



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

3/11/2010

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

FROM: Plan Amendment Program Specialist

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

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Wednesday, March 24, 2010

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

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

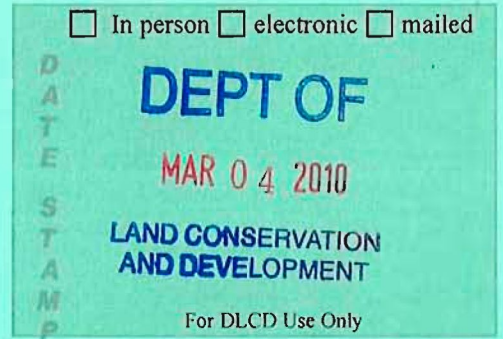
\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Chris Neamtzu, City of Wilsonville  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

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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 Wilsonville

Local file number: Ordinance No. 675

Date of Adoption: March 1, 2010

Date Mailed: March 4, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: August 2009

[ ] Comprehensive Plan Text Amendment

[ ] Comprehensive Plan Map Amendment

[X] Land Use Regulation Amendment

[ ] Zoning Map Amendment

[ ] New Land Use Regulation

[ ] Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendment to Wilsonville's Planning and Land Development Ordinance (Wilsonville's Development Code) Section 4.001 Definitions for "sign" and Section 4.156 Sign Regulations to modify the temporary sign section for constitutionality.

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:

- 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
[X] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Was an Exception Adopted? [ ] YES [X] NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

[X] Yes [ ] No

If no, do the statewide planning goals apply?

[ ] Yes [ ] No

If no, did Emergency Circumstances require immediate adoption?

[ ] Yes [ ] No



**DLCD file No.** \_\_\_\_\_

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

Please see attached list.

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Local Contact: <b>Chris Neamtzu, Planning Director</b>	Phone: <b>(503) 570-1574</b>	Extension:
Address: <b>29799 SW Town Center Loop East</b>	Fax Number: <b>503-682-7025</b>	
City: <b>Wilsonville</b>	Zip: <b>97070</b>	E-mail Address: <b>Neamtzu@ci.wilsonville.or.us</b>

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## **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, or by emailing **[larry.french@state.or.us](mailto:larry.french@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 **[larry.french@state.or.us](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist**.



29799 SW Town Center Loop E  
Wilsonville, Oregon 97070  
(503) 682-1011  
(503) 682-1015 Fax Administration  
(503) 682-7025 Fax Community Development

MEMORANDUM

DEPT OF

MAR 04 2010

LAND CONSERVATION  
AND DEVELOPMENT

TO: Plan Amendment Specialist  
Department of Land Conservation & Development  
635 Capitol Street NE, suite 150  
Salem, OR 97301-2540

FROM: Sandra King, MMC  
City Recorder

DATE: March 3, 2010

SUBJECT: DLCD notice of Adoption

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Enclosed please find signed photo copies of Ordinance No. 675, and Ordinances No. 676 and 677 adopted by the Wilsonville City Council on March 1, 2010 and Form 2 DLCD Notice of Adoption for the ordinances. A CD containing the same documents is also enclosed.

Please contact me if you have any questions or need additional information. I can be reached at 503-570-1506 or at [king@ci.wilsonville.or.us](mailto:king@ci.wilsonville.or.us)



**ORDINANCE NO. 675**

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE SECTIONS 4.001 AND 4.156 OF THE CITY SIGN CODE TO ELIMINATE CONTENT-BASED REGULATIONS AND ADOPT REPLACEMENT PROVISIONS ACHIEVING CONTENT-NEUTRALITY**

WHEREAS, sign regulations that are based upon the content of the sign's message may be unconstitutional under the federal and state freedom of speech clauses; and

WHEREAS, the exempt sign section of the City sign code features differential regulation of real estate signs, construction project signs, certain advertising signs, and campaign signs based upon the sign messages; and

WHEREAS, neither strict enforcement of these constitutionally suspect provisions nor selective suspension of enforcement to avoid exposure to liability are legally advisable; and

WHEREAS, replacement of content-based regulations with content-neutral time, place, and manner restrictions would diminish the chance of litigation and facilitate the regulation of signage in the public interest; and

WHEREAS, City staff has proposed amendments to the sign code that achieve content neutrality while replicating the regulatory balance of communication and aesthetic interests manifested in the current code; and

WHEREAS, the Wilsonville Planning Commission conducted a duly noticed public hearing on the proposed amendments on October 14, 2009, at which time testimony from interested businesses and citizens were heard and, upon the incorporation of several of the requests by stake holders and the direction to staff to present certain unresolved issues to City Council, said Commission recommended approval of the proposed amendments; and

WHEREAS, on November 16, 2009, January 20, 2010 and March 1, 2010, the Wilsonville City Council conducted duly noticed public hearings on a proposed ordinance, at which time further testimony from interested parties was heard and further responsive amendments made to the proposed code changes; and

WHEREAS, it appearing to Council that the proposed amendments address content neutrality and generally achieve a comparable amount of exempt signage under the current code, depending on experience with sign placement under the new provisions;

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

1. Findings.

The above-mentioned recitals are incorporated as findings of the City Council. The Council further adopts as findings and fact those staff reports in this matter dated November 9, 2009, January 20, 2010, and March 1, attached hereto as Exhibit A and incorporated by reference as fully set forth herein.

2. Order.

A. Wilsonville Code Section 4.001 is hereby amended to read as follows:

Section 4.001 Definitions

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261. Sign: A device or display used or intended to be used for advertising purposes or used or intended to be used to inform or attract the attention of the public. "Sign" includes, where applicable, the structure, display surface, or other component parts of the device or display. Examples include, but are not limited to, advertising sign, banner, outdoor advertising sign, on-premises sign, temporary sign, window sign, message, light (other than a device used primarily to illuminate a building and/or premise), emblem, figure, or, painting, drawing, placard, or poster. The display of merchandise that is offered on the premises shall not be considered to be a sign unless it is attached to any exterior surface or structure of the building including, but not limited to, roofs, walls, marquees, monuments, or poles. ~~Flags of the United States, State of Oregon, Clackamas or Washington County or City of Wilsonville shall not be considered to be signs and shall not be subject to these regulations.~~ **The scope of the term "sign" does not depend on the content of the message or image conveyed.**

- A. Addressing Signs: Signs indicating, at a minimum, the numerical address of the building. Such signs are provided in lieu of a street graphics sign.
- B. Building Graphics: Building mounted signs.
- C. Changing Image Sign: Any sign which, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text.
- D. Directional Signs: Signs on private property that provide directions for the traveling public and **are** deemed necessary for the safe traverse of the public.
- E. District Sign: A sign indicating the entrance to a Planned Development containing at least fifty (50) acres.
- F. Electric Sign: Any sign containing electric wiring, but not including signs illuminated by an exterior floodlight source.
- G. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times when such sign is in use. For the purpose of this Code, any moving illuminated sign shall be considered a flashing sign.



- H. Freestanding Sign: A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.
- I. Ground-mounted Sign: A **non-temporary** sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground, including monument signs.
- J. Inflatable Sign: Any device that depends on a differential between internal and external air pressure to maintain its size, form, or shape regardless of whether it is tied, tethered, mounted or connected to a pole, building, or ground.
- K. Institutional Signs: Signs that identify public buildings, churches, public and private schools, and other such structures used for public gathering or to serve the general public. The Planning Director shall determine the nature of such signs if there is a question. Institutional signage shall comply with all applicable provisions of this Code.
- L. Integral Sign: A sign carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction indicating names of buildings, date of erection, monumental citations, commemorative tablets and the like when made an integral a part of the structures.
- M. Lawn Sign: **A temporary freestanding sign commonly made of corrugated plastic, greyboard, or similar type of material, constructed and maintained to prevent being moved or heavily damaged by typical exposure to natural elements. Lawn signs in the rights-of-way under W.C. 4.156(.10) may be constructed to be movable.**
- N. Marquee Sign: A canopy or covering structure bearing a signboard or graphics projecting from, and attached to, a building.
- O. Permanent Sign: Any sign that does not meet the definition of a temporary sign, below.
- P. Portable Sign: A sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place; ~~other than garage sale signs and real estate signs.~~ These signs include, but are not limited to movable A-frame signs, sandwich board signs, signs on vehicles or trailers, and signs attached to wood or metal frames designed to be self-supporting and movable, including trailer reader boards, ~~paper, cardboard or canvas sign wrapped around supporting poles.~~
- Q. Projecting Sign: A sign, other than a wall sign which projects from and is supported by a wall of a building or structure. Projecting Signs are differentiated from Wall Flat Signs as defined below.
- R. Rigid Sign: **A temporary freestanding sign designed and constructed with materials of a grade and quality to withstand strong winds, rains, and harsh weather conditions, and maintained as a potentially year-long temporary sign to ensure that degradation or weathering does not present aesthetic and public safety concerns and the sign retains substantially the same quality throughout the year. Such signs may not be constructed of cardboard, poster board, or other similar light weight paper products.**
- S. Roof Sign: A sign located on or above the roof of any building, not including a false mansard roof, canopy, or other fascia.

- T. Selling Slogans: A brief striking phrase used in advertising or promotion. The hours of operation of a business shall be considered to be a selling slogan.
- U. Sign Area: The display surface or face of the sign, including all frames, backing face plates, non-structured trim, or other component parts not otherwise used for support. Where a sign is displayed on a surface that includes both signage and blank area, the Planning Director shall have the responsibility for calculating the sign area and shall include all of the surface generally bounding any lettering or other display.
- V. Site Area, Net: The area of a development site, excepting all areas in public or private streets, driveways, and parking spaces.
- W. Street Graphics: Signs that indicate the name and function of a business or institution and are located on private property but within fifteen (15) feet of the right-of-way of a public street.
- X. Temporary Sign: ~~A banner, pennant, poster or advertising display constructed of paper, window paint, cloth, canvas, plastic sheet, cardboard, or other like materials~~ **A sign not permanently affixed to a building, structure, or the ground**, intended to be displayed for a limited period of time.
- Y. Wall Flat Sign: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits of any building and which projects from that surface not more than twelve (12) inches at all points.

B. Wilsonville Code Section 4.156 is hereby amended to read as follows:

Section 4.156. Sign Regulations.

- (.01) Purpose. The general purpose of this Section is to provide one of the principal means of implementing the Wilsonville Comprehensive Plan by promoting public safety, providing locational and directional information, ensuring continued aesthetic improvement of the City's environment, and providing adequate opportunity for signage to meet the needs of individuals, businesses, institutions, and public agencies. These provisions classify and regulate the variety, number, size, location, and type of signs for a site. They do not necessarily assure or provide for a property owner's desired level of sign visibility. Regulations for signs have one or more of the following specific objectives:
  - A. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised;
  - B. To allow and promote positive conditions for meeting the needs of sign users while avoiding nuisances to nearby properties and the community overall;
  - C. To reflect and support the desired character and development patterns of the various zones;
  - D. To allow for variety in number and type of signs in appropriate locations, while preventing signs from dominating the visual appearance of the area;
  - E. To prevent the construction or use of signs that would otherwise detract from the design of adjacent buildings or properties;



- F. To provide the public with adequate opportunity for needed information that can be supplied through signage;
- G. To stabilize and improve property values and prevent the creation of blighted areas;
- H. To provide for the clear identification of structures in order to enhance public safety; and
- I. To ensure the protection of the constitutionally guaranteed right of free speech.

(.02) Application for Sign Permits.

A. Submittals. Every request for a sign approval shall be made on the application form, which shall be provided by the City Planning Department, and shall be accompanied by additional information and such fees as may be required by the City.

B. Review Processes.

1. The Planning Director shall have authority over the administration, interpretation, and enforcement of the provisions of this Section, subject to appeal as provided in Section 4.022. Pursuant to a Class I Administrative Review procedure, the Planning Director may approve, approve with conditions, or deny applications for sign permits, except as provided in this Section. The Planning Director's authority to approve sign permits shall be limited to reviewing and acting upon temporary use sign permits, permits for replacement of existing signs, minor changes to approved sign permits, and signs that have already received preliminary approval as part of a master sign plan, or in the Village zone, as part of a master signage and Wayfinding plan. (Amended by Ord 557, adopted 9/5/03).
2. Any decision for approval of a sign proposal shall include written findings addressing the following criteria:
  - a. The proposed signage complies with the specific objectives in subsection 4.156(.01) of this Code;
  - b. The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of adjacent development;
  - c. The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;
  - d. If the proposed signage is to be temporary, the length of time for which it is permitted shall be reasonable in terms of the purpose and nature of the signs that are proposed, but not to exceed one (1) year from the date of approval;
  - e. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196; and
  - f. All of the relevant application filing requirements of Chapter 4 have been met.

3. As specified in this Code, the Development Review Board shall have authority to review applications for sign permits, and for waivers and variances from these standards, except in cases where such authority is granted to the Planning Director. The Development Review Board shall make written findings for its decisions, subject to the criteria in subsections 4.156(.01) and (.02) above, Section 4.196, and Sections 4.400 through 4.450, as applicable.
4. In issuing a Sign Permit, the Planning Director may grant or deny a variance to relieve a hardship using Class I (Administrative Review) procedures. Such a variance shall only be approved where the variance does not exceed twenty percent (20%) of area, height, or setback requirements (e.g., a ten foot setback requirement could be decreased to eight feet, etc.). The Planning Director shall approve such a variance only upon finding that the application complies with all of the required variance criteria listed in Section 4.196.
5. Variances to sign regulations. Additional to the authority of the Planning Director to issue administrative variances as noted in subsection 4, above, the Development Review Board may authorize variances from sign requirements of this Code, subject to the standards and criteria listed in Section 4.196.

