



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 20, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 004-08

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: July 7, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

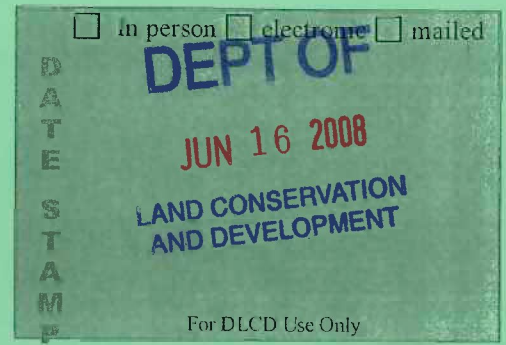
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
William Harper, City of Tualatin

<paa> n

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: **City of Tualatin**

Local file number: **PTA-08-01**

Date of Adoption: **6/9/2008**

Date Mailed: **6/13/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/24/2008**

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".

This Plan Text Amendment proposes to amend the Sign regulations, Sign Design Objectives and Nonconforming Sign provisions of the Tualatin Development Code (TDC) Sections TDC 20.030; 31.060 Definitions; 35.200 and Sign Code 38.110/220. The proposed amendment will remove "freeway oriented activity area" signs as a permitted sign in commercial planning districts and revise the definition and provisions for nonconforming signs.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved:

Specify Density: Previous: **n/a**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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

004-08 (16801)

DLCD file No. _____

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

Local Contact: **William Harper**

Phone: (503) 691-3027 Extension:

Address: **18880 SW Martinazzi Avenue**

Fax Number: **503-692-147**

City: **Tualatin**

Zip: **97062-7092**

E-mail Address: **whaper@ci.tualatin.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

1. **Send this Form and TWO Complete Copies** (documents and maps) 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
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.



Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: June 9, 2008

SUBJECT: AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110, AND 38.220 (PTA-08-01).

ISSUE BEFORE THE COUNCIL:

Whether to approve an ordinance that would amend Tualatin Development Code (TDC) Chapter 38 - Sign Regulations, removing provisions for Freeway-Oriented Activity Areas and Freeway-Oriented Activity Signs, and amending the nonconforming sign provisions in TDC 35.200 with corresponding amendments to TDC Chapter 20 – Sign Design and TDC 31.060 – Definitions.

RECOMMENDATION:

Staff recommends that the City Council approve the ordinance granting PTA-08-01.

EXECUTIVE SUMMARY:

On May 27, 2008, the City Council held a public hearing (PTA-08-01) at the request of the Community Development Department. This was in response to a Council request to initiate a draft amendment to the Tualatin Development Code (TDC) that would remove the existing Freeway-Oriented Activity (FOA) Area and FOA sign provisions in TDC Chapter 38 – Sign Regulations, and amend related sections in Chapter 20 – Sign Design and Chapter 31.060 – Definitions. At the close of the public hearing, Council approved the Staff Report by a vote of 7-0, and directed Staff to bring back an ordinance adopting PTA-08-01.

FINANCIAL IMPLICATIONS:

The Applicant is the Community Development Department. No fee is required. Funds have been budgeted in the Planning Division's FY07/08 budget to prepare and process City-initiated amendments.

Attachments:

- A. Ordinance
- B. Exhibit A – Affidavit of Publication
- C. Exhibit B – Affidavit of Posting
- D. Exhibit C – Affidavit of Mailing
- E. Staff Report dated May 27, 2008

ORDINANCE NO. 1261-08

AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110 AND 38.220 (PTA-08-01).

WHEREAS upon the application of Doug Rux, City of Tualatin Community Development Director, a public hearing was held before the City Council of the City of Tualatin on May 27, 2008, related to removing freeway-oriented activity signs as allowed freestanding signs, amending nonconforming sign provisions, and amending TDC 20.030, 31.060, 35.200, 38.110, and 38.220 (PTA-08-01); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 8, 2008, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS a notice of public hearing was given as required by mailing to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 27, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of [7-0]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated May 27, 2008, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 20.030 is amended to read as follows:

Section 20.030 Objectives.

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.

- (2) Protect the public health, safety and welfare.
- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.
- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.
- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.
- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.
- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.
- (8) Protect and enhance property values.
- (9) Protect and enhance the City's economy.
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.
- (11) Allow greater sign heights and dimensions for *Freeway-Oriented Activities***Major Commercial Centers**.
- (12) Allow only temporary signs on a property with no building.
- (13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.
- (14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.
- (15) Regulate the number, height and dimensions of temporary signs.
- (16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.
- (17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.
- (18) Allow indirect and internal illumination in residential planning districts for conditional uses.
- (19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.
- (20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.
- (21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

Section 2. TDC 31.060 is amended to delete the following definitions and to amend an existing definition as follows:

~~*Freeway-Oriented Activity (for signs). Any business or activity which provides gas, restaurant, lodging or camping facilities for travelers on Interstate Highway 5 (I-5). The freeway-oriented activity shall be located either (a) within 620 feet west or east of the centerline of I-5 and within 600 feet north or south from the centerline of S.W. Nyberg Street, or (b) within 620 feet west or east of the centerline of I-5 and within 2,000 feet south from the centerline of S.W. Lower Boones Ferry Road (see map*~~

~~entitled, "Freeway Oriented Activity Areas," which is attached and incorporated and which is intended to generally define such area).~~

~~Freeway Oriented Activity Area (for signs). See Freeway Oriented Activity.~~

~~Freeway Oriented Activity Sign. A permanent freestanding sign permitted to be erected when a Freeway Oriented Activity exists within the Freeway Oriented Activity Area.~~

Nonconforming Sign. **A lawfully erected sign that does not meet the requirements of TDC Chapter 38 including** ~~A~~ a sign lawfully erected and existing, and properly maintained and repaired prior to May 13, 1992, ~~but which does not meet the requirements of TDC Chapter 38.~~

Section 3. TDC 35.200 is amended to read as follows:

Section 35.200 Nonconforming Signs.

(1) **A lawfully erected sign including** ~~E~~ existing signs legally erected prior to May 13, 1992, either in the City or in those portions of Washington or Clackamas Counties which were annexed to the City after erection of the sign and do not comply with the provisions of the Tualatin Development Code, are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this Section.

(2) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. **Nonconforming signs in a former Freeway Oriented Activity Area may be structurally altered when the sign height, sign face height and sign face area are reduced by a minimum of 25 percent of the nonconforming dimension or area.** The sign face or the copy on the sign face, or both, may be changed after first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(3) Nonconforming signs shall comply with the provisions of the Tualatin Development Code when one or more of the following occurs:

(a) A nonconforming sign is relocated from one location to another on the same tax lot or to a different tax lot.

(b) The use on the tax lot where a Freeway Oriented Activity Sign is located is changed.

~~(c)-(b)~~ A nonconforming sign's structure, including but not limited to the support elements or framework, is changed, except in the ML and MG Districts where a nonconforming pole sign's total sign height and sign face area shall be reduced to no higher than 15 feet and no greater than 40 square feet, respectively.

~~(d)-(e)~~ A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

~~(e)-(d)~~ A sign permit is issued for a new conforming sign on the same property or on abutting property under the same ownership containing a nonconforming

sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a freestanding pole or monument sign for a freestanding pole or monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on abutting property under the same ownership shall be brought into conformance. The **Community Development Planning** Director shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

"A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on abutting property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign before construction begins, including but not limited to grading, on the new conforming sign.

(4) Signs for which variances were granted prior to May 13, 1992 may remain provided the provisions of the variance approval are met.

Section 4. TDC 38.110 is amended to read as follows:

Section 38.110 Sign Types.

(1) Freestanding Monument Sign Provisions.

(a) Monument signs shall be erected on grade or set into a hillside. If the monument sign is supported by a pole, the sign shall extend down to within four inches of grade to cover the pole so that no more than four inches of the pole is visible.

(b) The sign faces of a monument sign shall be parallel or in a "V" shape provided the inside angle of the "V" shall not be more than 90 degrees.

(2) Freestanding Pole Sign Provisions.

(a) Freestanding Pole Sign Supports.

(i) Freestanding pole signs shall be supported by no more than two poles, posts, columns or similar supports. Guy wires and similar stabilization methods are not permitted.

(ii) The poles, posts, columns or similar supports for freestanding pole signs shall be closed to present a round, oval, polygon or similar exterior appearance. Exposed angle-iron supports such as I-beams are not permitted.

(iii) The poles, posts, columns or similar supports for freestanding pole signs may be covered with a pole-cover as a method of improving the appearance of the support(s).

(iv) The total width, including any pole-cover, of the poles, posts, columns or similar supports for freestanding pole signs shall be no wider than 25 percent of the sign face's width.

(v) ~~Except for Freeway-Oriented Activity Area freestanding pole signs,~~ The poles, posts, columns or similar supports for freestanding pole signs may be illuminated by direct illumination provided the illumination of each support is horizontal around the support and extends no more than two feet below the bottom or above the top of the sign face and in no case is less than eight feet above grade.

(vi) The poles, posts, columns or similar supports for freestanding pole signs shall be plumb (straight up).

(b) Freestanding Pole Signs.

(i) No portion of a freestanding pole sign shall extend on or over a building.

(ii) The faces of two-sided pole signs shall be parallel to each other.

(3) Wall Sign Provisions.

(a) Sign Bands.

(i) A sign band shall be designated for each building by the building/property owner as part of the first sign permit application for that building after the effective date of this ordinance.

(ii) The sign band shall be located on a wall or awning, or the fascia of a canopy or marquee, or in the space between posts or columns which are directly below with the wall above and in the same vertical line as the wall above. The sign band shall not include windows. The sign band shall be no greater in height from top to bottom than the allowed wall sign height.

(iii) The sign band for existing wall signs with an approved sign permit shall be that portion of the wall where the existing sign is located.

(iv) The sign band shall be located in the same relative position on each elevation; however, the band may reflect architectural elements and grade changes. The band may include, but is not limited to, a continuous horizontal painted band, a continuous horizontal architectural feature, a continuous horizontal band of similar exterior material such as courses of colored or textured brick, or concrete block. The sign band shall not extend above the top of a wall or a parapet. Except as provided in TDC 38.225, sign bands on awnings, canopies and marquees shall not extend above the top of nor below the bottom of the awning, canopy or marquee.

(b) Except for window signs, shingle/blade signs attached to a wall, and wall mounted plaque and directory signs, permanent wall signs shall be erected within the sign band.

(c) Wall signs may be erected on doors, provided the sign band includes the door.

(d) Wall Sign Extensions. Wall signs shall not extend above the top of nor below the bottom of the sign band.

(e) Wall Sign Depth. Wall signs shall not extend out from the wall greater than 1.33 feet (16 inches). Except as provided in TDC 38.225, shingle/blade signs attached to a wall may extend no greater than four feet.

(f) Wall Sign Face Orientation. Wall sign faces shall be parallel to the wall to which they are attached. Except as provided in TDC 38.225, shingle/blade signs attached to a wall shall be perpendicular to the wall to which they are attached.

