



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

03/14/2011

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

FROM: Plan Amendment Program Specialist

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

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 25, 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: Doug Montgomery, City of McMinnville
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed



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

Jurisdiction: **City of McMinnville**

Local file number: **G 1-10**

Date of Adoption: **February 22, 2011**

Date Mailed: **March 4, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11-24-10

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".

McMinnville City Council adopted Ordinance No. 4935 on February 22, 2011, thereby amending Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance.

Does the Adoption differ from proposal? No.
Same.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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. 001-10 (18620) [16550]

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

None.

Local Contact: Doug Montgomery

Phone: (503) 434-7311 Extension:

Address: 231 NE 5th Street

Fax Number: 503-474-4955

City: McMinnville

Zip: 97128

E-mail Address: montgod@ci.mcminnville.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 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) of 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. 4935

An Ordinance amending Chapter 17.62 (Sign Ordinance) of the McMinnville Zoning Ordinance (No. 3380, as amended).

RECITALS:

Following extensive public review, McMinnville's Sign Ordinance was adopted by the City Council in November of 2008; it took effect January 1, 2009. A provision within this adopting ordinance requires that following its one-year anniversary the Planning Department staff shall:

"[...] prepare a report for review by the City Council that details the prior year's history relative to the ordinance's effectiveness. In addition, the report may include recommended corrective actions for consideration by the City, should such be identified in the staff's review. Public hearings shall be conducted to consider any proposed amendment; notice shall also be provided consistent with the rules in effect at the time."

This report was presented to the City Council by staff on June 8, 2010. In addition to recapping the prior year's history of working with the sign ordinance, staff provided several suggested amendments designed to provide clarity, effectiveness, and equity in the administration of the adopted ordinance. Based upon the findings and recommendations contained in this report, the Council initiated a public hearing process in order to take testimony on the proposed amendments.

A public work session and hearing were held before the McMinnville Planning Commission on November 18, 2010, and January 20, 2011, respectively, at which the report was presented and public testimony received. Notices of these public meetings were published October 30, 2010, and January 12, 2011, in the News Register. Following the close of the public hearing, and based upon the testimony provided, the Commission voted unanimously to recommend that the City Council adopt the amendments as proposed by staff.

Now, therefore

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance is amended as follows (new text is noted in **bold underline**, while text to be deleted is shown in ~~strikethrough~~):

A. Section 17.62.030 is amended to read as follows:

17.62.030 (DD) Permanent Sign – A sign **constructed of durable materials**, structurally affixed to the ground, **sign support structure (e.g., pole)**, or to a building, and intended **to exist for the duration of time that the use or occupant is located on the site** ~~for display for more than twelve (12) consecutive months.~~

17.62.030 (HH) Temporary Sign – A sign or advertising display constructed of fabric, vinyl, paper, cardboard, plywood or other light materials, with or without a frame, **that is set upon the ground, or that is attached to the ground by a metal, plastic, or wood post(s) driven or dug into the ground with no footing or foundation, and that is**

intended to be removed upon termination of the activity or event. not permanently attached to a building, structure or ground intended to be displayed for a specific and limited period of time. A sign that will become obsolete after the occurrence of an event or series of events. Such signs also include those of similar material that are attached by means of metal, plastic, or fabric ties to fences or other structures not designed or intended for the placement of signs. Temporary signs typically include, but are not limited to portable signs, A-frame event signs, banners, flags, or pennants, for sale and lease signs, garage sale signs, and political campaign signs.

B. Section 17.62.030 (D), (L), (Q), and (Z) are amended to read as follows:

"17.62.030 (D) Area (of a sign) –

1. Projecting, Portable, and Freestanding: The area of the sign shall be measured as follows: The area within around and enclosing the perimeter of the each cabinet or module on which copy is placed shall be totaled to determine the aggregate sign area. If the sign is composed of two or more sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. The perimeter of measurable sign area shall not include essential sign structure, foundations or supports. In addition, the sign area calculation shall not include embellishments such as pole covers, framing, decorative roofing, etc., if provided that there is no written copy on such embellishments. The portion of any such embellishments that exceed 50 (fifty) percent of the permitted sign area shall be included in the sign area calculation. All face areas of any multi-faced sign shall be counted in calculating its area. For a double-faced sign in a single cabinet, only the area of one face is counted."

"17.62.030 (L) Copy – the message on a sign surface in either permanent or removable letter form or graphics, or symbols designed specifically for the purpose of visual communication."

17.62.030 (Q) Freestanding Sign - a sign supported upon the ground by a frame, pole(s), or other support structure which is not attached to any building. A freestanding sign shall count as one sign, even if it has two or more faces. In this context, freestanding signs include monument (ground-mount), pole, and pylon-type signs.

"17.62.030 (Z) (3) Roof Sign—any mounted sign that projects above the top of a wall, eave, or parapet. Signs on a mansard roof or on a wall on the end façade of a gable roof are considered wall signs for the purposes of this ordinance, provided they do not extend above the roofline."

