



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

### NOTICE OF ADOPTED AMENDMENT

September 18, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment  
DLCD File Number 001-04



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 5, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

Cc: Debbie Raber, City of Hillsboro

<paa> n





FORM 2

DEPT OF

**DLCD NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

SEP 15 2006

**LAND CONSERVATION AND DEVELOPMENT**

Jurisdiction: HILLSBORO Local File No.: ZOA 1-04

Date of Adoption: 9/5/06 Date Mailed: 9/14/06

Date the Notice of Proposed Amendment was mailed to DLCD: 2/27/04

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

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

**Amendments delete all references to signs from Zoning Ordinance, following adoption of new Sign Code codified as Municipal Code Chapter 15.20.**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

**SAME. Action on amendments was postponed 2+ years due to delays in Sign Code preparation and review.**

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  
 Specified Density: Previous: N/A New: N/A  
 Applicable Statewide Planning Goals: Goal 2  
 Was an Exception Proposed? Yes: \_\_\_\_\_ No: X

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes X No \_\_\_\_\_

If no, do the Statewide Planning Goals apply? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, did the Emergency Circumstances Require immediate adoption? Yes \_\_\_\_\_ No \_\_\_\_\_

Affected State or Federal Agencies, Local Governments or Special Districts: NONE

Local Contact: Debbie Raber Phone: 503-681-6155

Address: 150 E MAIN STREET City: HILLSBORO Zip Code + 4: 97123-4028

DLCD No. 001-04 (13472)



ORDINANCE NO. 5676

**ZOA 1-04: REMOVAL OF SIGN PROVISIONS  
FROM THE HILLSBORO ZONING ORDINANCE**

AN ORDINANCE AMENDING SEVERAL SECTIONS OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, REMOVING SIGN PROVISIONS FOLLOWING ADOPTION OF HILLSBORO MUNICIPAL CODE SECTION 15.20 SIGNS.

WHEREAS, Hillsboro Zoning Ordinance No. 1945 presently contains sign provisions applicable to properties in the City of Hillsboro, and

WHEREAS, the Hillsboro City Council has now adopted Hillsboro Municipal Code Chapter 15.20 Signs (HMC 15.20), and

WHEREAS, the sign provisions contained in the Zoning Ordinance now conflict with the newly adopted provisions of HMC 15.20, and

WHEREAS, at their regular meeting of February 25, 2004, the Planning Commission initiated amendments to remove sign provisions from Zoning Ordinance No. 1945 upon adoption of the Sign Code, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on April 28, 2004, received testimony with questions regarding proposed amendments, and no testimony in opposition, and

WHEREAS, THE Planning Commission adopted Resolution No. 1430-P on May 12, 2004, recommending to the City Council approval of the proposed amendments, with the April 19, 2004 and April 27, 2004 staff reports on this matter as findings in support, which staff reports are attached hereto as Attachments "A" and "B", and

WHEREAS, the City Council considered the Planning Commission's recommendation on September 5, 2006, and voted to adopt the findings of the Planning Commission as their own in regard to the Zoning Ordinance amendments.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Zoning Ordinance No. 1945, as amended, Section 3 Definitions, is hereby further amended with the deletion of the following sections, shown in overstrike typeface:

~~Billboard. See Sign.~~

~~Sign. A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation or a request for aid, or other type of advertising. This includes the surface upon which the presentation or representation is displayed. Each display surface of a sign shall be considered to be a sign.~~

Section 2. Zoning Ordinance No. 1945, as amended, is hereby further amended with the deletion of the following subsections, as shown below in overstrike typeface: in Section 9 Signs in an R-10 zone, Section 16 Signs in an R-7 zone, Section 20D Signs in an R-6 zone, Section 30 Signs in an A-2 zone, Section 34D Signs in an A-4 zone, Section 37 Signs in an A-3 zone, Section 44 Signs in a C-4 zone, Section 55 (6), Section 67 Signs in an M-P zone, Section 83 (4) Section 126 (8), and Section 128 (5):

Section 9. Signs. ~~In a R-10 zone permitted signs shall be erected and maintained at least 15 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in a R-10 zone:~~

- ~~(1) One name plate indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each dwelling.~~
- ~~(2) One temporary sign, not illuminated, not exceeding six square feet in area, advertising the sale, lease or rental of the property.~~
- ~~(3) One temporary sign, not illuminated, for a tract of land or subdivision advertising the sale of the tract or the lots in the tract and not exceeding 42 square feet in area.~~
- ~~(4) A permanent, non-illuminated sign at each road entrance, or one on each side of a road entrance, to a platted subdivision having 20 or more lots, each sign or signs naming said subdivision and not exceeding an area of 32 sq. ft. total at each road entrance.~~

Section 16. Signs. ~~Signs permitted in a R-10 zone are permitted in a R-7 zone.~~

Section 20D. Signs. ~~Signs permitted in an R-7 zone are permitted in an R-6 zone.~~

Section 23. Signs. ~~Signs permitted in a R-10 zone are permitted in an A-1 zone.~~

Section 30. Signs. ~~In an A-2 zone permitted signs shall be erected and maintained at least 10 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in an A-2 zone:~~

- ~~(1) A sign permitted in a R-10 zone.~~
- ~~(2) Signs not exceeding a total of eight square feet in area.~~

Section 34D. Signs. ~~In an A-4 zone, permitted signs shall be erected and maintained at least 10 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in an A-4 zone.~~