(.03) General Provisions Affecting Signs. No person shall erect, install, construct, place, alter, change, relocate, suspend, or attach any sign, except for routine maintenance of existing signs, without first obtaining a sign permit, paying the required fees, and otherwise complying with the provisions of this Code. The location of free standing or ground-mounted signs located adjacent to or near the Public Right-of-Way shall be in compliance with the City's Public Works Standards for sight distance clearance. Prior to construction, the location of the sign shall be approved by the City of Wilsonville Engineering Division. [Section 4.156(.03) amended by Ord. 610, 5/1/06]

- A. Approval of Permits. No permit shall be issued for signs within the City until reviewed and approved by the Development Review Board, the Planning Director, or the Director's designee as authorized in this Code. Applicants shall, whenever possible, incorporate all proposed signage as a part of the initial submittal on new development projects.
- B. Sign Measurement.
  1. Sign area shall be determined as follows:
    - a. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 15: Sign Face Measurement). Sign area does not include foundations, supports, and other essential structures unless they are serving as a backdrop or border to the sign.
    - b. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all of the pieces (see Figure 17: Individual Element Sign).
    - c. For a round or three-dimensional sign, the maximum surface area visible from any one location on the ground is used to determine sign area (see Figure 20: Sign Face Area).

- d. When signs are incorporated into awnings, walls, or marquees, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign-related display or decoration.
  - e. For the purposes of sign area calculations, the surface area of wall murals and wall signs shall be calculated as part of the total sign area as indicated in this subsection.
  - f. The Planning Director shall be responsible for determining the area of a sign, subject to appeal as specified in Section 4.022.
  - g. Unless otherwise specified, the sign area of a two-sided sign, with two matching sides, shall be considered to be the area of one side. For example, the sign area of a two-sided sign having thirty-two (32) square feet per sign face shall be considered to be thirty-two (32) square feet, unless this code specifies otherwise.
2. The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure. If there is a question regarding the height of a sign, the Planning Director shall make the determination, subject to appeal, as provided in this Code.
- C. Non-conforming Signs. Non-conforming signs, which may be non-conforming structures or non-conforming uses, are subject to the standards for non-conforming uses and non-conforming structures delineated in Sections 4.189 through 4.190. Except, however, that a non-conforming sign that is damaged beyond fifty percent (50%) of its value, as determined by the City Building Official, may only be reconstructed if the reconstructed sign meets all applicable zoning, structural, and electrical standards applicable at the time of reconstruction. Nothing in this Section is intended to impair any previously approved sign permit that has been issued by the City of Wilsonville, subject to state or federal law, or to require the removal of any sign that was legally erected or installed prior to the effective date of these regulations. In the event that a previously erected or installed sign no longer meets applicable City zoning standards, it may remain in place subject to the standards for non-conforming uses or nonconforming structures noted above.
- D. Master Sign Plans. A master sign plan is required for developments containing three (3) or more non-residential occupants, including but not limited to tenants, businesses, agencies, and entities. Additionally, the developer of any project may apply to have the development's signs reviewed through master sign plan procedures. A master sign plan shall be submitted at the time the development is reviewed by the Development Review Board. Master sign plans shall contain the method of illumination, the number, locations, and sizes of signs. The proposed master sign plan shall also show the estimated number of tenant signs and the total square footage of all signs within the development. Lettering styles and sizes for all occupants of the development shall be shown if known at the time of application.
1. In reviewing a master sign plan, the Development Review Board may regulate size, location, number, and type of proposed signage in accordance with Sections 4.400 through 4.450 of this Code.



2. The Development Review Board may grant waivers from the requirements of this Section where the overall design of the master sign plan is found by the Board to assure attractive and functional signage. The Board shall give consideration to the size and scale of the proposed development, as well as the number of separate entrances, when acting on a master sign plan for a large development.
3. Any existing sign, whether or not it is to be retained, must be shown on the plan. It shall be the responsibility of the property owner or the owner's agent to administer and control any aspect of an approved master sign plan that is more restrictive than the City's sign regulations. Individual business signs that are part of a master sign plan are subject to the permit application process.
4. Applications for temporary signs on properties that are subject to master sign plans shall be reviewed by the Planning Director or Development Review Board through the Administrative Review process. Such temporary signs are not required to meet the strict standards of the approved master sign plan but shall be required to be designed, or limited in duration, to avoid conflicts with the master sign plan.

(.04) Signs Exempt From Sign Permit Requirements.

- A. The following signs are exempt from the permit requirements of this Section and do not require sign permits. Unless otherwise specified, the area of the exempted signs shall not be included in the calculations of sign area permitted on a given site:
  1. Traffic or other governmental or directional signs, as may be authorized by the City or other units of government having jurisdiction within the City.
  2. Signs installed by public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of utilities or public facilities, including underground utilities.
  3. **Flags displayed from permanently located freestanding or wall-mounted flagpoles that are designed to allow raising and lowering of flags. One site may have up to two (2) exempt flags; no exempt flag may be more than thirty (30) feet in height.**
- B. Other Signs. No sign permit is necessary before placing, constructing, or erecting the following signs. However, in all other particulars such signs shall conform to the requirements of applicable Building and Electrical Codes, as well as this Code.
  1. Signs inside a building containing strobe lights, other flashing lights, or changing image signs which are visible from a public right-of-way are prohibited, unless specifically approved in a sign permit. Other interior signs are allowed, unless determined to be a public nuisance.
  2. ~~Construction Project Signs. A sign erected in conjunction with a construction project and used to inform the public of the architects, engineers and construction organizations participating in the project or indicating "future home of" information. One such sign may be erected after any required~~

Building Permits have been obtained, subject to the following standards and conditions:

- a. ~~No such sign shall exceed sixty-four (64) square feet of total face area or exceed ten (10) feet in height. (Note that signs exceeding six (6) feet in height typically require building permits.)~~
  - b. ~~The sign shall be removed prior to receipt of approval for building occupancy by the City Building Official.~~
3. ~~Signs for Temporary Sales. A sign advertising a temporary sale or similar event. Such signs shall not be placed in a public right of way. Signs on private property for temporary sales, other than weekend signs, are subject to the following standards and conditions:~~
- a. ~~Surface area shall not exceed a size per face of six (6) square feet, and height shall not exceed thirty (30) inches. A frame signs may be 24" by 36" provided that they are designed to meet vision clearance requirements (typically not over 30 inches in height when standing).~~
  - b. ~~Such signs may be erected up to one week before the event and shall be removed no later than the day after the event.~~
  - c. ~~One such sign per tax lot may be posted for up to ten (10) days within a thirty (30) day period without receiving approval of a temporary use permit.~~
  - d. ~~Such signs shall be located on-site and no more than one (1) such sign shall be located per sale or event.~~
4. ~~Weekend Signs. In order to provide an opportunity for short term, temporary advertising of such events as garage sales, open houses, or other events that are temporary in nature, signs meeting all of the following standards shall be allowed without requiring a sign permit:~~
- a. ~~On-site signs~~
    - i. ~~No larger than six (6) square feet per sign face and no more than six (6) feet in height;~~
    - ii. ~~Allowed only between the hours of six (6) p.m.. Friday and eight (8) p.m. Sunday, and the hours of 6 a.m. and 1 p.m. Tuesdays;~~
    - iii. ~~Outside of vision clearance areas at driveways and intersections;~~
    - iv. ~~No more than one (1) sign per dwelling unit or business, per lot frontage (e.g., a development with only one lot frontage onto a street would be permitted only one such sign, regardless of the number of units); and~~
    - v. ~~Not placed within required parking spaces, pedestrian paths, or bike ways.~~
  - b. ~~Off site signs, subject to the same standards as on-site weekend signs, above, with the addition of the following:~~
    - i. ~~Permission for the sign location is to be provided by the property owner;~~
    - ii. ~~No more than three (3) off-site signs per sale or event.~~
    - iii. ~~No closer than ten (10) feet from any other sign.~~

- c. ~~Signs in rights-of-way, subject to the same standards as off-site weekend signs, above, with the addition of the following:~~
  - ~~i. Not greater than thirty (3)) inches in height. A frame signs may be 24" by 36" provided that they are designed to meet vision clearance requirements (typically not over 30 Inches in height when standing);~~
  - ~~ii. Not placed on street surfaces, sidewalks, paths, median strips, or bicycle ways;~~
  - ~~iii. Additionally, weekend signs within rights-of-way shall be located within forty (40) feet of an intersection; they shall be directional signs as listed in subsections 4.156 (.04) (B.) (6), below, with the exception that they are specifically allowed in City rights-of-way and may be up to six (6) square feet in size; and~~
  - ~~iv. Weekend signs shall be subject to the same locational limitations as campaign or candidate signs listed in subsection 4.156 (.10) (A) (5).~~

5.2. Name Plates and Announcements.

- a. A sign identifying the name, street address, occupation and/or profession of the occupant of the premises **in the aid of public health and safety**. ~~Graphic information on all name plates shall be limited to the identification of the business name as registered with the State of Oregon or the City of Wilsonville.~~ One name plate, not exceeding a total of three (3) square feet, shall be allowed for each occupant. The name plate shall be affixed to the building.
- b. Announcements posted on a given property (e.g., no smoking, no parking, rules of conduct, etc.) and not intended to be read from off-site, are permitted to be located as needed. Such announcements shall not be considered to be part of the sign allotment for the property.

6.3. Directional Signs. Designed for non-changing messages, directional signs facilitate the safe movement of the traveling public. Such signs are subject to the following standards and conditions:

- a. The following directional signs are exempt from sign permit requirements:
  - i. Those having a maximum area of not more than three (3) square feet per sign face, are not located within public rights-of-way, and which meet City vision clearance requirements;
  - ii. Those without lighting;
  - iii. Those without a logo or those having a logo that does not exceed one (1) square foot in size; and
  - iv. Those where not more than one (1) directional sign is located on the same tax lot.
- b. The following directional signs require a sign permit:
  - i. Those having a maximum sign face area of more than three (3) and not exceeding six (6) square feet.
  - ii. Those having lighting that is limited to indirect or internal lighting. Flashing lights are prohibited.



- ~~7. Real Estate Signs, including signs for the purpose of advertising the rent, lease, sales, etc. of real property, building opportunities or building space.~~
- ~~a. Real Estate Signs for Residential Properties. When residential units are for rent or sale, the owner or the owner's authorized representative may erect signs which:~~
- ~~i. Are limited to one single, double, or triple-faced sign on the lot or parcel, not to exceed six (6) square feet per face.~~
  - ~~ii. Shall not exceed six (6) feet in height.~~
  - ~~iii. Shall pertain only to the property upon which they are located.~~
  - ~~iv. Shall not be illuminated, either directly or indirectly.~~

~~In addition, directional signs may be erected off-site to aid the public in locating the residential properties offered. Such off-site directional signs shall be subject to the provisions of Section 4.035 applying to temporary signs, or to subsection 4.156(.04)(B.)(4.), above, applying to weekend signs.~~

- ~~b. Signs Advertising a Legally Recorded Residential Subdivision in its Entirety, or the Sale, Rental or Lease of Tracts of Land in Excess of Five (5) Acres. When such tracts are offered, the owner or owner's representative may erect signs which:~~

- ~~i. Are limited to one single, double, or triple-faced sign, not to exceed thirty-two (32) square feet per face.~~
- ~~ii. Shall pertain only to property upon which they are located.~~
- ~~iii. If pertaining to a recorded residential subdivision, shall not remain upon the premises in excess of eighteen (18) months from the date of recordation of the final subdivision plat. An extension of this time limit may be granted by the Planning Director through a Class I Administrative Review procedure, upon finding that at least 25% of the subdivision lots remain unsold and undeveloped.~~
- ~~iv. Shall not exceed six (6) feet in height.~~
- ~~v. Shall not be illuminated, either directly or indirectly.~~

- ~~c. Signs Advertising the Sale, Lease or Rental of Commercial or Industrial Premises. When such properties are offered, the owner or the owner's authorized representative may erect signs which:~~

- ~~i. Are limited to the greater of one single, double, or triple-faced sign, not exceeding thirty-two (32) square feet per sign face per:~~

- ~~• Tax lot;~~
- ~~• Three (3) acres; or~~
- ~~• Street frontage.~~

- ~~ii. Shall pertain only to the property upon which they are located.~~
- ~~iii. Shall not exceed six (6) feet in height.~~
- ~~iv. Shall be located at least fifty (50) feet from any other freestanding sign on the same lot.~~

- ~~§ 4. Changes of Copy Only, where the graphics contained on an existing sign are changed, but the sign itself is not structurally altered, and no building or electrical permit is required.~~

- ~~9. Campaign or Candidate Signs on Private Property. A campaign or candidate lawn sign on private property shall meet the following standards and conditions:~~
- ~~a. Such signs shall not be placed in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of any property.~~
  - ~~b. Such signs shall have no more than two (2) sides; shall be no higher than six (6) feet tall measured from the grade surface to the top of the sign inclusive of pole; and sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.~~
  - ~~c. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary, or special election and shall be removed within three (3) days after the election.~~
105. A sign that is not visible from any off-site location shall be exempt from the sign permit requirements of this Code and shall not be included within the area calculations of permitted signage. This does not, however, exempt such signs from the permit requirements of applicable building or electrical codes.
116. Holiday lights and decorations, in place between November 15 and January 15.
127. Signs on scoreboards or ballfields located on public property.
138. Additional to the signs that are otherwise permitted by this Code, one small decorative banner per dwelling unit may be placed on site in residential zones.
- 9. Lawn Signs meeting the standards of Table S-1 and the following conditions:**
- a. Such signs shall not be intentionally illuminated and shall not display movement.**
  - b. Such signs shall not obscure sight lines of the motoring public, obscure traffic or other government signs, or create a nuisance to the use or occupancy of any property.**
  - c. Lawn signs associated with temporary events may be posted no longer than sixty (60) days before the beginning of an event and must be removed at the event's completion.**
  - d. Lawn signs not associated with temporary events may be posted for one period of up to sixty (60) days in a calendar year.**
  - e. Such signs may be up to six (6) feet in height.**
  - f. Such signs may be one (1) or two (2) sided.**
- 12. Rigid Signs meeting the standards of Table S-1 and the following conditions:**
- a. Such signs shall not be intentionally illuminated and shall not display movement.**

- b. Such signs shall not obscure sight lines of the motoring public, obscure traffic or other government signs, or create a nuisance to the use or occupancy of any property.
- c. Such signs may be up to six (6) feet in height, except signs on lots with an active construction project (active building permit), which may be up to ten (10) feet in height. (Note that signs exceeding six (6) feet in height typically require building permits.)
- d. Such signs may be one (1), two (2), or three (3) sided.
- e. On Residential and Agriculture zoned lots:
  - i. A rigid sign not associated with an ongoing temporary event may be displayed for no more than sixty (60) days each calendar year.
  - ii. A rigid sign associated with an ongoing temporary event may be displayed for the duration of that event. Note: Section 4.156(.05)E.12 of this Code prohibits signs associated with temporary events to remain posted after the completion of the event.
- f. On Commercial, Industrial, or Public Facility zoned lots:
  - i. A rigid sign not associated with an ongoing temporary event may be displayed for no more than ninety (90) days each calendar year.
  - ii. A rigid sign associated with an ongoing temporary event may be displayed for the duration of that temporary event. Note: Section 4.156(.05)E.12 of this Code prohibits signs associated with temporary events to remain posted after the completion of the event.
  - iii. A temporary event must have an end, marked by the occurrence of a specifically anticipated date or happening. A temporary event may not be a part of a broader, continuing event or of related, serial events. Temporary events shall not be defined by content, but may include isolated merchandise sales or discounts, or availability of real estate for sale or lease.

