



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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

Date: April 20, 2015  
Jurisdiction: City of Waldport  
Local file no.: None  
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/17/2015. 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 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**  
001-14  
File No.: {22606}  
Received: 4/17/2015

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 Waldport

Local file no.: N/A

Date of adoption: 4/9/15

Date sent: 4/16/2015

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): 12/22/14

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:

Yes. Following public workshops and public hearings some changes were made. Primary changes include 1) allowing one A-Frame sign per business with regulations, 2) allowing one Banner per business with regulations and, 3) adding a subsection to allow for variances to sign regulations.

Local contact (name and title): Larry Lewis, City Planner

Phone: 541-264-7417, ext. 3

E-mail: larry.lewis@waldport.org

Street address: P.O. Box 1120

City: Waldport

Zip: 97394-

## 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:

Title 16 Waldport Development Code Chapter 16.76 Signs

**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: City of Waldport, Oregon  
Department of Transportation

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.

ORDINANCE NO. 756

AN ORDINANCE OF THE CITY OF WALDPOROT REVISING TITLE 16 OF THE WALDPOROT MUNICIPAL CODE BY AMENDING CHAPTER 16.76 "SIGNS" AND DECLARING AN EMERGENCY.

WHEREAS, the Waldport Planning Commission has worked for many months on the above-noted code amendment, conducting numerous work sessions to refine the language and produce the proposed ordinance language; and

WHEREAS, duly noticed public hearings were held and testimony received in January and March of 2015 by the Waldport Planning Commission and in April of 2015 by the Waldport City Council,

NOW, THEREFORE, THE CITY OF WALDPOROT ORDAINS AS FOLLOWS:

Section 1. There is hereby adopted "Chapter 16.76, Signs" as attached hereto as Exhibit "A" and incorporated herein by reference to replace the current section so entitled in Title 16 of the Waldport Municipal Code.

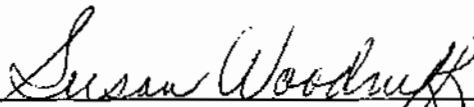
Section 2. Constitutionality. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter.

Section 3. Emergency clause. Inasmuch as it is the duty of the City Council to maintain the public health, safety and welfare, and because it is important to implement this Chapter as soon as practicable to avoid confusion, and to resolve any issues of which language applies, now, therefore, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.

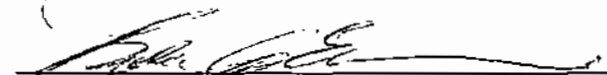
ADOPTED by the Common Council of the City of Waldport this 9<sup>th</sup> day of April, 2015 by the following vote:

AYES 6      NAYS 0      ABSENT 1      ABSTAIN 0

SIGNED by the Mayor this 9<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Susan Woodruff, Mayor

ATTEST:

  
\_\_\_\_\_  
Reda Q. Eckerman, City Recorder

"Exhibit A"

Chapter 16.76

SIGNS

Sections:

- 16.76.010 Scope.
- 16.76.020 Definitions.
- 16.76.030 Permits required.
- 16.76.040 Zone requirements.
- 16.76.050 Temporary signs.
- 16.76.060 Nonconforming signs.
- 16.76.070 Maintenance and appearance of signs.
- 16.76.080 Abandoned signs.
- 16.76.090 Variances.

16.76.010 Scope.

Every sign erected, altered or relocated within the City of Waldport shall conform to the provisions of this Chapter. It does not regulate traffic and street signs erected and maintained by a road authority as defined in ORS 801.445, trespass signs posted in accordance with ORS 164.245 to 164.270, holiday decorations, temporary interior window signs, or the display of the national or state flag.

16.76.020 Definitions.

"A-Frame sign" means a freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

"Banner sign" means a ground-mounted or building-mounted banner, pennant, flag or similar type of sign on fabric or similar material.

"Building sign" means a wall, projecting/hanging, window or roof sign.

"Freestanding sign" means a sign which is supported by a separate independent structure and is not attached to or supported by any other building or structure.