- (1) ~~A sign permitted in a R-10 zone.~~
- (2) ~~Signs not exceeding a total of eight square feet in area.~~

**Section 37. Signs.** ~~In an A-3 zone permitted signs shall be erected and maintained at least 10 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in an A-3 zone:~~

- (1) ~~A sign permitted in a R-10 zone.~~
- (2) ~~Signs not exceeding a total of 16 square feet in area.~~

**Section 44. Signs.** ~~In a C-4 zone the total area of signs permitted for each commercial establishment shall be a maximum of one square foot for every foot of lot frontage along streets other than alleys or 150 square feet, whichever is less. Signs shall be limited to those identifying the commercial establishment. If illuminated, the signs shall not be of an intermittent flashing type and shall not create or reflect substantial glare beyond the property line. Signs shall not project above the building containing the business which the sign identifies.~~

**Section 55. Conditional Uses Permitted.**

- (6) ~~Outdoor advertising sign.~~

**Section 67. Signs.** ~~In a M-P zone the following signs are permitted:~~

- (1) ~~One sign not exceeding an area of either one square foot for every 100 square feet of lot area or 400 square feet, whichever is less, shall be permitted. The sign shall be limited to the identification of the company or enterprise on the property where the sign is located, or to the advertisement of the products handled or produced or services rendered by the enterprise. The sign shall not be located within required yards or within 150 feet of a residential zone boundary line unless it is screened from the residential zone.~~
- (2) ~~Other signs not exceeding a cumulative total area of either one square foot for every 200 square feet of lot area or 200 square feet, whichever is less, shall be permitted which identify the area or are directional signs without advertising. Such signs, other than those necessary for the direction of traffic, shall set back 20 feet from streets.~~

**Section 83. Standards Governing Conditional Uses.**

- (4) ~~**Signs.** The sign limitations of a zone may be exceeded for a conditional use to allow one indirectly illuminated or nonilluminated sign not exceeding six square feet in area on each side of a conditional use abutting a street. In addition, in the case of a church, there may be a bulletin board not exceeding 24 square feet in area. A sign shall pertain to the conditional use and may be located in required yards.~~

**Section 126. R-8.5 Single-family Residential Zone.**

**(8) Signs.**

- (a) ~~Signs permitted in an R-10 zone are permitted in an R-8.5 zone.~~

**Section 128. Automobile Service Stations.**

**(5) Signs.** ~~For the purposes of this Ordinance, the area of a sign shall be the total of the display surfaces.~~

- a. ~~Maximum area per display surface shall be 50 square feet per freestanding sign.~~
- b. ~~One freestanding sign containing only the name, identifying symbol, or company trademark of the gasoline offered shall be permitted.~~
- c. ~~Maximum height of the freestanding sign, including supporting structure, shall be 35 feet. Minimum height of the bottom of the freestanding sign, excluding supporting structure, shall be 15 feet.~~
- d. ~~Maximum height for a non illuminated sign designed to quote gasoline prices, advertise trade stamps, announce services available, or any other related service shall be limited to 3½ feet.~~
- e. ~~No sign shall be equipped or displayed with moving or intermittent flashing illumination.~~
- f. ~~Signs attached to the building shall not extend above the roofline, parapet wall, or other integral part of the station building.~~
- g. ~~Except for a service station opening for a period up to three weeks, no banners, flags, pennants, or other attention seeking or advertising devices shall be permitted.~~
- h. ~~Signs placed on or against a building for traffic and customer directions may be permitted, and additional signs of a permanent nature affixed to or painted on a building may be permitted.~~

Section 3. Zoning Ordinance No. 1945, as amended, is hereby further amended as shown below in Section 101 Nonconforming Structure and Section 128A Home Occupations, with the addition of the language in bold italic typeface and the deletion of the language in overstrike typeface:

**Section 101. Nonconforming Structure.** ~~Except for signs, A~~ structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended, providing alteration or extension does not increase the deviation from the standards of this Ordinance. A



~~nonconforming sign shall not be altered or extended except to make it comply with sign regulations.~~

**Section 128A. Home Occupations.**

**IV. General Approval Criteria and Performance Standards**

**B. Home Occupation Standards.**

~~(1) No exterior signs, or window signs, shall be permitted that identify the property as a business location.~~

**C. Bed and Breakfast Inn Standards.**

~~(1) One professional quality sign is allowed on the property with up to eight square feet per sign face, and may be attached to the exterior or placed in the window of the residence or accessory structure, or placed within the front yard setback, mounted on an architectural post not to exceed four feet in height, or a monument sign not to exceed four feet in height above grade in the front setback. No sign shall interfere with vision clearance on adjoining public right-of-ways.~~

**D. Conditions of Approval.**

~~(11) Requiring and designating the size, height and location of fences signs, and materials used for their construction;~~

~~(12) Designating the location and materials used for signs and signposts;~~

Section 4. Zoning Ordinance No. 1945, as amended, is hereby further amended with the deletion of 136 (VII) (C ) Other Development Code Provisions, as shown below in overstrike typeface:

**Section 136 VII. Development Review and Related City Development Code**

**C. Other Development Code Provisions.**

Residential projects within all SCPA Districts using signs or monuments marking the entry to a development shall name such developments so as to respond to and be consistent with the history, natural features, or name of the neighborhood or locale in which it is placed.