(.05) Prohibited Signs. The following signs are prohibited and shall not be placed within the City:

- A. Search lights, strobe lights, and signs containing strobe lights or other flashing lights, unless specifically approved in a sign permit.
- B. Obstructing signs, a sign or sign structure such that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, hydrant, standpipe, or the exterior of any window; any sign projecting more than twelve (12) inches from a wall, except projecting signs that are specifically permitted through the provisions of this Code.
- C. Changing image signs, including those within windows, unless specifically approved through the waiver process provided for architectural features in planned developments.



- D. Roof-top signs - signs placed on the top of a building or attached to the building and projecting above the top of that building, unless specifically approved through the temporary use permit or annual pre-approved sign procedures of this Code.
- E. Other Prohibitions: Additional to the signs listed above, the following are prohibited:
1. Signs obstructing vision clearance areas.
  2. Pennants, streamers, festoon lights, and other similar devices intended to be moved by the wind, unless specifically authorized in an approved sign permit.
  3. Signs attached to trees or public utility poles, other than those placed by appropriate government agencies or public utilities.
  4. Signs using bare-bulb illumination or signs lighted so that the immediate source of illumination is visible, unless specifically authorized by the Development Review Board or City Council. This is not intended to prohibit the use of neon as a source of illumination.
  5. Signs that use flame as a source of light or that emit smoke or odors.
  6. Any sign, including a window sign, which is an imitation of or resembles an official traffic sign or signal; and which may include display of words or graphics that are likely to cause confusion for the public, such as "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," etc.
  7. Any sign, including a window sign, which by reason of its size, location, movements, content, coloring, or manner of illumination may be confused with, or construed as, a traffic control device, or which hides from view any traffic sign, signal, or device.
  8. Portable signs, exceeding six (6) square feet of sign area per side, other than those on vehicles or trailers. The display of signs on a vehicle or trailer is prohibited where the vehicle or trailer is not fully operational for use on public roads or where the primary function of the vehicle or trailer is advertising. Examples where the primary function of the vehicle or trailer is advertising include mobile billboards such as those on which advertising space is rented, sold, or leased.
  9. Signs located on public property in violation of subsections 4.156 -"10" or "11," below.
  10. Signs placed on private property without the property owner's permission.
  11. Signs erected or installed in violation of standards prescribed by the City of Wilsonville, State of Oregon, or the U.S. government.
  12. **Signs associated with temporary events, after the temporary event is completed.**

(.06) Sign Area. The total square footage of signage per lot shall be regulated by Sign Table 6, Permanent Signs, except as otherwise specified in this Code. Additional signage may be authorized, provided that the sign proposal conforms to the provisions of this Section.

- (.07) Sign Permit Requirements In Residential Zones. Notwithstanding the provisions of Sign Table 6, the following signs may be allowed in PDR, R, and RA-1 zones:
- A. Signs pertaining to individual residences or home occupations shall be subject to the following standards and conditions:
    - 1. Surface area shall not exceed three (3) square feet and sign shall not be artificially illuminated.
    - 2. The sign shall be located inside the dwelling or located flat against the dwelling.
    - 3. One such sign per dwelling unit is allowed.
  - B. Special event signs - signs advertising or pertaining to any special event taking place within the City. The Planning Director may issue a temporary use permit for special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A.) (4.) through the Administrative Review process of Sections 4.030 and 4.035. The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section.
    - 1. Annual pre-approved special event signs. The Planning Director shall maintain a list of pre-approved special events for which separate temporary use sign permits are not required. The Planning Director shall utilize the Administrative Review process and criteria to establish the list, subject to appeal as specified in Section 4.022. The Planning Director may renew the list annually with or without changes. This list shall specify the total number of signs that are to be allowed for each listed event. In acting on requests for inclusion on the pre-approved list, the Planning Director may set conditions of approval and shall not be bound by the standards of this code applying to other signs. Because these special events occur annually, it is more efficient to process requests in a single package rather than require numerous temporary use permits. Additionally, traffic congestion is expected to be diminished during special events if adequate signage helps to direct people to appropriate locations.
    - 2. Inflatable signs - Inflatable signs shall not be mounted or suspended from the roof, nor shall a ground-mounted inflatable sign exceed ten (10) feet in overall height in a residential zone. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.
  - C. District or Planned Development signs - one (1) on-site monument sign, or one (1) off-site monument sign on an adjacent parcel identifying that Planned Development project may be permitted, subject to the following standards and conditions:
    - 1. The sign may be a double-faced sign and shall not exceed sixteen (16) square feet per face.
    - 2. The sign shall pertain only to the subject development which it is intended to identify.

3. Sign graphics may be changeable so as to indicate vacancies and occupancy changes.
4. The sign shall be reviewed by the Development Review Board in conjunction with the overall Planned Development.

D. Opening Banner for a new business or housing development. A banner ~~announcing~~ **corresponding with** the opening of a new business or housing development (e.g., "Grand Opening," "Now Renting," etc.) may be permitted, subject to the Class I Administrative Review provisions of Sections 4.030 and 4.035 and the following standards and conditions:

1. One such banner shall be allowed either from the date of issuance of Building Permits until four (4) weeks after issuance of Certificates of Occupancy or, if no Building Permit is issued, for four (4) weeks after occupancy of a new business.
2. Such banner may be two-sided but shall not exceed thirty-two (32) square feet per face.

E. Monument Signs. One monument sign, not exceeding eighteen (18) square feet in area, shall be permitted for each residential subdivision having fifty (50) or more lots or for any other residential development with fifty (50) or more dwelling units.

(.08) Sign Permit Requirements In PDC And PDI Zones. In implementing the permanent sign footage per lot allowed by the provisions of Sign Table 6, the following standards and conditions shall apply to all signs in PDC and PDI zones, other than the Town Center area:

A. Freestanding Signs.

1. One freestanding sign is allowed for the first two-hundred (200) linear feet of site frontage. One additional freestanding sign may be added for through lots having at least two-hundred (200) feet of frontage on one street and one-hundred (100) feet on the other street.
2. The maximum height of a freestanding sign shall be twenty (20) feet. If there is a building on the site, the maximum height shall be twenty (20) feet above the average grade of the building footprint.
3. Pole placement shall be installed in a vertical position (see Figure 16: Sign Position).
4. Freestanding signs shall not extend into or above public rights-of-way.
5. Street side setbacks for freestanding signs may be reduced to ten (10) feet without requiring a waiver or variance.

B. Signs on Buildings.

1. Total area of building signs shall be determined as follows:
  - a. Square feet of all building signs shall not exceed the longest side of the largest building (i.e., one square foot of sign area for each linear foot of building) occupied by the use advertised, up to a maximum of two-

hundred (200) square feet, whichever amount is less, except as provided in “b” and “c” below. The length of building is to be measured at the building line.

- b. The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by twenty (20) percent to allow for building signs at separate building entrances; or
  - c. The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by fifty (50) percent to allow for building signs at separate entrances that are located at least fifty (50) feet apart or on different sides of the building.
2. Types of signs permitted on buildings include wall flat, fascia, projecting, marquee, and awning signs. Roof-top signs are prohibited.
- C. Additional Signs. Notwithstanding the sign footage allowed based on the site and building frontages as shown in Table 6, the following signs may be permitted, subject to standards and conditions in this Section:
1. Directional signs.
  2. Special event signs - signs advertising or pertaining to any special event taking place within the City. The Planning Director may issue a temporary use permit for special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A.)(4.) through the Administrative Review process of Sections 4.030 and 4.035. The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section. Additionally, the Planning Director may authorize signs for pre-approved special events in PDC and PDI zones through the same procedures as for residential zones, listed in subsection 4.156(.07), above.
  3. Inflatable signs - Inflatable signs shall not be mounted or suspended from a roof unless specifically authorized through a temporary use permit or annual pre-approved event permit, nor shall a ground-mounted inflatable sign exceed ten (10) feet in overall height. If attached to a building in any manner, an inflatable sign must meet applicable building code requirements including consideration of wind loads. Inflatable signs are temporary advertising devices, subject to the standards for Administrative Review specified in Sections 4.030 and 4.035. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.
  4. District or Planned Development signs - one (1) on-site monument sign, or one (1) off-site monument sign on an adjacent parcel identifying that Planned Development project, may be permitted, subject to the following standards and conditions:
    - a. The sign may be double-faced, shall not exceed thirty-two (32) square feet per face, and may be located within ten (10) feet of a street right-of-way without requiring a waiver or variance.
    - b. The sign shall pertain only to identification of its subject development.

- c. Sign graphics may be changeable so as to indicate vacancies and occupancy changes.
  - d. The sign shall be reviewed by the Development Review Board in conjunction with the overall Planned Development.
5. Fuel or Service Station Price Signs. Two (2) changeable copy signs shall be allowed for the purpose of advertising fuel prices, subject to the following standards and conditions:
- a. The sign shall have a maximum of six (6) square feet in area per face and shall be permanently affixed to the building or freestanding sign.
  - b. The sign shall not be considered in calculating the maximum area or number of signs permitted at the location.
  - c. Signs on fuel pumps shall be permitted, providing that they do not project beyond the outer edge of the pump in any direction.
6. Banner for new business, apartment complex, housing development, or special event. A banner ~~announcing~~ **corresponding** to a special event or opening (e.g., "Grand Opening," "Now Renting," etc.) may be permitted, subject to the Administrative Review provisions of Section 4.030 and 4.035, and the following standards and conditions:
- a. One (1) such banner shall be allowed either from the date of issuance of Building Permits until four (4) weeks after issuance of Certificates of Occupancy, or if no Building Permit is issued, for four (4) weeks after occupancy of a new business.
  - b. Such banner may be two-sided but shall not exceed thirty-two (32) square feet per face.

(.09) Sign Permit Requirements in the Town Center Area of the Planned Development Commercial Zone. The following shall apply to signs within the Town Center area:

- A. Purpose. The Wilsonville Town Center is well suited for the institution of a coordinated signing program because of its geographic unity, focal location, and the fact that it is in the early stage of development. The purpose of this subsection is to provide the Town Center with a program of coordinated signing which is both functional and aesthetic, and to provide a method of administration which will insure continuity and enforcement. In this manner, the framework will be provided for a comprehensive balanced system of street graphics which provide a clear and pleasant communication between people and their environment.
- B. In regulating the use of street graphics and building signage, the following design criteria shall be applied in conjunction with the provisions of this Code. Street graphics and building signage shall be:
  - 1. Appropriate to the type of activity to which they pertain.
  - 2. Expressive of the identity of the individual proprietors and the Wilsonville Town Center as a whole.
  - 3. Legible in the circumstances in which they are seen.

4. Functional as they relate to other graphics and signage. Further provision is made herein for an orderly and reasonable process to obtain signing approval, collect permit fees, and provide for hearings, review, and enforcement.

C. General Requirements.

1. Addressing (note that addresses are assigned by the City's Community Development Department).
  - a. Every building or complex with a designated address shall have a permanent address sign. This address sign shall be located on a street graphics sign, except that when no graphics sign is provided, the address shall be on its own sign.
  - b. Address letters shall be 2 inches to 6 inches in height with contrasting background.
  - c. When not part of the street graphics sign, the address sign shall be not more than four (4) square feet in area.
  - d. The maximum height of an address sign shall not exceed four (4) feet above the adjacent grade.
  - e. Information on address signs shall be limited to the address and the street name.
2. Special event signs - signs advertising or pertaining to any special event taking place within the City. Through the Administrative Review process of Sections 4.030 and 4.035, the Planning Director may issue a temporary use permit for special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A.)(4.). The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section. Additionally, the Planning Director may authorize signs for pre-approved special events in the Town Center area through the same procedures as for residential zones, listed in Section 4.156(.07), above.
3. Street Graphics Signage. Approval of Street Graphics Signage shall not precede the Development Review Board approval of Building Graphics Signage.
  - a. Street graphics shall include the building name, if there is one, and the building address.
  - b. The letter height for the building name shall be twelve (12) inches maximum.
  - c. For individual occupants, letter height shall be eight (8) inches maximum.
  - d. There shall be not more than one sign for each parcel of land, except where approved as part of a Master Sign Plan.
  - e. The maximum height shall be eight (8) feet above curb for multi-tenants and four (4) feet above curb for single tenants.
  - f. The maximum area for street graphics shall be limited to eight (8) square feet per tenant.



