



April 10, 2015

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager  
Planning and Development Services *Andy B*

Subject: **PROPOSED B-ENGROSSED ORDINANCE NO. 791**

On August 6, 2014 you were notified about initial public hearings for proposed Land Use Ordinance No. 791 before the Planning Commission on August 20, 2014 and the Board of Commissioners (Board) on September 16, 2014.

The Board ordered substantive amendments to this ordinance on September 16, 2014. These changes were incorporated into proposed **A-Engrossed Ordinance No. 791** and you were notified about public hearings to be held on October 21 and 28, 2014. At that time, the Board continued the hearing for this ordinance to March 17, 2015. At this hearing the Board continued the hearing to April 7, 2015 for further discussion.

At the April 7, 2015 hearing, the Board directed an additional change to this ordinance. This change has been incorporated into proposed **B-Engrossed Ordinance No. 791** and is summarized below.

### **Ordinance Purpose and Summary**

B-Engrossed Ordinance No. 791 proposes to amend the Community Development Code (CDC) to allow for Digital Billboards. In 2011, the Oregon Legislature passed Senate Bill (SB) 639 which permits digital billboards to be displayed on state roadways if they meet certain conditions. The county is now proposing to implement the provisions of SB 639.

### **Who is Affected**

Residents in urban unincorporated areas of Washington County will be affected.

### **What Land is Affected**

Urban unincorporated areas of Washington County will be affected.

### **Original Ordinance No. 791 Provisions**

As originally filed, Ordinance No. 791 proposed the following amendments to the Community Development Code:

- CDC Section 106, DEFINITIONS, is amended to include a definition for Digital Billboard along with clarifying language to allow digital billboards.
- CDC Subsection 414-2.2, Outdoor Signs, is amended to include digital billboards as outdoor signs.
- CDC Subsection 414-2.3 G., Location, is amended to include a setback for digital billboards of 250 linear feet from a residentially designated property fronting on the same street and within the line of sight of the billboard face.
- A new subsection is added to CDC Section 414-6, SIGNS: Illumination, to include illumination standards for digital billboards.

**Department of Land Use & Transportation · Planning and Development Services  
Long Range Planning**

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072  
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- Several CDC Subsections of 414-SIGNS are amended to include and clarify provisions for digital billboards.

**A-Engrossed Ordinance No. 791** incorporated all of the above-described amendments plus the following changes to Exhibit 1:

- Amendment to Section 106-193.13 to increase the time allowed for the change from one message to another message to be no more frequent than once every 10 seconds.
- Amendment to Section 414-2.3 G. to clarify language relating to “residentially designated properties.”
- Amendment to Section 414-6.4 E. to require digital signs to provide screening or other measures to meet dark sky requirements for upright and light trespass per the County Road Standards.

### **Proposed B-Engrossed Ordinance No. 791 Provisions**

Proposed **B-Engrossed Ordinance No. 791** incorporates all of the above-described amendments, however, the language concerning dark sky requirements is modified to require consideration of best industry practices for eliminating or reducing upright and light trespass.

## **Public Hearings - Time and Place**

### **Board of Commissioners**

**April 21, 2015  
10:00 am**

**April 28, 2015  
6:30 pm**

Hearings will be held in the auditorium of the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

On April 28, 2015 the 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 on April 28, 2015, the ordinance would become effective on May 28, 2015.

### **Community Development Code Standards Amended**

- Section 106 - Definitions
- Section 414 - Signs

### **How to Submit Comments**

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

Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
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**Staff Contact**

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**Proposed B-Engrossed Ordinance No. 791 is available at the following locations:**

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning  
155 N. First Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2015-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2015-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.

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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 \_\_\_\_\_ day of \_\_\_\_\_, 2015, being the \_\_\_\_\_ reading  
10 and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington  
11 County, Oregon.

12   BOARD OF COUNTY COMMISSIONERS  
13   FOR WASHINGTON COUNTY, OREGON

14   \_\_\_\_\_  
15   CHAIRMAN

16   \_\_\_\_\_  
17   RECORDING SECRETARY

17                     READING

17                     PUBLIC HEARING

18     First \_\_\_\_\_  
19     Second \_\_\_\_\_  
20     Third \_\_\_\_\_  
21     Fourth \_\_\_\_\_  
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      Sixth \_\_\_\_\_

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22     Fifth \_\_\_\_\_  
      Sixth \_\_\_\_\_

21     VOTE: Aye: \_\_\_\_\_

21     Nay: \_\_\_\_\_

22     Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_



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

**1. SECTION 106 - DEFINITIONS**

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**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.

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**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.

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414-2 Commercial and Institutional Districts

414-2.1 Scope:

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

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

414-2.2 Number and Size:

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

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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.

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abcdef Proposed additions

abcdef Proposed deletions

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:

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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

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