



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

3/10/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment  
DLCD File Number 007-09

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: Tuesday, March 23, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Darrel Watkins, City of Tigard  
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DEPT OF

MAR 03 2010

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

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

Jurisdiction: **City of Tigard**

Local file number: **DCA2009-00006**

Date of Adoption: **February 23, 2010**

Date Mailed: **March 2, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 12/7/09

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".

Amendment to Section 18.780.090.D.1.a & b to allow electronic message center signs at schools that front an arterial street where the sign is not less than 200 feet from an abutting residential use and is oriented to the arterial street.

Does the Adoption differ from proposal? Yes, Please explain below:

The sign must also be oriented to the arterial street.

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  No

DLCD file No. 007-09 (17991) [16020]

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

None

---

Local Contact: **Darrel "Hap" Watkins**

Phone: **(503) 718-2440** Extension:

Address: **13125 SW Hall Boulevard**

Fax Number: **503-718-2748**

City: **Tigard**

Zip: **97223**

E-mail Address: **hap@tigard-or.gov**

---

## **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.

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 10-04**

AN ORDINANCE ADOPTING AN AMENDMENT TO THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.780 (DEVELOPMENT CODE AMENDMENT-DCA2009-00006)

---

WHEREAS, the City has proposed amendments to the Tigard Municipal Code Title 18; and

WHEREAS, the Tigard Planning Commission held a public hearing, which was noticed in accordance with City standards, on February 1, 2010, and recommended approval of the proposed DCA2009-00006 by motion and with unanimous vote; and

WHEREAS, on February 23, 2010, the Tigard City Council held a public hearing which was noticed in accordance with City standards, to consider the Planning Commission's recommendation on DCA2009-00006; and

WHEREAS, on February 23, 2010, the Tigard City Council adopted DCA2009-00006 by motion pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt DCA2009-00006 is based on the findings and conclusions found in the City of Tigard Staff Report to the Planning Commission dated January 8, 2010, and the associated record, which are incorporated herein by reference and are contained in land-use file DCA2009-00006; and

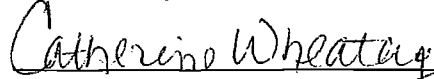
WHEREAS, the Tigard City Council has determined that the proposed Development Code Amendments are consistent with the applicable Review Criteria, and that approving the amendments would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

- SECTION 1: The Tigard Municipal Code Title 18 is amended as shown in **"EXHIBIT A"**.
- SECTION 2: The findings in the January 8, 2010 Staff Report to the Planning Commission, Minutes of the February 1, 2010 Planning Commission hearing, and the Minutes of the February 23, 2010 Council hearing are hereby adopted in explanation of the Council's decision.
- SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.


PASSED:

By Unanimous vote of all Council members present after being read by number and title only, this 23<sup>rd</sup> day of February, 2010.

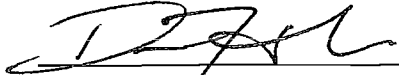
  
Catherine Wheatley, City Recorder

APPROVED:

By Tigard City Council this 23<sup>rd</sup> day of February, 2010.

  
Craig Dirksen, Mayor

Approved as to form:

  
City Attorney

2/23/10  
Date

## EXHIBIT "A"

### AMENDMENTS TO THE TIGARD DEVELOPMENT CODE (TITLE 18) AS PROPOSED IN LAND USE CASE DCA2009-00006

(**Bold and underline text** indicates proposed new language and ~~strike-through~~ indicates language proposed to be deleted.)

#### CHAPTER 18.780 SIGNS

##### 18.780.090 Special Condition Signs

D. Electronic message centers.

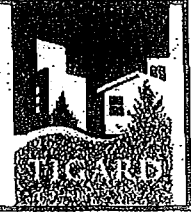
1. Electronic Message Center (variable message) sign regulations shall be as follows:

a. Electronic message center signs shall be permitted only in the C-G and CBD zones; **, and at schools that front an arterial street where the sign is not less than 200 feet from an abutting residential use and is oriented to the arterial street.**

b. The maximum height and area of an electronic message center sign shall be that which is stipulated in ~~Subsection~~ **Section** 18.780.130.C;

Agenda Item: 5.1  
Hearing Date: February 1, 2010

**STAFF REPORT TO THE  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**



**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** CODE AMENDMENT TO ALLOW ELECTRONIC MESSAGE CENTER FOR SIGNS AT SCHOOLS FRONTING AN ARTERIAL STREET

**CASE NO.:** Development Code Amendment (DCA) DCA2009-00006

**PROPOSAL:** The Community Development Director requests an amendment to the text of the Signs Chapter (18.780) of the City of Tigard Community Development Code to allow an electronic message center as the approved sign at a school fronting an arterial street where the sign is a minimum of 200 feet from an abutting residential use and is oriented to the arterial street.

