

ORDINANCE NO. 1808

(An ordinance amending Chapter 17.13 of the Hood River Municipal Code
Sign Regulations/Freeway Zone)

WHEREAS, the City Council is amending Chapter 17.13 of the Hood River Municipal Code as it pertains to signs in the Freeway Zone;

WHEREAS, following preparation of amending ordinance language, notice pursuant to the City of Hood River comprehensive Plan, HRMC, and the Oregon Revised Statutes was duly given;

WHEREAS, a public hearing to consider the proposed ordinance was held before the Planning Commission on December 6, 2000 pursuant to HRMC 17.09.050 Legislative Actions;

WHEREAS, a public hearing was held before the City Council on December 11, 2000;

WHEREAS, the City Council considered the record, the recommendation of the Planning Commission, and any public testimony;

WHEREAS, the City Council considered the following relevant procedural provisions of the Hood River Municipal Code: 17.09.050; and considered the following relevant substantive provisions of the City's Comprehensive Plan: Goal 9—Economy;

WHEREAS, the City Council determined that the area and height provisions for certain signs within the Freeway Zone were too restrictive, for the following reasons: (1) Freeway speed on I-84 has increased since 1992, allowing less time for a traveler to notice certain signs; (2) Foliage along the north side of the freeway now block certain signs; and (3) Logo signs are not allowed along I-84 between Exits 63 and 64 because the distance between the two exits does not meet a minimum standard;

WHEREAS, the City Council determined that sign size and height for signs in the Freeway Zone should be revised to allow for signs 60' in height and 200 sq. ft. per face, with all signs to be conforming not later than 6 months after adoption of the amending ordinance;

WHEREAS, the City Council adopts and incorporates by reference the Findings of Fact contained in Exhibit A attached to this ordinance;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 17.13 of the Hood River Municipal Code is amended as follows:

17.13—SIGN REGULATIONS

SECTIONS:

17.13.100 Sign Sizes.

17.13.140 Non-Conforming Existing Signs.

17.13.100 SIGN SIZES

* * *

D. FREEWAY ZONE

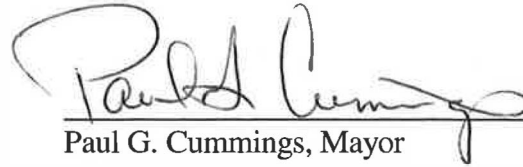
1. Purpose: This special overlay zone is intended to provide for and regulate free-standing signs located along I-84. The affected properties, as described below, are those that depend primarily on highway traffic. Because of the sign's location, traffic along I-84 cannot read them within a reasonable and safe distance to exit the highway. Therefore, height and area limitations for free-standing signs in this zone have been increased.
2. Location: The Freeway Zone shall be described as the area located east of the White Salmon-Highway 35 highway, west of the City of Hood River/Hood River County boundary, south of the Columbia River and north of I-84, located within the City limits of Hood River and zoned Commercial or Light Industrial within the following described boundaries: [no change to boundary description].
3. Number: One (1) free-standing sign shall be permitted for each parcel/ownership and shall be included in the allowed area for signs as listed in the Commercial/Industrial section of this ordinance.
4. Area: The sign shall not exceed an area of 200 square feet per face and shall not have more than two (2) faces.
5. Height: The sign shall not exceed 60 feet.
6. Other signs: All other signs shall meet the requirements of the Commercial/Industrial portion of this ordinance.

