

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, September 18, 2014
6:00 p.m.

I. Call to Order

- A. Roll call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

- 1. This meeting is being digitally recorded.
- 2. The next Planning Commission meeting is scheduled for October 9 at 6:30 in the City Council Chamber.
- 3. The next meeting of the City Council will be on October 2 at 6:00 p.m. in the City Council Chamber.

II. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

III. Presentation

David Christian, Radio Station Manager

IV. Consent Calendar

- A. Accounts Payable, \$26,021.84 (pg. 3)
- B. Regular Meeting Minutes of September 4, 2014 (pg. 4-6)

V. Written Communications

None

VI. Staff Reports

City Administrator

VII. Unfinished Business

- A. Second Reading of Ordinance 269 – Amending the Sign Regulations of the Shady Cove Code of Ordinances (pg. 7-23)

VIII. Public Hearing

None

IX. New Business

- A. Ordinance 269 – Amending the Sign Regulations of the Shady Cove Code of Ordinances
- B. Approval to Attend the 2014 Street Maintenance and Collection Systems Fall School (pg. 24-25)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments

XII. Executive Session

- A. Pursuant to ORS 192.660(2)(i) – to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

XIII. Adjournment

**City of Shady Cove
Unpaid Bills Report
September 5, 2014 to September 12, 2014**

<u>Payee</u>	<u>Amount</u>	<u>Description</u>
Cantel	\$65.00	Street Sign
Canon Financial Services	\$270.97	Copier Lease
Canon Solutions	\$106.00	Copies
Caselle, Inc.	\$585.00	Software Maintenance & Support
Christian, David	\$90.00	Radio Station Programming
Fiserv Document Solutions	\$819.22	Utility Bill Cards
M & M Productions	\$180.00	Website - Monthly Update
Oregon Department of Transportation	\$23,107.50	TE - Capital Improvement Transportation/Stormwater
Prunty, Aaron	\$86.94	Expense Reimbursement - Misc Office Supplies
Shady Cove Hardware	\$21.21	City Hall/Parks
Speer Hoyt, LLC	\$540.00	Professional Services - General
UCB USA, Inc. dba theDove	\$150.00	Radio Station Equipment
Total:	\$26,021.84	

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, September 4, 2014

CALL TO ORDER

Council President Hughes called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Councilor Hughes, Councilor Hayes, Councilor Ulrich and Councilor Sanderson. Absent: Mayor Anderson

Staff Present: Aaron Prunty, City Administrator and Debby Jermain, Planning Secretary

ANNOUNCEMENTS

Councilor Hughes led the audience in the flag salute and made the announcements on the agenda.

PUBLIC COMMENT

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

CONSENT CALENDAR

Revised Accounts Payable, \$27,045.80
Regular Meeting Minutes of August 21, 2014

Motion to Approve the Consent Calendar.

Motion: Councilor Hayes Second: Councilor Ulrich
All ayes. Motion carried 4-0

STAFF REPORTS

City Administrator Prunty noted our new staff member at city hall, Bonnie Pickett, started on September 2nd.

WRITTEN COMMUNICATIONS

The City Administrator read a letter from Ray Johnson, EM Design, addressed to council and staff.

UNFINISHED BUSINESS

A. Second Reading of Ordinance 268 – Establishing Shady Cove Municipal Code Chapter 116 – Marijuana and Marijuana-Infused Product Tax

A second reading of Ordinance 268 by title only was read by the City Administrator.

NEW BUSINESS

A. Ordinance 268 - Establishing Shady Cove Municipal Code Chapter 116 – Marijuana and Marijuana-Infused Product Tax

Councilor Hayes asked for clarification on the taxation process. Staff explained the ordinance addresses both medicinal and recreational marijuana. He also explained the document was reviewed and edited by the city attorney.

Joyce Todd asked if the taxes applied to both medicinal and recreational marijuana. Councilor Hughes also advised the ordinance does not change the city's moratorium.

Don Skundrick, County Commissioner, asked for clarification on how the city will collect the tax.

Rosa Cazares questioned why the City is implementing a tax prior to letting dispensaries open.

