



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

August 2, 2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 010-10



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 13, 2010

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Joy Chang, Washington County
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	JUL 26 2010
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Washington County**Local file number: **Ordinance 735**Date of Adoption: **July 20, 2010**Date Mailed: **July 23, 2010**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **June 11, 2010**☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Ordinance No. 735 proposes to amend the Community Development Code relating to Signs. The proposed amendments are made to be consistent with Article I, Section 8 of the Oregon Constitution that prohibits regulation of signs based on content.

Does the Adoption differ from proposal? **No**Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **N/A**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☒	☐	☐	☒	☐	☒	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☒ Yes ☐ NoDLCD file No. 010-10 (18358) [16244]**Washington County and the Oregon State Department of Transportation**

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County and the Oregon State Department of Transportation

Local Contact: **Joy L. Chang**

Phone: **503-846-3873**

Address: **155 N. First Ave., Suite 350-14**

Fax Number: **503-846-4412**

City: **Hillsboro**

Zip: **97124**

E-mail Address: **joy_chang@co.washington.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper** if available.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**.
You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: PROPOSED ORDINANCE NO. 735 – AN ORDINANCE
AMENDING THE COMMUNITY DEVELOPMENT CODE
RELATING TO SIGNS

Presented by: Brent Curtis, Planning Manager; Chris Gilmore, Sr. Asst. County Counsel

SUMMARY:

Ordinance No. 735 proposes to amend the Community Development Code relating to signs. The Oregon Supreme Court has ruled that regulation of signs based on content is unconstitutional. The proposed amendments remove content-based provisions to bring the CDC into compliance with Article I, Section 8 of the Oregon Constitution.

On July 7, 2010, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 735 with the recommendation that additional changes to the sign standards be considered as a Tier I task in the 2011 Work Program.

The staff report will be provided to the Board prior to the hearing and it will also be available at the Clerk's desk prior to the hearing.

Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

Proposed Ordinance No. 735 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2010-land-use-ordinances.cfm>

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 735 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 735.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

100-601000

Agenda Item No.	4.a.
Date:	7/20/10

FILED

JUN 10 2010

Washington County
County Clerk

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3
4 ORDINANCE No. 735

An Ordinance Amending the Community
Development Code Relating to Signs

6
7 The Board of County Commissioners of Washington County, Oregon, ordains as follows:

8 SECTION 1

9 A. Since adoption of Section 414 of the Community Development Code and related
10 sections, the Oregon Supreme Court has held that Article I, section 8 of the Oregon Constitution
11 prohibits regulation of signs based on content. Accordingly, the content based provisions cannot
12 be applied.

13 B. CDC Section 106-193.8 defines outdoor advertising signs, in part, as those
14 advertising goods, products or services, but this provision was not intended, and has not been
15 applied, so as to restrict the content to commercial messages.

16 C. It is prudent to delete the invalid content based provisions in the CDC relating to signs
17 as that may be accomplished without exercising policy discretion and leaves in place existing
18 content neutral regulations such as size and location, pending a separate ordinance process to
19 update CDC provisions relating to signs in consultation with industry representatives, citizens
20 and other interested parties.

21 D. The Department of Land Use and Transportation has carried out its responsibilities
22 under Chapter X, including preparation of notices and the County Planning Commission has

1 conducted one or more public hearings and has submitted its recommendation to the Board.

2 E. The Board finds and takes notice of all testimony and materials presented and that it is
3 receipt of all information necessary to consider this Ordinance in an adequate manner and that it
4 complies with all relevant provisions of law.

5 SECTION 2

6 The amendments to the Community Development Code set forth in Exhibits 'A' and 'B',
7 incorporated herein, hereby are adopted. New language is underlined. Deleted language is lined
8 through.

9 SECTION 3

10 A. A determination by a court or other body of competent jurisdiction that any section,
11 clause, phrase or word of this Ordinance is unconstitutional, invalid or unenforceable for any
12 reason shall result in such section, clause, phrase or word being severed but otherwise shall not
13 affect the validity of the remainder of this Ordinance and all portions not severed or invalidated
14 shall remain in full force and effect.

15 B. The Office of County Counsel is authorized to make such non-substantive changes,
16 including renumbering or other technical changes not affecting the substance of these
17 amendments as reasonably necessary to incorporate this Ordinance into the Community
18 Development Code.

19 C. To the extent permitted by law, this Ordinance shall apply to all applications for
20 approval of a sign received on or after January 1, 2010.