**APPLICANT:** City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97223

**APPLICANT'S  
REP.:** City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97223

**ZONE:** Citywide

**LOCATION:** Citywide

**APPLICABLE  
REVIEW**

**CRITERIA:** Community Development Code Chapters 18.380, 18.390, 18.510, and 18.780; Comprehensive Plan Policies 1, 2, 6, 7, and 12; Metro Urban Growth Management Plan Titles 1, 8, and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, 10, and 11.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor to amend the Sign Code regulations as proposed by the applicant, with any alterations as determined through the public hearing process and make a final recommendation to the Tigard City Council.

### SECTION III. BACKGROUND INFORMATION

The proposal is to amend the sign code to allow electronic message centers as an approved use for a sign at a school that fronts an arterial street. It is further proposed that the electronic message center sign be a minimum of 200 feet from an abutting residential use and oriented to the arterial street. Currently only zones C-G and CBD are allowed to have electronic message centers. Any future development of a school fronting an arterial street will be able to include this use if the proposed amendment is approved.

### SECTION IV. SUMMARY OF APPLICABLE CRITERIA

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

- ♦ The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

Forty-five day advance notice was provided to DLCD on December 11, 2009, 52 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following are the applicable Statewide Planning Goals that are applicable to this proposal:

#### **Statewide Planning Goal 1 – Citizen Involvement:**

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times Newspaper prior to the public hearing.

#### **Statewide Planning Goal 2 – Land Use Planning:**

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

#### **Statewide Planning Goal 10 – Housing**

This goal outlines provisions to insure state housing needs are met. The Tigard Development Code allows schools within residential zones as a conditional use, which is consistent with the Comprehensive Plan. The electronic message centers will only be allowed on school sites fronting an arterial street. To ensure minimal effect upon surrounding residential uses, the electronic message center is proposed to be a minimum of 200 feet from any abutting residential use and oriented to the arterial street.

#### **Statewide Planning Goal 11 – Public Facilities and Services**

Goal 11 outlines the need to plan and develop an arrangement of public facilities and services which will serve as a framework for urban and rural development. Schools are considered part of a community's necessary service needs of public facilities. This code amendment only allows electronic message center on an approved school site fronting an arterial street. Allowing an electronic message center on the school site will enhance efficiency of the service needs by providing a sign easily read in dim light or arterial traffic. Such signs will also enhance obtaining school event messages without entering and exiting arterial streets..



- ♦ Any applicable Metro regulations;

## Metro Urban Growth Management Plan

### **Title 1 – Requirements for Housing and Employment**

Accommodation of this section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment that serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro. This amendment is only to allow the use of electronic message centers. These approved sites are commonly in residential zones, but are not for residential use. Therefore, this text amendment does not reduce the City's housing capacity.

### **Title 8 – Compliance Procedures**

This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements. This title is not applicable.

### **Title 12 – Protection of Residential Neighborhood**

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services. In particular the title addresses making public schools more accessible to neighborhood residents. Allowing electronic message centers on public and private school sites will enhance reading of the sign by making it easier to see in dim light or in arterial traffic.

## Metro Regional Framework Plan

### **Policy 1.14 School and Local Government Plan and Policy Coordination**

**1.14.1** Coordinate plans among local governments, including cities, counties, special districts and school districts for adequate school facilities for already developed and urbanizing areas.

**1.14.2** Consider school facilities to be “public facilities” in the review of city and county comprehensive plans for compliance with the Regional Framework Plan.

### **Policy 8.3 Schools**

**8.3.7** Encourage local jurisdictions to prioritize development applications and streamline processes for public agencies, including schools, to ensure that public needs are met without jeopardizing opportunities for citizen input or oversight for health and safety or environmental protection.

