

**A BILL FOR AN ORDINANCE AMENDING  
CITY OF LEBANON DEVELOPMENT CODE  
SIGN REGULATIONS**

) **ORDINANCE BILL NO. 10**  
) **For 2009**  
) **ORDINANCE NO. 2780**

**WHEREAS**, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 09-05-26 and made findings recommending certain amendments to the Development Code of the City of Lebanon on July 15, 2009; and

**WHEREAS**, the City Council, pursuant to the provisions of the Lebanon Municipal Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed Development Code amendments, such hearing being conducted on August 12, 2009; and

**WHEREAS**, the City Council has considered all relevant evidence and deliberated.

**NOW, THEREFORE**, the City of Lebanon ordains as follows:

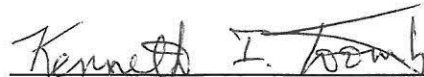
**Section 1.** In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

**Section 2.** Based upon the findings adopted herein, the Lebanon Development Code is hereby amended as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

**Section 3.** Said Exhibit "A" shall be attached to, and become a part of, the Lebanon Development Code upon entry of this order.

**Section 4.** Exhibit "A" and Exhibit "B" shall be forwarded to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of 5 for and 1 against and approved by the Mayor this 12<sup>th</sup> day of August, 2009.

  
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Kenneth I. Toomb, Mayor   
Bob Elliott, Council President

Attest:

  
\_\_\_\_\_  
Linda Kaser, City Clerk / Recorder

## EXHIBIT "A"

A. *Section 16.18.010.B.8 and Section 16.18.010.B.26 shall be replaced with the following new language:*

**8. "Flag"** means flags of nations, an organization of nations, states and cities, fraternal, religious, military, veteran and civic organizations.

**26. "Sign, Banner"** means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. Flags as defined by this Chapter shall not be considered banners.

B. *Section 16.18.010.B – The following new definition shall be added to this Section and all subsequent definitions in this Section shall be renumbered.*

**40. "Sign, Sidewalk Banner"** means a daily display sign consisting of a pole with a horizontal arm, or arms, and designed to hold one or two vertical banners.

C. *Section 16.18.030.A.6 shall be replaced with the following:*

**6.** Flags as defined in this Chapter are permitted outright in all zones.

D. *Section 16.18.030.A. shall be amended with the addition of the following:*

**15. One banner, mounted on a pole attached to the wall of a building and not more than 15-square feet in area, may be displayed during business hours. If the banner is located above a sidewalk, public or private, there shall be a minimum 9-foot separation between the lowest part of the banner and the sidewalk.**

E. *Section 16.18.050.A.2 shall be replaced with the following new language:*

- 2. Daily Display Signs.** In sign districts that permit display signs, a daily display sign may be allowed within the public right-of-way only adjacent to and in front of the premises with which it is associated, provided all of the following conditions are met:
- a. A City right-of-way permit is required. The applicant shall identify the specific location, size and construction materials of the sign. A daily display sign must conform to the conditions of the permit.
  - b. The sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of ten (10) feet from the edge of the nearest Street travel lane where curbs are not in place.
  - c. The sign is to be placed so as to allow at least five (5) feet of unimpeded pedestrian sidewalk maneuvering space.
  - d. The sign is to meet the clear vision requirements of Subsection 16.12.030.H of this Code.
  - e. The sign is properly maintained as per requirements of Section 16.18.060.

- f. The applicant shall be responsible for any physical or property damage injury caused by the sign located upon the right-of-way adjacent to the applicant's property.
- g. Sign dimensions shall comply with one of the following:
  - i. "A" Frame Signs – The sign shall not exceed 30-inches in width, four (4) feet in height, with a maximum sign area (one-side) of 10-square feet.
  - ii. Pole Banner Signs - The sign structure shall not exceed 36-inches in width, 80-inches in height as measured to the top of the banner and shall not contain a base greater than 30-inches in width. The structure may contain one or two banners, provided the total sign area shall not exceed 8-square feet (one-side).
- h. No more than one (1) sign per business is allowed.
- i. A daily display sign may be displayed on the public right-of-way as described above only during business hours.
- j. Failure to comply with these standards may result in the removal of the sign by the City and revocation of the sign permit. If the removed sign is not claimed by its owner within ten (10) business days, it shall be deemed abandoned property and thereafter disposed of consistent with state law.

F. *Section 16.32.060 - The following definitions in this Section shall be replaced with the following new language:*

**"Flag"** means flags of nations, an organization of nations, states and cities, fraternal, religious, military, veteran and civic organizations.