Section 5. Zoning Ordinance No. 1945, as amended, is hereby further amended as shown below in Section 137 (VIII) Minimum and Maximum Setbacks from Streets and Alleys, Section 137 (XV) Sidewalks, Section 138 (X) Outdoor Display, Storage and Signs, and Section XII Streetscape Design Standards and Guidelines, with the addition of the language in bold italic typeface, and with the deletion of the language in overstrike typeface:

Section 137 VIII. Minimum and Maximum Setbacks from Streets and Alleys

~~B.~~ Standards

4. Maximum front setback may be exceeded where the following criteria are met:
  - (b) In all SCPA Districts where:
    - (3) the proposed exception meets one or more of the following criteria:
      - v) A project is located on a "monument lot" at the entrance to, or at an essential point within, a development where the structure occupying the lot establishes the character of the development and where significant art, water features, plazas, landscaping, ~~monument signs~~, architectural treatment or other unique features are included in the project and would otherwise be prohibited by adherence to the setback requirements of the applicable district; or

Section 137 XV. Sidewalks.

B. Standards

8. Street furniture, street lighting poles, fire hydrants, traffic signals, parking meters, telephone booths, newspaper boxes, building protrusions, public utility access vaults, mailboxes, ~~advertising signs~~, vending carts and stands, and the like shall not reduce the clear sidewalk width to less than five feet (5') in Station Community Planning Areas. If the location of such an obstacle would otherwise reduce the clear walking space to less than five feet (5') such obstacles shall be placed either within the landscape strip area, on the property behind the back edge of the sidewalk, or the width of the sidewalk adjusted accordingly to maintain the minimum clear walkway width called for by this subsection.

Section 138 X. Outdoor Display ~~and Storage and Signs~~

C. Standards

- ~~2. In all SCPA commercial districts, in the SCR-V District, and adjacent to commercial uses in the SCBP, SCI and SCRP~~

~~Districts, signs, outdoor seating for restaurants, commercial displays and pedestrian-oriented accessory uses (such as flower, food or drink stands, etc.), displayed or located within the area between the back of the curb and the back of the sidewalk, are allowed provided:~~

- a. Any ground-mounted temporary sign is placed within the first three feet (3') behind the curb;
- b. Any sign, seating, display or stand is present only during the business hours of the responsible enterprise, unless otherwise permitted through the terms of a Street Vendor License;
- d. Placement of any sign, seating, display or stand leaves at least five feet (5') of unimpeded sidewalk width open for pedestrian traffic.

~~4. Signs within any Station Community Planning Area District shall be consistent with the visual quality and aesthetics of the surrounding neighborhood. Such signs shall comply with all other requirements of the Zoning Ordinance regarding the design, size, placement and construction of signs; except in no case shall a new sign exceeding 100 square feet be placed within any Station Community Planning Area District after the effective date of this Ordinance, unless said sign is placed parallel with and flush against the facade of the building. In addition, after the effective date of this Ordinance, no sign visible from the outside of an establishment, except those interior signs visible only from a viewing position directly in front of and perpendicular to the front facade of establishment, shall be allowed to be installed, re-installed or replaced within any SCPA District which contains flashing, intermittent or lights of changing degree of intensity, including electronic message signs and signs which contain moveable elements.~~

~~5. Residential projects may use signs marking the entry to a development provided such signs are mounted parallel with and flush against the facade of the building or perimeter fence or wall, and provided such developments are named so as to respond to and be consistent with the history, natural features, or name of the neighborhood or locale in which it is placed.~~

Section 138 XII. Streetscape Design Standards and Guidelines

**D. Design Guidelines**

- ~~16. The location, number, type, size, shape, color and lighting of signs should be consistent with the nature and scale of the project and its environment and should not adversely impact the surrounding neighborhood. Exterior signage should be minimized, simple, tasteful and architecturally compatible with the building and neighboring buildings.~~
- ~~20. The SCR-V District provides an opportunity to be creative in developing a new, compact community within the City. Application of the Development Regulations and Design Guidelines should result in a residential village designed to achieve:~~
- c. Groups of small lot houses, condominiums and rowhouses arranged to form architectural spaces, not a variety of different architectural styles. Design decisions should be made for housing and village center buildings based on street orientation, location of front doors, treatments of the space between buildings and streets, signage, pedestrian space lighting and other pedestrian safety and visual enhancements.

Section 5. Zoning Ordinance No. 1945, as amended, is hereby further amended as shown below in Section 139 (V) Design Standards, Section 140 (IV) Design Standards, Section 141 (V) Design Standards, and Section 142 (V) Design Standards with the addition of the language in bold italic typeface, and with the deletion of the language in overstrike typeface:

**Section 139: Downtown Stations Community Planning Area Supplemental Standards**

**V. Design Standards**

G. Outdoor Display **and** Storage and Signage  
The Standards of Section 138 shall apply.

J. Downtown Residential Neighborhood Special Standards

3. **Mixed Use or Institutional Construction**. The architectural styles of new mixed use or institutional construction, including public buildings, in areas cited in Subsection 1 of this Section, shall be restricted to those that replicate major design elements characteristic of the 1890s-1930s architectural styles represented in the District.

f. **Exterior Lighting**. Exterior lighting shall be part of the overall architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design. Lighting shall be restricted to low-intensity on-site illumination that produces no direct spillover onto adjoining

residential property. A maximum of 4 lumens is allowed. ~~Lighting for external signs is restricted to direct, low-intensity, illumination of the sign itself.~~

- g. ~~**Signage.** Signage shall not extend above the roofline of the building. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings, and shall be designed as an integral architectural element of the building and site to which it principally relates. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building, site and shall be compatible with signs on adjoining premises, and shall not compete for attention. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.~~

