

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the Yamhill County)
Zoning Ordinance §1006 to Replace the Sign) Ordinance 870
Ordinance, Planning Docket G-01-12)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of County business on May 24, 2012, Commissioners Leslie Lewis, and Mary P. Stern being present, and Commissioner George being excused.

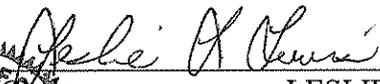
IT APPEARING TO THE BOARD that the Board initiated a legislative land use process to amend the Yamhill County Zoning Ordinance to replace the Sign Ordinance, YCZO §1006; and

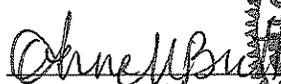
IT APPEARING TO THE BOARD that the Yamhill County Planning Commission heard this matter at a duly noticed public hearing on April 5, 2012, then voted to recommend approving the legislative amendment. The Board convened duly noticed public hearings on May 3 and May 10, 2012, and then voted unanimously to approve the legislative amendment. NOW, THEREFORE,

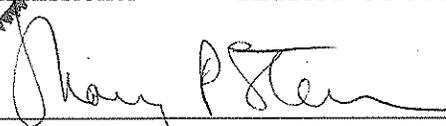
IT IS HEREBY ORDAINED BY THE BOARD, that Section 1006 of the Yamhill County Zoning Ordinance is hereby replaced by the new Section 1006, appended and incorporated into this ordinance by this reference. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

DONE this 24th day of May, 2012, at McMinnville, Oregon.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOLL  _____
County Clerk LESLIE LEWIS

By:  _____ (excused)
Deputy Anne Britt Commissioner KATHY GEORGE

APPROVED AS TO FORM:  _____
 Commissioner MARY P. STERN

RICK SANAI, Yamhill County Counsel

F:\Users\sanair\LU\SignOrdinanceMay2012.wpd

B.O. 12-243



Docket G-01-12 ORDINANCE AMENDMENTS

Sign Ordinance Rewrite

Section 1006 shall be repealed in its entirety and replaced with the following:

SECTION 1000 – SPECIAL USE REQUIREMENTS

NOTE: Explanation blocks will be used to indicate how this proposed ordinance differs from the current sign ordinance, which is proposed to be repealed in its entirety. Much of the language in this proposed ordinance is similar or identical to language in the current ordinance, but because many subsections have been moved around and rearranged into what staff feels is a more logical sequence, the usual method of showing new language with underline and bold and language to be deleted in brackets and italics was too confusing.

1006. SIGNS

1006.01 Purpose.

The purpose of these sign regulations is to provide traffic safety, to maintain the aesthetic environment, and to minimize possible adverse effects of signs on nearby properties, while encouraging the effective use of signs as a means of communication.

Explanation: This subsection is new, and has been added to explain the purpose behind regulating signs in the county.

1006.02 Signs Requiring Permits.

A sign permit shall be required for:

- A. Any sign more than two square feet in area, unless specifically exempted by Section 1006.03.
- B. Electrical or illuminated signs.

Explanation: This subsection replaces and consolidates language in subsection 1006.01(A) of the previous sign ordinance.

1006.03 Signs Not Requiring Permits.

A sign permit is not required for the following:

- A. A single sign, not more than two (2) square feet in area, on any parcel.
- B. Any sign not visible from a public right-of-way, or from any other property not under the same ownership as the property upon which the sign is located.

- C. Temporary signs, including but not limited to political signs, real estate “for rent/sale” signs, and signs advertising local community events. The temporary sign shall not exceed 12 square feet in area, shall not be illuminated, and shall be removed within one week after the election, sale or event. The placement of the temporary sign shall conform to the setbacks and other standards in Section 1006.08.
- D. Ground or roof mounted balloon or inflatable signs. Such signs shall be displayed for no more than 14 days in any six month period. If ground mounted, such sign shall not exceed 24 feet in height above grade, or if roof mounted shall not exceed 24 feet in height above the roof top.
- E. Legal notices or identification, informational or directional signs erected or required by governmental bodies.
- F. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and sculpture and other work of fine art created for appreciation rather than advertising.
- G. Service signs whose primary purpose is not to attract customers to the premises. Service signs include, but are not limited to, the following:
 - 1. Signs attached to or part of vending machines, public telephones or other devices furnishing public services not related to the business conducted on the premises.
 - 2. Signs displayed for direction or instruction (restroom, freight entrance, parking, etc.).
 - 3. Signs required by law or designed solely in the interest of public safety.
 - 4. Signs located directly on and not extending beyond the component parts of display stands, as long as they do not exceed fifty square feet of sign area for all such devices on the property.
- H. Temporary decorations or displays clearly incidental and commonly associated with local national or religious holidays or other celebration, provided that such decorations or displays are removed within 15 days after the holiday.