"Monument sign" means a ground-mounted sign supported from grade with a solid base that is at least 75% of the width of the sign. A monument sign can also be supported with multiple architectural-designed posts. Single posts are prohibited.

"Nonconforming sign" means a sign which was erected legally but which does not comply with currently applicable sign restrictions and regulations.

"Off-premises sign" means any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place, including products offered for sale or sold on premises other than on the premises where such sign is displayed.

"Projecting sign" means a sign which is attached to the wall, overhang or awning of a building and which projects more than twelve (12) inches beyond the wall, overhang or awning of the building.

"Sign" means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

"Temporary sign" means any sign which is not permanently installed to or affixed to any sign structure or building, and is accessory to an event, election, government or institutional sponsored activity, lease, rental or sale of limited, fixed duration. A temporary sign does not include an A-Frame sign as identified above.

"Size" means the aggregate area of all sign display surfaces located on a single structure, but excluding posts and base that are without attached identification, description or illustration. Two surfaces parallel and back to back on the same structure, e.g. a projecting sign or 2-sided monument sign, shall be considered a single display surface.

"Wall sign" means a sign attached to or painted on a wall of a building with a display surface which projects no more than twelve (12) inches from the surface of the wall and not higher than the lowest roof edge above the building wall to which it is attached.

#### 16.76.030 Permits required.

A. Except as herein provided, no sign shall be erected, replaced, altered or relocated without the business owner first obtaining a sign permit and the property owner (if different) granting permission for a sign permit, demonstrating that the sign is or will be in compliance with all provisions of this Chapter. A-Frame signs and Banner signs, as defined above, are exempt from sign permits.

B. Permits are issued for specific property only. Permits may transfer with ownership provided the signage is not altered or moved except to bring it into compliance with this section.

C. Fees for sign permits shall be established by resolution of the city council, and shall be paid prior to the sign being placed or altered.

D. Signs conforming to the current code that are damaged by acts of nature, vandalism or accident shall not be assessed a new sign permit fee when repaired to the pre-damaged condition. The owner of free-standing signs shall be required to obtain a building permit prior to repair.

E. A building permit shall be required for all free-standing signs as provided for in the Oregon Structural Specialty Code, which shall be issued prior to sign placement, construction, or alteration.

#### 16.76.040 Zone Requirements.

A. In the R-1, R-2, and R-3 zones: one (1) accessory sign shall be allowed and shall be limited to the following sizes and restrictions:

1. Only wall signs are allowed in the R-1, R-2 and R-3 zones.

2. A sign not exceeding two (2) square feet in size accessory to a single-family dwelling or a home occupation, or six (6) square feet for a bed and breakfast inn.

3. A sign not exceeding twenty-four (24) square feet in size accessory to any other permitted or conditional use in the zone.

4. No moving or flashing signs, lit signs, roof signs, A-Frame signs, or banner signs shall be allowed in the R-1, R-2 and R-3 zones.

5. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control sign, etc.)

B. In the R-4, D-D, C-1, C-2, M-P, I-P and P-F zones:

1. General sign requirements:

a. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control signs, etc.)

b. External light illuminating from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.

c. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or interfere with the effectiveness of an official traffic sign, device, or signal.

d. Where it can be demonstrated that directional signs are needed for directing or controlling vehicular access, or where such signs are required as a condition of approval for public safety, such signs may be permitted in addition to any other signs permitted by this section. Such signs shall be placed at each motor vehicle entrance or exit, shall not exceed nine (9) square feet in size and six (6) feet in height, and shall not restrict required sight distances or pedestrian and vehicular flow.

2. Sign types:

a. Building Signs. A maximum 20% of a building façade is allowed to have signs. A building façade is an exterior side of a building excluding the roof.

1) Wall signs.

2) Projecting signs. Projecting signs may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not affect pedestrian traffic. Placement of projecting signs on Hwy 101 and Hwy 34 sidewalks are subject to agreement with the Oregon Department of Transportation.

