wall Signs • Min. 16 sf • Max. 4 percent of façade or 50 sf, whichever is less **Drive-through Signs** • Max. 2 • Max. 8' high • Max. 8' wide Awning/Marquee Signs • Deemed wall signs • Shall not extend above or below the awning or marquee **Projecting Signs** • Not allowed on a frontage with a monument sign • Max. 1 per single-tenant site or complex • Min. 8' above ground • Max. 12 sf • Max. 4' projection Suspended Signs • Only at entrance to a building or tenant space • Min. 8' above ground • Max. 6 sf • Shall not project past the outer edge of the roof structure Flags • Max. 2 • Max. 40 square feet each • Max. 40' high • Exempt from application and permit requirements Window Signs • Max. 50 percent of window area on each façade • Exempt from application and permit requirements Signs on Phone Booths and Product Dispensers

Table 3.110.10D Permanent Signs in the DDC and NNC Zones

- Max. 3 square feet on an individual unit
- Exempt from application and permit requirements

Bench Signs

- Max. 1 square foot per bench
- Exempt from application and permit requirements

Pole and canopy signs are not allowed.

Externally or internally illuminated signs – except internally illuminated awnings – are allowed.

Changing image is allowed on monument signs only, up to 50 percent of the total sign area.

For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

Table 3.110.10E	Permanent Signs in the IP, IL, and SWIR Zones
	Monument Signs
• Less than 300' frontage	 Maximum 1 per single-tenant site or complex Maximum 32 sf Maximum 8' high
• 300' or more frontage	 Maximum 1 per single-tenant site or complex Maximum 1 additional if a complex has 2 street frontages over 300' each Maximum 50 sf each Maximum 8' high
	Wall Signs
Min. 16 sf Max. 4 percent of façade	or 150 sf, whichever is less
	Awning/Marquee Signs
Deemed wall signs Shall not extend above or	below the awning or marquee
	Projecting Signs

Table 3.110.10E Permanent Signs in the IP, IL, and SWIR Zones

- Not allowed on a site with a monument sign
- Max. 1 per single-tenant site or complex
- Min. 8' above ground
- Max. 20 sf
- Max. 4' projection

Suspended Signs

- Only at entrance to a building or tenant space
- Min. 8' above ground
- Max. 6 sf
- Shall not project past the outer edge of the roof structure

Flags

- Max. 2
- Max. 40 square feet each
- Max. 40' high
- Exempt from application and permit requirements

Window Signs

- Max. 50 percent of window area on each façade
- Exempt from application and permit requirements

Signs on Phone Booths and Product Dispensers

- Max. 3 square feet on an individual unit
- Exempt from application and permit requirements

Bench Signs

- Max. 1 square foot per bench
- Exempt from application and permit requirements

Pole and canopy signs are not allowed.

Minimum 100' separation between monument signs in the same complex.

Externally or internally illuminated signs – except internally illuminated awnings – are allowed.

Changing image is allowed on monument signs only, up to 50 percent of the total sign area.

For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.

3.110.11 Nonconforming Signs

- A. Nonconforming signs may remain provided they comply with the provisions of this Section.
- B. Nonconforming permanent signs shall comply with the provisions of Section 3.110 when one or more of the following occurs:
 - 1. A nonconforming sign is expanded, relocated, replaced or structurally altered. A nonconforming sign may be reduced in area or height without losing nonconforming status.
 - 2. The use of the premises upon which the sign is located terminates for a continuous period of 180 days or more. In a complex, if an individual tenant space is vacant for a continuous period of 180 days or more, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.110.
 - 3. The use of the premises upon which the sign is located changes. In a complex, if the use of an individual tenant space changes, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.110.
 - 4. A Conditional Use or Type III Design Review land use application is approved for the premises upon which the sign is located. In a complex, if an individual tenant space is the subject of a Conditional Use or Type III Design Review land use application, only signs attached to such tenant space shall be required to comply with the provisions of Section 3.110.
 - 5. A nonconforming sign is damaged, destroyed, or deteriorated by any means where the cost of repairs exceeds 50 percent of its current replacement cost as determined by the Building Official.
- C. A nonconforming sign or sign structure may be removed for no more than 60 days to perform sign maintenance or sign repair. A nonconforming sign or sign structure removed for more than 60 days shall comply with the provisions of Section 3.110.

3.110.12 <u>Electronic Changing Image Signs</u>

- A. Electronic changing image signs shall change from one display to another display in a transition time of not more than two seconds. The display shall thereafter remain static for at least the following intervals:
 - 1. RS, R1S, RM, and P/SP zones: 20 seconds.
 - 2. DDC, CO, CG not in Freeway Overlay, IP, IL, and SWIR zones: 8 seconds.
 - 3. CG zone in Freeway Overlay: 4 seconds.
- B. No portion of an electronic changing image sign shall be brighter than as follows:
 - 1. During daylight hours from sunrise to sunset, luminance shall be no greater than 3,000 candelas per square meter.
 - 2. At all other times, luminance shall be no greater than 500 candelas per square meter.
- C. All electronic changing image signs shall be equipped with an automatic dimming feature that accounts for ambient light levels.