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ENACTED this 20 day of July, 2010, being the first reading
and first public hearing before the Board of County Commissioners of Washington
County, Oregon.

**BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON**

ADOPTED

Tom Brian
CHAIRMAN

Barbara Hejtmanek
RECORDING SECRETARY

READING

PUBLIC HEARING

First July 20, 2010
Second _____
Third _____
Fourth _____
Fifth _____

First July 20, 2010
Second _____
Third _____
Fourth _____
Fifth _____

VOTE: Aye: Brian, Duyck, Schouten Nay: _____

Recording Secretary: Barbara Hejtmanek Date: July 20, 2010

Exhibit 'A' to Ordinance No. 735

CDC Section 106, Definitions is amended as follows:

- ~~106-193.2~~ ~~Incidental~~ A sign identifying or advertising associated goods, products, services or facilities available on the premises. Such incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names, price signs or services rendered.
- ~~106-193.8~~ ~~Outdoor Advertising~~ A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Exhibit 'B' to Ordinance No. 735

ARTICLE IV: DEVELOPMENT STANDARDS
414 - SIGNS

IV-93

CDC Section 414, Signs, is amended as follows:

414 SIGNS

The following sign regulations shall apply to all uses as indicated.

414-1 Residential Districts

414-1.1 Scope:

This Section (414-1) shall apply to all Residential Districts.

414-1.2 Size:

- A. One sign not exceeding two (2) square feet in area shall be permitted per dwelling unit. For attached dwellings exceeding three (3) units, one (1) or more additional signs not exceeding a total of twelve (12) square feet in area shall be permitted per structure.
- B. For Residential Developments (including subdivision identification) the maximum size and number of signs shall be controlled according to the following:
 - (1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.
 - (2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs identifying the project which have a total area of no more than forty-eight (48) square feet.
 - (3) Residential developments of forty (40) acres or more in area may have a sign or signs identifying the project with a total area of no more than one-hundred-two (102) square feet.

414-1.3 Location:

Permitted signs may be anywhere on the premises, except in a required side yard or within ten (10) feet of a street right-of-way.

414-1.4 Height:

The following maximum heights shall apply to signs:

- A. If ground-mounted, the top shall not be over four (4) feet above the ground;
- B. If building mounted, shall be flush mounted and shall not project above the roof line; and
- C. If freestanding, shall not exceed twenty (20) feet in height.

414-1.5 Content:

Date printed 11/27/09

The sign shall not be for commercial purposes, except for those uses permitted in Section 430-63.

414-1.6 Illumination:

Illumination if used shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign and upon the property within the premises.

414-2 Commercial and Institutional Districts

414-2.1 Scope:

This Section shall apply to all Commercial Districts and the Institutional District.

414-2.2 Size:

For each lot or parcel signing at the listed size may be allowed:

- A. Neighborhood Commercial (NC), Office Commercial (OC) and Institutional District (INS) signs shall not exceed thirty-five (35) square feet. For additional standards for the Institutional District see Section 330-9.
- B. Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM) signs shall not exceed the following area requirements:
- | Traffic Speed Allowed (mph) | Number of Traffic Lanes | Maximum Area Per Face (sq.ft.) |
|-----------------------------|-------------------------|--------------------------------|
| 30 or less | 3 or less | 32 |
| 35 and over | 3 or less | 50 |
| 30 or less | 4 or more | 40 |
| 35 and over | 4 or more | 72 |
- C. Two (2) or more lots or parcels having a combined linear frontage of eighty-five (85) feet may combine their sign areas allowed by Section 414-2.2 B. for the purpose of providing one common free-standing or ground-mounted sign. The sign shall not exceed one hundred fifty (150) square feet.

D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage shall face that street frontage.

- E. In addition to all other sign standards, incidental signs are governed by the following:

Maximum Sign Area	Street Front
20 sq. ft.	85 ft. or less
25 sq. ft.	86 - 90 ft.
30 sq. ft.	91 - 99 ft.
35 sq. ft.	100 ft. or more

F. Commercial Center:

Signs used for Commercial Centers and individual tenant identification shall be allowed as follows:

- (1) Only one (1) sign of one-hundred-fifty (150) square feet shall be permitted for centers less than five (5) acres and greater than one (1) acre.
- (2) A maximum of two (2) signs of four-hundred (400) square feet shall be permitted for complexes for five (5) to fifty (50) acres.
- (3) A maximum of three (3) signs of four-hundred (400) square feet shall be permitted for complexes of more than fifty (50) acres.
- (4) Individual businesses are allowed a face building mounted sign for identification pursuant to Section 414-2.2 A. and B.