#### Section 140: Orenco Station Community Planning Area Development Regulations and Design Standards

##### IV. DESIGN STANDARDS

##### G. Outdoor Display *and* Storage and Signage

The Standards of Section 138 shall apply, ~~except that:~~

~~1. Within the SCR-OTC District all signs shall be historic in character, reflecting the type, style and materials of the 1900-1930 historic period of the District. Plastic-faced signs, flashing signs or devices displaying flashing or intermittent lights or lights of changing degree of intensity, including electronic message signs, are prohibited.~~

~~2. Within the SCR-OTC District, residential and other monuments or signs marking the entry into a development are prohibited in the District.~~

#### Section 141: 185<sup>th</sup>/Quatama Station Community Planning Area Supplemental Standards

##### V. Design Standards

##### G. Outdoor Display *and* Storage and Signs

The Standards of Section 138 shall apply. ~~except that:~~

~~1. Within the SCR-OTC District, the major institutions shall be allowed to develop and install a unique, unified system of entrance and directional signage provided that the design, size and placement of such signage meets the public safety standards of and is approved by the~~

~~emergency service providers serving the area.~~

**Section 142: Hawthorn Farm / Fair Complex Stations Community Planning Area Supplemental Standards**

V. Design Standards

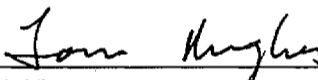
Outdoor Display **and** Storage ~~and Signs~~  
The Standards of Section 138 shall apply.

Section 6. This ordinance shall become effective simultaneously with that ordinance which replaces Hillsboro Municipal Code Section 15.20 Signs with the comprehensive Sign Code, which ordinance was recommended for approval by the Planning Commission under Casefile No. CP MISC 2-04.

Section 7. Except as therein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Passed by the Council this 5<sup>th</sup> day of September, 2006.

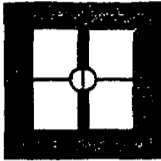
Approved by the Mayor this 5<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Recorder

# CITY OF HILLSBORO

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ATTACHMENT "A"

April 19, 2004

## STAFF REPORT

TO: Planning Commission

FROM: Planning Department

RE: Proposed Amendments to Zoning Ordinance No. 1945 Regarding the Removal of Sign Provisions (Casefile ZOA 1-04)

## REQUEST

The Planning staff requests that the Planning Commission consider amending Zoning Ordinance No. 1945 by removing signage provisions contained in multiple sections of the Ordinance. The subject Zoning Ordinance Amendment has been requested in conjunction with the review of a comprehensive sign code which, if approved, would be located in the City Municipal Code.

## BACKGROUND

In January 2004, staff finalized a draft sign code, which would apply to a broad variety of sign types and would consolidate sign provisions into one section of the Municipal Code for greater ease of use. The City of Hillsboro does not presently have a comprehensive set of code provisions which address the placement, size, and design of signs constructed in the City. Sign provisions currently contained in the City's Zoning Ordinance and Municipal Code address only a few sign types, and are scattered among multiple sections of these documents. If approved, the comprehensive sign code would be located in Section 15.20 of the Municipal Code and the provisions presently included in that section would be replaced. All references to signage which are presently contained in the Zoning Ordinance should therefore be removed. The Planning Commission initiated a Zoning Ordinance Amendment (Casefile: ZOA 1-04) at their February 25, 2004 meeting to remove the existing sign provisions contained in the Zoning Ordinance, and subsequently scheduled a public hearing for consideration on April 28, 2004.

## CRITERIA FOR INITIATING ZONING ORDINANCE AMENDMENTS

Sections 112 and 116 of the Zoning Ordinance authorize the Planning Commission or the City Council to initiate amendments to the text of the Zoning Ordinance. The applicable subsections of Sections 112 and 116 read as follows:

Section 112. Authorization to Initiate Amendments. Amendment to the text of this Ordinance may be initiated by the City Council or Planning Commission. A

map amendment may also be initiated by the Planning Commission, City Council, or by application of the property owner or an authorized agent. Applications for map amendment shall be heard by the Planning and Zoning Hearings Board. Consideration of amendments to the text of this Ordinance shall be by the Planning Commission.

Section 116. Public Hearing on an Amendment. Before taking action on a proposed amendment to this Ordinance, the Planning and Zoning Hearings Board or the Planning Commission shall hold a public hearing thereon within 40 calendar days after receiving the application.

1. Notice of hearing. Notice of time, place, and purpose of the public hearing before the Planning Commission or the Planning and Zoning Hearings Board, on a proposed amendment shall be given by the City Recorder in the following manner:
  - a. If an amendment to the text of this Ordinance is proposed, notice shall be by three publications in a newspaper of general circulation in the City, the first to be not more than 30 calendar days and the last not more than 10 calendar days prior to the date of hearing.
  - b. [This subsection applicable to Zoning Map amendments only].
2. Recess of hearing. The Planning Commission or the Board may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Commission or the Board shall announce the time and date when the hearing will be resumed or other manner, such as written evidence, in which additional information will be considered.
3. Action of the Planning Commission or Planning and Zoning Hearings Board. A decision by the Commission or Board to deny an amendment shall be final unless appealed to the City Council according to the provisions of this Ordinance. An action favoring an amendment shall be in the form of a recommendation to the City Council. The City Council may, on its own initiative or upon appeal, hold such hearing as it deems appropriate upon a proposed amendment. The City Council may pass an ordinance amending the Zoning Ordinance text or map based upon the recommendation of the Commission or Board, or based on findings of the Council.