(4) Shingle Sign and Blade Sign Provisions. Shingle signs and blade signs may be erected in the Mixed Use Commercial Overlay District subject to TCD 38.225 and in the Central Design District subject to the following limitations after first obtaining a sign permit.

(a) Location: Shingle signs and blade signs need not be placed within the sign band for wall signs. Shingle signs and blade signs shall be attached to a wall or the underside of an awning, canopy, marquee or building overhang.

(b) Shingle signs attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs attached to a wall shall be perpendicular to that wall and shall extend no greater than four feet.

(c) Number of Sides: No more than two.

- (d) Height of Sign Face: 1.5 feet in the Central Design District.
- (e) Width of Sign Face: Three feet in the Central Design District.
- (f) Sign Face Area: 4.5 square feet in the Central Design District.
- (g) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
- (h) Illumination: Indirect in the Central Design District.
- (i) Guy wires cables and similar stabilization methods are not permitted.

(5) Banner Signs. A temporary banner sign may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.

(b) One per tax lot may be displayed, or in institutional, commercial and industrial planning districts one per lease space may be displayed by a tenant.

(c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.

(d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.

(e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.

(f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.

(g) Public schools are permitted banner signs subject to the following standards. A banner may be erected on a wall, freestanding sign, or monument sign, provided it is secured to prevent it from flapping in the wind. A banner shall not be erected sooner than 60 calendar days prior to the event it advertises. The total display time for all banner signs shall not be longer than 90 calendar days in a school year. A banner shall be no greater than four feet in height from top to bottom and 80 square feet in area.

(6) Banner Signs, Special Event. Special event banner signs may be erected after first obtaining City Council approval. The City Council shall review and determine the size, number, location and other issues related to special event banner signs. The standards applicable to temporary banners do not apply to special event banners. Special event banners shall not cross rights-of-way.

(7) Construction and Public Utility Facility Construction Signs. A temporary sign in association with construction on private property or of public utility facilities may be erected subject to the following limitations and after first obtaining a sign permit.

(a) No more than one construction sign and one public utility facility construction sign, a total of two, may be displayed at a time on a property.

(b) They may be erected no earlier than the day after a building permit and public works construction permit have been applied for and the appropriate fee paid.

(c) They may be displayed only during the period of the construction project and shall be removed no later than 15 days after the issuance of a final occupancy permit for a construction sign, or acceptance by the City of Tualatin or other public agency of the public facility for a public utility facility construction sign.

(d) The sign height shall be no higher than nine feet and the sign face area no greater than 32 square feet.

(8) Directional Signs. Directional signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts, except the CN Planning District where they are not allowed.

(c) Location on Site: If they are not 100 percent visually screened from the public right-of-way, they shall be erected at least 30 feet from the public right-of-way. If 100 percent visual screening is provided, they may be within 30 feet of the public right-of-way.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: No more than one per aisle or aisle intersection or drive-through lane or drive-through lane intersection.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal.

(9) Directory Signs. Directory signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent wall or freestanding monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, MC, CC, CG, ML, MG and MP Planning Districts. The property the sign is to be located on shall contain at least two buildings with not less than 2,000 square feet of gross floor area each, or the property shall contain at least one building with not less than 3,000 square feet of gross floor area and have no fewer than four tenants.

(c) Location on Site: Wall directories shall be erected on sign bands and monument directories shall be erected at least 60 feet from a public right-of-way.

(d) Location as Part of a Fence: Not permitted.

(e) Number: One per primary public customer doorway to the business.

(f) Number of Sides: No more than one for a wall directory. No more than two for a monument directory, except in the MC Planning District where four are allowed.

(g) Height of Sign: No higher than three feet for a wall directory. No higher than six feet for a monument directory.

(h) Sign Face Area: Wall directories shall be no more than six square feet and monuments shall be no more than 24 square feet, except in the MC Planning District where 30 square feet is allowed.

(i) Illumination: Indirect or internal.

(j) Height of Copy: No higher than two inches, except that 20 per cent of the sign face area may have copy up to five inches. In the MC Planning District all copy may be no higher than four inches, except that 20 per cent of the sign face area may have copy up to five inches. Map size is not restricted by this subsection.

(k) That portion of the sign containing letters two inches in height or less may be a mechanical readerboard.

(10) Entry/Exit Signs. Entry/exit signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, CR, MC, CC, CG, ML, MG and MP Planning Districts or at public schools in any planning district.

(c) Location on Site: They shall be located within 15 feet of the edge of the on-site vehicular driveway. They may be located in the vision clearance area.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: One for each vehicular driveway access from a public right-of-way approved through the Architectural Review process. When the vehicular driveway access from a public right-of-way is a joint access serving two or more tax lots which are under different ownerships, two signs are permitted (one on each side of the driveway) for each joint driveway access approved through the Architectural Review process.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal only.

(11) Home Occupation Signs. Home occupation signs may be erected subject to the following limitations without first obtaining a sign permit.

(a) They shall be erected only on the inside of a window.

(b) They shall be allowed in a dwelling unit in all planning districts.

(c) Number: No more than one per dwelling unit.

(d) Number of Sides: No more than one.

(e) Height of Sign: No higher than one foot.

(f) Sign Face Area: No more than one square foot.

(g) Illumination: Not permitted.

(12) Lawn Signs. Lawn signs may be erected subject to the following limitations without first obtaining a sign permit. The purpose of lawn signs is to allow property owners and real estate agencies to show that a property or building is for sale or rent, and to display political messages.

(a) For single family, duplex and multi-family uses.

(i) They shall be temporary pole or A-frame signs.

(ii) Number: On a property being offered for sale, one sign per public street frontage. On properties other than a property being offered for sale, no more than three signs total may be erected. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: Temporary pole signs shall be no higher than six feet. Temporary A-frame signs shall be no higher than two feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No more than six square feet, but additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Removal: On a property being offered for sale, they shall be removed within 30 days of sale or transfer of possession, whichever occurs first. Additional lawn signs shall be removed within 12 days after the election.

(viii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(b) For undeveloped residential subdivision lots and undeveloped land in the RL Planning District.

(i) They shall be temporary pole or monument signs.

(ii) Location on Site: On private property.

(iii) Number: One per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iv) Number of Sides: No more than two.

(v) Height of Sign: No higher than six feet, except additional lawn signs erected during the election period specified above shall be no higher than three feet.

(vi) Sign Face Area: No more than 12 square feet.

(vii) Illumination: Not permitted.

(viii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(c) For undeveloped land in multi-family, institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than 12 feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 64 square feet for properties fronting on arterial or collector streets, and no greater than 32 square feet for properties fronting on local streets. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(d) For developed land in institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale or lease, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than nine feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 32 square feet. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(13) Overhead Door Signs. Overhead door signs may be erected subject to the following limitations after first obtaining a sign permit.

(a) They shall be permanent wall signs.

(b) They shall be allowed for permitted or conditional uses in institutional, commercial, medical center or industrial planning districts.

(c) Location on Building: They shall be erected at the uppermost area of the overhead door opening or on the wall immediately above an overhead door opening provided the top of the sign face is no higher than 1.5 feet above the top of the overhead door opening.

(d) Number: One per overhead door.

(e) Number of Sides: No more than one.

(f) Height Above Grade: The top of the sign face shall be no higher than 1.5 feet above the top of the overhead door opening.

(g) Height of Sign Face: No higher than eight inches.

(h) Area: No more than six square feet.

(i) Illumination: Indirect.

(14) Public Transit Shelter Signs. Public transit shelter signs may be erected subject to the following limitations without obtaining a sign permit.

(a) They shall be window or wall signs.

(b) They shall be allowed in all planning districts.

(c) Location on Building: On the wall or in the window of a public transit shelter.

(d) Number: One per wall not to exceed two walls of a public transit shelter.

(e) Number of Sides: No more than one.

(f) Height Above Grade: No higher than the top of the wall or window.

(g) Height of Sign Face: No higher than two feet.

(h) Area: No greater than two square feet.

(i) Illumination: Not permitted.

(15) Subdivision Identification Signs. Subdivision identification signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent monument signs.

(b) They shall be allowed for approved or recorded subdivisions in the RL, RML, ML and MG Planning Districts.

(c) Location on Site: On private property at a subdivision entrance or on a private tract median island within the public right-of-way.

(d) Location as Part of a Fence: Except at a subdivision entrance on a private tract median island within the public right-of-way, the sign may be affixed to and be part of a masonry fence.

(e) Number: One per public street entry into the subdivision.

(f) Number of Sides: No more than two.

(g) Height Above Grade: In the RL and RML Districts, no higher than five feet, unless the sign is at a subdivision entrance on a private tract median island within the public right-of-way, in which case it shall be no higher than 2.5 feet. In the ML and MG Districts, no higher than eight feet.

(h) Width of Sign: There is no standard for signs located outside a median. A sign at a subdivision entrance on a private tract median island within the public right-of-way shall be no wider than 50 percent of the width of the median measured from curb to curb or where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median.

(i) Area: No more than 18 square feet, except in the ML and MG Districts where the area shall be no more than 25 square feet.

(j) Illumination: In the RL and RML Districts, indirect, unless it is located in a median, then no illumination is allowed. In the ML and MG Districts, indirect or internal is allowed.

(k) Separation: In the ML and MG Districts at least 100 feet shall separate Subdivision Identification Signs from all other permanent freestanding signs, except Directional, Directory and Entry/Exit Signs.

(16) Window Signs. Permanent window signs, including but not limited to neon signs, washable paint such as nonwater soluble, and vinyl appliques, shall first obtain a sign permit. Temporary window signs, including but not limited to butcher paper signs, and water soluble paint, may be erected without obtaining a sign permit. Window signs may be erected subject to the following limitations.

(a) They shall be allowed for permitted and conditional uses in commercial or industrial planning districts.

(b) Location on Building: They shall be erected inside a building and located to be seen from the outside through a window.

(c) Number: No limit provided the sign face area standard is met.

(d) Area: No more than 35 percent of the owned or leased window area.

(e) Illumination: Direct or indirect.

(17) Service Station Signs. Service station signs may be erected subject to the following limitations and after first obtaining a sign permit. In those planning districts where service stations are allowed as permitted or conditional uses, service station signs are allowed only in place of and not in addition to, the signs, other than service station signs, allowed in those planning districts.

(a) Monument signs are permitted. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a monument sign in a MCC apply, TDC 38.110(1), the following standards apply.

(i) Type: Monument Sign.

(ii) Location as Part of a Fence: The sign may be affixed to and made part of a masonry fence.

(iii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the pole sign complies with (b) below and other regulations applicable to such signs.

(iv) Number of Sides: No more than two.

(v) Height Above Grade: No higher than eight feet.

(vi) Area: No more than 55 square feet. Gas product price signs shall be included in the 55 square foot maximum.

(vii) Illumination: Indirect or internal only.

(viii) Letter, Symbol, Logo Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter to the bottom of the letter. Numbers may be less than one foot high.