**8.3.8** Encourage local jurisdictions to partner (including funding) with school districts to jointly use school sites for the public good (such as combined libraries, parks, connections with local services such as police, neighborhood centers, senior centers, etc.).

These policies have been addressed by the implementation strategies of the Tigard Comprehensive Plan. Allowing electronic message centers on school sites will not adversely affect coordination between local governments and the school districts to insure adequate school facilities are being provided. Currently, electronic message centers are not allowed in residential zones. Allowing electronic message centers as a permitted use enables the school facility to more effectively utilize a sign on land already owned by the school.

♦ **Applicable Comprehensive Plan Policies:**

**Comprehensive Plan Policy 1.1.1: General Policies**

The city shall ensure that:

A. This comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the land conservation and development commission, the regional plan adopted by the metropolitan service district;

B. Any neighborhood planning organization plans and implementation measures adopted by the City of Tigard after the effective date of this comprehensive plan are designed to be consistent with this plan; and

C. The Tigard comprehensive plan and community development code are kept current with the needs of the community. In order to do this:

1. This plan shall be reviewed and updated at least every five years.

As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

**Comprehensive Plan Policy 2.1.1, 2.1.2 and 2.1.3: Citizen Involvement**

2.1.1 The city shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

2.1.2 The opportunities for citizen involvement provided by the city shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community: The citizen involvement teams shall be the primary means for carrying out the program;

2.1.3 The city shall ensure that information on land use planning issues is available in an understandable form for all interested citizens.

This policy is satisfied because the notice was published in the Tigard Times of the Planning Commission public hearing and the City Council public hearing. Public input has been invited in the notice.

**Comprehensive Policy 6.6.1: Housing**

6.6.1 The city shall require:

A. Buffering between different types of land uses (for example between single family residential and multiple family residential, and residential and commercial uses, and residential and industrial uses) and the following factors shall be considered in determining the type and extent of the required buffer;

1. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust or to provide a visual barrier;
2. The size of the buffer needed in terms of width and height to achieve the purpose;
3. The direction(s) from which buffering is needed;
4. The required density of the buffering; and

5. Whether the viewer is stationary or mobile. Vol. II, policy 6-5

Policy 6.6.1 requires buffering between different types of land uses. The Tigard Development Code does not require a buffer between schools and residential homes, but does require increased setbacks around schools up to 30 feet. The proposed 200-foot setback from an abutting residential use and sign orientation in the direction of traffic on an arterial street are intended as buffers from neighboring uses.

**Comprehensive Policy 7.8.1: Public Facilities and Services**

7.8.1 The city shall work closely with the school districts to ensure the maximum community use of [the] school facilities for Tigard residents through location criteria and the provisions of urban services.

Schools are considered public facilities. The Comprehensive Plan states the City shall work closely with the school districts to ensure the maximum community use of the school facilities for Tigard residents through location criteria and the provisions of urban services. These location criteria mainly relate to new schools, but are addressed further below under Policy 12. The proposed code amendment will enhance community use of the facilities.

**Comprehensive Policy 12.4.1: Location Criteria**

12.4.1 The city shall provide for the location of community facilities in a manner which accords with:

- A. The applicable policies in this plan;
- B. The location criteria applicable to the scale and standards of the use.

**Medium impact utilities and facilities**

**A. Location criteria**

**(1) access**

- (a) there is direct access from the site to a collector street and traffic will not be routed through local neighborhood streets.
- (b) site access will not cause dangerous intersections or traffic congestion considering the roadway capacity, existing and projected traffic counts, speed limits and number of turning movements.
- (c) there is public transit within one-quarter mile of the site.

**(2) impact of the proposed change on adjacent lands Vol. II, policy 12-13**

- (a) it is compatible with surrounding uses, considering scale, character and use.
- (b) it will reinforce orderly and timely development.
- (c) associated lights and noise will not interfere with the activities and uses on surrounding properties.
- (d) large scale construction and parking lots can be buffered from the adjacent uses.
- (e) privacy of adjacent residential developments can be maintained.
- (f) the site layout can respond to existing community identity and street patterns.
- (g) buffering can screen the project from adjacent uses.
- (h) there is adequate area landscaping to filter the dust from the site area.

**(3) site characteristics**

- (a) the land intended for development has an average site topography of less than a

10% grade, or it can be demonstrated that through engineering techniques, all limitations to development and the provision of services can be mitigated. (note: this does not apply to parks.)