Department of Economic and Development Services Planning Division

270 Montgomery Street, Woodburn, Oregon 97071 • (503) 982-5246

EXHIBIT	<u> </u>
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CITY COUNCIL STAFF REPORT PUBLIC HEARING

Application Type	Type V Legislative Amendment
Application Number	LA 2010-01
Project Description	Revise the City's sign regulations
Project Location	Entire City
Zoning	All zones
120-Day Deadline	Not applicable to legislative decisions
Date of Staff Report	November 1, 2010
Date of Public Hearing	November 8, 2010

BACKGROUND

The Mayor and City Council appointed a focus group of citizens to review the sign regulations in Section 3.110 of the Woodburn Development Ordinance, and recommended improvements for consideration by the Planning Commission and City Council. After much deliberation, the Sign Focus Group presented its recommendations to the Planning Commission in a series of workshops. After conducting a public hearing, the Commission unanimously approved the text with minor revisions and forwarded the matter to the City Council.

Highlights of proposed revisions:

Simplifies standards

EXHIBIT B
Page 2 of 3

- Electronic changeable-copy signs
 - Establishes standards for brightness and hold time
 - Allows electronic changeable-copy signs in residential zones for non-residential uses
- Non-conforming signs
 - Allows minor sign modification without total conformance
- Other revisions
 - Housekeeping changes
 - Reduces the number of exempt signs
 - Eliminates content-based text language
 - Establishes standards for flags
 - Allows A-frame signs on sidewalks in the downtown DDC zone, subject to standards
 - Establishes size limitations for fuel price signage

The proposed revisions contain both "housekeeping" amendments that reorder provisions, provide clarity or correct clerical errors, and "substantive" amendments that change the allowable size, height, or other characteristics of signs.

ANALYSIS AND FINDINGS OF FACT

Woodburn Comprehensive Plan

Findings: The Comprehensive Plan is a policy document that establishes the overall land use policy of the City. The policies and goals of the Comprehensive Plan are made specific and are implemented through subsidiary plans and ordinances, such as the Woodburn Development Ordinance. The specific provisions of the Development Ordinance must flow from and be consistent with the Comprehensive Plan – which itself must be consistent with statewide planning goals. The Woodburn Comprehensive Plan was originally adopted in 1978 and has been amended 8 times since then – most recently in 2005 – and has been acknowledged by the State of Oregon to be consistent with statewide planning goals. The Comprehensive Plan states on page 9:

"The City has had a sign ordinance since 1973. It has been successful in controlling proliferation of signs, mostly along main arterials. The sign ordinance was revised in 2004. The Sign Ordinance implements goals relating to public health, safety and welfare, basically for transportation safety and aesthetic goals. This type of ordinance should be continued."

<u>Conclusion</u>: The proposed revision is consistent with the Comprehensive Plan. The proposed expansion implements the policies articulated for the sign ordinance.

Woodburn Development Ordinance

<u>Findings</u>: Legislative amendments are Type V legislative decisions. The Development Ordinance addresses Type V decisions in Section 4.101.06.E, Decision Making Procedures. The Planning Commission holds an initial public hearing on the proposal and makes a recommendation to the City Council. The City Council then holds a *de novo* public hearing and makes the City's final

decision. In the present case, the Planning Commission held its public hearing on September 23, 2010 and continued deliberations at its meeting of October 14, 2010.

<u>Conclusions</u>: The proposed amendment to the sign regulations is a Type V legislative decision. The decision-maker is the City Council.

<u>Findings</u>: The Oregon Department of Land Conservation and Development was sent a Notice of Proposed Amendment, as required by statute. A Notice of Public Hearing was sent to every owner of property within the City limits (over 5,800 owners), pursuant to State Ballot Measure 56. Notice was published in the Woodburn Independent. A Notice of Public Hearing was sent to every holder of a current City business license (over 1,000 licensees.) Staff fielded over 200 phone calls and visits from citizens requesting clarification or information.

<u>Conclusion</u>: The public hearing has been publicized in accordance with State statute and the provisions of the Woodburn Development Ordinance.

CONCLUSION

The proposed amendment is consistent with the Woodburn Comprehensive Plan and the Woodburn Development Ordinance.

LIST OF ATTACHMENTS

Attachment A presents the substantive changes in a "markup" format that shows deletions and additions. Attachment B is a "clean" version that is easier to read, but does not indicate which provisions have been changed. Marking up the numerous housekeeping amendments as well as the substantive amendments results in a document that is difficult to read. In order to simplify the presentation and concentrate on the substantive changes, the housekeeping amendments are not marked up. This follows the practice and recommendation of the Sign Focus Group.

- A. WDO 3.110 Proposed Sign Changes (edited version)
- B. WDO 3.110 Proposed Sign Changes (unedited version)
- C. Planning Commission Minutes:
 - June 24, 2010 workshop
 - May 13, 2010 workshop
 - May 27, 2010 workshop
 - September 23, 2010 public hearing
 - October 14, 2010 public hearing

PLANNING DEPT. ITY OF WOODBURN 70 Montgomery St. 'oodburn, OR 97071



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