| |
|--|
| Explanation: Subsection (D) contains new language. |
|--|

1006.04 Prohibited Signs.

The following signs are prohibited in all zone districts:

- A. Moving or flashing signs or other signs that may likely cause motorists distraction or be hazardous to public safety. Portions of signs that display the time or temperature are exceptions.
- B. Banners, pennants, festoons, or searchlights, except that upon receipt of a temporary use permit, such may be allowed for special events, grand openings or similar celebrations. Such

signs may be erected 15 days prior to the event/celebration, and shall be removed within 15 days thereafter.

- C. Signs imitating or resembling official traffic or government signs.
- D. Temporary posters or signs attached to trees, electrical or telephone poles, or other public property.
- E. Signs attached to a building and exceeding the highest part of the roof.
- F. Billboards, except as approved by the State Highway Division.

1006.05 Signs Within State or County Right-of-Ways.

Signs within a right-of-way shall be regulated by the State Department of Transportation along State Highways, and by the Yamhill County Department of Planning and Development along county roads and local public access roads, subject to the following:

- A. Such signs along State highways shall be governed entirely and installed by the State Highway Division.
- B. The County Public Works Department is authorized to construct and install such signs along county roads and local public access roads upon Planning Department permit approval.
- C. Signs along county roads and local public access roads shall be the same or of similar size and material as those provided by the State for signs along State Highways.
- D. Costs for construction, installation and replacement of signs on county roads or local public access roads shall be determined by and paid to the Department of Public Works.

| |
|--|
| Explanation: This subsection has been modified to delete references to "off-premise" signs, since the county cannot regulate what a sign says. |
|--|

1006.06 Sign Permit Application.

An application for a sign permit shall be made on a form provided by the County, and shall be accompanied by the appropriate filing fee. The following information shall be submitted with the application:

- A. A drawing to scale showing the design of the sign, including dimensions, sign size, height, clearance, method of attachment, source of illumination, and an elevation drawing of any building to which the sign will be attached.
- B. A plot plan drawn to scale showing the location of the sign in relation to property lines, roads, driveways, buildings or other structures on the parcel, and any other signs on the parcel.
- C. The number, size and location of all existing signs on the parcel.

- D. Structural and mechanical design and engineering data sufficient to determine compliance with applicable Building Codes.

Explanation: This subsection is new. The information requested with a sign permit application is to aid staff in processing the permit.

1006.07 Sign Size

- A. In the F, EF, AF, MR, PRO, PAI, PWS and PALF districts, a single sign not exceeding twenty-four square feet in area shall be allowed. Properties with double frontage shall be allowed two signs, one on each frontage, or a single sign twice the area of the above standards.
- B. In the VLDR and LDR Districts, a single sign not exceeding 12 square feet in area shall be allowed.
- C. In the RC, NC, HC, RI, LI and HI Districts, signs shall be permitted as follows:
1. The maximum total sign area on the parcel shall be one square foot per lineal foot of parcel frontage, up to a maximum of 400 square feet. Regardless of site frontage, a minimum of one hundred square feet of sign area shall be permitted for any single parcel.
 2. A single face of any one sign shall not exceed one hundred square feet.
 3. No more than one free-standing sign shall be allowed on any property.
 4. If two or more businesses share a common business space and/or parking area, the total sign area allowed shall be proportionately allocated between or among such businesses, and shall not exceed the total sign area allowed as set out by this subsection.

Explanation: The sign size standards have been greatly simplified from the previous ordinance, which allowed different size signs depending upon the type of use or business occurring on the property. The proposed ordinance also includes standards for public zones (PAI, PWS, PALF, PRO), which were omitted from the current ordinance. The proposed standards for commercial and industrial zones are more restrictive than the current ordinance because they limit the number of free-standing signs to one per parcel.

1006.08 Standards and Requirements.

- A. Setbacks.