Dan Gilbert spoke positively about the ordinance and hopes the city passes it.

Motion to approve Ordinance 268 - Establishing Shady Cove Municipal Code Chapter 116 – Marijuana and Marijuana-Infused Product Tax

Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 4-0

B. First Reading of Ordinance 269 – Amending the Sign Regulations of the Shady Cove Code of Ordinances.

The City Administrator read Ordinance 269 by title only. Staff advised the section referring to period of time between removal of temporary signs and replacement had been addressed per the public hearing and first reading.

C. Approval to Attend the Caselle Financial Solutions Fall Conference.

The City Administrator explained the conference would allow specific training on what Shelly works with in the financial software. He also noted staff has been actively pursuing scholarships and reduced fees on training.

Motion to approve the request for Shelly Dent to attend the Caselle Financial Software Conference in Phoenix, Arizona.

Motion: Councilor Sanderson Second: Councilor Hayes
All ayes. Motion carried 4-0

D. Approval to Attend the OMFOA Fall Conference

The City Administrator explained this is a conference with very specific finance and accounting related workshops, and was highly recommended by multiple local finance directors.

Motion to approve the request for Shelly Dent to attend the OMFOA Fall Conference in Portland, Oregon.

Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 4-0

PUBLIC COMMENT ON NON-AGENDA ITEMS

Joyce Todd asked if the Council would consider starting up a Citizens Advisory Committee for streets.

John Burgess questioned difference in the Unpaid Bills Report provided in the agenda versus the Revised Unpaid Bills Report as approved. The City Administrator explained bills continue to come in after the agenda packet is sent out, so the council receives an updated list at the meeting.

Steve Mitchell made a statement regarding the ODOT Transportation Enhancement Project and concern with loss of parking.

COUNCIL COMMENTS

Councilor Ulrich mentioned the last Music in the Park August 9th at Aunt Caroline's Park was well attended; invited all to attend Music in the Park on September 13th; expressed thanks to the firefighters for saving homes; encouraged citizens to attend the September 25th meeting hosted by Hiland Water at the Jackson County Fire Department; and an Ice Bucket Challenge to fellow councilors.

ADJOURNMENT

There being no further business before the council, Councilor Hughes adjourned the regular meeting at 6:40 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Hayes _____
Councilor Hughes _____
Councilor Sanderson _____

City of Shady Cove

Ordinance No. 269

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING
THE SIGN REGULATIONS OF THE SHADY COVE CODE OF
ORDINANCES

Whereas, the City of Shady Cove determined that the sign regulations in Chapter 154.350 through 154.362 of the Shady Cove Code of Ordinances contain internal inconsistencies; and

Whereas, Oregon courts have consistently held that sign regulations must be revised to be content neutral; and

Whereas, the Shady Cove Planning Commission conducted a series of properly advertised workshops and drafted amendments to the Sign Regulations, conducted a properly advertised public hearing on July 10, 2014, and deliberated on the proceedings, after which a motion was made, duly seconded, and passed by a roll call vote of 5-0 to recommend that the City Council approve amendments to the sign regulations in Chapter 154.350 through 154.362.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS:**

The Shady Cove Code of Ordinances is amended as follows:

Section 1: Title This Ordinance shall be known as the amended sign regulations of the City of Shady Cove, Oregon.

Section 2: Description Amended sign regulations, attached as Exhibit A, identifying the revisions approved by the City Council.

Section 3: Amendment The sign regulations contained in Chapter 154.350 through 154.362 of the Shady Cove Code of Ordinances Plan Map are amended.

Section 4: The City Council adopts as its own, and incorporates by reference, the Planning Commission findings attached as Exhibit B.

PASSED AND APPROVED by the City Council of the City of Shady Cove this ____ day of _____, 2014.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Hughes _____
Councilor Hayes _____
Councilor Ulrich _____
Councilor Sanderson _____

SIGN REGULATIONS

§ 154.350 PURPOSE AND INTENT.

