



WASHINGTON COUNTY OREGON

June 17, 2010

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *BC*
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 735**

Enclosed for your information is a copy of proposed Ordinance No. 735. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Division.

Ordinance Purpose and Summary

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

Who Is Affected

Businesses and residents in the unincorporated areas of Washington County are potentially affected.

What Land is Affected

Unincorporated land (outside city limits).

Key Provisions

- Definitions for Incidental and Outdoor Advertising Signs are removed from CDC Section 106-193.
- Content based regulations in CDC Section 414, Signs, are removed.

Initial Public Hearings

Time and Place

Planning Commission

**1:30 pm
July 7, 2010**

Board of County Commissioners

**10:00 am
July 20, 2010**

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 North 1st Avenue, Hillsboro, Oregon.

On July 20, 2010, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on August 19, 2010.

**Community
Development Code
Standards Amended**

- Section 106, Definitions
- Section 414, Signs

**How to Submit
Comments**

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Long Range Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Staff Contact

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**Proposed Ordinance is
available at the
following locations:**

- Washington County Department of Land Use & Transportation
Long Range Planning Division, 155 North 1st Ave.
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE No. 735

**An Ordinance Amending the Community
Development Code Relating to Signs**

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

SECTION 1

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

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

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

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

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

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

5 SECTION 2

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

9 SECTION 3

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

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

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

21 ///

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

4
5 **BOARD OF COUNTY COMMISSIONERS**
6 **FOR WASHINGTON COUNTY, OREGON**

7 **ADOPTED**

8 Tom Brian
9 CHAIRMAN

10 Barbara Hejtmanek
11 RECORDING SECRETARY

12 READING

12 PUBLIC HEARING

13 First July 20, 2010
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____

13 First July 20, 2010
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____

18 VOTE: Aye: Brian, Duyck, Schouten

18 Nay: _____

19
20 Recording Secretary: Barbara Hejtmanek Date: July 20, 2010
21
22

Exhibit 'A' to Ordinance No. 735

CDC Section 106, Definitions is amended as follows:

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

CDC Section 414, Signs, is amended as follows:

414 SIGNS

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

414-1 Residential Districts

414-1.1 Scope:

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

414-1.2 Size:

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

414-1.3 Location:

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

414-1.4 Height:

The following maximum heights shall apply to signs:

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

~~414-1.5 Content:~~

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

414-1.6 Illumination:

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

414-2 Commercial and Institutional Districts

414-2.1 Scope:

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

414-2.2 Size:

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

- A. Neighborhood Commercial (NC), Office Commercial (OC) and Institutional District (INS) signs shall not exceed thirty-five (35) square feet. For additional standards for the Institutional District see Section 330-9.
- B. Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM) signs shall not exceed the following area requirements:

Traffic Speed Allowed (mph)	Number of Traffic Lanes	Maximum Area Per Face (sq.ft.)
30 or less	3 or less	32
35 and over	3 or less	50
30 or less	4 or more	40
35 and over	4 or more	72

- C. Two (2) or more lots or parcels having a combined linear frontage of eighty-five (85) feet may combine their sign areas allowed by Section 414-2.2 B. for the purpose of providing one common free-standing or ground-mounted sign. The sign shall not exceed one hundred fifty (150) square feet.

D. Corner Lots:

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

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

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

F. Commercial Center:

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

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

G. Outdoor Advertising Signs:

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

- (1) Minimum spacing shall be as follows:

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

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

414-2.3 Location:

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

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

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

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

414-2.4 Height:

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

414-2.5 Content:

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

414-3 Industrial

414-3.1 Scope:

This Section shall apply to the Industrial District.

414-3.2 Number and Size:

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

414-3.3 Location:

Shall be as provided in Section 414-2.3.

~~414-3.4 Content:~~

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

414-3.5 Illumination:

Shall be as provided in Section 414-6.

414-4 Agriculture and Forestry Signs

414-4.1 Scope:

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

414-4.2 Size:

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

414-4.3 Location:

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

414-4.4 Illumination:

As provided in Section 414-6.

414-4.5 Maximum number of signs:

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

414-5 Exemptions and Supplemental Criteria

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

414-5.1 Temporary Signs:

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

~~A. Construction Signs;~~

~~B. Real Estate Signs;~~

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

~~D. Political campaign signs; and~~

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

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

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

414-5.2 Bench Signs:

~~On-premises and off-premises advertising o~~On street benches provided:

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

~~The advertising is l~~limited to fourteen (14) square feet in area;

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

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

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

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

~~414-5.4 Farm Signs:~~

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

~~414-5.5 Flag:~~

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

~~414-5.6 Household Goods Sales:~~

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

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

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

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

414-5.7 Integral Signs

414-5.8 Private Traffic Direction:

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

~~414-5.9 Safety Signs:~~

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

414-5.10 Street Banners for Public Events (Temporary)

414-6 Illumination

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

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

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

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

A. Within Residential districts:

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

B. Within land use districts other than Residential:

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

414-7 Prohibited Signs

Signs or lights which:

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

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

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

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

414-7.5 Are freeway-oriented signs;

414-7.6 Are portable signs; and

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

414-8 Procedures

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

414-9 Nonconformity and Modification

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

414-9.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years.

414-9.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code shall be removed on or before November 6, 1983, as was provided for purposes of amortization in Article II of the former Community Development Ordinance.

414-9.3 Nonconforming outdoor advertising signs under the provisions of Section 414-9 in conformance with ORS Chapter 377 shall not be considered to be nonconforming signs requiring removal. This provision applies to signs on all highways. Removal of such outdoor advertising signs shall be only as provided by Oregon Revised Statutes.

414-10 Compliance

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