All signs shall be situated so as not to adversely affect safety, corner vision or other similar conditions, in addition to the following:

1. The minimum setback for signs shall be five feet for all yards.

2. Free-standing signs shall be set back from front property lines one foot for each ten square feet of sign area to a maximum required setback of twenty feet. Free-standing signs shall comply with the side and rear yard setbacks of the underlying zoning district.
3. Signs shall conform to clear-vision requirements at street and driveway intersections. No sign or support structure for a sign shall be located in the clear vision area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

B. Height.

Any free-standing sign or sign attached to or placed upon a building shall not extend more than twenty-four feet above the road or highway grade. In addition, roof or wall mounted signs shall not extend above the highest part of the roof.

C. Projecting Signs

Projecting signs, including canopy and awning mounted signs, shall not extend more than six feet from the face of the building to which they are attached. Projecting signs shall have a maximum area of twenty-four square feet per face, and a minimum ground clearance of eight feet.

D. Blanketing.

No sign shall be situated in a manner which results in the blanketing of an existing sign.

E. Construction.

All signs shall be constructed at the expense of the sign or business owner, and shall be erected in conformance with this ordinance and all county-administered Sign, Electrical and Building Code requirements.

F. Electrical and Illuminated Signs.

1. Electrical equipment used in connection with electrical or illuminated signs shall be installed by a licensed sign contractor and in accordance with the National Electric Code.
2. Every sign containing electrical components or illumination devices shall bear an underwriter's label, or approved testing laboratory label, and the name of the sign erector and the date of installation. Such name and date shall be placed and maintained at a readily legible location on the sign structure.
3. No electrical or illuminated sign shall exceed fifty square feet in surface area.
4. Electrical service to free-standing signs shall be underground.
5. Artificially illuminated signs, or lights used to indirectly illuminate signs shall be placed, shielded or deflected so as not to shine into dwelling units or to create excessive glare

along adjacent roads. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

6. Sign clearances shall be in accordance with Section 225 of the National Electric Code.

G. Maintenance and Removal.

Every sign, including those specifically exempt from permits required by this ordinance, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports. The Director may inspect, and shall have the authority to order the painting, repair, alteration or removal of a sign which may constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

1006.09 NonConforming Signs/Removal.

Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following amortization provisions:

- A. Any legally constructed/installed sign or sign structure not conforming to this ordinance shall be recognized as a nonconforming use and discontinued within 6 years from the date of a nonconformity and amortization notice given to the sign owner by the County.
- B. Any sign not legally constructed/installed shall be recognized as a zoning ordinance violation and shall be removed immediately.
- C. A nonconforming and amortization notice requiring removal of a nonconforming sign shall be given by the county at such time as the following findings are made:
 - 1. It has been determined that the sign is non-conforming.
 - 2. The nonconformity has been discussed with the owner.
 - 3. The Director has determined that the sign cannot or will not become a conforming use.
- D. All flashing or moving signs shall be made so that such flashing or movement is discontinued within thirty days of a zoning ordinance violation notice.

1006.10 Abandonment and Removal.

Any sign which does not contain legibly printed matter on the display surface, or which by its nature has become obsolete for a period of three (3) months, shall be deemed to have been abandoned by the owner thereof and shall be subject to removal by the County Roadmaster or his designate.

The following definitions have been modified and moved from Section 202.

1006.11 Definitions.

- A. **Sign:** An identification, description, illustration or device which is affixed to or represented directly or indirectly, upon land, or a building or structure, and which attracts the attention of, or conveys a message to any person.
- B. **Sign, Flashing:** Any illuminated sign within or upon which the illumination is not maintained stationary and constant in intensity and color.
- C. **Sign, Illuminated:** Any sign designated to give forth any artificial light or designed to be illuminated by artificial light from another source, and does not include a flashing sign.
- D. **Sign, Projecting:** Any sign attached to a structure and projecting perpendicularly out from the wall or roof to which it is attached.
- E. **Sign, Surface Area:** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area on one side of any free standing sign or roof or wall mounted sign with backing, or the area resulting from encircling the lettering and all of the other elements of signage displayed on roof or wall mounted signs without backing. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. On wall mural signs, only that portion of the sign considered advertising shall be calculated in determining maximum area allowance.
- F. **Sign with Backing:** Any sign that is displayed upon, against or through any material or colored surface or backing that forms an integral part of such display, and that differentiates the overall display from the background against which it is placed. Words, letters, and other advertising elements attached directly to a roof or wall shall not be considered a sign with backing.

F:\Share\ZO\1006_G-01-12Final.wpd