This section recognizes the important function of signs in the community and establishes regulations intended to protect the public from damage or injury caused by or attributable to distractions and obstructions caused by improperly designed, installed, or located signs. The regulations attempt to improve the appearance of the city, minimize visual clutter, and comply with ODOT standards for National Scenic Byways, while giving businesses an opportunity to attract and inform customers.

(Ord. 225, passed 10-20-1994, § 29.1)

§ 154.351 APPLICATION.

Unless otherwise exempt under Section 154.354, anyone proposing new signs shall be required to make application and pay a permit fee as established by a resolution of the City Council.

(Ord. 225, passed 10-20-1994, § 29.1)

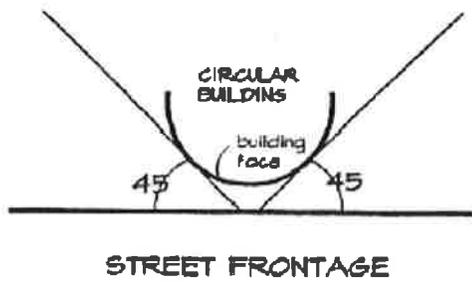
§ 154.352 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ALTERATION. Any change excluding content, and including, but not limited to, the size, shape, method of illuminations, position, locations, materials, construction, or supporting structure of a sign.

AWNING. A shelter projecting from and supported entirely from the exterior wall of a building and constructed of rigid or non-rigid materials on a supporting framework.

BUILDING FACE OR WALL. All window and wall area of a building in one plane or elevation. In the case of a round or curved building, the "front" face or wall shall be determined as the portion that lies between the two 45-degree tangents from the street frontage, as illustrated below:



BUILDING FRONTAGE. The exterior wall surfaces of a building that directly or most directly face a specific direction, usually a street, but in some cases a parking lot. The width of the property line that fronts a particular street is considered that property's frontage. In some cases, such as a corner lot, a property may have more than one ***FRONTAGE.***

BUILDING OFFICIAL. The officer or other person charged with the enforcement of this code or his or her duly authorized deputy or assistant. The administration of this code is the responsibility of the City Administrator.

BULLETIN BOARD. A permanent sign intended to accommodate changeable copy, such as private or public notices, special event information, and other short-term messages, and is generally at a scale suitable for pedestrians and not intended to be read by passing motorists. (Also, see ***KIOSK.***)

CANOPY. A non-movable awning or roof-like structure attached to a building.

CHANGEABLE COPY OR READER-BOARD SIGN. A sign structure that is often internally or externally illuminated and intended to accommodate changeable lettering, numbering, graphic displays or other short-term messages. Often used for commercial messages and for information pertaining to current or coming events of general interest.

CITY ADMINISTRATOR. The City Administrator for the City of Shady Cove or the City Administrator's designee.

CUT-OUT SIGN. Any visual or graphic display in the form of figures, letters, numbers or other characters or representatives in cut-out or irregular forms. The signs may be free-standing or attached to a building or other structure.

DIRECTIONAL SIGN. A permanent sign which is designed solely for the purpose of directing motor vehicle, pedestrian, bicycle or other traffic, or individuals, toward a specific destination or route.

ELECTRIC SIGN. Any sign containing electrical wiring or requiring electricity for its function or illumination.

ELECTRONIC MESSAGE SIGN. Any sign whose message or display is presented with patterns of lights which may be changed intermittently by an electronic process.

FASCIA SIGN. See **WALL SIGN.**

FLASHING SIGN. Any sign which incorporates intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes color or intensity or illumination. Examples include electric or electronic time, date and temperature signs and other electronic message signs.

FREE-STANDING SIGN. A sign that is supported by columns, uprights or braces in or upon the ground and not attached to any building.

GRADE. The level of the surface of the ground, whether or not paved, that lies immediately below a sign or proposed sign location. When a slope is involved, the grade shall be the average of the levels at each supporting member of the sign's structure.

GROUND SIGN. See **FREE-STANDING SIGN.**

IDENTIFICATION SIGN. A sign intended solely to inform the public of the particular use of a property, building, office and the like and which may include the address, suite number or other identifying information, but that typically does not include other advertising or messages not related to the identification of the premises.