17.13.140 NON-CONFORMING EXISTING SIGNS

- A. Non-conforming signs are those signs lawfully installed prior to the effective date of this ordinance, which do not conform to the standards of this code.
- B. All nonconforming signs for a single entity shall be made to comply with this ordinance when structural alteration, relocation, replacement with a different sign or application for a new sign for that entity occur. Repair of a part of a sign or sign structure to a safe condition, including normal maintenance, shall be permitted without loss of its non-conforming status provided that there are no other changes to the sign or sign structure.
- C. All nonconforming signs shall made to comply with this ordinance no later than November 1, 1998. Any nonconforming temporary sign shall be made to comply with this ordinance by May 1, 1992. All nonconforming signs located in the Freeway Zone shall be made to comply with this ordinance no later than 180 days after the effective date of this ordinance.
- D. Nonconforming signs lawfully located within the City of Hood River commercial or industrial zone on the effective date of this ordinance which are visible from a federal interstate highway or federally aided primary (hereinafter "such signs") may remain unless funds are allocated to provide for payment of just compensation by the City of Hood River pursuant to ORS Chapter 377 and the Highway Beautification Act, provided that within 60 days from the effective date of this ordinance the owner of each such sign:
 - 1. Provides proof to the City Planning Department that each such sign was in existence on the effective date of this ordinance;
 - 2. Provides the location of each such sign on the effective date of this ordinance to the City Planning Department;
 - 3. Provides a copy of a valid permit for each such sign issued by the State of Oregon pursuant to ORS 377.700 - 377.840.
- E. Signs located on property annexed to the City of Hood River after the adoption of this ordinance shall be made to comply at the same date compliance would have been required if the annexed property had been located within the City of Hood River on the effective date of this ordinance, or within one (1) year of annexation, whichever is later.

Read for the first time: May 29, 2001.

Read for the second time and passed: May 29, 2001, to become effective thirty (30) days hence.


Paul G. Cummings, Mayor

ATTEST:

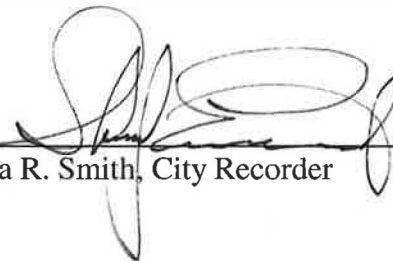

for Anita R. Smith, City Recorder

EXHIBIT A

FINDINGS OF FACT

Amendments to HRMC Chapter 17.13—Sign Regulations

Background: The City Council undertook review of the provisions of Chapter 17.13 (the Sign Code) adopted in 1992, as those provisions pertain to signs in the Freeway Zone as a result of provisions in the sign code requiring signs throughout the city to come into compliance with the sign code by November 1, 1998. Based on public response, the City Council undertook this review of the existing sign size and height provisions to determine whether they are still appropriate.

The City Council held several work sessions at which staff presented information regarding existing sign sizes and heights, the speed limit along Interstate 84, the location of the exits serving the Freeway Zone and the distance between them, and the change in the appearance of the area as it pertained to sign visibility. Historical evidence regarding the existing provisions and other information was also presented at these meetings.

Based on these work sessions, the City Council proposed an amending ordinance dividing the Freeway Zone into two zones, East Freeway Zone and West Freeway Zone. The ordinance was sent to the Planning Commission for review and a public hearing pursuant to HRMC 17.08.010. The Planning Commission issued its recommendation to the City Council and the City Council held a public hearing on December 11, 2000. At the conclusion of the hearing the City Council determined that the amendments should be made creating the divided Freeway Zone and increasing the area and height of free-standing signs in the East Freeway Zone. Thereafter, staff proceeded to prepare an ordinance and findings as directed by City Council, but returned to the City Council and advised the Council that it was staff's opinion that there was not substantial evidence in the record to support dividing the Freeway Zone into two zones and that the record would support retaining one zone, but increasing the sign size to 200 square feet and raising the height to 60 feet. At a public hearing on May 14, 2001, the City Council accepted this recommendation and directed staff to revise Ordinance 1808 for adoption.

Applicable Criteria:

17.09.050 Legislative Actions

Comprehensive Plan—Goal 9—Economy

Findings:

Record: The record in this matter consists of the 11/23/98, 1/25/99, 3/8/99, 3/22/99, 4/12/99, 6/14/99, 6/23/99, 6/28/99, 9/15/99, 5/15/00, 5/22/00, 7/10/00, 7/31/00/ 8/14/00, 12/11/00, 1/22/01 and 5/14/01; the minutes of the December 6, 2000, Planning Commission meeting; and all of the material, testimony and information submitted at those meetings.

