

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED B-ENGROSSED ORDINANCE NO. 791 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO DIGITAL BILLBOARDS**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

B-Engrossed Ordinance No. 791 proposes to amend the Community Development Code relating to Digital Billboards. The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2015-land-use-ordinances.cfm>

The Board conducted a hearing for A-Engrossed Ordinance No. 791 on April 7, 2015 and directed engrossment of the ordinance to make minor changes; language concerning dark sky requirements was modified to require consideration of best industry practices for eliminating or reducing uplight and light trespass. The Board held its first hearing for B-Engrossed Ordinance No. 791 on April 21, 2015 and continued the hearing to April 28, 2015.

The staff report for the April 28, 2015 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

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

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read B-Engrossed Ordinance No. 791 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt B-Engrossed Ordinance No. 791 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	3.a.
Date:	04/28/15

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

B-ENGROSSED ORDINANCE 791

An Ordinance Amending the Community
Development Code Relating to Digital
Billboards

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, and 792.

1 B. As part of its ongoing planning efforts Washington County staff has identified
2 amendments to the Code to allow for regulation of digital billboards as provided by SB 639.
3 The Board recognizes that such changes are necessary from time to time for the benefit and
4 welfare of the residents of Washington County, Oregon.

5 C. Under the provisions of Washington County Charter Chapter X, the
6 Department of Land Use and Transportation has carried out its responsibilities, including
7 preparation of notices, and the County Planning Commission has conducted one or more
8 public hearings on the proposed amendments and has submitted its recommendations to the
9 Board. The Board finds that this Ordinance is based on those recommendations and any
10 modifications made by the Board are a result of the public hearings process;

11 D. The Board finds and takes public notice that it is in receipt of all matters and
12 information necessary to consider this Ordinance in an adequate manner and finds that this
13 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
14 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
15 County Charter, the Washington County Community Development Code, and the Washington
16 County Comprehensive Plan.

17 SECTION 2

18 The following exhibit, attached hereto and incorporated herein by reference, is adopted
19 as amendments to the designated documents as follows:

- 20 1. Exhibit 1 (4 pages), amending the following sections of the Community
21 Development Code:

- 1 a. Section 106 – Definitions
- 2 i. Flashing
- 3 ii. Digital Billboard
- 4 b. Section 414 – Signs
- 5 i. 414-2.2 – Number and Size
- 6 ii. 414-2.3 – Location
- 7 iii. 414-2.4 – Height
- 8 iv. 414-2.6 – Illumination
- 9 v. 414-6.4 – Digital Billboards
- 10 vi. 414-7 – Prohibited Signs

11 SECTION 3

12 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
13 which are not expressly amended or repealed herein, shall remain in full force and effect.

14 SECTION 4

15 All applications received prior to the effective date shall be processed in accordance
16 with ORS 215.427.

17 SECTION 5

18 If any portion of this Ordinance, including the exhibit, shall for any reason be held
19 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
20 affected thereby and shall remain in full force and effect.

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1 SECTION 6

2 The Office of County Counsel and Department of Land Use and Transportation are
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
4 this Ordinance, including deleting and adding textual material and maps, renumbering pages
5 or sections, and making any technical changes not affecting the substance of these
6 amendments as necessary to conform to the Washington County Comprehensive Plan format.

7 SECTION 7

8 This Ordinance shall take effect on May 28, 2015.

9 ENACTED this 28th day of April, 2015, being the 7th reading
10 and 7th public hearing before the Board of County Commissioners of Washington
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 
16 CHAIRMAN

17 
18 RECORDING SECRETARY

19 READING

20 PUBLIC HEARING

21 First September 16, 2014
22 Second October 21, 2014
23 Third October 28, 2014
24 Fourth March 17, 2014
25 Fifth April 7, 2015
26 Sixth April 21, 2015
27 7th April 28, 2015

28 First September 16, 2014 (A-Engrossment ordered)
29 Second October 21, 2014
30 Third October 28, 2014
31 Fourth March 17, 2015
32 Fifth April 7, 2015 (B-Engrossment ordered)
33 Sixth April 21, 2015
34 7th April 28, 2015

35 VOTE: Aye: Duyck, Terry, Schouten,
Malinowski

36 Nay: none

37 Recording Secretary: Ana D. Noyola Date: April 28, 2015

The following sections of the Community Development Code are amended as shown below:

1. SECTION 106 - DEFINITIONS

106-193 Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign shall be considered to be a sign.

