



# Oregon

John A. Kitzhaber, M.D., Governor

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 01/12/2015  
Jurisdiction: City of Stayton  
Local file no.: 16-10/14  
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/23/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 003-14 {22614}

Received: 12/23/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Stayton

Local file no.: **16-10/14**

Date of adoption: 12/15/14

Date sent: 12/23/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Dan Fleishman, Planning and Development Director

Phone: 503-769-2998

E-mail: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

Street address: 362 N Third Ave

City: Stayton

Zip: 97383-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Tilte 17, Chapter 20, Sections 17.20.140.10.e.3) and 17.20.140.10.e.6)

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

removes requirement that electronic message signs have only white or amber light and have light of a uniform color.

## ORDINANCE NO. 978

### AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17, REGARDING THE STANDARDS FOR ELECTRONIC MESSAGE SIGNS

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

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code (SMC) as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.140.10.e contains standards applicable to electronic message signs;

WHEREAS, SMC Section 17.20.140.10.e. requires that only amber or white lights be used on electronic message signs;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code in regard to the standards for electronic message signs, and following a public hearing, has recommended that the Stayton City Council enact the proposed amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. SMC Title 17, Chapter 20 amended.** Stayton Municipal Code, Title 17, Chapter 20, Section 17.20.140.10.e is hereby amended as follows:

- e. The following standards shall apply.
  - 1) With the exception of a message sign that displays only the time or temperature, the message or display may be changed no more than once every minute.
  - 2) The message or display must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.
  - 3) The message or display may consist only of alphabetic or numeric text [of a uniform color](#) on a plain background of uniform color and may not include any graphic, pictorial or photographic images.
  - 4) The display may comprise no more than 50% of the surface area of a message sign.
  - 5) No more than one changeable sign with 2 sides is allowed per lot.
  - 6) ~~Only white or amber lights may be used.~~
  - 7) The luminance of the sign shall be limited to no more than 280 candelas per square meter. The applicant shall submit information from the sign manufacturer indicating the luminance will be met as measured with a luminance meter aperture of 1 degree or less, 50 feet directly in front of the sign with the sign in a fully illuminated mode of white light.
  - 8) The sign shall default to the off position in the case of any failure of mechanisms that control luminance or other display features.

**Section 2. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

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

ADOPTED BY THE STAYTON CITY COUNCIL this 15th day of December, 2014.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2014

BY: \_\_\_\_\_  
A. Scott Vigil, Mayor

Signed: \_\_\_\_\_, 2014

ATTEST: \_\_\_\_\_  
Keith D. Campbell,  
City Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
David A. Rhoten, City Attorney

DRAFT



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: December 15, 2014**  
**SUBJECT: Public Hearing on Proposed Code Amendments regarding the Standards for Electronic Message Signs**

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**ISSUE**

The issue before the City Council is a public hearing on a city-initiated legislative text amendment to Section 17.20.140.10.e regarding the regulation of electronic message signs. Following the public hearing, the City Council is requested to consider enactment of Ordinance 978.

**BACKGROUND INFORMATION**

At their October 20 meeting the City Council voted to direct the Planning Commission to hold a public hearing on a proposal to amend the provision of the sign regulations regarding the color of lights in electronic message signs. The Planning Commission held their hearing on November 24 and following the hearing recommended that the City Council enact the changes included in Ordinance 978

The proposed ordinance would allow any color lights, provided the letters and numbers in an electronic message sign are of a uniform color.

**RECOMMENDATION**

The Planning Commission has recommended that the City Council enact the amendments as presented. Their Order is attached. Staff recommends the City Council enact Ordinance 978 as presented.

**OPTIONS AND MOTIONS**

The City Council is presented with the following options.

**1. Approve the first consideration of Ordinance 978**

Move to approve Ordinance No 978 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is

unanimous, Ordinance No. 978 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 978 will be brought before the Council for a second consideration at the January 5, 2015 meeting.

**2. Approve the Ordinance with modifications**

Move to approve Ordinance No. 978 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 978 will be brought before the Council for a second consideration at its January 5, 2015 meeting.

**3. Retain the Code unchanged**

No motion is necessary.