(b) Pole signs are permitted in place of the monument signs allowed in (a) above. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a pole sign in a MCC apply, TDC 38.110(2), the following standards apply.

(i) Type: Pole Sign.

(ii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the monument sign complies with (a) above and other applicable regulations. ~~For Freeway-Oriented Activities, only one of the above permitted pole signs may be a Freeway-Oriented Activity Sign.~~

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than 15 feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 45 feet.~~

(v) Height of Sign Face: No higher than eight feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 16 feet.~~

(vi) Area: No more than 48 square feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 250 square feet.~~ Gas product price signs shall be included in the 48 ~~or 250~~-square foot maximums.

(vii) Illumination: Indirect or internal only.

(c) Wall Signs Are Permitted. If used, the following standards apply.

(i) Type: Wall sign.

(ii) Location on Building: On a building wall or canopy fascia or both. No wall sign shall be located on a wall or spanner panel under the canopy roof.

(iii) Number: No more than one sign per building wall or canopy fascia, not to exceed three signs total.

(iv) Number of Sides: No more than one.

(v) Height Above Grade: No higher than the height of the sign band.

(vi) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos) shall be more than two feet high and provided the sign face shall not extend above or below the sign band.

(vii) Area: No more than 24 square feet. Gas product price signs shall be included in the 24 square foot maximum.

(viii) Illumination: Indirect or internal.

(d) Signs are permitted on gas pumps, provided no more than two sides of each pump are used and the signs do not exceed five square feet on each side.

(e) See TDC 38.110(4-16) for additional signage and if used, the standards of TDC 38.110(4-16) apply.

Section 5. TDC 38.220 is amended to read as follows:

Section 38.220 Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than 40 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:

(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.

(ii) Number: One per separate building up to a maximum of four buildings.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than six feet.

(v) Area: No more than 32 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Indirect or internal.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage. ~~A Freeway-Oriented Activity Sign may be substituted for one of these signs for a Freeway-Oriented Activity.~~ Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except ~~Freeway-Oriented Activity and~~ Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except ~~the Freeway-Oriented Activity Sign may be up to 45 feet and~~ the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except ~~the Freeway-Oriented Activity sign may be up to 16 feet and~~ the Major Commercial Center Sign may be up to 10 feet.

(v) Area: No more than 48 square feet, except ~~the Freeway-Oriented Activity Sign may be up to 250 square feet and~~ the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Direct, indirect or internal, except ~~the Freeway-Oriented Activity sign and~~ the Major Commercial Center sign shall not be direct.

(viii) Mechanical Readerboard: For churches, cinemas and theaters, the sign may be a mechanical readerboard.

(d) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than 1/2 the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or 10 per cent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

(vi) Illumination: Direct, indirect or internal.

(vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

(viii) In the Central Design District, for each owned or leased space, in place of one wall sign, one shingle sign or blade sign may be erected in accordance with TDC 38.110(4).

(2) See TDC 38.110(5-17) for additional signage and if used, the standards of TDC 38.110(5-17) apply.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

~~CITY OF TUALATIN, Oregon~~

BY _____
Mayor

ATTEST:

BY *Houder*
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY



6605 SE Lake Road, Portland, OR 97222 • PO
 Box 370 • Beaverton, OR 97075
 Phone: 503-684-0360 Fax: 503-620-3433
 Email:
 legaladvertising@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
 Notice of Public Hearing
 TT11126

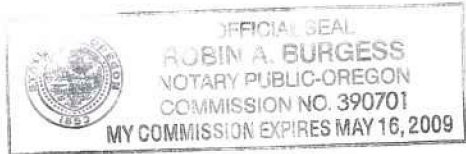
A copy of which is hereto annexed, was published in the entire issue of said newspaper for

1
 Successive and consecutive weeks in the following issues
 May 8, 2008

Charlotte Allsop
 Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
 May 8, 2008

Robin A. Burgess
 NOTARY PUBLIC FOR OREGON
 My commission expires



Acct #108462
 Stacy Crawford
 City of Tualatin
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

Size 2 x 6.25
 Amount Due \$113.13
 *remit to address above

**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider
 PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS: REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220. Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time, (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals, (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area. Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court. Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact William Harper at (503) 691-3027. This meeting and any materials being considered can be made accessible upon request. CITY OF TUALATIN, OREGON, By: Sherilyn Lombos, City Recorder. Publish 5/8/2008. TT11126.

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 30TH day of April, 2008, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:


1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 30TH day of April, 2008.

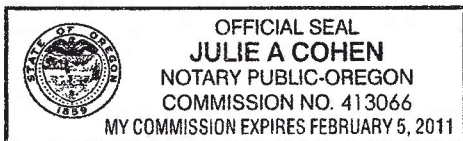


Stacy Crawford

Subscribed and sworn to before me this 30th day of April, 2008.



Notary Public for Oregon
My Commission expires: 2-5-11



RE: PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220 **EXHIBIT B**



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact William Harper at (503) 691-3027. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on
(May 8, 2008).

Mailed: 4/30/2008

AFFIDAVIT OF MAILING

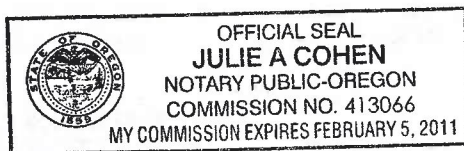
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That on the 30th day of April, 2008, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 30th day of April, 2008.



Julie A. Cohen
Notary Public for Oregon
My commission expires: 2-5-11

RE: PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220

EXHIBIT C

Exhibit "A"

21E18BC01000
BERREY STEPHEN M
6305 SW ROSEWOOD ST STE D
LAKE OSWEGO, OR 97035

21E18CB00900
CLACKAMAS COUNTY
9101 SE SUNNYBROOK BLVD
CLACKAMAS, OR 97015

2S113AD00500
SWETT CARL R
2853 ROSECLIFF PL
LAKE OSWEGO, OR 97034

2S113AD00600
SOUTH LAKE CENTER LLC
PO BOX 529
EUGENE, OR 97440

2S113AD00601
SOUTH LAKE CENTER LLC
BY WELLS FARGO BANK
c/o DELOITTE TAX LLP
PO BOX 2609
CARLSBAD, CA 92018

2S113DA00100
ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

2S113DA00200
L & I INVESTMENTS LLC
PO BOX 28847
SCOTTSDALE, AZ 85255

2S113DA00300
MOBIL OIL CORPORATION
PROPERTY TAX DEPT
PO BOX 94563
CLEVELAND, IO 44101

2S113DA00302
OREGON-DPP LLC
12725 SW MILLIKAN WAY STE 300
BEAVERTON, OR 97005

2S113DA00700/800/900
ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

2S113DA01100
GLASJAR PROPERTY LLC
BY ACCOR NORTH AMERICA
PO BOX 117508
CARROLLTON, TX 75011

2S113DA01200
KILKENNY-WATANABE PARTNER
BY ACCOR NORTH AMERICA
PO BOX 117508
CARROLLTON, TX 75011

2S113DA01400
CRYSTAL SPRINGS TRUST
BY LYNNE I ANGEL TR
1816 SW HAWTHORNE TER
PORTLAND, OR 97201

2S113DA01500
SOUTH LAKE CENTER LLC
PO BOX 529
EUGENE, OR 97440

2S113DB01000
LIM BAO Z & GET H
LIM MEE F
7200 SW HAZEL FERN RD
TIGARD, OR 97224

2S113DB01100
BRIDGEPORT POINT INVESTORS LLC
1717 SW PARK AVE #121
PORTLAND, OR 97201

2S113DB01102
OREGON DEPT OF TRANSPORTATION
LEASE: BRIDGEPORT POINTE INVESTORS
LLC#19877-//4701
355 CAPITOL ST RM #411
SALEM, OR 97301

2S113DB01103
OREGON DEPT OF TRANSPORTATION
LEASE: BRIDGEPORT POINTE INVESTORS
LLC#19877-//4701
355 CAPITOL ST RM #411
SALEM, OR 97301

2S113DB01104
OREGON DEPT OF TRANSPORTATION
LEASE: BRIDGEPORT POINTE INVESTORS
LLC#19877-//4701
355 CAPITOL ST RM #411
SALEM, OR 97301

2S113DB01500
OREGON STATE OF
DEPT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL ST NE, RM 420
SALEM, OR 97301

2S113DB01700
B V CENTERCAL LLC
ATTEN: FRED W BRUNING
7455 SW BRIDGEPORT RD #205
TIGARD, OR 97224

2S113DB01800
T/C INVESTMENTS LLC &
MOLA PARTNERS LTD
PO BOX 564
TUALATIN, OR 97062

2S113DB02000
OREGON STATE OF
DEPT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL ST NE, RM 420
SALEM, OR 97301

2S113DD01800
SILVERKING LLC
18010 SW MCEWAN RD
LAKE OSWEGO, OR 97035

2S113DD01900
PUBLIC STORAGE INSTIT FUND III
DEPT PT OR 23413
PO BOX 25025
GLENDALE, AZ 91201

2S113DC00800
BRIDGEPORT COMMONS LLC
1800 SW FIRST AVE STE #600
PORTLAND, OR 97201

2S113DB00900
TUALATIN INVESTMENT CORP
BY NORRIS & STEVENS LLC
ATTN: SONJA SNEDEKER
621 SW MORRISON #800
PORTLAND, OR 97205

2S113DC00200
G&S WHOLE FOODS TUALATIN LLC
516 E MORRISON ST #1000
PORTLAND, OR 97214

2S113DC00300
PHOENIX INNS LLC
201 LIBERTY STREET SE
SALEM, OR 97301

2S113DC00400
CHARTER PROPERTIES II LLC
BY BOB SMITH
280 LIBERTY STREET SE
SALEM, OR 97301

Exhibit "A"

2S113DC00501
CHARTER PROPERTIES II LLC
BY BOB SMITH
280 LIBERTY STREET SE
SALEM, OR 97301

2S113DC00600
I C D INC
280 LIBERTY STREET SE STE #300
SALEM, OR 97301

2S113DC00900
SMITH BOB L
BY VIPS INDUSTRIES INC
280 LIBERTY STREET SE STE #300
SALEM, OR 97301

2S124A002501
NYBERG LIMITED PARTNERSHIP
7055 SW NYBERG RD
TUALATIN, OR 97062

2S124A002502
MCBALE DEAN & RANA F
7445 SW NYBERG ST
TUALATIN, OR 97062

2S124A002503 2S124A002509
JACE REAL PROPERTY
MANAGEMENT LLC
BY ARNE C NYBERG MANAGER
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

2S124A002506 2S124A002507
2S124A002700 2S124B001601
NYBERG LIMITED PARTNERSHIP
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

2S124A002508
MCBALE DEAN & RANA F
c/o GILL GEORGE A
17180 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97267

2S124B001602
PORTLAND FIXTURE CO
16390 SW LANGER DR
SHERWOOD, OR 97140

2S124B002100
NYBERG LIMITED PARTNERSHIP
BY KMART CORP #3025
C/O BURR WOLFE LP
PO BOX 22799
HOUSTON, TX 77227

2S124CA00100
TUALATIN GARDENS PROPERTY
LLC
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