ILLEGAL SIGN. Any sign which was erected or altered in violation of the city's sign regulations that were in effect at the time of the action. (Also, see **NONCONFORMING SIGN.**)

ILLUMINATED SIGN. Any sign which utilizes a source of light, either internally or externally

- **DIRECT ILLUMINATION.** A source of illumination on the surface of the sign or from within a translucent sign.
- **INDIRECT ILLUMINATION.** A source of light that is either attached to the sign structure or located nearby, and that is directed toward the sign to illuminate its exterior surface.

INCIDENTAL SIGN. A sign intended primarily for the convenience and direction of the public, which is informational only, and which does not include the advertising of products or services. These signs may include business hours signs, credit card signs, entrance and exit signs, and other signs that may be required by law

KIOSK. A free-standing structure having areas designed for the placement or attachment of personal or public notices, advertisements or other messages. It may function much like a "bulletin board" for messages of a short-term nature and often include identification of the business on whose property it is located.

MAINTAIN. To allow to exist or continue to exist. Also, where the context indicates, means to keep in a safe, neat and clean condition.

MARQUEE. A permanent roofed structure attached to and supported by a building and projecting away from the building, usually over a public walkway and common to theaters.

MOVING OR ANIMATED SIGN. Any sign that includes action or motion, including flashing lights, color changes, revolving or waving actions, but not including, wind actuated elements, such as flags, pennants, or banners. These signs do not include public service signs such as time, date, temperature signs.

MULTIPLE-COPY SIGNS. Any sign structure that contains identification of or information about more than one business or other land use or which contains more than one type of message.

NONCONFORMING SIGN. Unlike an "illegal sign", a nonconforming sign was legally established but no longer conforms to the current standards or requirements of this subchapter.

PAINTED SIGN. A sign which is painted directly onto the surface of a building or other structure that was not specifically designed as a sign structure.

PORTABLE, FREE-STANDING SIGN. Any free-standing sign which is not permanently fixed on the site by either attachment to a fixed structure or embedded into the ground, and which can be readily moved. Sandwich board or "A"-frame signs are typical of this type.

PROJECTING SIGN. Any sign which is attached to a structure or building face and

- A) Extends outward from that structure or building for a distance greater than 16 inches or;
- B) Has a face which is not parallel to the face of the building or structure and extends beyond the face of the building for any distance.

READER BOARD. See **CHANGEABLE COPY.**

ROOF SIGN. A sign erected upon or above the roof or parapet wall structure of a building and which is wholly or partially supported by the building.

SANDWICH BOARD SIGN. See **PORTABLE, FREE-STANDING SIGN.**

SHOPPING CENTER/BUSINESS COMPLEX SIGN. A single sign structure intended for the placement of two or more identification signs related to businesses services, or primary goods offered in the center or business complex.

SIGN. Any words, number, logos, flags, banners or other material that are placed or constructed primarily to convey a message, and which is visible from public or private streets or other property.

SIGN STRUCTURE. Any structure specifically intended to support a sign or which may also be a part of the sign. May include supports, uprights, braces, framework and other members that may be needed to support the sign and keep it in place.

TEMPORARY SIGN. A sign that is not permanently affixed and which is intended for a short-term use, such as to advertise an activity, such as a special promotion, sale, fund-raising activity, special event or for use until a permanent sign can be erected. **TEMPORARY SIGNS** typically include devices such as banners, flags, pennants, searchlights, balloons and the like.

UNDER MARQUEE SIGN. A sign attached to the underside of a marquee or canopy and protruding over a public or private pedestrian walkway. Often used in shopping centers and areas having covered sidewalks.

WALL GRAPHICS. Any mosaic, mural or painting, or graphic art technique or combination of same, implanted, applied or otherwise placed directly onto a wall or fence and containing no copy, advertising symbols, logos, trademarks or other references to any product, service, goods, persons, places or issues. These are generally considered to be "art" and not signs and as such, are not subject to the regulations included in this subchapter.

WALL SIGN. A sign attached directly to or erected against the wall of a building with the face in a parallel plane to the building wall and extending no more than 12 inches from the wall.