C. Section 17.62.040 (Exempted Signs) is replaced with the following:

"Exempted Signs. The following signs are allowed in all zones, and are exempt from size, height, and setback requirements unless otherwise noted in this section. shall not require planning approval for their use though some may require a building

permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this Chapter. **These exemptions shall not relieve the sign owner of the responsibilities of sign maintenance and sign placement outside of the public right-of-way and clear vision areas, unless otherwise permitted** All signs listed in this section are subject to all other applicable requirements of this chapter.

- A. ~~Official~~s Signs placed or authorized by the city, county, state, or federal government in the publicly owned right-of-way **or within public parks and open spaces**, as well as official signs required by city, county, state, or federal government located on private property.
- B. Flags adopted or endorsed by a governmental agency.
- C. Tablets, cornerstones, or commemorative plaques **less than four (4) square feet in area and not illuminated**.
- D. **Signs placed in windows displays and signs, not to include strobe lights or other flashing lights when the effects of such device is visible from the exterior of the building, or electronic changeable copy signs with a sign face area greater than eight (8) square feet**.
- E. Festoons **(not allowed in residential zoned areas)**.
- F. Balloon signs of less than 24 (twenty-four) inches in diameter **(not allowed in residential zoned areas)**.
- G. Seasonal decorations on private **and public** property.
- H. Signs **less than three (3) square feet in area and non-illuminated that are erected by a recognized neighborhood watch group**.
- I. Handheld signs.
- J. Accessory signs.
- K. Landmark signs.
- L. Signs for hospital or emergency services and railroads.
- M. Incidental signs, provided the signs do not exceed one and one-half (1.5) square feet in area for each sign, ~~with no more than three (3) signs allowed for each permitted structure~~.
- N. An exterior sign erected next to an entrance, exit, restroom, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature.
- O. Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street, alley, or other area open to public travel.
- P. One indirectly illuminated or nonilluminated wall sign not exceeding one and one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.
- Q. Signs placed in or attached to a motor vehicle, bus, railroad car that are regularly used for purposes other than the display of signs.
- R. Signs, up to four (4) square feet **in area** and ~~no taller than two~~ **three (23) feet in height**, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking.
- S. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected where there is a danger to the public or to which public access is prohibited.
- T. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended and oriented for viewing by persons within the facility.
- U. Covered flier boxes under one (1) square foot in area when attached to a temporary or permanent sign."

D. Section 17.62.060 (4) is amended to read as follows:

"4. Temporary and portable signs over ~~two and one-half~~ **three (3)** feet tall shall be set back a minimum of ~~ten~~ **five** feet from the street side of a property line. This does not apply to signs placed within recessed entryways, provided that no portion of the sign extends over a public sidewalk. This does not apply to signs which hang from the face or wall of a building provided that the sign does not protrude more than two inches from the face or wall."

E. Section 17.62.070 (A) (1) is amended to read as follows:

"1. Each public school, private school, and community building is permitted one permanent monument sign . . . and no larger than 48 (forty-eight) square feet in area. In the case of a private school located within or upon an existing or proposed church facility or site, the total sign face area may be increased by eight (8) square feet. Each sign may include changeable copy . . .]"

F. Section 17.62.070 (E) (6) is revised to read as follows:

~~6. No temporary signage is allowed. On a sites or multi-tenant complexes on which~~ if an electronic changeable copy sign is located, temporary signage utilized that is capable of displaying more than twelve (12) characters at one time or more than five (5) characters in a row is limited to that described in Section 17.62.060 (B) (2) and (3). ~~Double-faced electronic changeable copy signs shall be allowed up to twelve characters on each sign face.~~

G. Section 17.62.070 is amended by adding the following new subsection and text:

"F. Menu Board Signs. Freestanding menu board signs are permitted for businesses that employ drive-up service. One such menu board sign, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary menu board sign, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding menu board that has copy facing toward a public street shall be located a minimum of thirty (30) feet from that street's property line. Wall mount menu board signs shall be exempt from this requirement."

Section 2. That each year during the sign ordinance's amortization period, City staff shall provide a summary report to the City Council and Planning Commission detailing the number of freestanding signs brought into compliance in the preceding year, and those that remain in noncompliance with the ordinance's adopted standards. The Council and Commission may use this report to monitor progress toward meeting the amortization goals and objectives of the ordinance, and to determine what further actions, if any, may be warranted.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of 30 (thirty) days.

Passed by the Council this 22nd day of February 2011, by the following votes:

Ayes: Hill, Jeffries, May, Menke, Ruden, Yoder

Nays: _____

Approved this 22nd day of February 2011.



MAYOR

Attest:



RECORDER

Approved as to form:



CITY ATTORNEY



230 NE Second Street, McMinnville, Oregon 97128



ATTENTION: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE. Suite 150
Salem, OR 97301



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