EXHIBIT A

Applicable Criteria:

A. HRMC 17.09.050 The proposed change to the Sign Code is a legislative amendment to Chapter 17.13 of the Hood River Municipal Code. A recommendation was obtained from the Planning Commission which held a public hearing to consider the proposed ordinance, consistent with HRMC 17.09.050. The City Council held its public hearing within 30 days of the Planning Commission's public hearing and notice of the public hearing was published in the Hood River News at least 20 days prior to the City Council's public hearing. Measure 56 (ORS 227.186) notice was also provided to affected property owners.

The notices of the hearings, copies of which are in the record, contained all of the information required by HRMC 17.09.050(E).

The hearings were conducted as public meetings in accordance with ORS Chapter 192 and hearing members were asked at the start of each hearing to declare any conflict of interest, all in accordance with the provisions of 17.09.060(B).

The Council's decision is by ordinance pursuant to HRMC 17.09.050(G) and contains a brief statement as required by HRMC 17.09.050(G).

B. Comprehensive Plan—Goal 9—Economy. Goal 9 of the City's Comprehensive Plan is also applicable to this legislative action.

1. *To diversify and improve the economy of the Hood River planning area.* Goal 9 states that it is the City's goal to diversify and improve the economy of the Hood River planning area. It is the Council's intent and belief that the proposed amendment to the Sign Code serves to improve the economy of the Hood River planning area by maintaining the ability of freeway businesses to attract freeway customers. The sign sizes and height were considered specifically within the context of the sign's ability to be seen by passing customers and the City Council found that an increase in sign size and height was warranted for free-standing signs in the Freeway Zone.

2. *To preserve and promote a livable community.* As was made clear in 1992 when the Sign Code was adopted, and more recently during the Council's review of sign size and height, too many signs and signs that are too large do not promote a livable community. The Council finds that in order to maintain the livable quality of Hood River's community, it is desirable to limit the size of signs. Testimony before the Council has consistently been against large signs. However, the Council finds that in the case of the entire Freeway Zone, the economics of having larger signs compared to the rest of the community continues to outweigh livability concerns to a certain extent. Furthermore, additional factors, discussed below, warrant slightly larger and higher signs than currently allowed.

Discussion: The existing Freeway Zone was created to allow for taller and larger free-standing signs for commercial and certain light industrial properties located along and serving Interstate Highway 84. The existing Freeway Zone includes the area located

EXHIBIT A

east of the White Salmon-Highway 35 highway, west of the City of Hood River/Hood River County boundary, south of the Columbia River and north of I-84, located within city limits and zoned Commercial; and the land zoned Light Industrial and Commercial near the 2nd street overpass. The parcels described by the entire Freeway Zone are all in commercial use, although the commercial use on one parcel in the west end of the zone is under construction.

In 1992, when the Council created the Freeway Zone, it considered the speed with which motorists passed, the distance between the freeway exits, and the inability of freeway businesses to obtain logo signs along I-84 between exits 63 and 64. Freeway businesses do have logo signs on I-84 Eastbound prior to exit 63 and on I-84 westbound prior to exit 64.

The Council reviewed these same considerations in re-examining the Freeway Zone and also considered the facts that the speed limit along I-84 has since been increased from 55mph to 65 mph, and that foliage has grown considerably in certain locations along the north side of the freeway, blocking or impairing visibility.

Staff prepared and presented a videotape taken from inside a vehicle traveling in both west bound and east bound directions at the speed limit. Based on the video, the Council found that there was less time for travelers traveling in both directions to notice signs in the Freeway Zone, because, in some cases, logo signs are still not allowed alerting the traveler to the approaching services and because, in other cases, foliage blocked or obscured signs for those travelers.

Based on information obtained from ODOT—Volumes for Highways (1993-1999)--, the City Council found that both exits in the Freeway Zone serve similar numbers of freeway and highway travelers, making the businesses located there reliant on freeway and highway business and appropriately characterized as a freeway service area. The Council found that the factors that influenced the creation of the Freeway Zone in the first place were even more notable 8 years following creation of the zone, warranting larger signage than that presently allowed.

The Council also considered Mr. Hattenhauer's arguments under newly adopted Measure 7, but since the validity of Measure 7 is currently before the Courts, the Council declines to address this argument.