As indicated, for a Zoning Ordinance amendment, Planning Commission initiation of the proposed amendment(s) required the staff to schedule a public hearing before the Commission for further consideration of the matter. Notice of the May 28<sup>th</sup> hearing has been published in the Hillsboro Argus as required.



### **DISCUSSION OF REQUESTED AMENDMENTS**

As indicated previously, the Planning Commission is currently considering a draft comprehensive sign code. The sign provisions contained in the Zoning Ordinance would no longer be necessary should the comprehensive sign code be adopted. Additionally, if the sign code were adopted and if the Zoning Ordinance sign provisions were not removed, there would be conflicting code provisions. Since notification of a Zoning Ordinance Amendment to the Oregon Department of Land Conservation and Development is required 45 days prior to a hearing, it was necessary to initiate the amendment prior finalizing the draft code review. If the Commission were to recommend approval of the subject Zoning Ordinance Amendment, it would not be forwarded to the City Council until the Commission recommended approval of draft sign code language to the Council. Therefore, the subject Zoning Ordinance Amendment as well as the comprehensive sign code would be forwarded to the City Council simultaneously in order to provide a seamless transition in code requirements. Staff has included a list of the proposed Zoning Ordinance Amendments in Exhibit "A" which is attached to this report. In Exhibit "A", language proposed to be deleted is shown in overstrike typeface.

### **TESTIMONY RELATED TO PROPOSED AMENDMENT**

The Planning Department has received testimony regarding the proposed sign code draft; however, no testimony has been received regarding the removal of the sign code provisions from the Zoning Ordinance. Any subsequently submitted testimony regarding the proposed amendments will be provided to the Commission at the April 28<sup>th</sup> meeting.

### **RECOMMENDATION**

If the Planning Commission supports the proposed Zoning Ordinance Amendments, the Commission may direct staff prepare a draft resolution recommending to the City Council approval of the proposed amendments. If no additional testimony is received, this staff report could be cited as supporting findings. The Commission would subsequently review the draft resolution and findings at their May 12<sup>th</sup> meeting.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



R. Brett Estes, AICP  
Urban Planner III

Attachments: Exhibit "A"

## EXHIBIT "A"

### Section 3. Definitions.

- (7) ~~Billboard. See Sign.~~
- (81) ~~Sign. A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation or a request for aid, or other type of advertising. This includes the surface upon which the presentation or representation is displayed. Each display surface of a sign shall be considered to be a sign.~~

~~Section 9. Signs. In a R-10 zone permitted signs shall be erected and maintained at least 15 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in a R-10 zone:~~

- (1) ~~One name plate indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each dwelling.~~
- (2) ~~One temporary sign, not illuminated, not exceeding six square feet in area, advertising the sale, lease or rental of the property.~~
- (3) ~~One temporary sign, not illuminated, for a tract of land or subdivision advertising the sale of the tract or the lots in the tract and not exceeding 42 square feet in area.~~
- (4) ~~A permanent, non-illuminated sign at each road entrance, or one on each side of a road entrance, to a platted subdivision having 20 or more lots, each sign or signs naming said subdivision and not exceeding an area of 32 sq. ft. total at each road entrance.~~

~~Section 16. Signs. Signs permitted in a R-10 zone are permitted in a R-7 zone.~~

~~Section 20D. Signs. Signs permitted in an R-7 zone are permitted in an R-6 zone.~~

~~Section 23. Signs. Signs permitted in a R-10 zone are permitted in an A-1 zone.~~

~~Section 30. Signs. In an A-2 zone permitted signs shall be erected and maintained at least 10 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in an A-2 zone:~~

~~(1) A sign permitted in a R-10 zone.~~

~~(2) Signs not exceeding a total of eight square feet in area.~~

~~**Section 34D. Signs.** In an A-4 zone, permitted signs shall be erected and maintained at least 10 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in an A-4 zone:~~

~~(1) A sign permitted in a R-10 zone.~~

~~(2) Signs not exceeding a total of eight square feet in area.~~

~~**Section 37. Signs.** In an A-3 zone permitted signs shall be erected and maintained at least 10 feet from the street line or flat against the building and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. The following signs are permitted in an A-3 zone:~~

~~(1) A sign permitted in a R-10 zone.~~

~~(2) Signs not exceeding a total of 16 square feet in area.~~

~~**Section 44. Signs.** In a C-4 zone the total area of signs permitted for each commercial establishment shall be a maximum of one square foot for every foot of lot frontage along streets other than alleys or 150 square feet, whichever is less. Signs shall be limited to those identifying the commercial establishment. If illuminated, the signs shall not be of an intermittent flashing type and shall not create or reflect substantial glare beyond the property line. Signs shall not project above the building containing the business which the sign identifies.~~

#### **Section 55. Conditional Uses Permitted.**

~~(6) Outdoor advertising sign.~~

~~**Section 67. Signs.** In a M-P zone the following signs are permitted:~~

~~(1) One sign not exceeding an area of either one square foot for every 100 square feet of lot area or 400 square feet, whichever is less, shall be permitted. The sign shall be limited to the identification of the company or enterprise on the property where the sign is located, or to the advertisement of the products handled or produced or services rendered by the enterprise. The sign shall not be located within required yards or within 150 feet of a residential zone boundary line unless it is screened from the residential zone.~~