(b) the site is of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience and energy conservation.

(c) the unique natural features, if any, can be incorporated into the design of the facilities or arrangement of land uses.

This policy addresses location of community facilities in accordance with applicable policies of the Comprehensive Plan and with location standards related to the use. These standards are related to access, impact on adjacent lands, and site characteristics. The proposed code amendment should not impact these standards. As has been discussed previously in this report, impact on adjacent lands will be mitigated by setbacks and orientation of the sign face(s) toward the traffic on an arterial street.

- ♦ Any applicable provision of the City's implementing ordinances.

#### Code Section 18.380:

This section regulates amendments. It outlines the process for reviewing Development Code Text Amendments. The present amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

#### Code Section 18.390:

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter.

#### Code Section 18.510:

This chapter establishes procedures and criteria for development within residential zoning districts. The purpose of these regulations is:

1. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible non-residential development -- schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services -- at appropriate locations and at an appropriate scale.

The proposed amendment includes provisions to ensure the continued protection of neighborhood livability by requiring that the electronic message center be located at least 200 feet from an abutting property with a residential use. The use is also restricted to school sites fronting an arterial street. Staff believes adding electronic message centers to the list of activities will not increase the impact on neighboring sites. Presently the code does not allow electronic message centers within a residential zone.

DCA2009-00006  
DEVELOPMENT CODE AMENDMENT ALLOWING AN ELECTRONIC MESSAGE CENTER  
FOR SCHOOLS FRONTING AN ARTERIAL STREET  
February 1, 2010

Explanation of Formatting  
The text amendments employ the following formatting:  
Underline and ~~deletion~~ (to be deleted)  
**bold underline and italic** (to be added)

The applicant has proposed that an electronic message center be a permitted use for a school on an arterial street where the sign is no closer than 200 feet from an abutting residential use and is oriented to the arterial street. It is not the intent of the applicant to make electronic message centers a permitted use in all residential zones without limitation or to increase the number of signs allowed at a school. The sign size and number of signs allowed will be regulated by the applicable zone standards for signs. The accurate code language should be as follows:

## CHAPTER 18.780 SIGNS

### 18.780.090 Special Condition Signs

#### D. Electronic message centers.

1. Electronic Message Center (variable message) sign regulations shall be as follows:

- a. Electronic message center signs shall be permitted only in the C-G and CBD zones, and at schools that front an arterial street where the sign is not less than 200 feet from an abutting residential use and is oriented to the arterial street.
- b. The maximum height and area of an electronic message center sign shall be that which is stipulated in ~~Subsection~~ Section 18.780.130.G;

## SECTION V. STAFF ANALYSIS

Currently electronic message centers are allowed only in the C-G and CBD commercial zones where schools are not a permitted use. Schools are allowed conditionally in all residential zones and the mixed use zones. The amendment limits electronic message center locations to schools and the busier streets in these zones.

In TMC18.780.130.A&B, the area of signs allowed in residential zones is 32 sq. ft. for freestanding signs and 5 % of the gross wall area on which a wall sign is mounted. If it is freestanding, the sign may be six feet in height. The school may choose only one sign, and an electronic message center would be an option for the allowed wall or freestanding sign. The area and height limitations are different in the mixed use zones; however, almost all schools in Tigard are in residential zones. Schools in mixed use zones would comply with the limitations of TMC18.780.130 according to the specific zone in which they are located, provided they front an arterial street and the sign is at least 200 feet from a residential use.

Restrictions on sign usage within the residential zones are an important aspect of promoting the peaceful enjoyment of a neighborhood. Schools are typically found in residential neighborhoods to safely and efficiently serve the community's children. The City needs to balance these two uses, and may do so through restrictions on place, size, and buffering.

The proposed code amendment addresses the applicant's request by allowing an electronic message center for schools that front an arterial street. To ensure the public welfare and safety is protected, the sign's proximity to abutting properties with a residential use must be 200 feet or greater and the sign must be oriented to the arterial street. Staff believes that the proposed amendment strikes the best balance of restriction while still meeting the needs of the schools.

The potential negative impact by allowing electronic message centers at schools is that the sign would be more noticeable on dim days or at night. The intensity of light from a sign is addressed in Section 18.780.080.A and will not change with this amendment.