WIND SIGN OR DEVICE. Any sign or device that is intended to serve the function of a sign, in attracting attention to a particular site, business or premise, and which because of its design or materials is caused to flutter, wave, revolve, sparkle or otherwise move as a result of the pressures of a wind or breeze including inflatable air dancers, tube dancers, fan dancers.

WINDOW SIGN(S). Are those which are painted, displayed or placed on the interior of the window or glass door.

(Ord. 225, passed 10-20-1994, § 29.2)

☐ § 154.353 CONFORMANCE.

- (A) No sign may be erected unless it conforms to the provisions of this subchapter.
- (B) Sign permits shall be obtained prior to the erection of any sign, unless exempt.

(Ord. 225, passed 10-20-1994, § 29.3) Penalty, see § 154.999

§ 154.354 EXEMPTIONS FROM PERMIT REQUIREMENTS.

The following signs do not require permits or fees, but may be subject to other provisions of this chapter or International Building Code:

- (A) Traffic signs, signals and other traffic-control devices erected by the city or other public authority;
- (B) Public notices pertaining to public health or safety issues, erected by the city or approved by the city;
- (C) Permanent plaques, cornerstones, name plates and other building identification markings attached to or carved into the building materials and which are an integral part of the structure;
- (D) Address numbers;
- (E) Signs located within a building, with the exception of strobe lights and moving or animated signs that are visible from any private or public roadway, or from adjacent properties;
- (F) Legal nonconforming signs, except that the signs shall conform to this subchapter if they are altered or replaced or upon the change of occupancy type of the business;
- (G) Flags on permanent flag poles designed for the routine raising and lowering of flags;
- (H) Wall graphics, as defined; and
- (I) Temporary signs, subject to Section 154.358(C).

(Ord. 225, passed 10-20-1994, § 29.4)

§ 154.355 PROHIBITED SIGNS.

The following signs are prohibited within the city limits and shall be removed:

- (A) Strobe lights and signs containing strobe lights or any other flashing, blinking or moving lights which are visible beyond any property line;
- (B) Signs placed on trailers and parked with the primary purpose of providing a sign that is not otherwise allowed;

(C) Any private sign placed within a public right-of-way or overhanging a public right-of-way;

(D) Any sign that is determined by the City Administrator to be a hazard to public safety due to its design, materials, physical conditions or placement; and

(E) Signs painted on or otherwise attached to trees, natural rocks or other landscape or natural features.

(Ord. 225, passed 10-20-1994, § 29.5) Penalty, see § 154.999

§ 154.356 SIGN MEASUREMENTS.

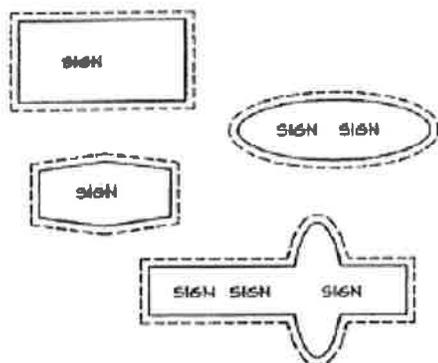
(A) The area of sign faces shall include the entire sign area, including any surrounding frames or cabinet edges.

(B) Sign area does not include supports, foundations or structures that are not part of the sign.

(C) Only one side of a double-faced sign is counted in the total area.

(D) When signs are constructed of individual letters or other pieces attached to a wall or other flat surface, the sign area is determined by a perimeter line drawn around and containing all the pieces.

(E) Multiple-copy signs or shopping center signs consisting of several individual signs on the same support structure (as illustrated below) are calculated as the total of all individual sign components.



(F) A round or cylindrical sign is calculated as the total area that can be seen at one time from one position.

(G) The height of signs is measured from "grade", as defined, to the highest point of the sign or sign frame.

(H) Sign clearances are measured from "grade" directly below the subject sign to the bottom of the sign or sign frame.

(I) Corner signs shall be assigned to one of the frontages by the applicant and shall conform to the requirements for that frontage only.

(Ord. 225, passed 10-20-1994, § 29.6)

☞ § 154.357 NONCONFORMING SIGNS.