~~(2) Other signs not exceeding a cumulative total area of either one square foot for every 200 square feet of lot area or 200 square feet, whichever is less, shall be~~

~~permitted which identify the area or are directional signs without advertising. Such signs, other than those necessary for the direction of traffic, shall set back 20 feet from streets.~~

**Section 83. Standards Governing Conditional Uses.**

- (4) ~~**Signs.** The sign limitations of a zone may be exceeded for a conditional use to allow one indirectly illuminated or nonilluminated sign not exceeding six square feet in area on each side of a conditional use abutting a street. In addition, in the case of a church, there may be a bulletin board not exceeding 24 square feet in area. A sign shall pertain to the conditional use and may be located in required yards.~~

**Section 101. Nonconforming Structure.** ~~Except for signs, A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended, providing alteration or extension does not increase the deviation from the standards of this Ordinance. A nonconforming sign shall not be altered or extended except to make it comply with sign regulations.~~

**Section 126. R-8.5 Single-family Residential Zone.**

- (8) ~~Signs.~~
- (a) ~~Signs permitted in an R-10 zone are permitted in an R-8.5 zone.~~

**Section 128. Automobile Service Stations.**

- (5) ~~**Signs.** For the purposes of this Ordinance, the area of a sign shall be the total of the display surfaces.~~
- a. ~~Maximum area per display surface shall be 50 square feet per freestanding sign.~~
- b. ~~One freestanding sign containing only the name, identifying symbol, or company trademark of the gasoline offered shall be permitted.~~
- c. ~~Maximum height of the freestanding sign, including supporting structure, shall be 35 feet. Minimum height of the bottom of the freestanding sign, excluding supporting structure, shall be 15 feet.~~
- d. ~~Maximum height for a non-illuminated sign designed to quote gasoline prices, advertise trade stamps, announce services available, or any other related service shall be limited to 3½ feet.~~
- e. ~~No sign shall be equipped or displayed with moving or intermittent flashing illumination.~~

- ~~f. Signs attached to the building shall not extend above the roofline, parapet wall, or other integral part of the station building.~~
- ~~g. Except for a service station opening for a period up to three weeks, no banners, flags, pennants, or other attention-seeking or advertising devices shall be permitted.~~
- ~~h. Signs placed on or against a building for traffic and customer directions may be permitted, and additional signs of a permanent nature affixed to or painted on a building may be permitted.~~

**Section 128A. Home Occupations.**

**IV. General Approval Criteria and Performance Standards**

**B. Home Occupation Standards.**

- ~~(1) No exterior signs, or window signs, shall be permitted that identify the property as a business location.~~

**C. Bed and Breakfast Inn Standards.**

- ~~(1) One professional quality sign is allowed on the property with up to eight square feet per sign face, and may be attached to the exterior or placed in the window of the residence or accessory structure, or placed within the front yard setback, mounted on an architectural post not to exceed four feet in height, or a monument sign not to exceed four feet in height above grade in the front setback. No sign shall interfere with vision clearance on adjoining public right-of ways.~~

**D. Conditions of Approval.**

- ~~(11) Requiring and designating the size, height and location of fences signs, and materials used for their construction;~~
- ~~(12) Designating the location and materials used for signs and signposts;~~

**Section 136: STATION COMMUNITY PLANNING AREAS**

**VII. DEVELOPMENT REVIEW AND RELATED CITY DEVELOPMENT CODE**

**C. Other Development Code Provisions.**

~~Residential projects within all SCPA Districts using signs or monuments marking the entry to a development shall name such developments so as to respond to and be consistent with the history, natural features, or name of the neighborhood or locale in which it is placed.~~

**Section 137: DEVELOPMENT REGULATIONS FOR STATION  
COMMUNITY PLANNING AREAS**

**VIII. MINIMUM AND MAXIMUM SETBACKS FROM STREETS AND ALLEYS**

**B. Standards**

4. Maximum front setback may be exceeded where the following criteria are met:
  - (b) In all SCPA Districts where:
    - (3) the proposed exception meets one or more of the following criteria:
      - v) A project is located on a "monument lot" at the entrance to, or at an essential point within, a development where the structure occupying the lot establishes the character of the development and where significant art, water features, plazas, landscaping, ~~monument signs~~, architectural treatment or other unique features are included in the project and would otherwise be prohibited by adherence to the setback requirements of the applicable district; or

**XV. SIDEWALKS**

**B. Standards**

8. Street furniture, street lighting poles, fire hydrants, traffic signals, parking meters, telephone booths, newspaper boxes, building protrusions, public utility access vaults, mailboxes, ~~advertising signs~~, vending carts and stands, and the like shall not reduce the clear sidewalk width to less than five feet (5') in Station Community Planning Areas. If the location of such an obstacle would otherwise reduce the clear walking space to less than five feet (5') such obstacles shall be placed either within the landscape strip area, on the property behind the back edge of the sidewalk, or the width of the sidewalk adjusted accordingly to maintain the minimum clear walkway width called for by this subsection.