SECTION VI. ALTERNATIVES

Requested Action – Allow electronic message centers on school sites fronting an arterial street where the sign would be 200 feet or more from an abutting residential use and is oriented to the arterial street. Expected impact would be little to none, only that produced by the light from the sign which is regulated by TMC18.780.080.A.

Alternate Actions – Allow electronic message centers on school sites limited by zones, limited by street type or not, limited by location on the property or not, or as recommended by the Commission. Expected impact could be complaints about an electronic message center and its lights from residents on streets with less traffic than arterial streets and/or the sign’s light proximity to residential use.

No Action – The code would remain unchanged, and electronic message centers would continue to be prohibited in residential zones. Expected impact would be to initiate an enforcement action on one sign, in particular an EMC at Tigard High School.

SECTION VII. CITY STAFF & OUTSIDE AGENCY COMMENTS

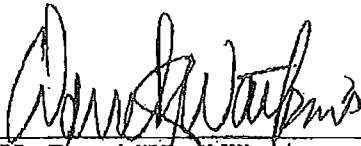
The City of Tigard Police Department, Tualatin Valley Fire and Rescue, Oregon Department of Land Conservation and Development, City of Tigard Development Engineer, and Tualatin Valley Fire and Rescue were sent requests for comments and had no objections.

Metro Land Use and Planning and Oregon Department of Transportation were sent requests for comments and did not respond.

The City of Tigard Assistant Community Development Director was sent a request for comments and those comments are incorporated in this report.

SECTION VIII. PUBLIC COMMENTS

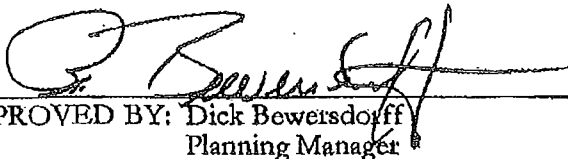
Staff has received no comments from the public.



PREPARED BY: Darrel "Hap" Watkins  
Assistant Planner

1/8/10

DATE



APPROVED BY: Dick Bowersdorff  
Planning Manager

1-8-10

DATE

CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
February 1, 2010

**DRAFT**

1. CALL TO ORDER

President Walsh called the meeting to order at 7:02 pm. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

**Present:** Commissioners Anderson, Fishel, Gaschke, Hasman, Muldoon, Vermilyea, and Walsh.  
Alternate Commissioners Schmidt & Shavey

**Absent:** Commissioner Doherty, Commissioner Caffall

**Staff Present:** Ron Bunch, Community Development Director; Dick Bewersdorff, Planning Manager; Hap Watkins, Assistant Planner; Michael McCarthy, Streets & Transportation Sr. Project Engineer; Doreen Laughlin, Sr. Administrative Specialist

3. COMMUNICATIONS

Commissioner Vermilyea gave a brief report on his involvement (as a Planning Commission representative) on the Tigard Transportation Advisory Committee (TTAC) which meets the first Wednesday of every month. He said since he's attended the past 3 months or so, they've had overviews of the existing Transportation System Plan, existing finance options, getting an understanding of what the financing mechanisms are as well as understanding state, regional, and local transportation plans. He noted that this is a standing committee and he'll continue to report as things go on.

Commissioner Vermilyea also had attended the joint City of Lake Oswego/Planning Commission meeting. He gave a brief overview of that meeting. He noted there was not a lot of interaction at that meeting; it was more of a presentation. He said much of what they spoke about was not likely to be anything that Tigard would be dealing with for the next 15 years or so.

#### 4. CONSIDER MEETING MINUTES

**1-4-10 Meeting Minutes:** President Walsh asked if there were any additions, deletions, or corrections to the minutes – there being none, Walsh then declared the minutes approved as submitted.

#### 5.1 PUBLIC HEARING – ELECTRONIC MESSAGE CENTERS DCA2009-00003

##### STAFF REPORT

Hap Watkins, Assistant Planner, briefly went over the staff report (staff reports are available one week before each scheduled meeting.)

##### QUESTIONS FROM COMMISSIONERS OF STAFF

**I understand we currently have a school that's out of compliance with our existing sign regulation, is that correct?** Yes, Tigard High School.