G. Outdoor Advertising Signs:

Outdoor advertising signs, excluding bench signs (see Section 414-5.2) shall be permitted only in the General Commercial (GC) District. Such signs shall not exceed three-hundred (300) square feet per face, nor shall the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following shall apply:

- (1) Minimum spacing shall be as follows:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)
Interstate Hwy	500	
Limited Access (Freeway)	500	1,000
Other Roads	None	500

- (2) For the purpose of applying the spacing requirements of Section (1) above, the following shall apply:
 - (a) Distances shall be measured parallel to the centerline of the highway;
 - (b) A back-to-back, double-faced or V-type sign shall be considered as one sign.

414-2.3 Location:

- A. Flat Wall Signs may be located on any wall of the building.
- B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and fifteen (15) feet above driveways or alleys.

- C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 414-1.2 B. and 414-2.2 F. may be located anywhere on the premises except as follows:
- (1) A ground-mounted sign shall not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.
 - (2) A freestanding sign shall not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of eight (8) feet six (6) inches.
- D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than eight (8) feet six (6) inches (8' 6"). The maximum vertical dimension of signs shall be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

- E. Wall signs shall not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.
- F. Permitted outdoor advertising signs may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.

414-2.4 Height:

- A. Ground-mounted signs shall not exceed four (4) feet in height from ground level.
- B. Freestanding signs shall not exceed twenty-eight (28) feet in height from ground level.
- C. Outdoor advertising signs shall not exceed thirty-five (35) feet in height from ground level.

414-2.5 Content:

- A. Any of the signs pursuant to this Section (414-2) may be changeable copy signs.
- B. The primary identification sign for each firm shall contain its street number. The street number shall be clearly visible from the street right-of-way.

414-3 Industrial

414-3.1 Scope:

This Section shall apply to the Industrial District.

414-3.2 Number and Size:

- A. One (1) identification-sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage shall be permitted.
- B. One freestanding or ground-mounted identification-sign not exceeding fifty (50) square feet per lot or parcel.
- C. Industrial Park identification-signing shall be controlled according to the following:
 - (1) A maximum of two (2) signs of three-hundred (300) square feet per face shall be permitted for industrial parks or complexes of less than ten (10) acres;
 - (2) A maximum of three (3) signs of four-hundred (400) square feet shall be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through a Type I procedure, provided the total sign area does not exceed twelve-hundred (1,200) square feet.

414-3.3 Location:

Shall be as provided in Section 414-2.3.

~~414-3.4 Content:~~

~~Shall be as provided in Section 414-2.5.~~

414-3.5 Illumination:

Shall be as provided in Section 414-6.

414-4 Agriculture and Forestry Signs

414-4.1 Scope:

This Section shall apply to the agricultural and forestry areas outside the Urban Growth Boundaries.

414-4.2 Size:

A maximum area of thirty-two (32) square feet per sign.

414-4.3 Location:

Signs shall be at least five (5) feet from a right-of-way, and shall be at least twenty-five (25) feet from an adjacent lot.

414-4.4 Illumination:

As provided in Section 414-6.

414-4.5 Maximum number of signs:

Acreage	No. of Signs
0 - 20	2
21 - 40	3
41 - 60	4
61 & over	5

414-5 Exemptions and Supplemental Criteria

The following signs are exempted from development permit requirement and from the standards set forth above; however, a permit may be required as determined by the Building Official.

414-5.1 Temporary Signs:

~~The following temporary signs are permitted subject to the standards of Section 414-5.1 F:~~

~~A. Construction Signs;~~

~~B. Real Estate Signs;~~

~~C. Temporary Land Development Project Signs pertaining to the sale, lease, rent or development of a subdivision, shopping center, industrial park or similar land parcel;~~

~~D. Political campaign signs; and~~

~~E. Farm or Forest product signs.~~

F. Temporary signs listed in A through E above shall meet the following standards:

- (1) Shall not exceed sixteen (16) square feet in area;
- (2) Shall be located on private property, not within any dedicated right-of-way; and
- (3) Shall be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event.

414-5.2 Bench Signs:

~~On premises and off premises advertising on~~ On street benches provided:

A. The benches shall not be higher than four (4) feet above ground;

B. ~~The advertising is limited to~~ Limited to fourteen (14) square feet in area;

C. The benches are not located closer than five (5) feet to any street right-of-way line;

D. Benches are located in a manner not to obstruct vision;

E. ~~The advertising sign~~ Shall be included as part of the total permitted sign area of the premise on which it is located.