**SECTION 138: GENERAL DESIGN STANDARDS FOR STATION COMMUNITY  
PLANNING AREAS**

**X. OUTDOOR DISPLAY, ~~AND STORAGE AND SIGNS~~**

**C. Standards**

2. In all SCPA commercial districts, in the SCR-V District, and adjacent to commercial uses in the SCBP, SCI and SCRP Districts, ~~signs, outdoor seating for restaurants, commercial displays and pedestrian-oriented accessory uses (such as flower, food or drink stands, etc.), displayed or located within the area between the back of the curb and the back of the sidewalk, are allowed provided:~~
  - a. ~~Any ground-mounted temporary sign is placed within the first three feet (3') behind the curb;~~
  - b. ~~Any sign, seating, display or stand is present only during the business hours of the responsible enterprise, unless otherwise permitted through the terms of a Street Vendor License;~~
  - d. ~~Placement of any sign, seating, display or stand leaves at least five feet (5') of unimpeded sidewalk width open for pedestrian traffic.~~
  
4. ~~Signs within any Station Community Planning Area District shall be consistent with the visual quality and aesthetics of the surrounding neighborhood. Such signs shall comply with all other requirements of the Zoning Ordinance regarding the design, size, placement and construction of signs; except in no case shall a new sign exceeding 100 square feet be placed within any Station Community Planning Area District after the effective date of this Ordinance, unless said sign is placed parallel with and flush against the facade of the building. In addition, after the effective date of this Ordinance, no sign visible from the outside of an establishment, except those interior signs visible only from a viewing position directly in front of and perpendicular to the front facade of establishment, shall be allowed to be installed, re-installed or replaced within any SCPA District which contains flashing, intermittent or lights of changing degree of intensity, including electronic message signs and signs which contain moveable elements.~~
  
5. ~~Residential projects may use signs marking the entry to a development provided such signs are mounted parallel with and flush against the facade of the building or perimeter fence or wall, and provided such developments are named so as to respond to and be consistent with the history, natural features, or name of the neighborhood or locale in which it is placed.~~

## XII. STREETScape DESIGN STANDARDS AND GUIDELINES

### D. Design Guidelines

16. ~~The location, number, type, size, shape, color and lighting of signs should be consistent with the nature and scale of the project and its environment and should not adversely impact the surrounding neighborhood. Exterior signage should be minimized, simple, tasteful and architecturally compatible with the building and neighboring buildings.~~
20. The SCR-V District provides an opportunity to be creative in developing a new, compact community within the City. Application of the Development Regulations and Design Guidelines should result in a residential village designed to achieve:
  - c. Groups of small lot houses, condominiums and rowhouses arranged to form architectural spaces, not a variety of different architectural styles. Design decisions should be made for housing and village center buildings based on street orientation, location of front doors, treatments of the space between buildings and streets, ~~signage~~, pedestrian space lighting and other pedestrian safety and visual enhancements.

### Section 139: DOWNTOWN STATIONS COMMUNITY PLANNING AREA SUPPLEMENTAL STANDARDS

#### V. DESIGN STANDARDS

##### G. Outdoor Display, and Storage and Signage

The Standards of Section 138 shall apply.

##### J. Downtown Residential Neighborhood Special Standards

3. Mixed Use or Institutional Construction. The architectural styles of new mixed use or institutional construction, including public buildings, in areas cited in Subsection 1 of this Section, shall be restricted to those that replicate major design elements characteristic of the 1890s-1930s architectural styles represented in the District.
  - f. Exterior Lighting. Exterior lighting shall be part of the overall architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design. Lighting shall be restricted to low-intensity on-site illumination that produces no direct spillover onto adjoining residential property. A maximum of 4 lumens is allowed.



~~Lighting for external signs is restricted to direct, low-intensity, illumination of the sign itself.~~

- ~~g. **Signage.** Signage shall not extend above the roofline of the building. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings, and shall be designed as an integral, architectural element of the building and site to which it principally relates. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building, site and shall be compatible with signs on adjoining premises, and shall not compete for attention. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.~~

**Section 140: ORENCO STATION COMMUNITY PLANNING AREA DEVELOPMENT REGULATIONS AND DESIGN STANDARDS**

**IV. DESIGN STANDARDS**

**G. Outdoor Display and Storage and Signage**

The Standards of Section 138 shall apply, except that:

- ~~1. Within the SCR-OTC District all signs shall be historic in character, reflecting the type, style and materials of the 1900-1930 historic period of the District. Plastic faced signs, flashing signs or devices displaying flashing or intermittent lights or lights of changing degree of intensity, including electronic message signs, are prohibited.~~
- ~~2. Within the SCR-OTC District, residential and other monuments or signs marking the entry into a development are prohibited in the District.~~

**SECTION 141: 185<sup>th</sup>/QUATAMA STATION COMMUNITY PLANNING AREA SUPPLEMENTAL STANDARDS**

**V. DESIGN STANDARDS**

**G. Outdoor Display and Storage and Signs**

The Standards of Section 138 shall apply, except that:

- ~~1. Within the SCRP District, the major institutions shall be allowed to develop and install a unique, unified system of entrance and directional signage provided that the design, size and placement of such signage meets the public safety standards of and is~~

~~approved by the emergency service providers serving the area.~~

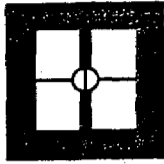
**Section 142:           HAWTHORN FARM / FAIR COMPLEX STATIONS COMMUNITY  
                                  PLANNING AREA SUPPLEMENTAL STANDARDS**

**V.       DESIGN STANDARDS**

**Outdoor Display, *and* Storage and Signs**  
The Standards of Section 138 shall apply.

# CITY OF HILLSBORO

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ATTACHMENT "B"

April 27, 2004

## SUPPLEMENTAL STAFF REPORT

TO: Planning Commission  
FROM: Planning Department

RE: Proposed Amendments to Zoning Ordinance No. 1945 regarding the Removal of Sign Provisions: Casefile No. ZOA 1-04

## BACKGROUND

At their regular meeting of April 28, 2004, the Planning Commission is scheduled to open a public hearing on proposed Zoning Ordinance amendments to remove signage provision contained in multiple sections of the Ordinance. The subject Zoning Ordinance Amendment has been requested in conjunction with the review of a comprehensive sign code which, if approved, would be located in the City Municipal Code.