2S124CA00200
METROPOLITAN LIFE INSURANCE
BY FRED MEYER INC
TAX DEPT
PO BOX 42121
PORTLAND, OR 97242

2S124DB00200
NYBERG LIMITED PARTNERSHIP
BY EQUILON ENTERPRISES LLC
SHELL OIL PRODUCTS US
TAX DEPT PO BOX 4369
HOUSTON, TX 77210

2S124DB00400
NYBERG CREEK FOUNDATION LLC
BY JOHN C NYBERG
21840 NE SUNNYCREST RD
NEWBERG, OR 97132

OUT OF THE BLUES
SARBJIT KAHLON
17939 SW MC EWAN RD
TIGARD, OR 97224

MARSHA RANDALL - HAIR STYLING
MARSHA RANDALL
13231 SW HILLSHIRE DR
TIGARD, OR 97223

GALLOPS SADDLERY LTD
SHARON MCCARTHY & DIANE SNOW
17937 SW MC EWAN RD
TIGARD, OR 97224

MOTEL 6 #47
MOTEL 6 OPERATING L.P.
TAX DEPARTMENT
PO BOX 117508
CARROLLTON, TX 75011

CATHERINE SHULL
18135 NW CLARNO CT
PORTLAND, OR 97229

PUBLIC STORAGE, INC.
B. WAYNE HUGHES, CEO
17990 SW MC EWAN RD
TIGARD, OR 97224

PUBLIC STORAGE, INC.
DEPT 64343
PO BOX 25090
HAMMOND, OR 91221

BIRDIE GUDAL
27580 SW GARLAND RD
SHERWOOD, OR 97140

FUDDRUCKERS
GEORGE AMEIDA
M&O FOOD SERVICE, INC.
17815 SW 65TH AVE
LAKE OSWEGO, OR 97035

JOSEPH B COX, D.C., LLC
JOSEPH B. COX, DC
7160 SW HAZEL FERN RD 500
TIGARD, OR 97224

KIMBERLY GUMP
2560 OREGON CITY BLVD
WEST LINN, OR 97068

INTEGRITY STAFFING, INC.
JONATHAN D. CRANE
PO BOX 1935
TUALATIN, OR 97062

RED ROOF INN #282
RED ROOF INNS, INC.
TAX DEPT
PO BOX 117508
CARROLLTON, TX 75011

HOT SHOTS
LORINDA LEWIS
3848 SE JOHNSON CREEK
PORTLAND, OR 97222

VIPS
ANURAG PATEL
17993 SW LOWER BOONES FERRY RD
TIGARD, OR 97224

24 HOUR FITNESS #491
24 HOUR FITNESS USA
PO BOX 2409
CARLSBAD, CA 92018

Exhibit "A"

BURGER KING #4221
SARA FOODS, INC.
1778 N PLANO RD, SUITE 118
RICHARDSON, TX 75081

CHINA KING
XIAOBIN RUAN, PRESIDENT
16113 SW CATTAIL CT
TIGARD, OR 97223



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact William Harper at (503) 691-3027. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder


NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on
(May 8, 2008).



Mailed: 4/30/2008



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
William Harper, Associate Planner 

DATE: May 27, 2008

SUBJECT: AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220 PTA-08-01

ISSUE BEFORE THE CITY COUNCIL:

Whether the City Council should amend the Tualatin Development Code (TDC) Chapter 38-Sign Regulations, removing provisions for Freeway Oriented Activity Areas and Freeway Oriented Activity Signs, amending the nonconforming sign provisions in TDC 35.200 with corresponding amendments to TDC Chapter 20-Sign Design and TDC 31.060 Definitions.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 5-0 on May 7, 2008, recommending that the City Council approve PTA-08-01.

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-08-01 based on the draft ordinance in Attachment D.

EXECUTIVE SUMMARY:

- This matter is a legislative action.
- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code.
- The applicant is the Community Development Director.
- At the January 28, 2008 Council Work Session, the Tualatin City Council discussed large freestanding pole signs located adjacent to or visible from the I-5 freeway and looked at the feasibility of removing one or more of the freestanding signs facing the I-5 freeway in Tualatin. The Council was concerned about the

EXHIBIT D

size and appearance of existing signs adjoining the sections of I-5 in Tualatin, especially large and tall pole signs located on commercial properties that were originally developed for service, food and lodging uses oriented to vehicles and travelers on the freeway. In the Work Session, the Council reviewed current Tualatin sign regulations relating to large freestanding signs and nonconforming signs, the possibility of establishing a sign amortization program, as well as state and federal law pertaining to signs located along Interstate highways.

- In the Work Session, the Council requested staff initiate a draft amendment to the TDC that would remove the existing Freeway Oriented Activity Area provisions in TDC Chapter 38-Sign Regulations and in related sections in Chapter 20-Sign Design and Chapter 31.060-Definitions. The Council also requested revisions to the Nonconforming Sign provisions of TDC 35.200 to redefine what a nonconforming sign is, establish that a change in use on a property can result in a nonconforming sign and provide options for allowing modifications to the structure of nonconforming signs when the dimensions of the sign (height, sign face area, sign type, etc.) are brought more into compliance with existing sign standards. At a future date, the Council wants to consider establishing specific design standards for freestanding signs and take a comprehensive and city-wide look at Tualatin's sign regulations.
- The Freeway Oriented Activity (FOA) Area and FOA Sign program originated in the 1968 Tualatin Sign Code following construction of the I-5 freeway in the 1950's and annexation of SW Lower Boones Ferry Road/Bridgeport Road/McEwan Road area at the I-5 Exit 290 interchange in 1966 and 1968. The 1979 and 1983 Sign Ordinance, the 1993 Sign Code Ordinance Amendment (that changed the sign review process from Architectural Review of signs to an objective standards Sign Permit process) and the 1996 incorporation of the Sign Regulations into TDC Chapter 38 carried forward the FOA sign program to the present day.

The FOA Area was defined (Figure 38-1, Attachment A) as properties associated with the SW Nyberg and SW Lower Boones Ferry Road I-5 interchanges (Exits 289 and 290) and larger, taller FOA signs were allowed for existing (and new) lodging, dining and service station uses that were oriented to travelers on the freeway. As originally established in the 1968 Sign Ordinance and under the existing CC and CG Planning District freestanding sign standards, a FOA pole sign can be 45 ft. tall and have a sign face area of 250 sq. ft. [TDC 38.220.(1)(c)]. Currently, there are approximately 30 FOA pole signs and oversized pole signs in the FOA Area and visible from the two interchanges. A graphic depicting existing FOA freestanding pole signs is shown on Attachment B. An aerial map showing the approximate locations of existing FOA and large poles signs is included as Attachment C.

- The existing Nonconforming Sign definition (TDC 31.060) confines nonconforming signs to signs lawfully erected before May of 1992 (prior to the initiation of the Sign Code Ordinance revisions and final adoption in June, 1993) and leaves out signs that were permitted after that date and do not meet current sign standards. The nonconforming sign provisions in TDC 35.200 allow nonconforming signs to remain, but restrict any relocation or structural alteration

unless the sign is brought into full compliance with current standards. There are no provisions allowing a nonconforming sign to be modified in a manner that improves the sign's compliance with current standards without losing its nonconforming status.

- The Council has expressed a public interest in reducing the size and height standards for pole signs by removing the FOA pole sign provisions from the Sign Regulations, by establishing that a change in use can result in a sign becoming nonconforming and encouraging the replacement or scaling down of existing large and tall pole signs by allowing nonconforming signs to be reduced in size while retaining a nonconforming sign status. The proposed amendments will remove the FOA Area and FOA Sign provisions from TDC 20.030-Sign Design Objectives; from TDC 31.060-Definitions; from TDC 38.110-Sign Types; and from TDC 38.220(1)(c)-CC and CG Freestanding Signs.
- The proposed amendment to the Nonconforming Signs provisions would allow an existing legal nonconforming sign to be structurally altered when the sign dimensions are reduced a minimum of 25% of nonconforming height, face height and area. The minimum 25% standard is to provide a clear direction and a significant step toward compliance with the reduced sign height and size provisions in the Sign Code. An example is a nonconforming FOA sign with an allowed height of 45 ft. sign face height of 16 feet and a sign face area of 250 sq. ft. If the conforming sign on the property would be for example a freestanding pole sign (sign height of 15 ft.; sign face height of 8 ft.; sign face area of 48 sq. ft.), the existing non-conforming sign must be reduced in size a minimum of 25% of the difference: 5 ft. less in height; 2 ft. less in sign face height; and 50 sq. ft. less in sign face area.
- The proposed amendment establishes that nonconforming signs are required to comply with the Tualatin Sign Code when the use on a Tax Lot is changed. An example of this situation is when the use of a property with a FOA Sign changes from a lodging, dining or service station use to another use not eligible for a FOA sign. Currently, the Sign Code does not address the change in use aspect of conformance with existing regulations. To compel removal of a sign within the I-5 freeway corridor for nonconformance would be subject to the Federal Law requiring payment of compensation for the sign. As proposed, with a change in use from a FOA use, the sign would become nonconforming.
- The proposed PTA language as prepared by staff is provided in Attachment D. The Background to the proposal is Attachment E and the Plan Amendment approval criteria are addressed in the Analysis and Findings section of this report (Attachment F).
- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 6.030 Commercial Planning District Objectives; TDC 20.030-Sign Design Objectives; TDC Chapter 38-Sign Regulations. The Analysis and Findings section of this report (Attachment F) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report

(Attachment F) examines the application with respect to the criteria for a Plan Amendment.

OUTCOMES OF DECISION:

Approval of the PTA request will result in the following:

1. Removes FOA freestanding pole signs as an allowed sign in the Sign Regulations of TDC Chapter 38. Existing FOA pole signs will become nonconforming.
2. Defines existing, legally-erected signs that do not meet current sign standards as nonconforming signs subject to the allowances and requirements TDC 35.200. Allows a nonconforming sign to be altered without losing nonconforming sign status when the sign dimensions are brought closer into compliance to current sign code. Requires a FOA Sign to be brought into compliance when the use on the property changes.
3. This action will not require removal of legally erected signs, but over time will result in or encourage smaller signs.

Denial of the PTA request will result in the following:

1. The current provisions of the Sign Code and related TDC chapters allowing FOA Signs and limiting modifications to older nonconforming signs will remain unchanged. Sign Permits for new FOA freestanding pole signs can be issued.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation to Council are:

- Approve the proposed PTA with alterations.
- Deny the request for the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Applicant is the Community Development Department. No fee is required. Funds have been budgeted in the Planning Divisions FY07/08 budget to prepare and process City initiated amendments.