**"Sign, Banner"** means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. Flags as defined by this Chapter shall not be considered banners.

G. *Section 16.32.060 shall be amended with the addition of the following new definition:*

**"Sign, Sidewalk Banner"** means a daily display sign consisting of a pole with a horizontal arm, or arms, and designed to hold one or two vertical banners.

## EXHIBIT "B"

### CITY COUNCIL FINDINGS

File No. 09-05-26

#### I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of the City of Lebanon to amend the Lebanon Development Code, modifying regulations for daily display signs, allowing additional banner displays, and amending sign definitions.

#### II. BACKGROUND INFORMATION

The City wishes to amend Lebanon Development Code, Chapter 16.18, modifying regulations for daily display signs, allowing additional banner displays, and amending sign definitions. Specific language is contained in Exhibit "A" of this Ordinance.

#### III. PUBLIC HEARING

##### A. Planning Commission Action

On July 15, 2009, the Lebanon Planning Commission conducted a hearing on this application. At that hearing, City Planning File 09-05-26 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon Development Code. The Commission found the proposed changes consistent with the decision criteria.

##### B. City Council Action

On August 12, 2009, the Lebanon City Council conducted a public hearing on this application. At that hearing, City Planning File 09-05-26 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed amendments to the Lebanon Development Code, finding the proposed changes complied with the applicable decision criteria.

#### IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

A. The applicant is the City of Lebanon.

B. The City wishes to amend Lebanon Development Code, Chapter 16.18, modifying regulations for daily display signs, allowing additional banner displays, and amending sign definitions. Specific language is contained in Exhibit "A" of this Ordinance.

- C. The decision to approve or deny shall be based on the criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

## V. APPLICATION SUMMARY

- A. The City of Lebanon adopted a new Development Code in December 2008. The new Code established language for daily display signs located on sidewalk, language almost identical to the former Zoning Ordinance. Downtown businesses raised issues regarding specific requirements when the City began enforcing the Code provisions. Two public forums were held to discuss the Code requirements and possible revisions. As a result of these meetings, the City finds it appropriate to amend the current sign regulations.

- B. The following summarizes the material contained in Exhibit "A." *Except for titles and headings, all new language is in bold and old language stricken.*

1. Section 16.18.010.B – This Section includes sign related definitions. Changes include the following:

**8. "Flag"** means **flags of nations, an organization of nations, states and cities, fraternal, religious, military, veteran and civic organizations** ~~any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol.~~

**26. "Sign, Banner"** means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. **Flags as defined by this Chapter** ~~National flag, state or municipal flags, or the official flag of any institution~~ shall not be considered banners.

**40. "Sign, Sidewalk Banner"** means a daily display sign consisting of a pole with a horizontal arm, or arms, and designed to hold one or two vertical banners.

*All subsequent definitions in this Section shall be renumbered.*

**Explanation:** Discussions with City Attorney and the Code Enforcement Officer indicated enforcement of the term "flag" as currently worded would be difficult. In effect, a corporate symbol (e.g., McDonalds) can be construed as a flag, and therefore displayed. Limiting such displays to flags of nations, states, civic organizations and so forth, supports the purpose and intent of a flag display. Further, the change in the term "banner sign" clearly delineates the difference between displaying a flag and a banner.

The remaining item – sidewalk banner sign – establishes design regulations for signs used as a daily display sign. The City Council previously approved this type of sign but unfortunately, the necessary language was not included in the new Development Code.

2. Section 16.18.030.A identifies signs allowed outright. Changes include the following:
7. **Flags as defined in this Chapter are permitted outright in all zones** ~~on freestanding pole.~~
15. **One banner, mounted on a pole attached to the wall of a building and not more than 15-square feet in area, may be displayed during business hours. If the banner is located above a sidewalk, public or private, there shall be a minimum 9-foot separation between the lowest part of the banner and the sidewalk.**

**Explanation:** Current regulations only *allow flags if placed on a freestanding pole*. The change simply allows flags in all zones without restriction as to how they are displayed.

Item “15.” is a way to identify a business that is located on a side street. The intent is to display a banner, indicating a business is open. While flags (as defined) may be displayed without restriction, this language allows the display of a banner from a pole or similar device.