- g. Within a multi-tenant building, the maximum square footage for street graphics signage shall not exceed 48 square feet (96 square feet both sides) for solely commercial retail; 40 square feet (80 square feet both sides) for mixed occupancies, retail and professional; 32 square feet (64 square feet both sides) for solely professional.
- h. Street graphic lighting shall not be of flashing, intermittent types. Floodlights or spotlights which illuminate graphics must be positioned in such a manner that no light shines over onto an adjoining property or glares or shines in the eyes of motorists or pedestrians.
- i. Location of street graphics shall not be further than fifteen (15) feet from the property line nor closer than two (2) feet from the sidewalk. In no case shall a sign be permitted in the public right-of-way.
- j. No sign shall obscure any road sign as determined by the manual on uniform traffic control devices and posted by the City, County, or State.
- k. No selling slogans shall be permitted on street graphics signage.

4. Building Graphics Signage.

- a. The total square footage of all signs except a single address sign and a street graphics sign shall not exceed the width of the building occupied by the use advertised. The width of a building is to be measured as the longest dimension of the width or depth of the building. Except, however, that the total area of signage allowed may be increased by up to fifty percent (50%) for each building side having a public entrance.
- b. Letters shall be allowed to increase from twelve (12) inches within the first twenty (20) feet from the property line by increments of up to 3: for each 50-foot setback or fraction thereof with the maximum height of twenty-four (24) inches.
- c. The maximum height of signs shall be as shown in Figure 18: Maximum Sign Height – Town Center.

(.10) Signs on City Property. For the purposes of this subsection, City property is defined as physical sites, City right-of-ways, and rights-of-way over which the City has jurisdiction. City property includes, but is not limited to, the following: City Hall, The Community Development Annex, the Community Center, the Library, Boones Ferry Park, the Burlington Northern park site, Town Center Park, Tranquil Park, Wilsonville Memorial Park, the Boozier property, the Montebello open space on Wilsonville Road, Fox Chase Park, and the City's reservoir, pump station, or treatment plant properties.

- A. ~~Permitted~~ **Allowed Signs.** **The following** signs may be placed on City property and/or City rights-of-way and right-of-ways over which the City has jurisdiction under the following conditions:
- 1. Such signs as are necessary to locate and direct the public to City premises, or other governmental premises, ~~shall be permitted.~~
  - 2. Such signs as are necessary for the public's health, safety, and welfare authorized under law, regulation, ordinance, or order, including but not

limited to traffic signs shall be permitted. This shall include signs authorized to conform with the State's Tourism Information program.

3. Signs and their placement as authorized in subsections 1 and 2, above, shall meet all other applicable standards and criteria under law, regulation, ordinance, or order.
4. ~~Campaign and candidate~~ **Lawn** signs may be placed, **subject to the standards in subsection (.5), below**, on City rights-of-way and rights-of-way over which the City has jurisdiction except **1) those rights-of-way adjoining City properties listed above defined in subsection (.10) above, and 2) are prohibited** in the following locations where the placement of ~~campaign and candidate lawn~~ signs could damage City landscaping or interfere with the City's maintenance of the rights-of-way:
  - a. In any median **or landscaped** strip inside the City limits **as identified below in section b through q.**
  - b. Either side of French Prairie Road.
  - c. Either side of Canyon Creek Road North, from Boeckman Road to Elligsen Road.
  - d. Either side of Wilsonville Road between Town Center Loop East and the Portland & Western (previously Burlington Northern) Railroad property.
  - e. Either side of Town Center Loop West and East.
  - f. Both sides of former S.W. Parkway frontage between Town Center Loop West and Wilsonville Road.
  - g. Wilsonville Road between Willamette Way West and Willamette Way East.
  - h. The north side of Wilsonville Road from Town Center Loop East to Boeckman Creek.
  - i. Either side of Wilsonville Road between Boeckman Road and the southern boundary of the Wilsonville High School property.
  - j. Either side of Parkway Center Avenue.
  - k. The south side of Elligsen Road from the eastern city limits to a point directly across from the west side of the Tualatin Valley Fire District fire station.
  - l. The western side of Boones Ferry Road adjoining Boones Ferry Park.
  - m. Either side of Boeckman Road and all islands, from the railroad tracks west to 110<sup>th</sup>.**
  - n. Either side of 110<sup>th</sup> between Barber Street and Boeckman Road.**
  - o. The eastern side of Grahams Ferry Road from Tooze Road to the City limits.**
  - p. Either side of Barber Street between 110<sup>th</sup> and Brown Road, including islands and roundabouts.**

**q. Such other areas as the City may designate as requiring protection from landscape damage.**

~~5. Campaign or candidate signs shall meet the following standards and conditions:~~

- ~~a. Such signs shall not be placed in a City right-of-way which is adjacent to other publicly owned property, in order to avoid the appearance that a public entity is politically supporting a candidate(s) or measure(s) sign's content. Other publicly owned property includes that of districts, county, regional, state, and federal governmental entities.~~
- ~~b. Such signs shall not be placed within a City right-of-way in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of private property.~~
- ~~c. Such signs shall be designed and constructed to prevent being moved by the wind and may be placed one every fifty (50) feet within a right-of-way location. Such signs shall have no more than two (2) sides, shall be no higher than thirty (30) inches measured from the surface of the right-of-way to the top of the sign inclusive of pole, and each sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.~~
- ~~d. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary or special election and shall be removed within three (3) days after the election. Each sign shall be placed at least ten (10) feet away from any other temporary placed candidate or campaign sign.~~

**4. Lawn signs shall meet the following standards and conditions:**

- a. Allowed only between the hours of 6 a.m. Friday and 8 p.m. Sunday, and the hours of 9 a.m. and 4 p.m. Tuesdays;**
- b. Not greater than thirty (30) inches in height. A-frame signs may be 24" by 36" provided that they are designed to meet vision clearance requirements (typically not over 30 inches in height when standing);**
- b. Not placed on street surfaces, sidewalks, paths, median strips, or bicycle ways;**
- c. Located within forty (40) feet of an intersection;**
- d. No more than three (3) signs per person; and**
- e. Placed no more than one every fifty (50) feet and at least ten (10) feet away from any other temporary sign.**

Signs Within ODOT Right-Of-Way. Consistent with the Laws and Administrative Rules of the State of Oregon, all signs of any kind are prohibited within right-of-way of the Oregon Department of Transportation (ODOT), except those signs that are specifically determined by ODOT to be necessary for the public's health, safety, or welfare. The City may assist the State in the removal of signs that are illegally placed

within ODOT right-of-way, as provided above for signs in City right-of-way. City assistance is justified in view of the substantial public investment that has recently been made to improve and beautify both freeway interchange areas north of the Willamette River.

(.12) Enforcement.

- A. Any person who places a sign that requires a permit under this Section, and who fails to obtain a permit before installing the sign, shall be subject to penalties and fines as established in Wilsonville Code 4.025.
- B. Removal of signs. Any sign placed on public property in violation of the provisions of this Code shall be immediately removed by the City. As soon thereafter as reasonable, the City shall notify the owner or the owner's representative that the sign has been removed, and that, if the sign is not claimed within ten (10) days, the sign will be deemed abandoned and subject to disposal by the City. The City shall have no responsibility to contact the owner of the sign if the owner's name, address, and telephone number are not clearly indicated on the sign and shall dispose of the sign ten days after its removal by the City. The City Council may establish fees to be collected at the time of releasing impounded signs in order to cover the City's costs in collecting, storing, and returning these signs and administering the sign removal program.
- C. Civil Enforcement. Any sign which is intentionally placed in violation of the provisions of this Code after the owner of the sign has been notified of the initial sign removal and reason for its removal, shall subject the owner to a civil violation not to exceed \$100.00 as and for a civil fine for each day that a violation continues to exist.
- D. Additional Enforcement. The remedies described herein are not exclusive and may be used in addition to those prescribed elsewhere in the Wilsonville Code, including Sections 1.012 and 1.013, Violations, and 6.200 through 6.620, Nuisances. The City Attorney may use any enforcement process available at law or equity, including but not limited to, seeking injunctive relief, equitable relief, damages, or fines for violations.

[Minor Edits to Section 4.156 by Ordinance No. 538, 2/21/02.]

ZONE	TOTAL SQUARE FOOTAGE OF SIGNAGE PERMITTED PER LOT	TOTAL SQ. FT. SIGN AREA TO LENGTH OF BUILDING (SQ. FT. LINEAR FT)
R, RA-1, PDR (0-3 u/ac.)	3	1:1
PDR (3-7 u/ac)-	3	1:1
PDR (7+ u/ac)	6/D.U., 80 for non-res.	1:1
PF, PDC (not Town Ctr)	200	1:1
PDC-Town Center *	*	1:1
PDI	200	1:1

**Table 6: Sign Size Standards by Zone (Permanent Signs)**

- \* See special sign standards for the Town Center area in Section 4.156(9).
- a. Monument signs are counted at 50% of their actual square footage, for purposes of this Table.
- b. Most restrictive standard applies. Signage not to exceed the most restrictive of applicable standards.
- c. River frontage shall be counted the same as street frontage.
- d. Where a building exists, total sign area per lot not to exceed 1 sq. ft. for each 1 linear foot of building, on the building's longest side, except as otherwise provided in this Code.
- e. Total sign area per lot may be increased by up to 50% per street frontage for corner and double frontage lots.
- f. Total sign area based on building length may be increased by up to 50% where the building footprint has not more than 10% of the area of the tax lot on which it is located.
- g. Residential densities are based on Wilsonville Comprehensive Plan.
- h. Non-residential uses that are permitted in residential zones shall have sign standards determined through site development permit process.

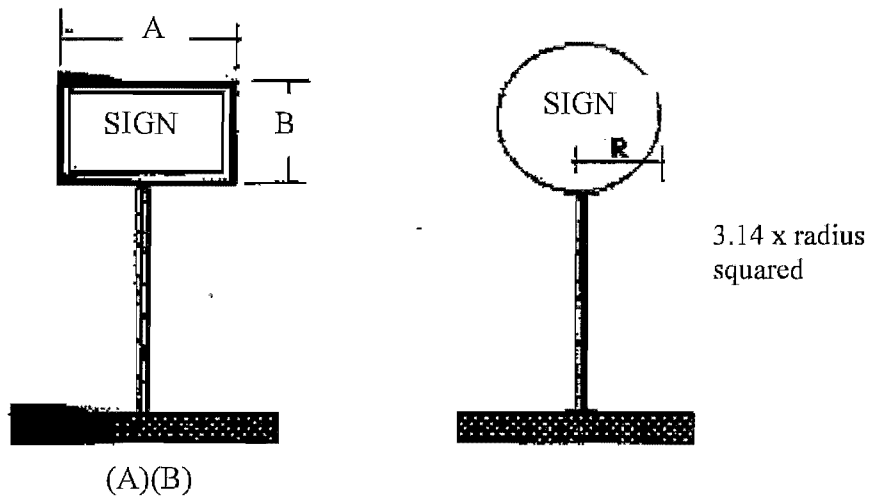
Table S-1 Exempt Lawn and Rigid Sign Allowances

<u>Sign Location Description</u>		<u>Lawn Signs</u> (see WC 4.156 (.04)(B)(9.))	<u>Rigid Signs</u> (see WC 4.156(.04)(B)(10.))	<u>Maximum Combined Lawn and Rigid Signs</u>
<b>Part 1 General Allowances for Lawn and Rigid Signs</b>				
Residential or Agriculture zoned lots. <sup>1</sup>	Area Per Sign Face	6 sq. ft.	6 sq. ft.	3 signs per lot
	Exempt at One Time	3 signs per lot	1 sign per lot	
Commercial, Industrial, or Public Facility zoned lots. <sup>2</sup>	Area Per Sign Face	6 sq. ft.	32 sq. ft.	3 sign per lot, plus 1 additional rigid sign if the lot is more than 3 acres in area or has multiple street frontages.
	Exempt at One Time	3 signs per lot	1 sign per lot, plus 1 additional sign if the lot is more than 3 acres in area or has multiple street frontages.	
<b>Part 2 Additional Special Allowances for Rigid Signs<sup>3</sup></b>				
Lots with active commercial, industrial, public facility, or multi-family construction projects. <sup>4</sup>	Area Per Sign Face		64 sq. ft.	
	Exempt at One Time		1 sign per lot	
Residential or Agriculture tracts of land in excess of 5 acres or recorded residential subdivisions with more than 25% of the lots remaining unsold and undeveloped	Area Per Sign Face		32 sq. ft.	
	Exempt at One Time		1 sign per qualifying tract or subdivision	

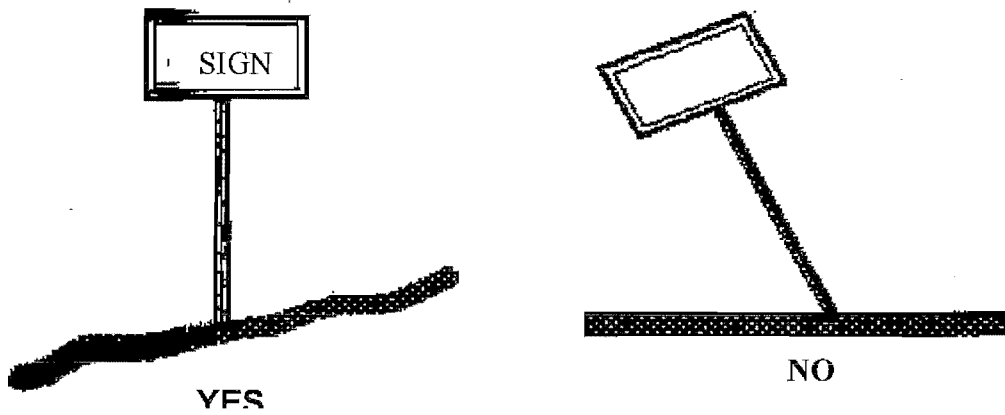
Table S-1: Exempt Lawn and Rigid Sign Allowances

- <sup>1</sup> Residential and Agriculture zones include all PDR (Planned Development Residential) zones, along with the R (Residential), RA-II (Residential Agriculture-Holding) zone, and any county zoned land within Wilsonville City limits. In addition, lots not zoned Residential, but designated exclusively for residential use in an approved Master Plan, shall be considered residentially zoned for the purposes of this table. This includes residential lots and in the Village Zone.
- <sup>2</sup> Commercial, Industrial, Public Facility zones include all PDC (Planned Development Commercial) PDI (Planned Development Industrial), and PF (Public Facility) zones. In addition, lots zoned Village, but designated for commercial, mixed-use, or publicly-owned use in an approved Master Plan, shall fall under this description category for the purposes of this table.
- <sup>3</sup> Sign allowances in Part 2 are in addition to the allowances and maximums in Part 1.
- <sup>4</sup> An active construction project means a construction project for which any required building permits have been obtained and for which the City Building Official has not approved building occupancy. When the Building Official issues a temporary Certificate of Occupancy, the construction project shall be considered active until a permanent Certificate of Occupancy is issued. Active construction projects involving churches, private schools, or other non-single-family uses are included in this description.