PUBLIC INVOLVEMENT:

The Community Development Department conducted an Open House on May 1, 2008, at 4:00-6:00 p.m. at the City Council Building, to explain the PTA proposal to businesses and property owners in the Freeway Oriented Activity Area and to receive comments. No members of the public (property owners/businesses) attended the meeting. A Measure 56 Notice was sent to property owners within the existing FOA Area prior to the Council public hearing.

- Attachments:**
- A. FOA Area Figure 38-1
 - B. FOA Freestanding Pole Sign Graphic
 - C. Aerial Photo of I-5 freeway corridor and existing large Freestanding Pole signs
 - D. Proposed Text Amendment Language-TDC 20.030, 31.060; 35.200; 38.110 & 38.220
 - E. Background Information
 - F. Analysis and Findings

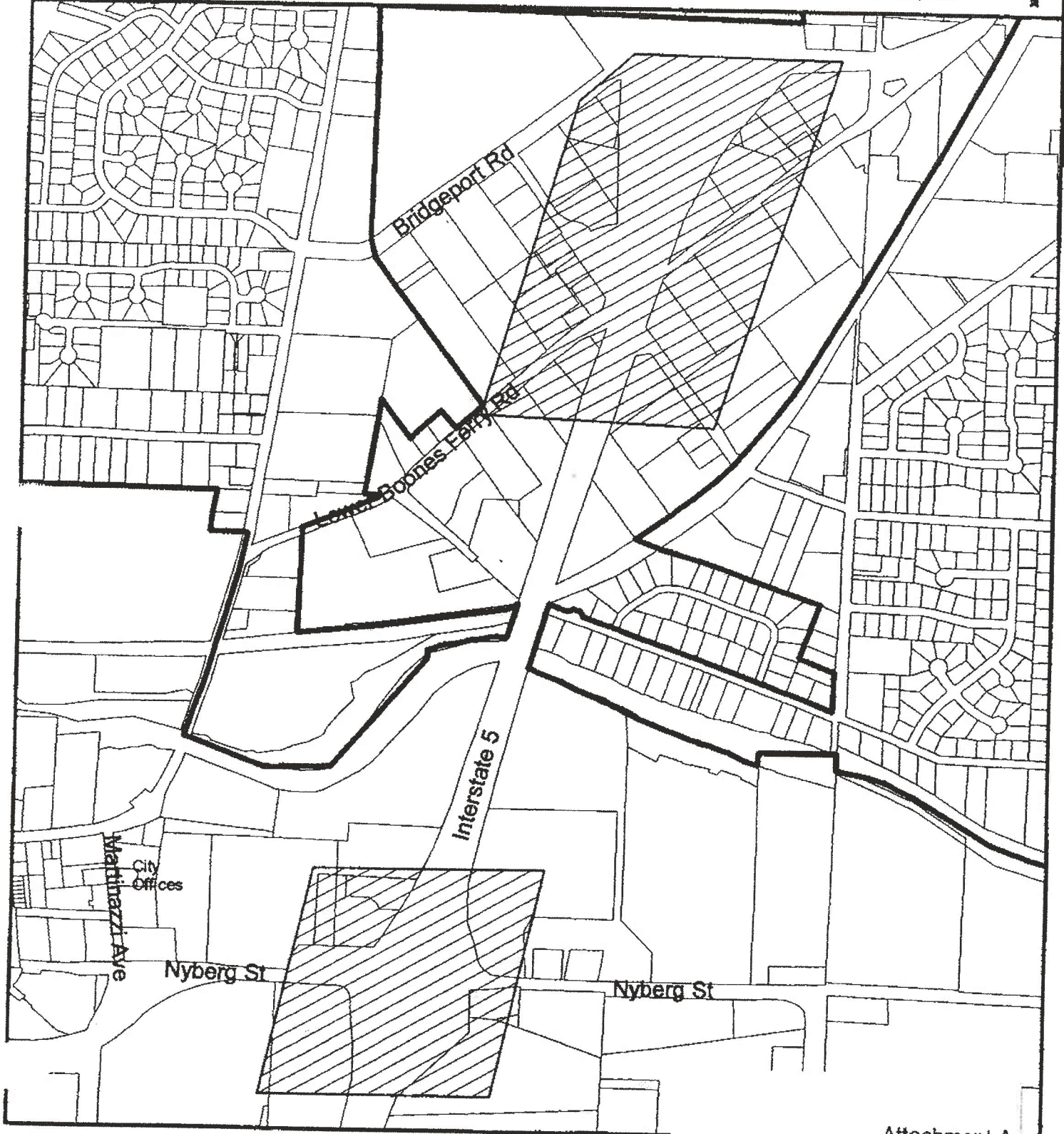
-  Freeway-Oriented Activity Area
-  Planning Area Boundary

300 0 300

Feet

RF 1:8,500

N

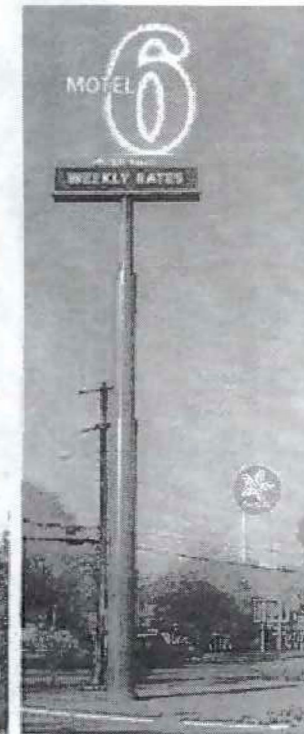
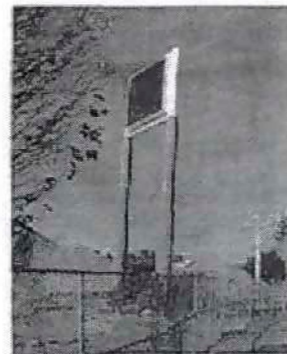




Existing Pole Signs Located in the I-5 Corridor

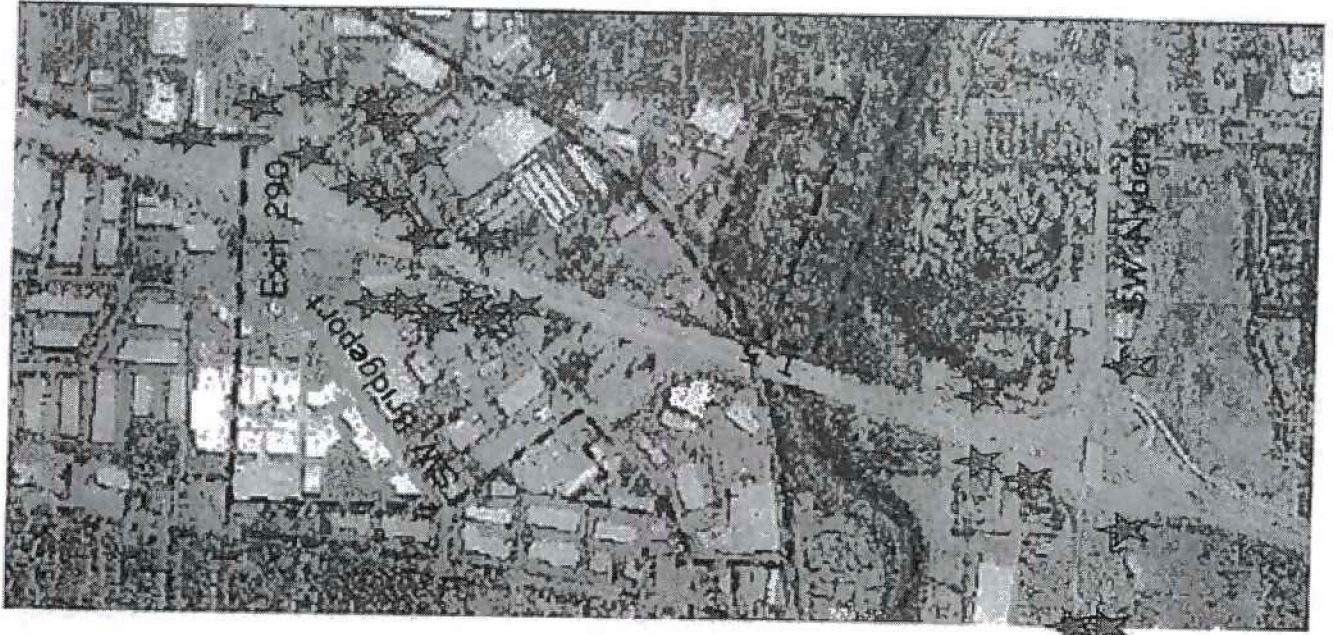
Pole Signs visible from I-5 include:

- **FOA Pole Signs:** Carl's Jr.; Out of the Blues; Motel 6 (#1 & #2); Red Roof Inn; Taco Bell; 24 Hr. Fitness; China Palace; Pointe at Bridgeport; (4 vacant signs) Shoppes at Bridgeport; China King; Claim Jumper; Nyberg Woods; Shell; Nyberg Crossing



I-5 Pole Signs

Aerial Photo of I-5 corridor showing locations of existing large, tall pole signs.



ORDINANCE NO. _____

AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110 AND 38.220 (PTA-08-01).

WHEREAS upon the application of Doug Rux, City of Tualatin Community Development Director, a public hearing was held before the City Council of the City of Tualatin on May 27, 2008, related to removing freeway-oriented activity signs as allowed freestanding signs, amending nonconforming sign provisions, and amending TDC 20.030, 31.060, 35.200, 38.110, and 38.220 (PTA-08-01); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 8, 2008, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS a notice of public hearing was given as required by mailing to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 27, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of [], with _____; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which is incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 20.030 is amended to read as follows:

Section 20.030 Objectives.

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.

- (2) Protect the public health, safety and welfare.
- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.
- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.
- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.
- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.
- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.
- (8) Protect and enhance property values.
- (9) Protect and enhance the City's economy.
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.
- (11) Allow greater sign heights and dimensions for *Freeway-Oriented Activities* **Major Commercial Centers**.
- (12) Allow only temporary signs on a property with no building.
- (13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.
- (14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.
- (15) Regulate the number, height and dimensions of temporary signs.
- (16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.
- (17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.
- (18) Allow indirect and internal illumination in residential planning districts for conditional uses.
- (19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.
- (20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.
- (21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

Section 2. TDC 31.060 is amended to delete the following definitions and to amend an existing definition as follows:

~~*Freeway-Oriented Activity (for signs). Any business or activity which provides gas, restaurant, lodging or camping facilities for travelers on Interstate Highway 5 (I-5). The freeway oriented activity shall be located either (a) within 620 feet west or east of the centerline of I-5 and within 600 feet north or south from the centerline of S.W. Nyberg Street, or (b) within 620 feet west or east of the centerline of I-5 and within 2,000 feet south from the center line of S.W. Lower Boones Ferry Road (see map*~~

~~entitled, "Freeway Oriented Activity Areas," which is attached and incorporated and which is intended to generally define such area).~~

~~Freeway Oriented Activity Area (for signs). See Freeway Oriented Activity.~~

~~Freeway Oriented Activity Sign. A permanent freestanding sign permitted to be erected when a Freeway Oriented Activity exists within the Freeway Oriented Activity Area.~~

~~Nonconforming Sign. A lawfully erected sign that does not meet the requirements of TDC Chapter 38 including A a sign lawfully erected and existing, and properly maintained and repaired prior to May 13, 1992, but which does not meet the requirements of TDC Chapter 38.~~

Section 3. TDC 35.200 is amended to read as follows:

Section 35.200 Nonconforming Signs.