3. Section 16.18.050.A.2 addresses daily display signs. There are a number of changes:
  2. **Daily Display Signs.** In sign districts that permit display signs, a daily display sign may be allowed within the public right-of-way only adjacent to and in front of the premises with which it is associated, provided all of the following conditions are met:
    - a. A City right-of-way permit is required. The applicant shall identify the specific location, size **and** construction materials ~~and anchoring method~~ of the sign. A daily display sign must conform to the conditions of the permit.
    - b. sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of ten (10) feet from the edge of the nearest Street travel lane where curbs are not in place.
    - c. The sign is to be placed so as to allow at least five (5) feet of unimpeded pedestrian sidewalk maneuvering space.
    - d. The sign is to meet the clear vision requirements of Subsection 16.12.030.H of this Code.
    - e. The sign is properly maintained as per requirements of Section 16.18.060.
    - f. The applicant shall be responsible for any physical or property damage injury caused by the sign located upon the right-of-way adjacent to the applicant's property. ~~The City may require as a part of the sign permit that the applicant furnish the City with proof of adequate liability insurance in amounts to be determined by the City, and with a provision naming the City as an additional insured.~~
    - g. Sign dimension shall not exceed a maximum width of two (2) feet, and a maximum above-ground level height of three (3) feet, with a maximum span of two (2) feet at the base. **Sign dimensions shall comply with one of the following:**
      - i. **“A” Frame Signs – The sign shall not exceed 30-inches in width, four (4) feet in height, with a maximum sign area (one-side) of 10-square feet.**
      - ii. **Sidewalk Banner Signs - The sign structure shall not exceed 36-inches in width, 80-inches in height as measured to the top of the banner and shall not contain a base greater than 30-inches in width. The structure may contain one or two banners, provided the total sign area shall not exceed 8-square feet (one-side).**
    - h. No more than one (1) sign per business is allowed.
    - i. A daily display sign may be displayed on the public right-of-way as described above only during business hours.
    - j. Failure to comply with these standards may result in the removal of the sign by the City and revocation of the sign permit. If the removed sign is not claimed by its owner within ten (10) business days, it shall be deemed abandoned property and thereafter disposed of consistent with state law.

**Explanation:** Changes in this Section address the key issues raised by the downtown business owners. First, although permitted, anchoring *is no longer required* for daily display signs. Second, *insurance will not be required* for daily display signs. Third, the language *specifically permits sidewalk banner signs*. In addition, the sign area for an “A” frame sign is increased as a means to compensate for a taller “sidewalk banner sign.”

4. Section 16.32.060 includes terms and definitions found throughout the Development Code. Changes to Section 16.18.010.B (see item #1. above) are included in this Section.
- B. The Community Development Department (CDD) mailed notice of the application to the affected business owners and agencies. No business owner or agency commented on this application. The CDD provided a notice of this request to the Department of Land Conservation and Development (DLCD). The DLCD did not comment.

## VI. CRITERIA AND FINDINGS

- A. Chapter 16.28 establishes the procedures and criteria for amending the text of both the Comprehensive Plan and the Development Code. Section 16.28.010 identifies the purpose of text amendments while Section 16.28.020 identifies the various types of amendments. The proposed changes involve only the text of the Development Code; amendments to the Comprehensive Plan are not required. This is a "minor change" pursuant to Section 16.28.020 as the change only involves sign regulations and their associated definitions.
- B. Section 16.28.030 identifies those agents authorized to initiate a text amendment. City staff may initiate a text amendment provided if the City Administrator (Manager) agrees that the matter is worth proceeding to formal application and a public hearing. This situation applies to the proposal.
- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This is an administrative process requiring City compliance.
- D. Section 16.28.050 requires all proposed amendments to the Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals. This Section does not apply, as the proposal does not include a Plan text amendment.
- E. Section 16.28.060 requires Comprehensive Plan text amendments to be consistent with all adopted facility plans, including the Transportation System Plan. Again, this Section does not apply as the proposal amends the Development Code text and not the Plan.
- F. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan (TSP).

FINDINGS: This proposal amends existing sign regulations. This action does not establish new uses, activities or other developments that generate traffic. Functional classifications are not altered and performance standards remain unchanged. Without such impacts, amendments to the sign regulations will not affect the TSP.

- G. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes recommendation to the Council. The final decision on this matter rests with the City Council. For the record, the necessary information was submitted in compliance with this Section. Further, the Commission conducted a hearing and made recommendation to the City Council.
- H. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment application if it satisfies the relevant Decision Criteria: Oregon Department of Land Conservation and Development (DLCD) administrative rules, the applicable Statewide Planning Goals, the applicable provisions of the Lebanon Comprehensive Plan, and any other applicable and relevant facility or special area plans, specific projects or City-wide goals adopted by the City.