Legally established signs that no longer conform to city sign regulations are permitted to remain, subject to the following.

(A) Except as provided in subsection C of this section, maintenance, repairs and the changing of sign faces are permitted; provided, structural alterations are not made and the sign face is not enlarged.

(B) Except as provided in subsection C of this section, any sign in service as of the date of the passage of this Ordinance is allowed to remain, as long as it complied with the Ordinances in existence at the time the sign permit was issued. A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.

(C) Any temporary sign that is nonconforming shall be removed immediately.

(Ord. 225, passed 10-20-1994, § 29.7)

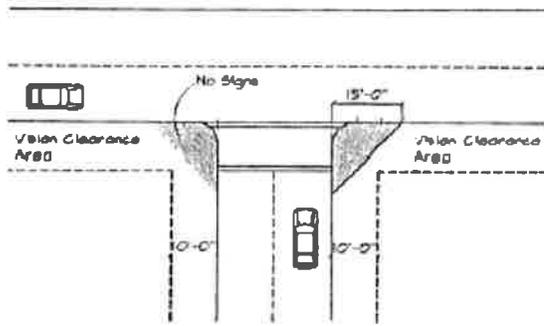
☞ § 154.358 SPECIFIC SIGN DEVELOPMENT STANDARDS.

(A) *Placement requirements for all signs.*

(1) With the exception of public authority and other traffic-related signs, all signs shall be erected totally within the boundaries of the site.

(2) Vision clearance areas shall be maintained at all intersections of private or public roadways, alleys and driveways, to prohibit the placement of any sign within 15 feet of the intersections.

(3) A vision clearance setback shall be maintained a distance of at least ten feet from the edge of any existing road or from the proposed edge of a planned road.



(4) A vehicle clearance vertical distance of 14 feet from grade to the lowest part of the sign is required for any sign extending over any area in which motor vehicles travel or park, including driveways, parking lots and loading areas.

(B) *Additional placement requirements for permanent signs.*

(1) A pedestrian clearance vertical distance of eight feet from grade or sidewalk surface to the lowest part of the sign is required for any sign extending over walkways or sidewalks, including "under marquee signs", as defined.

(2) Signs may extend into a public right-of-way only when over a sidewalk or other area not utilized by motor vehicles. The extension shall be no more than six feet beyond the property line and no lower than eight feet above grade or above the surface of the sidewalk.

(3) When roadways or public sidewalks are installed, improved or widened, the City Engineer may direct the property owner to relocate or remove an existing sign, at the owner's expense, if it is determined that the improvements to the roadway or sidewalk will result in an unsafe sign condition.

(C) *Additional placement requirements for temporary signs.*

(1) Temporary signs and their support structures shall be removed within six months of the date of erection, unless they are approved as permanent signs and installed accordingly.

(2) Temporary signs shall not be permanently attached to the ground, a building or to any other structure, although they may be attached securely to prevent theft or wind damage.

(3) In any residential district, temporary signs shall be allowed on a parcel or lot without issuance of a permit and shall not affect the amount or type of signs otherwise allowed by this chapter. These signs shall not be restricted by content, but are usually and customarily used to advertise real estate sales, political or ideological positions,

garage sales, home construction or remodeling, and similar activities. Temporary signs shall be removed within 7 days after sales, elections, or other events.

(4) Temporary signs are subject to the same setback and clearance requirements of any other sign and shall not cause a hazard to public safety or block the visibility of motorists.

(5) Wind signs or devices that flutter, wave, sparkle or otherwise move from the pressures of the wind are considered temporary signs or devices and shall be used for special purposes and not as a permanent sign device.

(6) Any temporary sign that has been removed shall not be replaced by another temporary sign of the same general type for a period of at least six months following its removal.

(Ord. 225, passed 10-20-1994, § 29.8) Penalty, see § 154.999

§ 154.359 COMMERCIAL DISTRICT SIGN REGULATIONS.

The following types, numbers, sizes and features of signs are allowed in all commercial zoning districts of the city.

(A) *Free-standing signs.*

(1) Maximum height of any free-standing sign shall be 35 feet from grade to highest point on the sign or structure.

