



Oregon

Theodore R. Kulongoski, 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

06/07/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 003-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 17, 2011

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: William Harper, City of Tualatin
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

MAY 31 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Tualatin**

Local file number: PTA-11-02

Date of Adoption: 5-9-11

Date Mailed: 5-27-11

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amending the Tualatin Development Code (TDC) Chapter 38-Sign Regulations to allow a freestanding monument sign with an electronic message display element on a 40 acre or larger property with a K-12 school facility use in the RL Planning District.

Does the Adoption differ from proposal? No.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals: No Applicable Goals

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment. Yes

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

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

Tigard-Tualatin School District 23J (applicant).

DLCD file No. 003-11 (18736) [16659]

Local Contact: **William Harper, Associate Planner** Phone: (503) 691-3027 Extension:
Address: 18880 SW Martinazzi Ave Fax Number: 503-692-0417
City: Tualatin Zip: 97062 E-mail Address: wharper@ci.tualatin.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 1322-11

AN ORDINANCE AMENDING THE SIGN REGULATIONS TO ALLOW AN ELECTRONIC MESSAGE DISPLAY FOR A HIGH SCHOOL CAMPUS IN THE RL PLANNING DISTRICT; AND AMENDING TDC 31.060, 38.100 and 38.130-140 (PTA-11-02)

WHEREAS upon the application of Kathy Stallkamp representing the Tualatin High Timberwolf Support Organization (THTSO), a Tualatin High School - school activity support group, a public hearing was held before the City Council of the City of Tualatin on April 25, 2011, related to a Plan Text Amendment of the TDC; and amending TDC (PTA-11-02); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and by mailing a copy of the notice to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C;" and

WHEREAS the Council conducted a public hearing on April 25, 2011, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [5-1; with Councilor Brooksby opposed and Councilor Barhyte absent],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated April 25, 2011, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference; and

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The following definition is added to TDC 31.060 in alphabetical order to read as follows:

Illumination, LED. Lighting produced by a light-emitting-diode which emits visible light.

Section 2. TDC 38.100 is amended to read as follows:

(1) Location. Except for traffic control devices, public signs and special event banner signs, signs shall be located on private property outside of the public right-of-way and shall not extend over or into the public right-of-way. Signs shall not be constructed in or extend over or into easements for public sewer, water or storm drain lines or within five feet of such lines, or within the dripline of existing trees. Shingle signs in the Central Urban Renewal Areas Central Design District may extend over the publicly owned promenade, public sidewalks and private walkways.

(2) Vision Clearance Area. Signs may be located in vision clearance areas provided they do not extend into the space from higher than 24 inches above the curb, or if no curb exists from higher than 30 inches above grade, to lower than eight feet above the curb or grade, except as noted below in this subsection. Support structures, such as posts, for freestanding signs which extend higher than eight feet above grade may be located in a vision clearance area only if the combined total width of the support structures in the vision clearance area is one foot or less and the combined total depth of support structures in the vision clearance area is one foot or less.

(3) Pedestrian Area Clearance. Signs erected over or extending over private or public pedestrian walkways or paths shall provide a vertical clearance of at least eight feet from the surface of the walkway or path to the lowest portion of the sign.

(4) Signs Incorporated Into Fences. Except for signs at subdivision entrances located in a private tract median island within a public right-of-way, monument signs may be affixed to and be part of a masonry fence. Pole signs shall be affixed only to the ground.

(5) Copy. Copy shall be placed only on the sign face.

(6) Dedication for Right-of-Way. Signs and their structures and foundations shall be removed from property subject to dedication to the public before such dedication shall be accepted by the City.

(7) Illumination.

(a) Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from the public right-of-way or from properties in residential planning districts.

(b) Neon or LED lighting is the only permitted lighting for direct illumination of all sign types except for electronic signs as described in TDC 38.140(2)(e). Neon,

LED, incandescent and fluorescent lighting are permitted for indirect or internal illumination.

(c) The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamper fluorescent light sources spaced not closer than eight inches on center.

(8) Sign Maintenance and Repair. All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn, damaged or are unsafe or pose a danger to the public shall be maintained, repaired or removed.

(9) Signage For Additional Uses in the Central Urban Renewal District and the Leveton Tax Increment Financing District. In specific situations the Tualatin Development Code permits selected uses from a given "home" planning district to locate in another "receiving" planning district as an additional use when the "receiving" district is in the Central Urban Renewal District or the Leveton Tax Increment Financing District. When an additional use exists in a "receiving" planning district, the sign regulations of the "home" planning district shall apply to the additional use. For example, the uses listed in the permitted use section of the General Commercial Planning District are permitted in Blocks 28 and 29 of the Central Urban Renewal District, which are in the Light Manufacturing Planning District, as additional uses. The General Commercial Planning District sign standards apply to a General Commercial use in Blocks 28 and 29 of the Central Urban Renewal District.

Section 3. TDC 38.130 is amended to read as follows:

Nothing contained in this section shall be construed to prohibit the display of national flags, state flags of the United States, special purpose districts, or local governments. The following signs or advertising devices are prohibited by this Chapter.

(1) A sign not specifically permitted by this Chapter, except as otherwise provided in Chapter 33 for approved sign variances and Chapter 35 for legal nonconforming signs.