The Planning Commissioners have received a staff report on this matter, dated April 19, 2004, to which was attached an "Exhibit A" listing the proposed amendments by section.

## ADDITIONAL TESTIMONY RECEIVED

Planning staff have received the attached e-mail from Ms. Bonnie Kooken, an Orenco resident and member of the Orenco Neighborhood Organization. Ms. Kooken raises a concern regarding the proposed Zoning Ordinance Amendment's effect on the signage restrictions in the SCR-OTC Station Community Residential – Orenco Townsite Conservation district.

Exhibit A of the April 19<sup>th</sup> staff report indicates that Zoning Ordinance Section 140 Orenco SCPA Development Regulations and Design Standards, Subsection IV. G. would be amended to delete references to signage, as follows:

### **G. Outdoor Display *and* Storage and Signage**

The Standards of Section 138 shall apply, ~~except that:~~

- ~~1. Within the SCR-OTC District all signs shall be historic in character, reflecting the type, style and materials of the 1900-1930 historic period of the District. Plastic faced signs, flashing signs or devices displaying flashing or intermittent lights or lights of changing degree of intensity, including electronic message signs, are prohibited.~~

- ~~2. Within the SCR-OTC District, residential and other monuments or signs marking the entry into a development are prohibited in the District.~~

Although the signage restrictions in the SCR-OTC district, and in the SCR-DNC Station Community Residential – Downtown Neighborhood Conservation district as well, would be deleted from the Zoning Ordinance, similar restrictions have been included in the proposed comprehensive Sign Code, Section 15.20.055 D., as follows:

D. Other Limitations.

1. Within the SCR-OTC District, the design of all signs shall be historic in character, reflecting the type, style and materials of the 1900-1930 historic period of the District. In evaluating the design of signs in the SCR-OTC District, the approving authority shall consider elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering. The Planning Department shall maintain an inventory of depictions of approved signs to offer guidance to applicants and the approving authority in the application of these standards. Plastic-faced signs, signs displaying flashing or intermittent lights or lights of changing degree of intensity, including bulletin boards, are prohibited in this district. The content of a sign message shall not be considered as a part of design review.

2. Within the SCR-OTC District, monument signs otherwise allowed by subsection (A)(1)(b) of this section are prohibited.

3. Within the SCR-DNC District, the design of a sign shall be evaluated in its relationship to the architectural style of the building on the site and signage on adjacent properties. To the extent feasible and without interfering with the communication need of the sign owner, the form, proportion, scale, color, materials, surface treatment, size, illumination, and size and style of lettering of a sign shall be harmonious with the building style and design, and signs of adjoining properties. The number of graphic elements on a sign shall be held to the minimum necessary to convey the sign message and shall be composed in proportion to the area of the sign face. Plastic-faced signs, signs displaying flashing or intermittent lights or lights of changing degree of intensity, including bulletin boards, are prohibited in this district. The content of a sign message shall not be considered as a part of design review.

4. When an applicant submits a determination by an architect or other design professional that the design standards of this section are met, it creates a disputable presumption that the criteria are satisfied. In order to overcome this presumption, and deny a sign permit for the failure to satisfy design criteria, the city must obtain a contrary opinion from an architect or other design professional that the criteria are not met and a recommendation of the design changes needed to obtain compliance with the standards.

A copy of this staff report has been electronically forwarded to Ms. Kooken.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink, appearing to read "Deborah A. Raber". The signature is fluid and cursive, with the first name being the most prominent.

Deborah A. Raber AICP  
Planning Supervisor

attachment: e-mail from Bonnie Kooken

**Dawn Duray**

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**From:** Debbie Raber  
**Sent:** Monday, April 26, 2004 11:23 AM  
**To:** Dawn Duray  
**Subject:** FW: Signage

Dawn -

Please copy and distribute this e-mail from Bonnie Kooken (Orenco Neighborhood Organization) as testimony for the hearing on ZOA 1-04: Signage on Wednesday night. Thanks!

- Debbie

-----Original Message-----

**From:** Bonnie Kooken [mailto:wekooken@zzz.com]  
**Sent:** Friday, April 23, 2004 03:29 PM  
**To:** Debbie Raber  
**Subject:** Signage

Hi Debbie: It has been awhile since we have communicated with each other, so figured that enough time has elapsed.

I am concerned about ZOE 1-04 that appears in the April 28 Planning Commission Agenda - Removal of Sign Code Provisions. Does this only concern the downtown section of Hillsboro? In the Orenco Zoning Ordinance we have a signage provision that states there will be no signage in the township. Will this be affected by this amendment?

I know that the Elk Lodge has been sold. I do not know who bought it. Should they build houses here will the Orenco Ordinance cover the golf area and not allow signage? When we were developing the original density plan this parcel of land was included.

I hope that the Orenco signage ordinance will still hold true and ZOA 1-04 will not affect us.

Thanks for sending me the information.

Hope all is going well with you!  
Bonnie Kooken  
wekooken@zzz.com