(2) One free-standing sign is permitted per site; provided, the sign can be placed at least 50 feet from the nearest previously existing free-standing sign of an adjacent business sign.

(3) The maximum sign area for any free-standing sign shall be 48 square feet. A double faced sign may have 48 square feet of sign area on each side.

(4) A shopping center or business complex sign or other sign that combines several sign allowances into a single multiple-copy sign for design or aesthetic purposes may be allowed a total sign area of 64 square feet per side in order to maximize the sign's efficiency and reduce the actual number of free-standing signs.

(5) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above the grade.

(B) *Signs attached to buildings.*

(1) If there is a free-standing sign on the site, then the maximum allowable additional sign area for that site shall be no greater than one and one-half square feet for each linear foot of business frontage.

(2) If the site has no existing free-standing sign, then the maximum allowable sign area for that site shall be no greater than two square feet for each linear foot of business frontage.

(3) Regardless of the total size of the building wall area, any sign attached or painted on to a building, shall not exceed 100 square feet of wall area on the face of any side.

(4) No sign that is attached to a building shall extend above the highest point of the building.

(5) There is no limit on the number of individual signs; provided, the above-stated limitations are maintained for square footage of sign area.

(6) Incidental signs, including directional sign, hours of operation and the like shall not be included in all sign area calculations.

(C) *Other provisions.*

(1) Signs in any commercial district may be illuminated directly, indirectly or internally; provided, the lighting is directed away from any residences or light-sensitive land uses and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted only if no part of the sign is continuously moving and the messages or other parts of the sign change no more frequently than once every 15 seconds.

(4) Wall graphics, as defined, are exempt from sign requirements.

(Ord. 225, passed 10-20-1994, § 29.9)

§ 154.360 RESIDENTIAL DISTRICT SIGN REGULATION.

The following types, numbers, sizes and features of signs are allowed in all residential districts of the city.

(A) *Free-standing signs.*

(1) One free-standing sign shall be permitted at each street entrance to a neighborhood, subdivision, mobile home park, apartment or condominium complex, or other homogenous residential area. The sign shall be designed specifically for that development or area and is subject to approval by the Planning Commission at the time of site plan review. The sign shall be no larger than 32 square feet of sign area and no higher than six feet from grade.

(2) Residential sites having one or two dwelling units may have one free-standing permanent sign, not to exceed a sign area of three square feet per sign.

(3) Residential sites having three or more dwelling units may have one free-standing sign per building, not to exceed a sign area of four square feet per sign.

(4) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above grade.

(B) *Signs attached to buildings.* Any of the free-standing sign limitation outlined in division (A) above may be applied to wall signs or roof signs in lieu of a free-standing sign; provided, the signs do not extend above the roofline.

(C) *Other provisions.*

(1) Special care shall be taken in residential zoning districts to direct all sign lighting away from residences and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted in residential districts only when associated with and operated and maintained by a public agency, school district or quasi-public entity such as a fraternal organization, church, senior or community multipurpose center and only when approved by the Planning Commission upon findings that a sign is necessary for the function or operation of that public or quasi-public entity and is for the general welfare of the community in general. A sign may be approved to a maximum sign area of 50 square feet.

(4) Wind signs or devices that flutter, wave, revolve, sparkle or are otherwise moved by the wind are prohibited from residential zoning districts.

(Ord. 225, passed 10-20-1994, § 29.10)

§ 154.361 VARIATIONS TO SIGN REGULATIONS.

(A) (1) With the exception of those sign types that are expressly prohibited, the Planning Commission may make minor adjustments to sign heights, numbers of signs and sign area requirements within 20% of the code requirements.

(2) Any requests of an applicant in excess of the 20% variation shall be processed in accordance with §§ 154.415 through 154.420.

(B) A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.

(Ord. 225, passed 10-20-1994, § 29.11) Penalty, see § 154.999

§ 154.362 VIOLATIONS.

It shall be unlawful for any person to violate the standards or requirements of this subchapter and punishment for the violations shall be in accordance with that of any other chapter violation.