(1) ~~A lawfully erected sign including~~ Existing signs legally erected prior to May 13, 1992, either in the City or in those portions of Washington or Clackamas Counties which were annexed to the City after erection of the sign and do not comply with the provisions of the Tualatin Development Code, are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this Section.

(2) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. **Nonconforming signs in a former Freeway Oriented Activity Area may be structurally altered when the sign height, sign face height and sign face area are reduced by a minimum of 25 percent of the nonconforming dimension or area.** The sign face or the copy on the sign face, or both, may be changed after first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(3) Nonconforming signs shall comply with the provisions of the Tualatin Development Code when one or more of the following occurs:

(a) A nonconforming sign is relocated from one location to another on the same tax lot or to a different tax lot.

(b) The use on the tax lot where a Freeway Oriented Activity Sign is located is changed.

~~(c)~~ (b) A nonconforming sign's structure, including but not limited to the support elements or framework, is changed, except in the ML and MG Districts where a nonconforming pole sign's total sign height and sign face area shall be reduced to no higher than 15 feet and no greater than 40 square feet, respectively.

~~(d)~~ (e) A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

~~(e)~~ (d) A sign permit is issued for a new conforming sign on the same property or on abutting property under the same ownership containing a nonconforming

sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a freestanding pole or monument sign for a freestanding pole or monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on abutting property under the same ownership shall be brought into conformance. The **Community Development Planning** Director shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

"A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on abutting property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign before construction begins, including but not limited to grading, on the new conforming sign.

(4) Signs for which variances were granted prior to May 13, 1992 may remain provided the provisions of the variance approval are met.

Section 4. TDC 38.110 is amended to read as follows:

Section 38.110 Sign Types.

(1) Freestanding Monument Sign Provisions.

(a) Monument signs shall be erected on grade or set into a hillside. If the monument sign is supported by a pole, the sign shall extend down to within four inches of grade to cover the pole so that no more than four inches of the pole is visible.

(b) The sign faces of a monument sign shall be parallel or in a "V" shape provided the inside angle of the "V" shall not be more than 90 degrees.

(2) Freestanding Pole Sign Provisions.

(a) Freestanding Pole Sign Supports.

(i) Freestanding pole signs shall be supported by no more than two poles, posts, columns or similar supports. Guy wires and similar stabilization methods are not permitted.

(ii) The poles, posts, columns or similar supports for freestanding pole signs shall be closed to present a round, oval, polygon or similar exterior appearance. Exposed angle-iron supports such as I-beams are not permitted.

(iii) The poles, posts, columns or similar supports for freestanding pole signs may be covered with a pole-cover as a method of improving the appearance of the support(s).

(iv) The total width, including any pole-cover, of the poles, posts, columns or similar supports for freestanding pole signs shall be no wider than 25 percent of the sign face's width.

(v) ~~Except for Freeway-Oriented Activity Area freestanding pole signs,~~ The poles, posts, columns or similar supports for freestanding pole signs may be illuminated by direct illumination provided the illumination of each support is horizontal around the support and extends no more than two feet below the bottom or above the top of the sign face and in no case is less than eight feet above grade.

(vi) The poles, posts, columns or similar supports for freestanding pole signs shall be plumb (straight up).

(b) Freestanding Pole Signs.

(i) No portion of a freestanding pole sign shall extend on or over a building.

(ii) The faces of two-sided pole signs shall be parallel to each other.

(3) Wall Sign Provisions.

(a) Sign Bands.

(i) A sign band shall be designated for each building by the building/property owner as part of the first sign permit application for that building after the effective date of this ordinance.

(ii) The sign band shall be located on a wall or awning, or the fascia of a canopy or marquee, or in the space between posts or columns which are directly below with the wall above and in the same vertical line as the wall above. The sign band shall not include windows. The sign band shall be no greater in height from top to bottom than the allowed wall sign height.

(iii) The sign band for existing wall signs with an approved sign permit shall be that portion of the wall where the existing sign is located.

(iv) The sign band shall be located in the same relative position on each elevation; however, the band may reflect architectural elements and grade changes. The band may include, but is not limited to, a continuous horizontal painted band, a continuous horizontal architectural feature, a continuous horizontal band of similar exterior material such as courses of colored or textured brick, or concrete block. The sign band shall not extend above the top of a wall or a parapet. Except as provided in TDC 38.225, sign bands on awnings, canopies and marquees shall not extend above the top of nor below the bottom of the awning, canopy or marquee.

(b) Except for window signs, shingle/blade signs attached to a wall, and wall mounted plaque and directory signs, permanent wall signs shall be erected within the sign band.

(c) Wall signs may be erected on doors, provided the sign band includes the door.

(d) Wall Sign Extensions. Wall signs shall not extend above the top of nor below the bottom of the sign band.

(e) Wall Sign Depth. Wall signs shall not extend out from the wall greater than 1.33 feet (16 inches). Except as provided in TDC 38.225, shingle/blade signs attached to a wall may extend no greater than four feet.

(f) Wall Sign Face Orientation. Wall sign faces shall be parallel to the wall to which they are attached. Except as provided in TDC 38.225, shingle/blade signs attached to a wall shall be perpendicular to the wall to which they are attached.

(4) Shingle Sign and Blade Sign Provisions. Shingle signs and blade signs may be erected in the Mixed Use Commercial Overlay District subject to TCD 38.225 and in the Central Design District subject to the following limitations after first obtaining a sign permit.

(a) Location: Shingle signs and blade signs need not be placed within the sign band for wall signs. Shingle signs and blade signs shall be attached to a wall or the underside of an awning, canopy, marquee or building overhang.

(b) Shingle signs attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs attached to a wall shall be perpendicular to that wall and shall extend no greater than four feet.

(c) Number of Sides: No more than two.

- (d) Height of Sign Face: 1.5 feet in the Central Design District.
- (e) Width of Sign Face: Three feet in the Central Design District.
- (f) Sign Face Area: 4.5 square feet in the Central Design District.
- (g) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
- (h) Illumination: Indirect in the Central Design District.
- (i) Guy wires cables and similar stabilization methods are not permitted.

(5) Banner Signs. A temporary banner sign may be erected subject to the following limitations and after first obtaining a sign permit.

- (a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.
- (b) One per tax lot may be displayed, or in institutional, commercial and industrial planning districts one per lease space may be displayed by a tenant.
- (c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.
- (d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.
- (e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.
- (f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.
- (g) Public schools are permitted banner signs subject to the following standards. A banner may be erected on a wall, freestanding sign, or monument sign, provided it is secured to prevent it from flapping in the wind. A banner shall not be erected sooner than 60 calendar days prior to the event it advertises. The total display time for all banner signs shall not be longer than 90 calendar days in a school year. A banner shall be no greater than four feet in height from top to bottom and 80 square feet in area.

(6) Banner Signs, Special Event. Special event banner signs may be erected after first obtaining City Council approval. The City Council shall review and determine the size, number, location and other issues related to special event banner signs. The standards applicable to temporary banners do not apply to special event banners. Special event banners shall not cross rights-of-way.

(7) Construction and Public Utility Facility Construction Signs. A temporary sign in association with construction on private property or of public utility facilities may be erected subject to the following limitations and after first obtaining a sign permit.

- (a) No more than one construction sign and one public utility facility construction sign, a total of two, may be displayed at a time on a property.
- (b) They may be erected no earlier than the day after a building permit and public works construction permit have been applied for and the appropriate fee paid.
- (c) They may be displayed only during the period of the construction project and shall be removed no later than 15 days after the issuance of a final occupancy permit for a construction sign, or acceptance by the City of Tualatin or other public agency of the public facility for a public utility facility construction sign.
- (d) The sign height shall be no higher than nine feet and the sign face area no greater than 32 square feet.

(8) Directional Signs. Directional signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts, except the CN Planning District where they are not allowed.

(c) Location on Site: If they are not 100 percent visually screened from the public right-of-way, they shall be erected at least 30 feet from the public right-of-way. If 100 percent visual screening is provided, they may be within 30 feet of the public right-of-way.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: No more than one per aisle or aisle intersection or drive-through lane or drive-through lane intersection.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal.

(9) Directory Signs. Directory signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent wall or freestanding monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, MC, CC, CG, ML, MG and MP Planning Districts. The property the sign is to be located on shall contain at least two buildings with not less than 2,000 square feet of gross floor area each, or the property shall contain at least one building with not less than 3,000 square feet of gross floor area and have no fewer than four tenants.

(c) Location on Site: Wall directories shall be erected on sign bands and monument directories shall be erected at least 60 feet from a public right-of-way.

(d) Location as Part of a Fence: Not permitted.

(e) Number: One per primary public customer doorway to the business.

(f) Number of Sides: No more than one for a wall directory. No more than two for a monument directory, except in the MC Planning District where four are allowed.

(g) Height of Sign: No higher than three feet for a wall directory. No higher than six feet for a monument directory.

(h) Sign Face Area: Wall directories shall be no more than six square feet and monuments shall be no more than 24 square feet, except in the MC Planning District where 30 square feet is allowed.

(i) Illumination: Indirect or internal.

(j) Height of Copy: No higher than two inches, except that 20 per cent of the sign face area may have copy up to five inches. In the MC Planning District all copy may be no higher than four inches, except that 20 per cent of the sign face area may have copy up to five inches. Map size is not restricted by this subsection.

(k) That portion of the sign containing letters two inches in height or less may be a mechanical readerboard.

(10) Entry/Exit Signs. Entry/exit signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, CR, MC, CC, CG, ML, MG and MP Planning Districts or at public schools in any planning district.

(c) Location on Site: They shall be located within 15 feet of the edge of the on-site vehicular driveway. They may be located in the vision clearance area.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: One for each vehicular driveway access from a public right-of-way approved through the Architectural Review process. When the vehicular driveway access from a public right-of-way is a joint access serving two or more tax lots which are under different ownerships, two signs are permitted (one on each side of the driveway) for each joint driveway access approved through the Architectural Review process.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal only.

(11) Home Occupation Signs. Home occupation signs may be erected subject to the following limitations without first obtaining a sign permit.

(a) They shall be erected only on the inside of a window.

(b) They shall be allowed in a dwelling unit in all planning districts.

(c) Number: No more than one per dwelling unit.

(d) Number of Sides: No more than one.

(e) Height of Sign: No higher than one foot.

(f) Sign Face Area: No more than one square foot.

(g) Illumination: Not permitted.

(12) Lawn Signs. Lawn signs may be erected subject to the following limitations without first obtaining a sign permit. The purpose of lawn signs is to allow property owners and real estate agencies to show that a property or building is for sale or rent, and to display political messages.

