

## **FACTS AND FINDINGS:**

### ***Procedural Findings***

1. Pursuant to SRC 300.1110(a)(2), the Planning Commission may initiate a legislative land use proceeding by the adoption of a resolution referring the matter to public hearing for review and recommendation to the City Council. Planning Commission initiated the code amendment on August 16, 2016 by Resolution No. 16-03.
2. The Planning Commission public hearing date on the proposed code amendment was subsequently set for June 6, 2017.
3. ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was submitted on April 25, 2017.
4. Public notice for the public hearing was mailed on May 17, 2017, and the notice was published in the Statesman Journal newspaper as required under SRC 300.1110(e).
5. After amending the draft ordinance, Planning Commission adopt the facts and findings of this staff report and recommend that the City Council accept first reading of an ordinance bill for the purpose of amending SRC Chapter 900, Sign Code.

### ***Public Outreach***

1. An email was sent to local sign contractors and national sign contractor organizations.
2. An email was sent to West Salem Business and the newly formed Downtown Business Associations. Staff presented at the West Salem Business Association monthly meeting.
3. City staff conducted outreach with neighborhood associations. An email was sent to all neighborhood associations in December 2016, notifying them of the proposed amendments and offering for City staff to come speak with the neighborhoods and answer questions. Four neighborhoods invited City staff to come speak about the issue at their regular monthly meetings. Staff presented at Lansing Neighborhood Association (LANSING), Northeast Neighbors (NEN), South Central Association of Neighbors (SCAN), and East Lancaster Neighborhood Association (ELNA).
4. During the neighborhood association meetings, citizens expressed concerns that the proposed amendment would make it easier to install illegal signs or affect enforcement of illegal signs. The proposed amendment is to eliminate temporary sign permit. Most sign compliance issues involve temporary signs that do not require permits, such as lawn, rigid signs, or A-Frame signs in the right-of-way.

5. Changes were made to the draft ordinance throughout the public outreach period to arrive at the current proposal. Specific changes to the draft ordinance included the change to the foot-candle illumination limitation of 3 to 0.3. In May, a memorandum was sent to all neighborhoods outlining contents of the latest draft of the proposed amendments, including the revisions that were made through the public outreach process. No additional comments were submitted regarding the revisions. No comments have been submitted by the general public.

### ***Testimony Received***

During the Planning Commission Hearing, written testimony was presented and oral testimony was received. The following is a summary of both with written testimony as part of this report as Attachment 3:

1. *Installation of Illegal Signs*

Citizens expressed concerns that the proposed amendment would make it easier to install illegal signs or affect enforcement of illegal signs.

2. *Class 2 Sign Adjustment*

SCAN relating concern that it appeared that the Class 2 Sign Adjustment was allowing an adjustment without limit on degree of the adjustment. It seems that it makes adjustments easier to achieve than going through the variance process.

3. *Dwell time of Electronic Display Signs*

A sign industry representative recommended that the dwelling time for electronic display signs in commercial zones that are designed to buffer residential zones be changed from one hour to 30 seconds based on national data on the impacts of these types of zones on adjacent residential properties.

### ***Planning Commission Deliberations***

Planning Commission discuss issues raised during the hearing. After deliberations, the Planning Commission amended the proposal to add a change to the dwell time of electronic display signs in Commercial Office (CO) zone, Neighborhood Commercial (CN) zone, Neighborhood Center Mixed-Use (NCMU) zone, and Fairview Mixed-Use (FMU) zone from one hour to thirty seconds.

### ***Proposed Code Amendment***

1. Address the requirements for plan submittal.

The current code requires that two copies of the drawings be submitted. Due to electronic submittal, two copies of plans are not necessary. This amendment is to allow only one set

of plans to be submitted.

2. Eliminate temporary sign permits.

The need for temporary sign permits was based on addressing compliance issues. Most compliance issues involve temporary signs that do not require a permit, such as lawn and rigid signs. The current code allows for a fee to be assessed for violations.

3. Exempt public art and markers from sign code.

This amendment would exempt Public Art and Art Markers from sign permits. Public Art, as defined in SRC Chapter 15, means original works of art owned or acquired by the City and accepted into the City's Public Art Collection by the Salem Public Art Commission. Current code language only exempts Public Murals.

4. Establish an additional adjustment process.

The Unified Development Code (UDC) created a Class 2 zoning adjustment to address situations that exceed a Class 1 zoning adjustment but would not warrant a variance process, however, the Sign Code was not updated to include a Class 2 adjustment. This amendment reflects the change to the UDC zoning adjustment procedure.

5. Establish measurable brightness standards for electronic signs.

Current code language addressing brightness is subjective once installed. More measurable standards are needed to address complaints.

6. Housekeep changes, such as rename overlay zones to be consistent with Title 10: Zoning Chapters.

Overlay zone areas were separated into new, smaller, overlay zones when the UDC was adopted; the changes will reflect the new names.

7. Dwell time of electronic display signs in Commercial Office (CO) zone, Neighborhood Commercial (CN) zone, Neighborhood Center Mixed-Use (NCMU) zone, and Fairview Mixed-Use (FMU) zone.

Changes the dwelling time for electronic display signs in commercial zones that are designed to buffer residential zones be changed from one hour to thirty seconds.

### ***Findings Addressing Approval Criteria***

SRC 110.085 establishes the following approval criteria which must be met in order for a code amendment to be approved:

- a) The amendment is in the best interest of the public health, safety, and welfare of

the City; and

Finding: The proposed code amendment will clarify sign code regulation regulations that were amended in 2014.

Clarifying the regulations will provide more comprehensive language that will promote more consistent signage in the community and residents of Salem.

- b) The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

#### Consistency with Salem Area Comprehensive Plan

Finding: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

Because the proposed amendment primarily revises the sign code to clarify regulations, the goals and policies of the Salem Area Comprehensive Plan for General Development Policies are applicable to the proposed amendment.

The proposed amendment has been reviewed for conformance with the applicable goals and policies

#### Consistency with Statewide Planning Goals

Goal 1 – Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The proposed amendment conforms to this goal because the process associated with the adoption of the proposed amendment requires public notice and affords the public an opportunity to review, comment, and take part in the adoption process.