**Are there other schools on arterials – schools that could be affected?** Yes, Durham Elementary, Tigard High School, St. Anthony School, Mitch Charter School, Westgate Baptist School, and the Muslim Educational Trust School. These could potentially be affected.

**So we're saying that we're going to allow a sign at a school site that is not less than 200' from a residential zone and it has to be on an arterial. Those are the two issues correct?** Yes – 200 feet from an abutting residential use.

**Explain to me what "abutting" is? For example, if the residential use is across the street – is that abutting?** No.

**So the residential use could be less than 200' from the sign but if it is across the street from the sign – this wouldn't prevent the sign from going up?** No, it wouldn't. The orientation of the sign would be perpendicular to the arterial so it would have less effect on the use across the right-of-way.

**Define an arterial.** I take an arterial from our GIS overlay. It lists all the arterial streets. I don't have with me a definition of an arterial. It's the highest use street we have in Tigard.

**PUBLIC TESTIMONY – IN FAVOR: Barbara Fronczak, 19135 SW 52<sup>nd</sup> St., Tualatin, OR 97062, Vice Chair of St Anthony's School Advisory Council.** She stated that she was there in support of this amendment. It would be used as a means of communication. Enrollment is down due to economy. This is good to get messages out to the residents of



Tigard about the school and its benefits, and improve communication within the parent community to inform them of events and activities going on at the school.

There were no questions of Ms. Fronczak.

**David Casias** – 12199 SW Hollow Lane, Tigard, OR 97223 stated his support of the amendment of the code. He speaks as a parent of a St. Anthony student. He believes it would be a great asset to the school to be able to communicate to the school parents and the community in general.

There were no questions of Mr. Casias.

**PUBLIC TESTIMONY – OPPOSED:** None.

**PUBLIC TESTIMONY CLOSED**

### **DELIBERATIONS**

One of the commissioners had a question for staff regarding a school that he said is not on an arterial at this time. The question was to whether, as the City grows, perhaps more streets would be considered arterials. Is there any control as to where signs are placed? Is there any flexibility to dictate where a sign can go on a given piece of property? For example, the Fowler property – suppose the sign goes on the corner and shines in across the street to the residences that are right there. Any control over that? *Nothing other than the 200 foot set-back for residential use. The schools that I visited (Beaverton, Aloha, and Lake Oswego) generally put these type boards central to the building because it's right there – everyone knows what the sign's for. None of them strayed from that. They were all basically central to the building - the midline of the building. The way it's written right now – it has to be oriented to the arterial street. It would be perpendicular to that street – shining both ways. That's one limitation from across the right-of-way.*

Another question for staff: When you say school... would that include any place that has, say, just kindergartners? *No. Preschools are identified in our land use code as "institutional daycare." To be qualified as a school, you have to teach grades 1-12.*

There were no further questions or deliberations and the following motion was made by Commissioner Anderson, seconded by Commissioner Muldoon.

### **MOTION:**

**"I move that we forward a recommendation of approval to the City Council to amend DCA 2009-00006 to allow electronic signs as stated in the staff report."**

The motion CARRIED on a recorded vote, the Commission voted as follows:

**AYES:** Commissioner Anderson, Commissioner Fishel,  
 Commissioner Gaschke, Commissioner Hasman,  
 Commissioner Muldoon, Commissioner Vermilyea, and  
 Commissioner Walsh (7)

**NAYS:** None (0)

**ABSTAINERS:** None (0)

**ABSENT:** Commissioner Doherty, Commissioner Caffall (2)

**6. WORK SHOP – BRIEFING ON HWY 99/HALL/GREENBURG**

Mike McCarthy, Streets & Transportation Sr. Project Engineer, gave an informal “gather ‘round the plans” type of briefing. He gave a general “5000 foot level” overview of the various projects. Some of these projects would include bus pull-outs, street trees, etc. He noted that much of the construction would be done during the nighttime so as to have the least impact on traffic. The commissioners voiced some concerns and some enthusiasm for the various ideas. McCarthy noted that the City would go to great lengths to ensure extensive public information would be given. Among other things, the City will use the City website, Facebook, & Twitter, to get the word out – to let people know when various activities will be happening. McCarthy will provide a miniature version of the plans for the record (Exhibit A). The following is a basic time-line (given after the meeting).