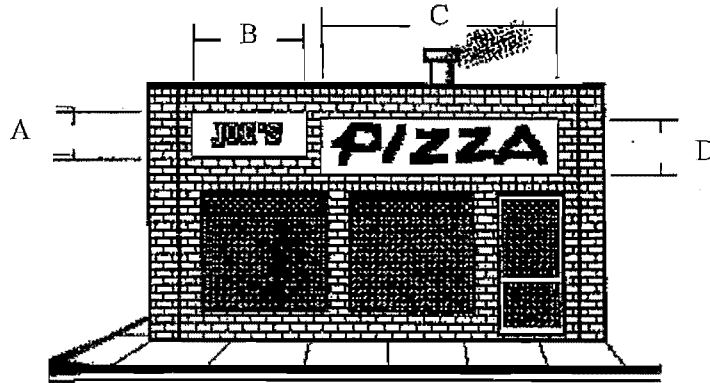
**Figure 15: Sign Face Measurement**



**Figure 16: Sign Position**

Toy Shop

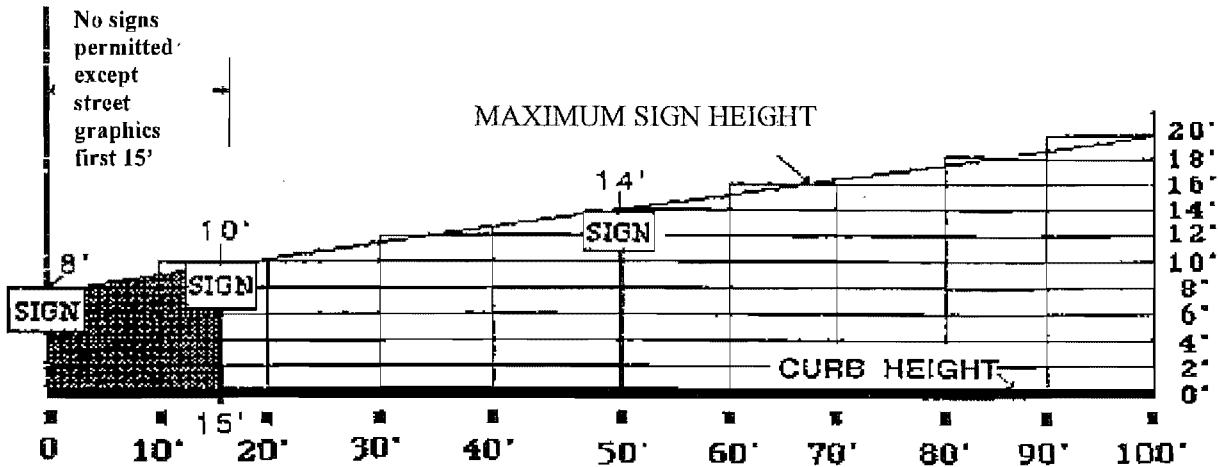
Sign Area is determined by calculating the perimeter drawn around all the sign elements



$$\text{TOTAL AREA} = (A)(B) + (C)(D)$$

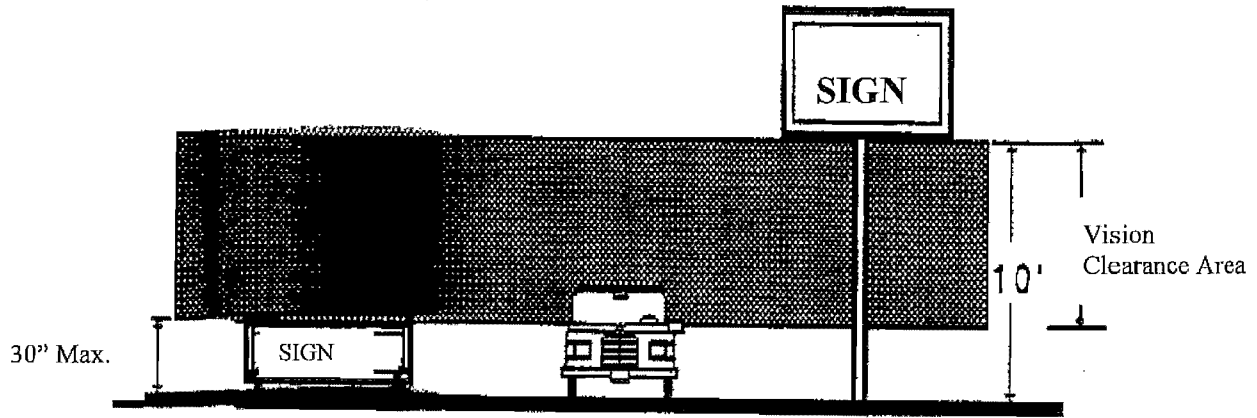
Figure 17: Individual Element Sign

PROPERTY LINE

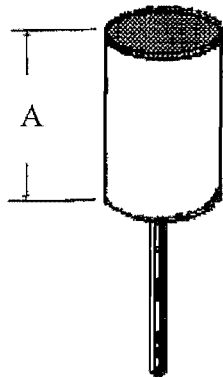


The maximum height of a sign is measured from a point 8 feet above the curb at the property line, to a point 20 feet in height.

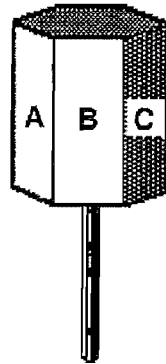
Figure 18: Maximum Sign Height – Town Center



**Figure 19: Vertical Vision Clearance Area**



Sign Face Area = A



Total Area = (A) + (B) + (C)

**FIGURE 20: Sign Face Area**

3. Nonconforming Exempt Signs. Lawful nonconforming exempt signs in existence prior to the effective date of this ordinance may be maintained at then-applicable number and size limitations, but must thereafter conform to the duration limits provided by this ordinance.

4. Staff Direction.

Staff is directed to monitor the use of exempt signage under the new sign provisions and, where experience reveals a proliferation of signage that does not achieve a balance of communication and aesthetic interests reflected in current code or prevailing public interest, staff is directed to return to Council with further recommended amendments.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16<sup>th</sup> day of November, 2009, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, Oregon, and, following a continuance from a January 20, 2010 meeting, scheduled for second reading on March 1, 2010 Council meeting.

  
Sandra C. King, MMC, City Recorder

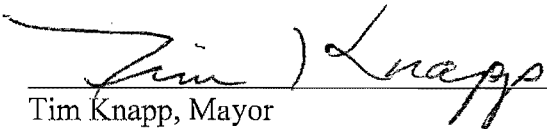
ENACTED by the City Council on the 1st day of March 2010, by the following votes:

Yes: -4-

No: -0-

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 3<sup>RD</sup> day of March, 2010.

  
Tim Knapp, Mayor

SUMMARY OF VOTES:

Mayor Knapp	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Ripple	<u>Excused</u>
Councilor Nunez	<u>Yes</u>
Councilor Hurst	<u>Yes</u>

Attachments:

Exhibit A, staffs report dated November 9, 2009, January 20, 2010 and March 1, 2010.

**WILSONVILLE PLANNING DIVISION**  
*Legislative STAFF REPORT*

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**HEARING DATE:** November 16, 2009

**DATE OF REPORT:** November 9, 2009

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**APPLICATION NO:** LP09-0

**APPLICANT:** City of Wilsonville

**REQUEST:** Amend the sign code to eliminate content-based regulations in the exempt sign section and replace the language with constitutional, content-neutral regulations that achieve a comparable balance of communication and aesthetic interests.

**APPLICABLE REVIEW CRITERIA:**

W.C. 4.197 (.01) B. 1.-4; W. C. 4.156 (.01) A.- I.; and Comprehensive Plan General Development Goal 4.1.

**STAFF REVIEWERS:** Bridget Donegan and Paul Lee, Wilsonville Legal Department.

**LOCATION:** General application

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**SUMMARY:** Sign regulations that are based on sign content or message (e.g. campaign signs or real estate signs) are unconstitutional under the Federal and State freedom of speech clauses. The proposed amendments: 1) repeal regulations of real estate signs (signs advertising the sale, lease, or rental of property), construction project signs, signs advertising sale of lots in a subdivision, and campaign or candidate signs; 2) replace these regulations with new or amended regulations of temporary lawn signs, rigid signs, weekend signs, and monthly signs; and 3) retain area and duration limits for redefined signs.

**ISSUES:** Eliminating regulations that are based upon the content of the communication is relatively easy. The challenge will be the creation of area, duration, and density (signs-per-lot) regulations that replicate those of the repealed regulations. The intent is to adopt replacement code language that does not change the current balance between the desire to communicate by signage and the desire to keep the community free of sign clutter and blight.

## RECOMMENDATION:

Staff respectfully recommends that the City Council adopt Draft Ordinance 675, attached as Exhibit A, with such amendments as Council may, following the public hearing, incorporate.

## CODE LANGUAGE CHANGES, GENERALLY:

The proposed amendments are detailed in the body of this staff report. They are summarily described as follows:

- The definition section of the sign code is amended to add a definition for Lawn Sign and Rigid Sign; the definition of Sign is amended to remove mention of flags.
- The exempt sign section, W. C. 4.156 (.04), is amended to delete reference to construction project signs, real estate signs, signs advertising a legally recorded residential subdivision, signs advertising the sale, lease or rental of commercial or industrial premises, and campaign or candidate signs.
- This section is further amended to add regulations for exempt lawn signs and rigid signs on residential, commercial, industrial, and mixed-use properties.
- Regulations of temporary sale signs and weekend signs are amended to delete reference to advertising and sale. Temporary sale signs are renamed monthly signs.
- The section regulating exempt signs on city property, W. C. 4.156 (.10), is modified to delete reference to campaign and candidate signs and to add several rights of way to the list of streets with landscaping that would be interfered with by sign placement.
- Table S-1 is added, which provides sign area and signs-per-lot regulations for Weekend, Monthly, Lawn and Rigid Signs.

## CONCLUSIONARY FINDING(S):

*I. Comprehensive Plan GOAL 4.1 To have an attractive, functional, economically vital community with a balance of different type of land uses.*

**Response:** Staff is not proposing to change the balance of aesthetic and functional (communication) aspects of signage as a category of land use. Because the proposed amendments should replicate the current balance between community sign attractiveness and functionality, and because the current sign code is presumed to be consistent with this Goal, the amendments are in keeping with this Goal.

*II. Planning and Development Code section 4.197(.01) B. 1-4*

- 1. That the application was submitted in compliance with the procedures set forth in Section 4.008.*
- 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and*



3. *The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and*
4. *If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

**Responses:**

1. Zone text amendments are authorized under 4.008 9.01) F. and Public Hearing Notices applicable to Legislative Hearings have been sent, the application processed, and the hearing and decision making procedure before the Planning Commission and City Council is and will be followed under W.C. 4.008 – 4.024.
2. As noted in Conclusionary Finding I, above, the proposal is consistent with Comprehensive Plan Goal 4.1.
3. Because the amendment is "surgical" in nature – i.e., extracts unconstitutional verbiage without modifying the current operation of the sign code, other unamended provisions of the code are not compromised.
4. The amendment is necessary to insure that the sign section of the zoning code complies with the freedom of speech clauses in the state and federal constitutions: Article I, Section 8 of the Oregon Constitution, and the First Amendment of the US Constitution.

*III. Planning and Land Development Code, section 4.156. Sign regulations shall have one or more of the following specific objectives:*

- A. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised;
- B. To allow and promote positive conditions for meeting the needs of sign users while avoiding nuisances to nearby properties and the community overall;
- C. To reflect and support the desired character and development patterns of the various zones;
- D. To allow for variety in number and type of signs in appropriate locations, while preventing signs from dominating the visual appearance of the area;
- E. To prevent the construction or use of signs that would otherwise detract from the design of adjacent buildings or properties;
- F. To provide the public with adequate opportunity for needed information that can be supplied through signage;
- G. To stabilize and improve property values and prevent the creation of blighted areas;
- H. To provide for the clear identification of structure in order to enhance public safety; and
- I. To ensure the protection of the constitutionally guaranteed right of free speech.

**Response:** The proposed amendments are supported by all of the above objectives. These objectives implement the Comprehensive Plan. Because the current code regulations regarding exempt sign size, duration and placement were adopted pursuant to the Plan and these objectives, (which Plan and Code and have been acknowledged by

LCDC), and because the amendments should replicate these regulations, the proposal is in keeping with these objectives and the community's overall policy to provide adequate opportunity for signage to meet the needs of individuals and business while promoting public safety and continued aesthetic improvement of the City's environment.