(a) For single family, duplex and multi-family uses.

(i) They shall be temporary pole or A-frame signs.

(ii) Number: On a property being offered for sale, one sign per public street frontage. On properties other than a property being offered for sale, no more than three signs total may be erected. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: Temporary pole signs shall be no higher than six feet. Temporary A-frame signs shall be no higher than two feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No more than six square feet, but additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Removal: On a property being offered for sale, they shall be removed within 30 days of sale or transfer of possession, whichever occurs first. Additional lawn signs shall be removed within 12 days after the election.

(viii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(b) For undeveloped residential subdivision lots and undeveloped land in the RL Planning District.

(i) They shall be temporary pole or monument signs.

(ii) Location on Site: On private property.

(iii) Number: One per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iv) Number of Sides: No more than two.

(v) Height of Sign: No higher than six feet, except additional lawn signs erected during the election period specified above shall be no higher than three feet.

(vi) Sign Face Area: No more than 12 square feet.

(vii) Illumination: Not permitted.

(viii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(c) For undeveloped land in multi-family, institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than 12 feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 64 square feet for properties fronting on arterial or collector streets, and no greater than 32 square feet for properties fronting on local streets. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(d) For developed land in institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale or lease, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than nine feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 32 square feet. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(13) Overhead Door Signs. Overhead door signs may be erected subject to the following limitations after first obtaining a sign permit.

(a) They shall be permanent wall signs.

(b) They shall be allowed for permitted or conditional uses in institutional, commercial, medical center or industrial planning districts.

(c) Location on Building: They shall be erected at the uppermost area of the overhead door opening or on the wall immediately above an overhead door opening provided the top of the sign face is no higher than 1.5 feet above the top of the overhead door opening.

(d) Number: One per overhead door.

(e) Number of Sides: No more than one.

(f) Height Above Grade: The top of the sign face shall be no higher than 1.5 feet above the top of the overhead door opening.

(g) Height of Sign Face: No higher than eight inches.

(h) Area: No more than six square feet.

(i) Illumination: Indirect.

(14) Public Transit Shelter Signs. Public transit shelter signs may be erected subject to the following limitations without obtaining a sign permit.

(a) They shall be window or wall signs.

(b) They shall be allowed in all planning districts.

(c) Location on Building: On the wall or in the window of a public transit shelter.

(d) Number: One per wall not to exceed two walls of a public transit shelter.

(e) Number of Sides: No more than one.

(f) Height Above Grade: No higher than the top of the wall or window.

(g) Height of Sign Face: No higher than two feet.

(h) Area: No greater than two square feet.

(i) Illumination: Not permitted.

(15) Subdivision Identification Signs. Subdivision identification signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent monument signs.

(b) They shall be allowed for approved or recorded subdivisions in the RL, RML, ML and MG Planning Districts.

(c) Location on Site: On private property at a subdivision entrance or on a private tract median island within the public right-of-way.

(d) Location as Part of a Fence: Except at a subdivision entrance on a private tract median island within the public right-of-way, the sign may be affixed to and be part of a masonry fence.

(e) Number: One per public street entry into the subdivision.

(f) Number of Sides: No more than two.

(g) Height Above Grade: In the RL and RML Districts, no higher than five feet, unless the sign is at a subdivision entrance on a private tract median island within the public right-of-way, in which case it shall be no higher than 2.5 feet. In the ML and MG Districts, no higher than eight feet.

(h) Width of Sign: There is no standard for signs located outside a median. A sign at a subdivision entrance on a private tract median island within the public right-of-way shall be no wider than 50 percent of the width of the median measured from curb to curb or where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median.

(i) Area: No more than 18 square feet, except in the ML and MG Districts where the area shall be no more than 25 square feet.

(j) Illumination: In the RL and RML Districts, indirect, unless it is located in a median, then no illumination is allowed. In the ML and MG Districts, indirect or internal is allowed.

(k) Separation: In the ML and MG Districts at least 100 feet shall separate Subdivision Identification Signs from all other permanent freestanding signs, except Directional, Directory and Entry/Exit Signs.

(16) Window Signs. Permanent window signs, including but not limited to neon signs, washable paint such as nonwater soluble, and vinyl appliques, shall first obtain a sign permit. Temporary window signs, including but not limited to butcher paper signs, and water soluble paint, may be erected without obtaining a sign permit. Window signs may be erected subject to the following limitations.

(a) They shall be allowed for permitted and conditional uses in commercial or industrial planning districts.

(b) Location on Building: They shall be erected inside a building and located to be seen from the outside through a window.

(c) Number: No limit provided the sign face area standard is met.

(d) Area: No more than 35 percent of the owned or leased window area.

(e) Illumination: Direct or indirect.

(17) Service Station Signs. Service station signs may be erected subject to the following limitations and after first obtaining a sign permit. In those planning districts where service stations are allowed as permitted or conditional uses, service station signs are allowed only in place of and not in addition to, the signs, other than service station signs, allowed in those planning districts.

(a) Monument signs are permitted. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a monument sign in a MCC apply, TDC 38.110(1), the following standards apply.

(i) Type: Monument Sign.

(ii) Location as Part of a Fence: The sign may be affixed to and made part of a masonry fence.

(iii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the pole sign complies with (b) below and other regulations applicable to such signs.

(iv) Number of Sides: No more than two.

(v) Height Above Grade: No higher than eight feet.

(vi) Area: No more than 55 square feet. Gas product price signs shall be included in the 55 square foot maximum.

(vii) Illumination: Indirect or internal only.

(viii) Letter, Symbol, Logo Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter to the bottom of the letter. Numbers may be less than one foot high.

(b) Pole signs are permitted in place of the monument signs allowed in (a) above. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a pole sign in a MCC apply, TDC 38.110(2), the following standards apply.

(i) Type: Pole Sign.

(ii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the monument sign complies with (a) above and other applicable regulations. ~~For Freeway-Oriented Activities, only one of the above permitted pole signs may be a Freeway-Oriented Activity Sign.~~

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than 15 feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 45 feet.~~

(v) Height of Sign Face: No higher than eight feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 16 feet.~~

(vi) Area: No more than 48 square feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 250 square feet.~~ Gas product price signs shall be included in the 48 ~~or 250~~ square foot maximums.

(vii) Illumination: Indirect or internal only.

(c) Wall Signs Are Permitted. If used, the following standards apply.

(i) Type: Wall sign.

(ii) Location on Building: On a building wall or canopy fascia or both. No wall sign shall be located on a wall or spanner panel under the canopy roof.

(iii) Number: No more than one sign per building wall or canopy fascia, not to exceed three signs total.

(iv) Number of Sides: No more than one.

(v) Height Above Grade: No higher than the height of the sign band.

(vi) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos) shall be more than two feet high and provided the sign face shall not extend above or below the sign band.

(vii) Area: No more than 24 square feet. Gas product price signs shall be included in the 24 square foot maximum.

(viii) Illumination: Indirect or internal.

(d) Signs are permitted on gas pumps, provided no more than two sides of each pump are used and the signs do not exceed five square feet on each side.

(e) See TDC 38.110(4-16) for additional signage and if used, the standards of TDC 38.110(4-16) apply.

Section 5. TDC 38.220 is amended to read as follows:

Section 38.220 Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than 40 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:

(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.

(ii) Number: One per separate building up to a maximum of four buildings.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than six feet.

(v) Area: No more than 32 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Indirect or internal.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage. ~~A Freeway Oriented Activity Sign may be substituted for one of these signs for a Freeway Oriented Activity.~~ Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except ~~Freeway Oriented Activity and~~ Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except ~~the Freeway-Oriented Activity Sign may be up to 45 feet and~~ the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except ~~the Freeway-Oriented Activity sign may be up to 16 feet and~~ the Major Commercial Center Sign may be up to 10 feet.

(v) Area: No more than 48 square feet, except ~~the Freeway-Oriented Activity Sign may be up to 250 square feet and~~ the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Direct, indirect or internal, except ~~the Freeway-Oriented Activity sign and~~ the Major Commercial Center sign shall not be direct.

(viii) Mechanical Readerboard: For churches, cinemas and theaters, the sign may be a mechanical readerboard.

(d) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than 1/2 the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or 10 per cent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

(vi) Illumination: Direct, indirect or internal.

(vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

(viii) In the Central Design District, for each owned or leased space, in place of one wall sign, one shingle sign or blade sign may be erected in accordance with TDC 38.110(4).

(2) See TDC 38.110(5-17) for additional signage and if used, the standards of TDC 38.110(5-17) apply.

INTRODUCED AND ADOPTED this 27th day of May, 2008.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder

ATTACHMENT E

PTA-08-01: BACKGROUND INFORMATION

Pertinent background information obtained from the submitted application for PTA-08-01 and other supporting documents is summarized in this section.

The applicant is Doug Rux, Community Development Director. The proposed amendment is in response to a Council request to staff to initiate a draft amendment to the Tualatin Development Code (TDC) that would remove the existing Freeway Oriented Activity (FOA) Area and Sign provisions in TDC Chapter 38-Sign Regulations and in related sections in Chapter 20-Sign Design and Chapter 31.060-Definitions. The Council was concerned about the size and appearance of existing signs adjoining the sections of I-5 in Tualatin, especially large and tall pole signs located on commercial properties that were originally developed for service, food and lodging uses oriented to vehicles and travelers on the freeway. The Council also requested revisions to the Nonconforming Sign provisions of TDC 35.200 to redefine what a nonconforming sign is and provide options for allowing modifications to the structure of nonconforming signs when the dimensions of the sign (height, sign face area, sign type, etc.) are brought more into compliance with existing sign standards.

The Freeway Oriented Activity (FOA) Area and FOA Sign program originated in the 1968 Tualatin Sign Code following construction of the I-5 freeway in the 1950's and annexation of SW Lower Boones Ferry Road/Bridgeport Road/McEwan Road area at the I-5 Exit 290 interchange in 1966 and 1968. The 1979 and 1983 Sign Ordinance, the 1993 Sign Code Ordinance Amendment (that changed the sign review process from Architectural Review of signs to an objective standards Sign Permit process) and the 1996 incorporation of the Sign Regulations into TDC Chapter 38 carried forward the FOA sign program to the present day.

The FOA Area was defined (Figure 38-1, Attachment A) as properties associated with the SW Nyberg and SW Lower Boones Ferry Road I-5 interchanges (Exits 289 and 290) and larger, taller FOA signs were allowed for existing (and new) lodging, dining and service station uses that were oriented to travelers on the freeway. As originally established in the 1968 Sign Ordinance and under the existing CC and CG Planning District freestanding sign standards, a FOA pole sign can be 45 ft. tall and have a sign face area of 250 sq. ft. [TDC 38.220(1)(c)]. Currently, there are approximately 30 FOA pole signs and oversized pole signs in the FOA Area and visible from the two interchanges. A graphic depicting existing FOA freestanding pole signs is shown on Attachment B. An aerial map showing the approximate locations of existing FOA and large poles signs is included as Attachment C.