FINDINGS: Findings in response to the above noted criteria are reviewed below:

1. DLCD Administrative Rules – The rules address a variety of issues including development on farmland, provisions for needed housing, requirements to expand an urban growth boundary, meeting natural resource planning requirements and similar issues. The Council determined there are no specific Administrative Rules that apply to sign regulations.

2. Statewide Planning Goals - Compliance with the Statewide Goals is as follows:

Goal 1, Citizen Involvement: Two public workshops assisted in the development of the amending Code language. The Commission and Council held public hearings on the request, consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the locally adopted Development Code requirements.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed Code amendments do not affect identified historic, cultural, or natural resources within Lebanon.

Goal 6, Air, Water and Land Resource Quality: The amendments address sign regulations and therefore do not adversely affect air, water or resource quality.

Goal 7, Natural Hazards: Development requirements for natural hazard areas are unaltered by revisions to the sign regulations.

Goal 8, Recreational Needs: The proposed changes do not involve land or create uses that adversely affect recreational opportunities.

Goal 9, Economic Development: The City anticipates a uniform and manageable sign code will improve the aesthetic quality of the downtown thereby promoting economic development.

Goal 10, Housing: Proposed amendments do not directly affect the supply, location or the City's ability to meet housing needs.

Goal 11, Public Facilities and Services: The proposed amendments do not create uses or activities that affect existing public facilities.

Goal 12, Transportation: As previously noted, the proposed Code revisions do not create uses or activities that affect the City's transportation facilities.

Goal 13, Energy Conservation: The amendments are neutral regarding energy conservation.

Goal 14, Urbanization: The proposal addresses design requirements for permitted uses – signs - and does not limit development of urban uses within an urban area.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or the State's coastal areas.

The sign regulation amendments are entirely consistent with the intent of the Statewide Goals, or, the amendments do not directly affect Goal issues.

3. Lebanon Comprehensive Plan - The City's Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. The *applicable* policies in each Chapter are reviewed below:

a. Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology.

FINDINGS: As introductory provisions, this Chapter does not directly apply to the proposed text amendments.

b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

FINDINGS: This Chapter does not apply, as the Code revisions do not involve natural resources identified as requiring preservation or protection.

c. Chapter 3: Urbanization – This Chapter provides the framework for future urban development, including public utility provisions and annexations.

FINDINGS: This Chapter does not apply, as the proposed amendments do not affect provisions for urban development within the community.

d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land that are suitable to provide for a variety of uses.

FINDINGS: This Chapter does not apply as the proposal Code amendments do not modify or alter existing zoning, and thereby, the City's ability to provide different types of land, suitable to meet a variety of uses.

e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Council finds the following policy applies:

**P-20:** Support public improvements in the downtown that improve pedestrian accessibility and connectivity, public parking and transit opportunities, to promote a business and shopping environment that is safe and user-friendly.

FINDINGS: Part of the changes include slightly larger daily display signs, an option to have a banner type sign and the installation of flag-type banners that identify a particular business location. However, nothing in the revisions reduces pedestrian accessibility or connectivity, and generally, the changes maintain a safe and user-friendly business environment.

- f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

FINDINGS: The Chapter does not directly apply, as the sign amendments do not affect the City’s ability to meet local housing needs.

- g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the community, scaled for the pedestrian, and capable of accommodating the automobile and mass transit.

FINDINGS: Policies in this Chapter focus on design elements to improve density and housing options while encouraging mixing or combining land uses (residential, commercial, industrial, public) to increase urban livability. Therefore, this Chapter does not apply to the request.

- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit.

FINDINGS: The Chapter does not directly apply, as the sign amendments do not affect the City’s ability to create a variety of transportation options.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve urban development.

FINDINGS: This Chapter does not apply, as the proposed Code text amendments do not generate new uses or activities that affect the City’s ability to provide needed utility services.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map.

FINDINGS: This Chapter does not apply as the proposal amends only the Development Code text.

4. Other Facility Plans or Projects – The Council did not identify any plans or policies.

- I. With one exception concerning downtown development, the Comprehensive Plan policies (as well as Administrative Rules and Statewide Land Use Goals) do not directly apply to the proposed Development Code amendments. Regarding the exception, the Council finds the proposal consistent with the policy.

## VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Code are consistent with the applicable decision criteria.