## **EXHIBITS**

Draft Ordinance 675.

## **FACTS AND FINDINGS**

### I. Oregon Constitutional Requirements

The Oregon Supreme Court interprets the state constitution to protect free speech more broadly than the federal constitution. These broad protections require sign code regulations to be entirely "content-neutral;" the City may not regulate signs based on the message of the sign and may not regulate commercial speech differently than political speech. The City may use reasonable time, place, and manner restrictions as long as they are content-neutral and related to the City's interest in aesthetics or public safety. For example, a restriction on the number of signs in a right-of-way is constitutional as long as the restriction applies to a sign regardless of what the sign says. It may apply differently to a sign based on the sign's size, structure, physical placement, or duration. However, a restriction on the number of advertising signs in a right-of-way is not constitutional because it treats advertising messages differently than all other messages.

### II. Temporary Signs Exempt from Permit Requirements – W. C. 4.156(.04)B

#### *A. Current Code – Content-Based Exempt Signs*

Wilsonville exempts certain categories of signs from permit requirements as long as the signs meet the size, physical placement, and duration limits in the code. These categories of exempt signs include: construction project signs, real estate signs (for large tracts of land, commercial or industrial premises, and residential property), campaign signs, and temporary sale signs. The size limits between categories vary: construction signs may be sixty-four square feet; real estate signs may be thirty-two square feet, and campaign signs may be six square feet. Duration limits are based on the sign's purpose: a construction sign may be posted as long as a person has a building permit; real estate signs may be posted as long as a property remains for lease or sale; campaign signs may be posted for sixty days before an election and three days after an election. A person may post one sign at any time the conditions are met, except a person may post an unlimited number of campaign signs and a person may post one commercial or industrial real estate sign per lot, per street frontage, or per three acres.

The problem we are addressing is that all of these regulations depend on the content-based categories. Constitutional protections of free speech in Oregon prevent the City from treating a real estate sign differently than a campaign sign simply because it is a real estate sign.

### *B. Proposals – Lawn Signs and Rigid Signs*

To avoid content regulation without losing these time, place, and manner restrictions, we first propose eliminating the content-based categories for real estate signs, construction signs, and campaign signs. We propose renaming temporary sale signs “monthly signs” and not changing those regulations. A person may post a monthly sign for ten days within a thirty day period. Finally, we propose maintaining the weekend sign category but changing the regulations so that the content of those signs is not limited to advertisement of temporary events.

To regulate real estate, construction, and campaign signs without regulating content, we propose defining signs based on the usual sign structures people use for different communications and then applying the regulations to the structure types. The revisions include adding definitions for two types of temporary signs: lawn signs (lighter weight signs) and rigid signs (sturdier signs, constructed to stay in good condition for up to a year). The City of Salem uses these distinctions and staff there has informed us that the categories have worked well for them.

Lawn signs may be posted either for sixty days in one calendar year or for the duration of an associated temporary event. A lawn sign may be six square feet, up to six feet in height, and one or two sided. These sizes are the same as current campaign sign limits. Rigid signs may be posted for ninety days or the duration of an ongoing temporary event, and may be thirty-two square feet (like current real estate signs) or sixty-four square feet for a person with a building permit (like current construction signs).

Temporary event is defined to exclude periodic episodes within larger ongoing or serial events so that the exempt sign does not become an extra permanent sign on a property. For example, a person advertising office space for rent would be able to post a rigid sign for the duration of the real estate availability because 1) real estate availability is an event, that 2) will end at a definite time (when the space is rented or sold), and 3) is not a part of a broader, continuing event or related, serial events. An advertisement for a spring clearance sale would fit these requirements as well. However, the serial advertisement of monthly specials, as an ongoing event, would not. The intent is to disallow an indefinite sign with changed copy.

### *C. Right of Way Signs*

The current code allows weekend signs and campaign signs in rights of way. Weekend signs are limited to the same time restrictions as they face on private property, and we do not recommend changing these regulations except to allow for weekend signs beginning at 6:00 a.m. on Fridays rather than 6:00 p.m. Campaign signs are currently limited to posting in rights of way for sixty days before an election and three days after an election. Because we propose eliminating the category of campaign signs, we also propose modifying these regulations.

We propose allowing lawn signs in rights of way during the same time period – sixty days before and three days after a primary, general, or special election. This does not restrict the content of the sign. Advertisements and social commentary, for example, would be allowed in rights of way along with campaign signs. We propose keeping the

time restrictions around elections because the time limits for lawn signs on private property would be nearly impossible to enforce on rights of way. The community has a need for more communication around elections, so we propose during those limited times allowing *all* communications in the rights of way historically used for such purposes (e.g., industrial areas, Wilsonville Road between the High School and the Boeckman Creek Bridge, and Wilsonville Road between the railroad tracks and the Middle School). Allowing any lawn sign message may result in sign blight during elections. This is an issue that the City may revisit in a few years if this proposal proves to be unmanageable.

The City does have the ability to prohibit all signage in the rights of way. The revisions add four streets to the list of landscaped rights of way where no signs may be placed. These are: Boeckman Rd. from the railroad tracks to 110<sup>th</sup>, 110<sup>th</sup> between Barbur Rd. and Boeckman Rd., the Eastern side of Grahams Ferry Rd. from Tooze Rd. to the City limits, and either side of Barber St. between 110<sup>th</sup> and Brown Rd. The proposed revisions also clarify that no sign may be placed in any median, *landscape* strip, or round-a-bout in the City as identified in the list, so that the City can protect its landscaping without having to amend the code and add new streets to the list. The specific list of streets in the list was kept for clarity. Not all landscaped areas are automatically included because the Code has a very broad definition of landscaped. A map is available that highlights rights of way where signs may be placed.

#### *D. Limits on the Amount of Exempt Signage on Private Property*

The revisions limit the number of each type of exempt sign that a person could post at one time. These limits are included in the new Table S-1. The following limits apply to residential properties, undeveloped properties, and properties currently covered by a building permit: 1 weekend sign, 1 monthly sign, 3 lawn signs, and 1 rigid sign. This does allow for six signs at one time, if all of the conditions are met for each sign. By comparison, the current code allows these properties to have: 1 weekend sign, 1 temporary sale sign, unlimited campaign signs, and 1 real estate sign. For an illustration of this, see the comparison chart on the next page.

The question of whether the proposed changes will result in more signage depends on whether people will take advantage of the new lack of restrictions on sign content. For example, there will be more signage if a person decides to post lawn signs outside of campaign season, or to post a rigid sign that is not a real estate sign. If they do, the sign will be subject to time restrictions (sixty or ninety days in a calendar year). The other restrictions (for weekend and monthly signs) are exactly the same as the current code.

The following limits apply to commercial, industrial, or mixed use properties: 1 weekend sign per occupied unit, 1 monthly sign and 3 lawn signs per property, and 1 rigid sign per lot, per street frontage, or per 3 acre area. The difference in allowances for occupied units and properties is to ensure a comparable amount of signage on multi-unit commercial structures to what is currently posted. Thus, not every business leasing a space is allowed a rigid sign and three lawn signs. Those are limited to the larger property as a whole. Those businesses may still post weekend signs, as they are currently allowed to do.

**Comparison Chart**

Current and Proposed Amounts of Exempt Signs Allowed on Private Properties

<u>Description of Lot Use</u> Note: this does not refer to zoning, but to the use of the property where the sign is located. Where applicable, the City may determine this according to the property's master plan.		<u>Weekend Sign</u> (6 am Fri. – 8 pm Sun.; 6 am – 1pm Tue.)	<u>Monthly Sign</u> (up to 10 days in any 30 day period)	<u>Lawn Sign</u> (see WC 4.156 (.04)B.11)	<u>Rigid Sign</u> (see WC 4.156(.04)B.12)
All Residential Properties except Undeveloped Property 2 Acres or Greater	Total Currently Exempt	1	1	Unlimited Campaign Signs	1 Real Estate Sign
	Proposed Exempt Amount	1	1	3	1
All Undeveloped Commercial or Industrial Land; Undeveloped Residential Land 2 acres or Greater in Area	Total Currently Exempt	1	1	Unlimited Campaign Signs	1 Real Estate Sign
	Proposed Exempt Amount	1	1	3	1
Any Commercial or Industrial Properties for which a Building Permit is Currently Issued	Total Currently Exempt	1	1	Unlimited Campaign Signs	1 Real Estate Sign
	Proposed Exempt Amount	1	1	3	1
Developed Commercial, Industrial, or Mixed Use Property for which a Building Permit is not Currently Issued	Total Currently Exempt	1 sign per unit	1 sign per property	Unlimited Campaign Signs	1 real estate sign per lot, street frontage, or 3 acre area; 50 feet from any other freestanding sign on the lot
	Proposed Exempt Amount	1 sign per occupied unit	1 sign per property	3 signs per property	1 sign per lot, street frontage, or 3 acre area; 50 feet from any other freestanding sign on the lot

The limits on each type of exempt sign attempt to allow all communications we currently allow while preventing blight without restricting content. If the Council feels that the potential for six exempt signs per property is excessive, options include capping the total amount of signage per property (e.g., no residential property could ever have more than three exempt signs of any type) or lowering the number of allowed lawn signs from three to two.

### III. Other Revisions

#### *A. Flags*

The current code defines “sign” to exclude flags of the US, State of Oregon, Clackamas or Washington County, or City of Wilsonville. The revisions cure this content preference by removing this sentence from the definition and instead adding a permit exemption for “Flags displayed from permanently located freestanding or wall-mounted flagpoles that are designed to allow raising and lowering of flags. One site may have up to two (2) exempt flags; no exempt flag may be more than thirty (30) feet in height.”

#### *B. Off-Site Signs*

The Oregon Supreme Court has specifically found distinctions between off-site and on-site signs to be unconstitutional. Currently the code provides for off-site temporary sale signs and off-site weekend signs. We propose striking those and any other references prohibiting off-site signs. This should have a minimal effect, if any, on exempt signage in the City. Under the proposed revisions, a person would be allowed to post a sign on a neighbor’s property if that neighbor gave the person permission and all of the other sign requirements were met. The City may not prohibit this. We believe that the proposed time and amount limits will serve to prevent this from being a problem.

#### *C. Miscellaneous*

A few other very small changes were made: nameplates may now contain business names that are not registered with the state, banners must “correspond with” instead of “announce” the opening of a new business, and weekend signs are allowed beginning at 6 a.m. Fridays rather than 6 p.m. Fridays.

### IV. Input and Staff Response

We have been in regular communications with Daryl Winand, governmental affairs specialist with the Portland Metropolitan Association of Realtors, and with Mark Pruitt, a Chamber of Commerce member and the owner of Professional Signs and Graphics in Wilsonville. We have incorporated their feedback, Planning Commission feedback, and City Council feedback up to this point. Many earlier concerns were fully incorporated into the newer revisions and are not discussed here. The following is a summary of our recommendations in two areas of continued concern.



### *A. Rigid Signs on Commercial Properties*

The previous version of proposed amendments allowed commercial properties one exempt rigid sign for 12 months, with a possible extension for signs associated with ongoing temporary events. A person who removed a rigid sign was then required to wait six months before posting another rigid sign on the same property.

Council was very concerned that the six month waiting period would prevent people from putting up real estate signs after their property was taken off the market for a short period or after the property owner changed leasing agents. In response to these concerns, we that these signs are regulated the same way rigid signs on residential properties are regulated: the time period that a sign may be posted for depends on whether the sign is associated with an ongoing temporary event. If a sign is not associated with a temporary event, it may be posted for one period of up to ninety days in a calendar year. A sign that is associated with an ongoing temporary event may be posted for the duration of that event.

In order to prevent these regulations from allowing extra indefinite signage on commercial properties, we define temporary event as follows:

*A temporary event must have an end, marked by the occurrence of a specifically anticipated date or happening. A temporary event may not be a part of a broader, continuing event or a related, serial event. Temporary events shall not be defined by content, but may include isolated merchandise sales or discounts, or availability of real estate for sale or lease.*

This language will allow for signage when communication is demanded by a certain event, for the duration of the event. However, it is written to prevent people from abusing this allowance by claiming that one indefinite or long-term series of events is actually several temporary events, each deserving of an exempt rigid sign.

### *B. Rigid Signs on Residential Properties*

We continue to recommend that the City not allow for multiple rigid signs on residential properties with multiple frontages. Mr. Wynand has presented us with examples of other cities which allow an unlimited number of signs on residential properties, or allow a second sign on a residence with more than one frontage. We believe that allowing this extra signage would not only expand the amount of signage we currently allow, but is unnecessary in our code because a residential owner may use up to three lawn signs to advertise property on a second frontage. Further, allowing extra signage on a secondary frontage would not be limited to real estate purposes. While we appreciate Mr. Wynand's input and interest in the matter, we believe that these proposed revisions allow for a sufficient amount of signage on residential properties.

Two examples of language the City could use for allowing such signage, if the Council decided to do so, are:

One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed on the second street if that face of the property is at least 300 feet in length.

One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed if the two signs are not simultaneously visible to pedestrians or motorists.

#### V. Conclusion

We feel that these revisions achieve the content neutrality required by Oregon law and protect the City from any potential liability for free speech infringement. We have made our best effort to achieve this end without compromising the sign allowances in our current code and without making the City vulnerable to sign clutter and blight.

## MEMORANDUM

To: Honorable Mayor and City Council

From: Paul A. Lee, Assistant City Attorney and Bridget Donegan, Legal Intern

Date: January 20, 2010

Re: Ordinance 675, Exempt Sign Code Amendments, on Second Reading and Continued Public Hearing.