106-193.1 **Electric.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

106-193.3 **Flashing.** Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving, illuminated sign, except digital billboards permitted pursuant to Section 414-2.2 G, shall be considered a flashing sign.

106-193.13 **Digital Billboard.** A sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every ten (10) seconds and the actual change process is accomplished in two (2) seconds or less. Digital signs complying with Section 414-6.4 shall not be considered flashing as defined by this Code.

2. SECTION 414 - SIGNS

414 SIGNS

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

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 Number and Size:

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

G. Outdoor Signs:

Outdoor signs, including digital billboards, and 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	1000
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; and
- (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 signs, including digital billboards, 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.

G. No portion of a digital billboard shall be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation that fronts on the same street and within the line of sight of the billboard face.

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 signs, including digital billboards, 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.

414-2.6 Illumination:

Shall be as provided in Section 414-6.

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:

414-6.4 Digital billboards allowed pursuant to Section 414-2.2 G shall:

- A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
- B. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;
- C. Be equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
- D. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and
- E. Provide evidence that best industry practices for eliminating or reducing uplight and light trespass were considered.

414-7 Prohibited Signs

Signs or lights which:

- 414-7.1 Are of a size, location, movement, 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, except digital billboards as permitted pursuant to this Code;
- 414-7.4 Are roof signs except as allowed in Section 414-5.4;
- 414-7.5 Are freeway-oriented signs; and
- 414-7.6 Are portable signs; and

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR B-ENGROSSED ORDINANCE NO. 791

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

B-Engrossed Ordinance No. 791 amends the Community Development Code relating to Digital Billboards. B-Engrossed Ordinance No. 791 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2015-land-use-ordinances.cfm>

Post acknowledgment comprehensive plan amendments are amendments made to the county's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for B-Engrossed Ordinance No. 791. Prior to the April 28, 2015 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachments: Resolution and Order
Findings

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for B-Engrossed Ordinance No. 791 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	<u>4.a.</u>
Date:	04/28/15

RO 15-26

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of B-Engrossed Ordinance No. 791) No. 15-26

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of April 28, 2015; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to B-Engrossed Ordinance No. 791; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on August 20, 2014, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of
21 B-Engrossed Ordinance No. 791 are hereby adopted.


22 DATED this 28th day of April, 2015.

		AYE	NAY	ABSENT
23	DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

25 APPROVED AS TO FORM:

26 
27 _____
28 County Counsel
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON



Chairman



Recording Secretary

EXHIBIT A

FINDINGS FOR B-ENGROSSED ORDINANCE NO. 791 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO DIGITAL BILLBOARDS

April 28, 2015

GENERAL FINDINGS

B-Engrossed Ordinance No. 791 amends the Community Development Code (CDC) relating to Digital Billboards.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that B-Engrossed Ordinance No. 791 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP) and the Washington County Comprehensive Plan. The county's Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment (PAPA) process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No Goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the maps and text of the Comprehensive Plan implicate a Goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of B-Engrossed Ordinance No. 791.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt B-Engrossed

Ordinance No. 791. Notice was coordinated with all affected governmental entities and no comments were received from these parties regarding the ordinance.

**FINDINGS OF COMPLIANCE WITH METRO’S URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN FOR ORDINANCE NO. 791
(RELATING TO SIGNING AMENDMENTS)**

Section 3.07.810 of Title 8 of the Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following findings have been prepared to address Titles 1, 2, 3, 4, 6, 8 and 11 of the Functional Plan.

Title 8 - Compliance Procedures

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

RESPONSE

Consistent with Title 8, a copy of Proposed B-Engrossed Ordinance No. 791 was mailed to Metro on April 10, 2015. The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.