ATTACHMENT F

PTA-08-01: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 1.032 must be met if the proposed PTA is to be granted. The Plan Amendment criteria are addressed below.

A. Granting the amendment is in the public interest.

The proposed amendment to the Tualatin Development Code (TDC) Chapter 38 Sign Regulations and related sections of Chapters 20 Sign Design and TDC 31.060 Definitions removes provisions for Freeway Oriented Activity (FOA) Area and FOA Signs from Tualatin's sign code. The proposed amendment also revises TDC 35.200 Non Conforming Signs to allow nonconforming signs to be relocated on the same property or be reduced in size while retaining a nonconforming sign status. The public interest is to improve the visual appearance of the community by revising the standards for the height and size of freestanding pole signs visible to the I-5 freeway. The public interest is to allow signage that adequately identifies commercial uses and does not result in sign clutter. The public interest is to encourage replacement or scaling down the size of nonconforming signs toward conformance with sign regulations.

The Council is concerned about the size and appearance of existing signs adjoining the sections of I-5 in Tualatin, especially large and tall FOA pole signs located on commercial properties that were originally developed for lodging, food and automotive service station uses oriented to vehicles and travelers on the freeway. The FOA Area and FOA Sign program originated in the 1968 Tualatin Sign Code following construction of the I-5 freeway in the 1950's and annexation of SW Lower Boones Ferry Road/Bridgeport Road/McEwan Road area at the I-5 Exit 290 interchange in 1966 and 1968. The FOA Area was defined (Figure 38-1, Attachment A) as properties associated with the SW Nyberg and SW Lower Boones Ferry Road I-5 interchanges (Exits 289 and 290) and larger, taller FOA signs were allowed for existing (and new) lodging, dining and service station uses that were oriented to travelers on the freeway.

As originally established in the 1968 Sign Ordinance and under the existing CC and CG Planning District freestanding sign standards, a FOA pole sign can be 45 ft. tall and have a sign face area of 250 sq. ft. [TDC 38.220(1)(c)]. These are the tallest and largest signs allowed under Tualatin's sign code. Currently, there are approximately 30 FOA pole signs and oversized pole signs in the FOA Area and visible from the two interchanges. In respect to the recent redevelopment of commercial property in the I-5 interchanges such as Bridgeport Village and Nyberg Woods, the existing FOA pole signs are unattractively prominent and designed, appear unrelated to the existing developments and other commercial signage in the vicinity and are unnecessarily large and tall. Removing the 45 ft. tall, 250 sq. ft. size FOA Signs from the Sign Code and relying on other freestanding signs such as monument and smaller commercial pole signs will reduce the height and size of signs in commercial areas in the I-5 corridor. The proposed revisions to the Nonconforming Sign standards will allow a property owner to relocate or modify a nonconforming sign when the sign's dimensions are

reduced and thereby encouraging smaller and conforming existing signs. This improves the visual appearance of the community and satisfies the public interest.

Since the 1960's and 70's when the I-5 freeway was constructed and development occurred at the Exit 289 and 290 interchanges, the section of I-5 thru Tualatin has experienced growth to over 150,000 vehicles per day with considerably more regional commuter and commercial traffic than traffic associated with interstate travelers. Today, the stores and services located near the freeway have primarily local or regional markets and identify to traffic on nearby surface streets in contrast to needing to identify the businesses to the interstate traveler on the freeway. In a number of cases, the uses on the properties associated with the existing large and tall FOA signs such as a motel or service station have changed to a multi-tenant retail center and no longer have an orientation to the interstate traveler. Aside from the FOA sign standards, the Tualatin sign regulations currently allow 10-20 ft. tall freestanding signs (monument style and pole) in the CC and CG Planning Districts with a sign face area of 40-100 square feet. In the Mixed Use Commercial Overlay District (MUCOD) (Bridgeport Village/The Pointe/The proposed Alexan mixed-use project), a 6 ft. high, 200 sq. ft. monument style project sign is allowed. With removal of the FOA sign provisions, the remaining freestanding sign standards will continue to allow signage that will provide adequate visibility and identification for developments in the CC and CG Planning Districts. Removing the allowance for tall and large FOA signs and encouraging smaller more conforming signs will result in a reduction in sign clutter, meeting the public interest.

The existing Nonconforming Sign definition (TDC 31.060) confines nonconforming signs to signs lawfully erected before May of 1992 (prior to the initiation of the Sign Code Ordinance revisions and final adoption in June, 1993) and leaves out signs that were permitted after that date and do not meet current sign standards. The nonconforming sign provisions in TDC 35.200 allow nonconforming signs to remain, but restrict any relocation or structural alteration unless the sign is brought into full compliance with current standards. There are no provisions allowing a nonconforming sign to be modified in a manner that improves the sign's compliance with current standards without losing its nonconforming status. This discourages removing or redesigning existing nonconforming signs to smaller and perhaps more attractive signs.

The proposed revisions to the Nonconforming Sign provisions of TDC 35.200 redefine what a nonconforming sign is and provide options for allowing modifications to the structure of nonconforming signs when the dimensions of the sign (height, sign face area, sign type, etc.) are brought more into compliance with existing sign standards. This will allow a property owner to modify a nonconforming sign when the sign's dimensions are reduced and thereby encouraging smaller and conforming existing signs and meeting the public interest.

Granting the amendment is in the public interest. Criterion "A" is met.

B. The public interest is best protected by granting the amendment at this time.

The proposed FOA sign and Non Conforming Sign amendments respond to the City Council's current interest in reducing the size and improving the appearance of large commercial signage visible to the I-5 freeway and direction to staff to propose revisions to the City's Sign regulations. The Council has determined that this is in the current public interest and existing development conditions are conducive to achieving their objective.

If adopted at this time, the proposed amendment would avoid the construction of tall and large freestanding pole signs under the FOA provisions and begin to encourage replacement or revisions of existing nonconforming signs more in compliance with the revised Sign Code.

The public interest is best protected by granting the amendment at this time.

Criterion "B" is met.

C. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan are presented below.

TDC 6.040(5) General Commercial Planning District: "Commercial development along the freeway provides perhaps the only lasting impression of Tualatin for many travelers. Therefore, careful attention shall be given to site and structure design for development in this district, including signs, choice of materials, and landscaping, particularly in and around parking areas."

The proposed amendment will enhance the appearance of commercial development along the freeway by limiting the tall and large FOA signs and encouraging smaller signs. The proposed amendment conforms to TDC 6.040(5).

TDC 20.030 Objectives (6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through." (7) "Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin."

The proposed amendment will enhance the appearance of commercial development along the freeway by limiting the tall and large FOA signs and encouraging smaller signs. The proposed amendment conforms to TDC 20.030(6-7).

TDC 20.030 Objectives "(10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter."

The proposed amendment will allow 10-20 ft. tall freestanding signs (monument style and pole) in the CC and CG Planning Districts with a sign face area of 40–100 square feet. In MUCOD development, a 6 ft. high, 200 sq. ft. monument style project sign is allowed. With removal of the FOA sign provisions, the remaining freestanding sign standards will continue to allow signage that will provide adequate visibility and identification for developments in the CC and CG Planning Districts. The proposed amendment conforms to TDC 20.030(10).

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "C" is met.

D. The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

The characteristics of the area of the City affected by this amendment are the commercial developments in CC and CG Planning Districts near the I-5 freeway and in a FOA area (Shown on Attachment C) The character of the FOA areas are commercial service and retail uses with some existing or new lodging. The proposed amendments to CC and CG Planning District sign regulations are intended reduce the size of freestanding signage in the area to make it more attractive while retaining adequate signage for commercial developments.

The suitability of the area for particular land uses and improvements.

As indicated above, the proposed amendment is intended to improve the appearance of commercial development in the I-5 corridor while retaining its viability for commercial uses.

Trends in land improvement and development.

As described in the public interest section, the trend in land improvements and development in the I-5 freeway area have changed from an orientation to freeway travelers to businesses and destination development with a local or regional orientation. The proposed revisions to the FOA sign standards and nonconforming sign provisions recognizes this trend by retaining the standards that support the commercial uses while improving the standards for appropriate signage.

Property values.

The proposed amendments will allow existing nonconforming signs to remain with more lenient standards for structural modifications. New FOA freestanding signs will no longer be allowed, but other appropriately sized freestanding signage will be allowed on properties in the former FOA area. Given the existing development in the vicinity of I-5 and the trends in redevelopment at the I-5 interchanges, the signage allowed will be adequate and property values should not be significantly affected.

The needs of economic enterprises and the future development of the area.

As described in the public interest section, the trend in land improvements and development in the I-5 freeway area have changed from an orientation to freeway travelers to businesses and destination development with a local or regional orientation. The proposed revisions to the FOA sign standards and nonconforming sign provisions recognizes this trend by retaining the standards that support the needs commercial uses while improving the standards for appropriate signage

Needed right-of-way and access for and to particular sites in the area.

The proposed sign amendments do not affect right of way and access.

Natural resources of the City and the protection and conservation of said resources.

Not applicable because the proposed sign regulation amendments do not impact or alter natural resources associated with a development.

Prospective requirements for the development of natural resources in the City.

Not applicable because proposed sign regulation amendments do not impact or alter natural resources associated with a development.

The public need for healthful, safe, aesthetic surroundings and conditions.

The purpose of the proposed amendment is to reduce the height and size of freestanding pole signs associated with the FOA area and to encourage bringing nonconforming signs into or closer to compliance with sign size standards. The reduction in size of tall and large pole signs and the encouraging provisions for bringing nonconforming signs into compliance contributes to improved aesthetic surroundings in the City.

Proof of a change in a neighborhood or area.

As described in the public interest section, the trend in land improvements and development in the I-5 freeway area have changed from an orientation to freeway travelers to businesses and destination development with a local or regional orientation. The proposed revisions to the FOA sign standards and nonconforming sign provisions recognizes this trend by retaining the standards that support the needs commercial uses while improving the standards for appropriate signage

A mistake in the plan map or text.

None is alleged.

The factors listed in Section 1.032(4) were consciously considered.

Criterion "D" is met.

E. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding signs because it does not apply to existing school sites and does not represent a constraint or conflict with land available for future school sites.

F. Oregon Statewide Planning Goals

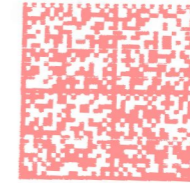
Of the 14 Statewide Goals, each of the goals were considered and found to not be applicable to this amendment regarding signs.

G. Metro's Urban Growth Management Functional Plan (UGMFP).

The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the I-5 corridor as "EA Employment Area" and "TC Town Center" (West side of Exit 289). The proposed amendment revising the sign standards for commercial developments in the I-5 freeway area does not affect the EA and TC classifications.

H. (Criterion 8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's Planning Area.

Criterion 8 was considered and found to not be applicable to this amendment regarding signs because it does not have any impact on Level of Service on transportation facilities.



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