---

### I. Background and recap of Ordinance on First Reading

On November 16th, 2009, the council had a public hearing on a draft ordinance that would replace content-based exempt sign regulations with content-neutral, time, place and manner restrictions. "Exempt" signs are signs that do not require a permit under the sign code because of the temporary and insubstantial nature of the signs. The ordinance was before the council on first reading, having been reviewed and recommended by the Planning Commission. The major features of the first-read ordinance are as follows:

- The repeal of regulations that limited signs based upon sign content or message – real estate signs, campaign or candidate signs, construction project signs, and signs advertising sale of lots in a subdivision.
- The adoption of new definitions for temporary exempt signage that are based on the usual sign structures people use for the different communications, e.g. the smaller, less substantial "lawn" sign and the larger, more substantial, "rigid" sign, which replace, for instance, campaign signs and construction project signs, respectively.
- Applying the current size, number and duration regulations to the corresponding structure types, e.g. the six square feet area maximum for campaign signs becomes the area limit for lawn signs.
- Creation of a new Table S-1 providing the maximum area and number of signs by sign type and property type (developed and undeveloped Residential, and developed and undeveloped Commercial and Industrial).

Several responses to issues raised at the two Planning Commission public hearings and a council work session have been incorporated into the ordinance: rigid signs were allowed on commercial/industrial properties for the duration of a defined "temporary event" rather than only after a waiting period. Also, three different descriptions of the property to which the regulations apply -- "lot," "tax lot," and "property," were reduced to "lot," a term used elsewhere in the sign and land development code and defined as a unit of land in the lawful possession of one distinct ownership or separated from other land by subdivision or partition plat. W. C. 4.001. 143.

Following the November 16th public hearing, the council acted to continue the hearing and directed staff to focus the analysis and presentation on issues that had recently been raised and for which no definitive recommendation had been advanced.

The outstanding issues at this juncture are 1) whether to place limits on the number of exempt signs allowable per lot at any one time (e.g. caps or proximity requirements), 2) whether to allow exempt signs in selected rights-of-way during election periods, and 3) whether to allow an extra rigid sign on residential properties with multiple frontages. Prior to analysis of these issues, it would be well to review the goal of the legislation and the inherent policy choices.

## II. Policy Choices at Play

The city's sign policy is to recognize the right to free expression while at the same time maintaining an attractive, functional and economically vital community.

The primary goal of this ordinance is to remove those aspects of the current code that arguably violate free speech protections while at the same time preserving a comparable regulatory scheme. The intent is to retain the current balance between the desire to communicate by signage and the desire to keep the community free of sign clutter and distractions to drivers. Achieving this goal has been difficult. Limits on the number, size and display periods for signs based upon the sign's message (e.g. allowing only one a real estate sign at any one time) have been effective. The need for content neutrality makes coming up with similar workable restrictions tricky. To balance the aesthetic and functional aspects of signage, any solution will necessarily depend on reasonable assumptions or evidence about how many signs people would erect if free to do so, and how many signs it would take to create blight or clutter in most locations.

History and past practice is a big consideration in shaping regulation. For instance, certain rights-of-way in the city (primarily those whose landscaping would not be damaged by sign placement) have been available for placement of campaign signs, and assumptions concerning the availability of this forum have developed. But removing content restrictions and allowing all manner of temporary signage raises new issues. As will be discussed further, there is a real potential for clutter when commercial advertizing signs, for instance, are placed on this public property along with the campaign signs.

Government is limited in its policy choices to restricting expression only where there is a demonstrable relationship between the regulation and the interests it serves. Where the connection between the regulation and community goals is unjustified or unclear, courts will invalidate regulations as prior restraints on speech.

Enforceability is also a major consideration. With limited enforcement staff, complex and fact-dependent regulations can be a regulatory nightmare and a source of frustration on the part of sign owners and the general public.

Staff has previously proposed, and the Planning Commission has recommended, an approach that allows signage based upon the maximum amount reasonably needed at one time: e.g., a commercial property could simultaneously be for sale or lease, have a weekend sign, a monthly

sign, and a number of campaign signs. The overall number of these signs allowed at any one time is six for commercial and six for residential. Whether this is too much or too little is hard to know, and staff has recognized that experience with the regulations may be necessary before an adjustment is warranted.

Still, based on field evidence of current signage practices and the visual effect of erecting a number of signs on a single lot, staff currently proposes further refinement of the code to better achieve the balance between communication and aesthetics/traffic management. Those recommendations appear in the analysis of the outstanding issues below.

### III. Issues and Analysis

#### A. Prohibition of Signs in the Right-of-way.

Currently, campaign signs may be placed on city properties or city rights-of-way sixty days before and three days after a general, primary or special election if the sign owner places a sign no closer than fifty feet from other owned signs and no closer than ten feet from those of another owner; weekend signs may be similarly placed between Fridays and Sundays and on Tuesday mornings. No signs may be placed on certain named rights of way where the placement could damage landscaping or interfere with the city's maintenance of the right-of-way. The planning department has published maps of the areas where campaign signs are allowed –generally described as streets in industrial areas, Wilsonville Road between the High School and the Boeckman Creek Bridge, and Wilsonville Road between the railroad tracts and the Middle School.

The Planning Commission recommended to council that the current code be modified to delete the reference to sign content, retain the election-based and weekend period of display, and expand the list of rights-of-way prohibiting sign placement. While the Commission knew full well that commercial advertising and other signs could be interspersed with campaign signs under the content-neutral code, on staff advice, it recommended retaining the ability to place signs in rights-of-way. In the Commission's view, this would be largely consistent with the current regulatory scheme, and could readily be modified in the next phase of a planned sign code re-write if experience dictated.

At the November public hearing, staff suggested the council consider a second option in this context – doing away with signs in the right-of-way entirely. The following are the pros and cons of the two options.

#### **OPTION 1. PROHIBIT SIGNS IN THE RIGHT-OF-WAY**

It may be reasonably observed that allowing signs every ten feet is "blight and clutter waiting to happen." It is also readily conceived that making sure that signs of the proper size are placed in the proper right-of-way and properly spaced five or one hundred feet away from other signs, depending on ownership, is a prescription for an enforcement headache. Perhaps for these reasons, no other city in the metro area allows these signs in the right-of- way.

The case law allows a municipality to completely prohibit the posting of signs on utility poles or in the right-of-way. *Los Angeles v. Taxpayers for Vincent*, 466 US 789 (1984). Ample, alternative avenues exist in the city for the expression of campaign and other messages. While in the past, campaign signs have not been so numerous as to constitute a visual nuisance, the addition of other (e.g., advertizing) signs raises the real possibility that, for the whole of the March, May, September, and November campaign seasons, certain streets could very well be overrun with signs. Also, the appearance of commercial advertizing in a right-of-way can reasonably lead some business owners to believe that signs can be placed in **any** right-of-way (such as the street fronting McDonalds restaurant where unlawful signs were recently located).

## **OPTION 2. ALLOW SIGNS IN THE RIGHT-OF-WAY.**

The primary advantage of the Planning Commission-recommended approach is to maintain an historical forum for political speech. The citizens of Wilsonville have come to expect and even to appreciate seeing campaign signage along certain rights-of-way. Weekend signs have also historically been placed in these areas. Taking this communication ability away is a significant change with little evidence that sign blight will be avoided. Given the cost of signs and sign placement, material clutter and distraction is not a given, and practical experience is a preferred policy basis. Should commercial advertisers, along with campaigners and others, so saturate these rights-of-way as to create a problem, the code readily can be modified to mitigate or eliminate these effects.

Staff Recommendation. Expanding the use of the right-of-way to include all manner of signs will likely cause a significant increase in advertizing signs. The resultant sign clutter is manifest, as are the attendant enforcement problems. Staff recommends Option 1: elimination of signage along-rights-of- way.

The ordinance will come in drafts featuring alternative texts, depending on the option chosen for this and the issues discussed below. Attached to the report is the ordinance on first reading with text recommended for second reading italicized or stricken twice. Option 1 (ROW signs prohibited) and Option 2 (ROW signs allowed) replacement pages are also attached.

Certain policy choices will necessitate further text changes. For instance, should the council wish to continue to allow signage in the right-of-way, staff recommends, and has added to Option 2, language requiring the subject signs be inscribed with the name and telephone number of the owner, so as to assist city personnel in administering and enforcing the provision.

### B. Caps and Dispersal Regulations

Removing the inappropriate content-based categories of exempt signs also removed the implicit numerical limits on signs per lot. Therefore it is reasonable to consider capping the number of signs posted at one time to prevent blight and clutter. Our recommendations up to this point allowed up to six signs per lot. Staff now recommends capping exempt signs at three per property, except on larger commercial lots and commercial lots with multiple frontages, which may have an additional rigid sign. In the interest of simplicity and enforceability, staff

recommends creating this cap by removing the weekend and monthly sign categories, which have become obsolete, and capping the total number of signs per lot at 3. The result as illustrated in the new Table S-1 is that most lots could have up to three lawn signs and up to one rigid sign, but never more than three exempt signs total.

Staff originally proposed preserving weekend signs and monthly signs in an effort to maintain existing regulations. However, the past several months of analysis and changes have led us to conclude that lawn and rigid signs now fully serve the purposes of weekend and monthly signs. Because a person can always post a lawn or rigid sign that is associated with an ongoing temporary event, the narrower weekend and monthly sign categories are unnecessary. Removing the categories does not limit the type or content of signs a person may erect.

The current code generally allows only one sign per content-based category (e.g., one real estate sign, one temporary sale sign, one weekend sign, and one construction sign). With the recognition that weekend and temporary sign categories are now unnecessary, exempting up to three lawn signs and one rigid sign per property (capped at three total) carries over these allowances to track what landowners usually do.

Against the real and implied cap concept is the current code provision allowing for an unlimited number of campaign/political signs a person could post. We believe that it is a rare property owner that posts more than three campaign signs at one time and therefore this new proposal is a reasonable restriction based on the City's experience when unlimited signs were allowed. A person who does want to post several campaign signs while a house is for sale, for example, will no longer have unlimited signage to do so. But the proposed code allows for adequate alternatives for communication through expressing multiple messages on one sign, unlimited signage on the insides of buildings (a current code exception), and the option of obtaining a temporary use permit for additional signs. For these reasons, the limit is rationally related to the City's interest in preventing blight and clutter without foreclosing reasonable avenues for communication.

The recommendation of a flat cap rather than a dispersal requirement is based on staff's conclusion that a dispersal requirement 1) could easily result in sign blight on larger commercial properties, 2) would allow for much more signage than the city currently allows on those properties, and 3) could harm smaller properties. Staff and Mark Pruitt of the Chamber of Commerce placed lawn signs at various distances apart on the Riverwood and Village at Main frontages and took photos. These pictures are part of a slide presentation that staff will have ready for the public hearing. While the visual effect of signs placed 100 feet apart does not appear from the slides to be overwhelming from a pedestrian's point of view, it very well could be when viewed from a moving vehicle. Attached as Exhibit 1 to this report is a graphic illustrating the number of signs that could be placed 100 feet apart on the Village at Main property. While current code would allow no more than four signs outside of campaign season, the dispersal provision as shown on the graphic would allow for 12 signs, an unsightly amount of signage in most anyone's book.

A dispersal requirement does have the advantage of directly preventing physical clutter by disallowing unsightly groupings of signs. However, attempting to determine the best distance

requirement while mitigating the varied effects of any distance requirement on larger and smaller properties results in a messy and difficult-to-enforce code (e.g., allowing the greater of three signs per lot or one sign per 100 feet per lot frontage ). It is only by expanding the dispersal distance to 300-400 feet that comparable amounts of signage to that currently allowed is achieved. But at that distance, the dispersal loses its utility, advantaging only the larger properties in the city. In staff's view, the simple cap concept emerges as the most efficient regulatory measure.

A numerical cap per lot provides an adequate means of communication, comparable to the amount experienced under the current code, and is the most enforceable and easy to understand solution to the question of how to control blight without controlling content.

### C. Rigid Signs on Residential Lots

Staff continues to recommend that the City not allow additional rigid signs on residential properties with multiple frontages. Mr. Daryl Winand of the Portland Metropolitan Association of Realtors encourages the council to provide residential property owners the ability to erect two "colonial style" rigid signs on properties with more than one street frontage. This would double the amount of real estate signage allowed under the old code. That doubling would not be limited to "For Sale" signs either, since the City could not dictate the message or content. In addition, staff believes the allowance is unnecessary because a person may use up to three lawn signs to advertise property on a second frontage. While staff appreciates Mr. Winand's input and interest in the matter, we believe that these proposed revisions allow for a sufficient amount of signage on residential properties.

If the council decided to allow for such signage, two examples of language the City could use (inserted into the rigid sign allowance for residential properties on Table S-1) are:

- One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed on the second street if that face of the property is at least 300 feet in length.
  
- One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed if the two signs are not simultaneously visible to pedestrians or motorists.

Mr. Winand wrote the city a letter on December 31, advocating for this and several other positions, including: (1) a cap of no less than six signs for residential properties, (2) no dispersal requirements on private properties, and (3) allowing temporary signs to be posted in rights-of-way on weekends for the purposes of real estate open houses. Staff explanations for opposing these positions can be found in the sections above. This letter appears in the record and council packet.

The input of Mark Pruitt with the Chamber of Commerce has been solicited in the preparation of this report, but no new feedback has been provided.



#### IV. Secondary Issues

If adopted, the code amendments will arguably make some sign placement non-conforming, if not illegal. Staff has added a section to the ordinance that would grandfather existing exempt signage, applying the durational limits (but not the numerical limits) to existing signage to achieve a smoother and fairer transition.

Staff is also aware and appreciates that there are other issues relating to the placement of exempt and permitted signs (e.g., orientation to Interstate 5). We would recommend however that these matters be deferred to the larger sign code amendment process that is currently anticipated.

#### V. Conclusion

The process of removing content-based restrictions with comparable, content-neutral regulations is a complex, and, likely, iterative process. The ordinance drafts are staff's best effort to get it right at this particular point in time.