414-5.3 Directory Signs are permitted when the maximum total area does not exceed one-hundred (100) square feet. Directory signs shall not front on any public street.

~~414-5.4 Farm Signs:~~

~~Names of occupants and other identification, painted or otherwise made a part of a surface or roof of a barn or other accessory building provided said identification sign is not for advertising purposes.~~

~~414-5.5 Flag:~~

~~A United States flag up to fifty (50) square feet in area.~~

~~414-5.6 Household Goods Sales:~~

~~A. Signs may not exceed a total area of four (4) square feet;~~

~~B. Shall be erected only during daylight hours;~~

~~C. Shall be removed within forty-eight (48) hours after erecting; and~~

~~D. Shall not be located in a manner which would cause a public safety hazard.~~

414-5.7 Integral Signs

414-5.8 Private Traffic Direction:

Signs directing traffic movement onto a premise or within a premise, not to exceed three (3) square feet in area for each sign. Illumination of these signs shall be in accordance with Section 414-6. Horizontal directional signs flush with paved areas are exempt from these standards.

~~414-5.9 Safety Signs:~~

~~Danger signs, trespassing signs, warning signs, traffic signs, memorial plaques, signs of historical interest, holiday signs, public and service information signs such as rest rooms, mailbox identification, newspaper container identification.~~

414-5.10 Street Banners for Public Events (Temporary)

414-6 Illumination

No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

414-6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

414-6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three-hundred (300) milliamperes rating for white tubing or one-hundred (100) milliamperes rating for any colored tubing.

414-6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed:

A. Within Residential districts:

Illumination equivalent to four-hundred-twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven inches, center to center.

B. Within land use districts other than Residential:

Illumination equivalent to eight-hundred (800) milliamperes rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

414-7 Prohibited Signs

Signs or lights which:

| 414-7.1 Are of a size, location, movement, ~~content~~, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

414-7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

414-7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement;

414-7.4 Are roof signs except as allowed in Section 414-5.4;

414-7.5 Are freeway-oriented signs;

414-7.6 Are portable signs; and

~~414-7.7 Contain obscene material or language as defined by Oregon Revised Statutes.~~

414-8 Procedures

Applications for a sign permit shall be processed through a Type I procedure.

414-9 Nonconformity and Modification

Except as provided in Section 414-9.2 of this Chapter, signs in existence on the date of adoption of this Code, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained shall be regarded as nonconforming.

- 414-9.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years.
- 414-9.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code shall be removed on or before November 6, 1983, as was provided for purposes of amortization in Article II of the former Community Development Ordinance.
- 414-9.3 Nonconforming outdoor advertising signs under the provisions of Section 414-9 in conformance with ORS Chapter 377 shall not be considered to be nonconforming signs requiring removal. This provision applies to signs on all highways. Removal of such outdoor advertising signs shall be only as provided by Oregon Revised Statutes.

414-10 Compliance

Any sign which is altered, relocated, replaced or changed for the purpose of identifying a new or existing business on the site shall be brought immediately into compliance with all provisions of this Code.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 735

Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 735 proposes to amend the Community Development Code relating to signs. The Oregon Supreme Court has ruled that regulation of signs based on content is unconstitutional. The proposed amendments remove content-based provisions so as to bring the CDC into compliance with Article I, Section 8 of the Oregon Constitution.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan. Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 735. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for Ordinance No. 735 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 10-76

Agenda Item No.	<u>5.a.</u>
Date:	<u>7/20/10</u>

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 735) No. 10-76

This matter having come before the Washington County Board of Commissioners at its meeting of July 20, 2010; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 735; and

It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate legislative findings with respect to the adopted ordinance; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on July 7, 2010, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

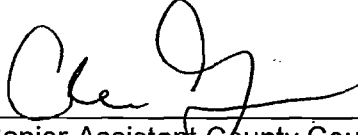
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 735 are hereby adopted.