3) Window signs.

4) Roof signs. Roof signs shall not exceed 16 feet in height above the adjacent street grade or up to the peak of the roof, whichever is less restrictive. Roof signs painted directly on the roof surface, or on a surface attached flush to the roof surface, are prohibited.

b. Permanent free-standing signs.

1) No more than one free-standing sign is permitted per street frontage per property.

2) Single pole signs are prohibited.

3) Monument signs shall have a maximum 8 foot height, maximum 10 foot width, and maximum 50 square feet.

4) Electrical service to free-standing signs shall be underground.

c. A-Frame signs.

1) No more than one A-Frame sign is permitted per business.

2) A-Frame signs may be placed on private property.

3) A-Frame signs may be placed within the right-of-way on a sidewalk, however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. A-Frame signs may not impede pedestrian access or opening of vehicle doors. Placement of A-Frame signs on Hwy 101 and Hwy 34 sidewalks are subject to agreement with the Oregon Department of Transportation.

4) A-Frame signs shall be a maximum of eight (8) square feet with maximum dimensions of two (2) feet wide by four (4) feet tall.

5) A-Frame signs shall be secured by means of attaching an interior weight so as not to be movable (pushed, pulled, blown, etc.)

6) No objects shall be attached to A-Frame signs, e.g. balloons, banners, etc.

7) A-Frame signs are only permitted during business hours and should be removed during periods of high winds.

d. Banner signs.

1) One banner sign is allowed per business.

2) Banner signs shall not exceed 20 square feet.

3) Ground-mounted banner signs may be placed on private property and not be mounted in or extend into public right-of-way. Banners attached to a building may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not impede pedestrian access.

4) No banner, other than the American flag, shall be placed in the flagpole holes along Hwy 101 or Hwy 34, and no banners shall be placed in the planters.

e. Digital signs.

1) One digital sign is allowed per business or institution. In addition, one digital 'open' sign is allowed per business.

2) Digital signs may not be externally or internally illuminated by a flashing light or a light that varies in intensity.

3) Digital signs must be equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.

4) Digital signs must be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

5) The change from one message to another message may not be more frequent than once every fifteen (15) seconds and the actual change process must be accomplished in two seconds or less.

6) If attached to a building or displayed inside a building so as to be visible from outside, the digital sign shall be considered to be a building sign and included in the maximum 20% of a building façade that is allowed to have signs.

C. In the M-W zone, only signs in conjunction with an existing or approved activity are allowed, provided the sign is constructed such that it meets the requirements of Chapter 16.68, Flood Hazard Overlay Zone.

#### 16.76.050 Temporary Signs.

In addition to the allowances for signs provided by this section, temporary signs are allowed on private property with the following standards:

A. No more than one temporary sign is permitted per property. Temporary signs are not permitted in the public right-of-way.

B. Temporary signs shall be a maximum of eight (8) square feet.

C. Temporary signs are allowed for not more than ninety (90) consecutive days or for any period of time during which the property is for sale, lease or rent, or for an election or event.

D. Temporary signs shall be secured so as not to be movable (pushed, pulled, blown, etc.)

E. No objects shall be attached to temporary signs, e.g. balloons, banners, etc.

#### 16.76.060 Maintenance and Appearance of Signs.

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All signs shall be maintained in a neat,



clean and attractive condition.

**16.76.070 Nonconforming Signs.**

A nonconforming sign or sign structure shall not be moved, structurally altered or enlarged in any manner unless such movement, alteration or enlargement would bring the sign into conformity with the requirements of this Chapter.

**16.76.080 Abandoned Signs.**

A. Any sign shall be removed when the associated business or event has been discontinued or completed, or when the sign is no longer properly repaired or maintained as required by this Chapter.

B. Abandoned non-conforming signs shall be removed in their entirety.

**16.76.090 Variances.**

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter will produce hardship, a business owner (with permission from the property owner, if different) may apply for a variance pursuant to Chapter 16.92 of this Code.