February: Design Completion  
 March: Bidding  
 April: Contract Documents and Paperwork  
 May: Construction Start  
 Spring 2011: Construction Completion

**7. OTHER BUSINESS**

Commissioner Vermilyea noted that at the last meeting there was a conversation with staff about providing the Planning Commission with a work plan based on the priorities that the Planning Commission had set for the last few years. His recollection is that Ron Bunch said that it would be between 12 – 15 pages and he wondered where it is, because now it’s February. If they’re going to plan for the year, the year is moving on. He feels they’ve let their priorities slide for a couple of years now since they’ve finished the Comp Plan process. He’d like to focus on what they said they wanted to be working on. In addition, the consensus was that they would prefer it not be that long. They would like a one page bullet point list for 2010. They would like this to be put on the calendar for March 1<sup>st</sup>. They would like to go through the calendar and work on priorities on March 1<sup>st</sup>.

Walsh added that he’d forgotten to mention that the Electronic Message Center amendment DCA2009-00006 would be going to Council on February 23<sup>rd</sup>.

8. ADJOURNMENT

President Walsh adjourned the meeting at 8:00 pm.

---

Doreen Laughlin, Planning Commission Secretary

---

ATTEST: President David Walsh

Meeting Minutes Excerpt – February 23, 2010, Legislative Public Hearing before the Tigard City Council to allow an electronic message center at a school fronting an arterial street:

7:41:43 PM

4. LEGISLATIVE PUBLIC HEARING – CONSIDER A CODE AMENDMENT TO ALLOW AN ELECTRONIC MESSAGE CENTER AT A SCHOOL THAT FRONTS AN ARTERIAL STREET  
(DCA2009-00006)

- a. 7:41:50 PM Mayor Dirksen opened the public hearing
- b. City Attorney Hall read the rules of procedure. A copy of the rules is on file in the City Recorder’s office.
- c. Declarations or challenges: None.
- d. Summation by Community Development Department  
7:45:03 PM  
Assistant Planner Watkins presented the staff report; the report is on file in the City Recorder’s office.

He advised Community Development Director Bunch requested an amendment to the text of the “signs” chapter of the Community Development Code, 18.780. The proposed amendment will allow an electric message center for a school fronting an arterial street, where the sign is a minimum of 200 feet from an abutting residential use and is oriented to the arterial street.

e. Public Testimony

Barbara Fronczak, 19135 SW 52<sup>nd</sup> Court, Tualatin OR 97062 advised she is the Vice Chair of the School Advisory Council of St. Anthony’s School. She supports the Code amendment as this would benefit their school allowing a means of communication of the benefits of the school to Tigard residents. It would also improve the communication within the “parent community” of their school.

David Cusias, 12199 Hollow Lane, Tigard, OR 97223 supported the Code amendment as mentioned by Ms. Fronczak. This would provide a quick and easy way to provide information to parents and serve to increase parent participation. The beneficiaries of this participation are the students and faculty.

f. Staff Recommendation:

7:47:46 PM

Assistant Planner Watkins advised that staff recommends that the City Council find in favor of the sign code amendment as forwarded by the Planning Commission.

g. Council Discussion: None.

7:48:08 PM

h. Mayor Dirksen closed the public hearing.

i. Council Consideration: Ordinance No. 10-04

7:48:18 PM

Motion by Councilor Webb, seconded by Council President Wilson, to adopt Ordinance No. 10-04.

ORDINANCE NO. 10-04 – AN ORDINANCE ADOPTING AN AMENDMENT TO THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.780 (DEVELOPMENT CODE AMENDMENT DCA2009-00006)

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

Draft prepared by Cathy Wheatley  
Tigard City Recorder

I:\ADM\CATHY\CCM\2010\Excerpts\February 23, 2010 Public Hearing - Electronic Message Center.docx



7008 2810 0001 3831 9016



City of Tigard  
Current Planning Division  
13125 SW Hall Blvd.  
Tigard, OR 97223

ATTN: PLAN AMENDMENT SPECIALIST  
OR. Dept. of Land Conservation & Development  
635 Capital Street NE, Suite 150  
Salem, OR 97301-2540



UNITED STATES POSTAGE  
PRIMEV BOWERS  
02 1M  
0004227235  
MAR 02 2010  
MAILED FROM ZIP CODE 97223  
**\$07.170**

RETURN RECEIPT  
REQUESTED

POSTNET barcode