DATED this 20th day of July, 2010.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	—	—	✓
ROGERS	—	—	✓
DUTCH	✓	—	—

APPROVED AS TO FORM:


Senior Assistant County Counsel
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman

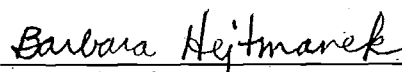

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 735 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO SIGNS

July 20, 2010

GENERAL FINDINGS

Ordinance No. 735 amends the Community Development Code (CDC) relating to signs in order to remove content-based provisions to bring the CDC into compliance with Article I, Section 8 of the Oregon Constitution. The Oregon Supreme Court has ruled that regulation of signs based on content is unconstitutional.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 735 is consistent with Statewide Planning Goals, ORS and OAR requirements and Metro's Urban Growth Management Functional Plan. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the proceeding below. In addition, none of the proposed changes to the text of the plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of Ordinance No. 735.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the

Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt Ordinance No. 735. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 9 - Economy of the State

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's Comprehensive Framework Plan for the Urban Area states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific CDC standards directly related to this goal, amendments to the CDC should follow this policy to achieve the economic development goal.

Ordinance No. 735 amends the CDC relating to signs. The Oregon Supreme Court has ruled that regulation of signs based on content is unconstitutional. The proposed amendments remove content-based provisions to bring the CDC into compliance with Article I, Section 8 of the Oregon Constitution. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Goal 12 - Transportation

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the CDC.

Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 735. The amendments are consistent with the county's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12) and the Regional Transportation Plan (RTP).

Ordinance No. 735 does not amend the applicable Plan policies related to transportation. Therefore, it is not necessary to make specific findings for Goal 12. Ordinance No. 735 amends the CDC relating to signs. The Oregon Supreme Court has ruled that regulation of signs based on content is unconstitutional. The proposed amendments remove content-based provisions to bring the CDC into compliance with Article I, Section 8 of the Oregon Constitution.

Goal 14 - Urbanization

Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 735. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14.

Ordinance No. 735 does not amend any Plan policies or strategies relating to Goal 14. Ordinance No. 735 amends the CDC relating to signs. The Oregon Supreme Court has ruled that regulation of signs based on content is unconstitutional. The proposed amendments remove content-based provisions to bring the CDC into compliance with Article I, Section 8 of the Oregon Constitution.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN FOR ORDINANCE NO. 735
(RELATING TO SIGNING AMENDMENTS)**

Section 3.07.830.A. of Title 8 of the Urban Growth Management Functional Plan (UGMFP) requires that all comprehensive plan changes submitted after February 19, 1997 "...be consistent with this functional plan." The following findings have been prepared to address Titles 1, 2, 3, 4, 6, 8 and 11 of the Functional Plan.

Title 1 - Requirements for Housing and Employment Accommodations

Functional Plan policies in Title 1 seek ways to increase the capacity within the urban growth boundary, such as changing local zoning to accommodate development at higher densities in locations supportive of the transportation system.

RESPONSE

Ordinance No. 735 amends the Community Development Code (CDC) relating to signs. Ordinance No. 735 does not amend any Plan policies or development standards related to Title 1 housing and employment targets. Therefore the changes adopted by Ordinance No. 735 are consistent with Title 1 of the UGMFP.

Title 2 - Regional Parking Policy

To meet state TPR requirements to reduce new parking spaces and vehicle miles traveled in the region, Metro requires limits on the minimum and maximum number of parking spaces.

RESPONSE

Ordinance No. 735 amends the CDC relating to signs. The ordinance does not modify any standards relating to minimum and maximum number of parking spaces.

Title 3 - Water Quality, Flood Management and Fish/Wildlife Habitat Conservation

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

RESPONSE

Implementation of Title 3 requirements has been completed primarily through the adoption of regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated areas of Washington County. Ordinance No. 735 does not change any standards relating to water quality or flood plain management. The ordinance does not amend any significant natural resource designations.

Title 4 - Industrial and Other Employment Areas

To improve the region's economic climate, the Plan seeks to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas.

RESPONSE

Ordinance No. 735 amends the CDC relating to signs. The ordinance does not amend any plan designations that would affect the county's supply of industrial land.

Title 6 - Central City, Regional Centers, Town Centers and Station Communities

Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles.

RESPONSE

Ordinance No. 735 makes amendments to the CDC standards that are not related to Title 6 Centers.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to Comprehensive Plans.

RESPONSE

Consistent with Title 8, a copy of Proposed Ordinance No. 735 was mailed to Metro on June 11, 2010. The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.

Title 11 - Planning For New Urban Areas

Title 11 describes Metro's requirements for converting from rural to urban use of areas brought into the urban growth boundary. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

Ordinance No. 735 does not modify any standards relating to the planning of new urban areas described in Title 11.

WASHINGTON COUNTY - DLUT
Long Range Planning Division, #350-14
155 North First Avenue
Hillsboro, OR 97124-3072

FIRST CLASS MAIL

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

FIRST CLASS MAIL



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