### **Option 1: Exempt Signs Prohibited in the Rights-of-Way**

- (.10) Signs on City Property. For the purposes of this subsection, City property is defined as physical sites, City right-of-ways, and rights-of-way over which the City has jurisdiction. City property includes, but is not limited to, the following: City Hall, The Community Development Annex, the Community Center, the Library, Boones Ferry Park, the Burlington Northern park site, Town Center Park, Tranquil Park, Wilsonville Memorial Park, the Boozier property, the Montebello open space on Wilsonville Road, Fox Chase Park, and the City's reservoir, pump station, or treatment plant properties.
- A. ~~Permitted~~ **Allowed Signs**. **The following** signs may be placed on City property and/or City rights-of-way and right-of-ways over which the City has jurisdiction under the following conditions:
1. Such signs as are necessary to locate and direct the public to City premises, or other governmental premises, ~~shall be permitted~~.
  2. Such signs as are necessary for the public's health, safety, and welfare authorized under law, regulation, ordinance, or order, including but not limited to traffic signs ~~shall be permitted~~. This shall include signs authorized to conform with the State's Tourism Information program.
  3. Signs and their placement as authorized in subsections 1 and 2, above, shall meet all other applicable standards and criteria under law, regulation, ordinance, or order.
  4. ~~Campaign and candidate lawn signs may be placed on City rights-of-way and rights-of-way over which the City has jurisdiction except those rights-of-way adjoining City properties listed above, and are prohibited in the following~~

locations where the placement of campaign and candidate lawn signs could damage City landscaping or interfere with the City's maintenance of the rights-of-way:

- a. ~~In any median strip inside the City limits~~
  - b. ~~Either side of French Prairie Road.~~
  - c. ~~Either side of Canyon Creek Road North, from Boeckman Road to Elligsen Road.~~
  - d. ~~Either side of Wilsonville Road between Town Center Loop East and the Portland & Western (previously Burlington Northern) Railroad property.~~
  - e. ~~Either side of Town Center Loop West and East.~~
  - f. ~~Both sides of former S.W. Parkway frontage between Town Center Loop West and Wilsonville Road.~~
  - g. ~~Wilsonville Road between Willamette Way West and Willamette Way East.~~
  - h. ~~The north side of Wilsonville Road from Town Center Loop East to Boeckman Creek.~~
  - i. ~~Either side of Wilsonville Road between Boeckman Road and the southern boundary of the Wilsonville High School property.~~
  - j. ~~Either side of Parkway Center Avenue.~~
  - k. ~~The south side of Elligsen Road from the eastern city limits to a point directly across from the west side of the Tualatin Valley Fire District fire station.~~
  - l. ~~The western side of Boones Ferry Road adjoining Boones Ferry Park.~~
5. ~~Campaign or candidate lawn signs shall meet the following standards and conditions:~~
- a. ~~Such signs shall not be placed in a City right-of-way which is adjacent to other publicly owned property, in order to avoid the appearance that a public entity is politically supporting a candidate(s) or measure(s). Other publicly owned property includes that of districts, county, regional, state, and federal governmental entities.~~
  - b. ~~Such signs shall not be placed within a City right-of-way in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of private property.~~
  - c. ~~Such signs shall be designed and constructed to prevent being moved by the wind and may be placed one every fifty (50) feet within a right-of-way location. Such signs shall have no more than two (2) sides, shall be no higher than thirty (30) inches measured from the surface of the right-of-way to the top of the sign inclusive of pole, and each sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.~~
  - d. ~~Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary or special election and shall be removed within three (3) days after the election. Each sign shall~~

be placed at least ten (10) feet away from any other temporary placed candidate or campaign sign.

\*\*\*

## **Option 2. Exempt Lawn Signs Allowed in the Right-of-Way**

- (.10) **Signs on City Property.** For the purposes of this subsection, City property is defined as physical sites, City right-of-ways, and rights-of-way over which the City has jurisdiction. City property includes, but is not limited to, the following: City Hall, The Community Development Annex, the Community Center, the Library, Boones Ferry Park, the Burlington Northern park site, Town Center Park, Tranquil Park, Wilsonville Memorial Park, the Boozier property, the Montebello open space on Wilsonville Road, Fox Chase Park, and the City's reservoir, pump station, or treatment plant properties.
- A. ~~Permitted~~ **Allowed Signs.** **The following** signs may be placed on City property and/or City rights-of-way and right-of-ways over which the City has jurisdiction under the following conditions:
1. Such signs as are necessary to locate and direct the public to City premises, or other governmental premises, ~~shall be permitted.~~
  2. Such signs as are necessary for the public's health, safety, and welfare authorized under law, regulation, ordinance, or order, including but not limited to traffic signs ~~shall be permitted.~~ This shall include signs authorized to conform with the State's Tourism Information program.
  3. Signs and their placement as authorized in subsections 1 and 2, above, shall meet all other applicable standards and criteria under law, regulation, ordinance, or order.
  4. ~~Campaign and candidate-Lawn and Weekend~~ signs may be placed, **subject to the standards in subsection (5.), below,** on City rights-of-way and rights-of-way over which the City has jurisdiction ~~except 1) those rights-of-way adjoining City properties listed above~~ **defined in subsection (.10) above,** and **2) are prohibited** in the following locations where the placement of ~~campaign and candidate lawn signs~~ could damage City landscaping or interfere with the City's maintenance of the rights-of-way:
    - a. In any median **or landscaped** strip inside the City limits **as identified below in sections b through q.**
    - b. Either side of French Prairie Road.
    - c. Either side of Canyon Creek Road North, from Boeckman Road to Elligsen Road.
    - d. Either side of Wilsonville Road between Town Center Loop East and the Portland & Western (previously Burlington Northern) Railroad property.
    - e. Either side of Town Center Loop West and East.

- f. Both sides of former S.W. Parkway frontage between Town Center Loop West and Wilsonville Road.
  - g. Wilsonville Road between Willamette Way West and Willamette Way East.
  - h. The north side of Wilsonville Road from Town Center Loop East to Boeckman Creek.
  - i. Either side of Wilsonville Road between Boeckman Road and the southern boundary of the Wilsonville High School property.
  - j. Either side of Parkway Center Avenue.
  - k. The south side of Elligsen Road from the eastern city limits to a point directly across from the west side of the Tualatin Valley Fire District fire station.
  - l. The western side of Boones Ferry Road adjoining Boones Ferry Park.
  - m. Either side of Boeckman Road and all islands, from the railroad tracks west to 110<sup>th</sup>.**
  - n. Either side of 110<sup>th</sup> between Barber Street and Boeckman Road.**
  - o. The eastern side of Grahams Ferry Road from Tooze Road to the City limits.**
  - p. Either side of Barber Street between 110<sup>th</sup> and Brown Road, including islands and roundabouts.**
  - q. Such other areas as the City may designate as requiring protection from landscape damage.**
5. ~~Campaign or candidate~~ Lawn signs shall meet the following standards and conditions:
- a. Such signs shall not be placed in a City right-of-way which is adjacent to other publicly owned property, in order to avoid the appearance that a public entity is ~~politically~~ supporting a ~~candidate(s) or measure(s)~~ **sign's content**. Other publicly owned property includes that of districts, county, regional, state, and federal governmental entities.
  - b. Such signs shall not be placed within a City right-of-way in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of private property.
  - c. Such signs shall be designed and constructed to prevent being moved by the wind and may be placed *by a person owning the signs* one every fifty (50) feet within a right-of-way location. Such signs shall have no more than two (2) sides, shall be no higher than thirty (30) inches measured from the surface of the right-of-way to the top of the sign inclusive of pole, and each sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.
  - d. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary or special election and shall be removed within three (3) days after the election. ~~Each sign shall be placed at least ten (10) feet away from any other temporary placed~~

~~candidate or campaign sign.~~ *Outside of these sixty (60) day periods, no more than three (3) such signs per person may be erected only between the hours of six (6) a.m. Friday and eight (8) p.m. Sunday, and the hours of 6 a.m. and 1 p.m. Tuesdays.*

- e. Each sign shall be placed at least ten (10) feet away from any other temporary sign.
- f. *Each sign shall bear the name and contact telephone number of the owner.*

## MEMORANDUM

To: Honorable Mayor and City Council  
From: Paul A. Lee, Assistant City Attorney  
Date: March 1, 2010  
Re: Ordinance 675, Exempt Sign Code Amendments, Second Reading

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### VI. Background/ recap of proceedings to date

On November 16th, 2009, and January 20, 2010, the council held public hearings on a draft ordinance that would replace content-based exempt sign regulations with content-neutral time, place, and manner restrictions. "Exempt" signs are signs that do not require a permit under the sign code because of the temporary and insubstantial nature of the signs. At these first two hearings, the council considered an ordinance that 1) repealed regulations that limited signs based upon sign content or message – real estate signs, campaign or candidate signs, construction project signs, and signs advertising sale of lots in a subdivision, 2) adopted new definitions for temporary exempt signage that are based on the usual sign structures people use for the different communications, e.g. the smaller, less substantial "lawn" sign and the larger, more substantial, "rigid" sign, which replace, for instance, campaign signs and construction project signs, respectively, 3) applied the current size, number and duration regulations to the corresponding structure types, e.g. the six square feet area maximum for campaign signs becomes the area limit for lawn signs and 4) created a new Table S-1 providing the maximum area and number of signs by sign type and property type.

Several responses to issues raised at these hearings have been incorporated into the ordinance: rigid signs were allowed on commercial/industrial properties for the duration of a defined "temporary event" rather than only after a waiting period, the word "lot" replaced various other references to lot, tax lot and property, alternative language for the placement of signs in selected rights of way were introduced, and caps on the number of exempt signs allowable per lot at any one time were added to table S-1.

### VII. Response to Council Request for Further Information

On January 20<sup>th</sup>, sign caps were primary focus of the hearing. Staff's proposal allows 3 signs per commercial/industrial lot, with one additional sign for any additional street frontage or area in excess of 3 acres and another for lots that have an "active" building permit. This reflects an effort to replicate the allowances and restrictions in the present code. At the

January hearing, Mark Pruitt, speaking for the Chamber of Commerce, reiterated that the new code should not add significant burdens to landowners over that experienced under the current code. Based upon a view that if commercial developments are considered a single "lot" rather than a number or constituent tax lots, the way to avoid added burdens was to allow an extra rigid sign per additional frontage or three-acre area increment, an interpretation that was reflected in current code language. Given the alternative positions, council directed staff to investigate the extent of signage use under the current code and present maps showing the amount of signage allowed under the staff recommendation and the chamber proposal.

The maps attached to this report as Exhibits A-C depict the commercial and industrial properties (in tax lots) that have more than 3 acres or multiple frontages. Exhibit A shows the actual number of rigid signs used based upon a "windshield survey" conducted by Daniel Pauly, Assistant Planner and Zoning Enforcement Officer. Exhibit B shows the number of rigid signs the staff proposal would allow for these properties. Comparing Exhibit A and B, one finds that the number of signs used is very much in line with staff- recommended caps. Recalling that the staff recommendation is to allow a second extra rigid sign for large/multiple fronted lots and a third sign for lots with an active building permit, the properties eligible for 2 and 3 extra rigid signs align well with those actually utilizing 2 and 3 rigid signs. Exhibit C shows the potential number of extra rigid signs under the chamber proposal. The map demonstrates that extra signage based upon multiples of 3 acre area or frontage allows many more signs (up to 32 for the largest properties) than currently utilized by these properties. All three maps show helpful information from a policy point of view. They reflect the fact that "tax lot" and "lot" are essentially synonymous in Wilsonville, something that wasn't clear at the last public hearing but became clear in the preparation of the maps. Since the maps were produced, staff has confirmed that, with few exceptions, lots and tax lots track each other. To the Chamber, this fact is critical. Mark Pruitt has commented that if, for instance, the Canyon Creek Business Park, which is comprised of 5 tax lots, is not considered one "lot" under the table S-1 caps, but the actual number of recorded lots (5), then the proposal offers signage similar to current code. Given this clarification, the Chamber is of the view that the caps in Table S-1 provide adequate signage.

The Table that has the support of the Chamber was structurally reworked from the prior versions and is attached as Exhibit D to this report. Table S-1 now defines what circumstances allow for a specified number of lawn and rigid signs, and, through footnotes and text, clarifies what additional rigid signage is allowed for all land uses.

#### VIII. Prevailing Issues on Second Reading

With the issue of lawn and rigid sign caps overcome, the council is left with the following decisions:

- 1) Signs in the right of way. Staff has recommended that exempt signs not be allowed in the rights-of way. The Chamber and the Association of Realtors recommend the third alternative presented to council at its last hearing; namely Option 3 – allowing lawn signs in specified rights of way during the weekend and Tuesdays. In addition, many

realtors and those interested in real estate sales have provided emails supporting Option 3. These will appear in the record and the council packet.

- 2) Two rigid signs for double fronted residential lots. Staff has recommended against the alternative text supported by the Association of Realtors (attached as Exhibit E).
- 3) Decorative and other banners for Commercial Industrial lots. In attempting to come up with a workable regulation for "small decorative banners" in commercial zones, staff determined that the concept engaged one of the more difficult and controversial aspects of sign regulation – the line between art and advertizing. This is not a big problem in residential zones but could be tricky in commercial zones – what does "decorative" mean? – and when does a decorative banner with flowers become an attention-getting advertisement for a florist? It is also a matter that has not been noticed or discussed by the Planning Commission or greater public. Consequently staff recommends that council defer consideration of such issues for the secondary review of the sign code set to be commenced in the near future.

#### IV. Conclusion

Staff recommends that council decide which of the alternatives in 1) and 2) above it prefers and direct staff to incorporate the changes into the ordinance for second reading. Then, per City Charter, Staff will read or otherwise identify for the public what changes are new from the first reading ordinance.





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LAND CONSERVATION  
AND DEVELOPMENT



City of Wilsonville  
29799 SW Town Center Lp E  
Wilsonville, OR 97070

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TO:  
Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540