(Ord. 225, passed 10-20-1994, § 29.12) Penalty, see § 154.999

Exhibit B

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON**

IN THE MATTER OF CONSIDERATION OF)
AMENDMENTS TO THE SIGN REGULATIONS OF) **RECOMMENDATION**
SECTION 154.350 THROUGH SECTION 154.362) **TO CITY COUNCIL**
OF THE SHADY COVE CODE OF ORDINANCES)

RECITALS:

- 1) Chapter 154, of the Municipal Code of the City of Shady Cove governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,
- 2) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on July 10, 2014, to consider amendments to Sections 154.350 through 154.362 of the Shady Cove Code of Ordinances to resolve internal inconsistencies in the text and address court decisions regarding content neutrality. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 3) On July 10, 2014, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve amendments to the sign regulations in Chapter 154.350 through 154.362. The motion passed by a roll call vote of 5 to 0.

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

SECTION 1: FINDINGS

- 1) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens, and staff and findings of fact which are a part of the record, the City Planner's staff report; and,
- 2) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,

- 3) The City provided public notice through the Upper Rogue Independent, and mailed notices to owners of all properties within the city limits via United States Postal Service. The Planning Commission finds and concludes that proper notice has been given; and,
- 4) The Planning Commission finds that no one spoke in opposition to the proposed amendments.
- 5) The criteria used to evaluate the requested amendments to the sign regulations are contained in Section 154.438. The Planning Commission finds that the request meets the criteria.

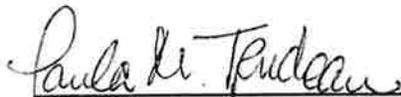
SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed amendments to the sign regulations comply with procedural requirements of the Shady Cove Code of Ordinances; resolve internal inconsistencies; and provide the content neutrality mandated by Oregon courts.

SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of the proposed amendments to the sign regulations of Section 154.350 through Section 154.362 of the Shady Cove Code of Ordinances.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 17th day of July 2014, in Shady Cove, Oregon.


Paula Trudeau, Chair



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: October 28-30, 2014

Prepared By: Mitchell Reagles, Maintenance 1

Approved By: AP

Agenda Title: Approval to Attend 2014 Street Maintenance and Collection Systems Fall School

Attachment List: Estimated Expenses for Lodging, Meals and Travel Costs

Issue Before the Council: Shall the City Council approve Maintenance 1, Mitchell Reagles, to attend the 2014 Street Maintenance and Collection Systems Fall School in Newport, Oregon on October 28-30, 2014.

Key Facts and Information Summary: Article 26.3 of the Union contract requires Council approval prior to attending classes, lectures, conferences or conventions.

Other Alternatives Considered: The Council may choose not to approve the training request, or to approve it on condition that a scholarship is received.

Fiscal Notes: The total cost of this training is approximately \$705.00. The 2014-2015 budget for training is \$16,000, of which we have spent approximately \$3,500.00.

We applied for and received a scholarship through the Oregon APWA that includes registration, lodging and some meals. The total cost after the scholarship is approximately \$226.00.

Goals/Policies: N/A.

Staff Recommendation: Staff recommends approval of this request.

Proposed Motion in Favor: **"I MOVE TO APPROVE THE REQUEST FOR MITCHELL REAGLES TO ATTEND THE 2014 STREET MAINTENANCE AND COLLECTION SYSTEMS FALL SCHOOL IN NEWPORT, OREGON."**

Estimated Expenses for Lodging, Meals and Travel Costs:

Lodging: \$188.00

Best Western (Conference Location)

2 nights @94.00/ night & Parking

Per Diem: \$132.00

(Per Teamsters Local Union 223 Contract Article 19)

- Breakfast: 3 Days @ \$10.00 = \$30.00
- Lunch: 3 Days @ \$13.00 = \$39.00
- Dinner: 3 Days @ \$21.00 = \$63.00

Conference: \$235.00
Registration Fee

Fuel: \$150.00
Approximate Fuel

Total Estimated Lodging, Meals & Travel Costs \$705.00

APWA Scholarship: approx. (\$479.00)

Total after scholarship: \$226.00