(2) A sign required to have been issued a sign permit, but for which no sign permit has been issued.

(3) Any sign which is erected and fails to comply with sign regulations.

(4) A-frame (sandwich board) sign, except as otherwise provided in TDC 38.110(12), Lawn Signs.

(5) Abandoned sign.

(6) Animated sign.

(7) Balloons (including children's balloons and balloons inflated by blown, pumped or forced air); blimps, festoon lighting, inflatable signs, pennants and streamers.

(8) Bench sign or a sign on other furniture.

(9) Fin sign; flashing sign.

(10) Indirect illuminated signs which direct light into residential districts.

(11) Obscene sign.

(12) Obstructing sign.

(13) Portable sign, except as otherwise provided in TDC 38.110(5) and (12) for temporary banners and lawn signs, respectively.

(14) Readerboard sign, mechanical or electronic, except as otherwise provided in TDC 38.110(9)(k) and 38.225(1)(j) for directory signs, 38.140(2)(b) and (2)(d)(vii), 38.150(5)(b), 38.160(2)(b), 38.170(2)(b) and 38.180(2)(b) for schools and churches, 38.240(1)(a)(vii) for schools for kindergarten through 12, and 38.220(1)(c)(viii) and 38.220(1)(d)(vii) for cinemas, theaters and churches.

(15) Electronic message display sign or changing image sign, except as otherwise provided in TDC 38.140(2)(e) for a public high school located on a School District property in the RL Planning District with an area of 40 acres or greater.

(16) Roof sign.

~~(16)~~17 Rotating, revolving or moving signs.

~~(17)~~18 Search lights, beacons or strobe lights.

~~(18)~~19 Shingle/blade signs, except as otherwise provided in TDC 38.230(1)(b)(vii), 38.220(1)(d)(viii) and 38.225(1).

~~(19)~~20 Signs attached to trees.

~~(20)~~21 Snipe signs and nonpublic signs attached to or mounted on objects within the public right-of-way, such as on utility poles.

~~(21)~~22 Signs attached to or located on a stationary vehicle or trailer which is visible from a public right-of-way or parking lot or other area accessible to the public, and intended primarily for display of the sign.

(2223) Signs resembling official traffic signs or signals, for example signs stating "stop," "go slow," "caution," "danger" and "warning," except officially authorized or installed by the City of Tualatin, State of Oregon or Washington or Clackamas County.

(2324) Signs with visible incandescent bulbs or fluorescent tubes or signs with a visible immediate source of illumination, except neon. The erection or placement on any exterior portion of a building or structure of incandescent or fluorescent illumination is prohibited, except incandescent bulbs of less than 15 watts during the period November 1 through January 10.

(2425) Signs which have lost their status as legal signs either due to alteration, modification, relocation or replacement without first obtaining a sign permit when a sign permit is required.

(2526) Signs associated with illegal uses according to the provisions of the Tualatin Development Code or decisions on applications made pursuant to the Tualatin Development Code.

(2627) Signs which constitute a public nuisance.

(2728) Unsafe signs.

(2829) Signs which incorporate flames or emit sounds or odors.

(2930) Electrical signs whose electricity is provided by any means except underground wiring.

(3031) Signs supported in whole or in part by cables or guy wires or which have cables or guy wires extending to or from them.

(3132) Permanent signs on a property with no building.

(3233) Permanent signs on a building with no occupants.

Section 4. TDC 38.140 is amended to read as follows:

(1) No sign shall be permitted in the RL Planning District for permitted uses and conditional uses that allow single family dwellings except the following:

(a) Subdivision, home occupation and public transit shelter signs in accordance with TDC 38.110(15), (11) and (14).

(2) No sign shall be permitted in the RL Planning District for conditional uses other than single family dwellings except the following:

(a) Subdivision, home occupation and public transit shelter signs in accordance with TDC 38.110(15), (11) and (14).

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

(i) Number: One per frontage on a public street right-of-way, and no more than one on each frontage.

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

(iii) Height Above Grade: No higher than five feet.

(iv) Area: No more than 18 square feet.

(v) Illumination: Indirect.

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

(vii) For churches the sign may be an internally illuminated mechanical readerboard provided it is on the frontage of an arterial or collector street designated in the TDC, Table 11-2, and the readerboard portion is no more than 75 per cent of the allowed sign face area.

(c) Wall signs are permitted. If used, the following standards apply:

(i) Number: In addition to the monument signs permitted in TDC 38.140(2)(b) above, each building on the site is permitted one wall sign, provided that the building has no less than 2000 square feet of gross floor area.

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

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

(iv) Area: One wall sign on one of the buildings shall be no more than 16 square feet. Wall signs on all other buildings shall be no more than eight square feet.

(v) Illumination: Indirect.

(d) In place of one of the monument signs allowed in TDC 38.140(2)(b) above, public K-12 schools are permitted pole signs subject to the following standards:

(i) Number: One per school site. Not allowed on a public high school site where an electronic message display monument sign subject to TDC 38.140(2)(e) is present.

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

(iii) Height Above Grade: No higher than 15 feet.

(iv) Height of Sign Face: No higher than five feet.

(v) Area: No more than 35 square feet.

(vi) Illumination: Internal or indirect.

(vii) Mechanical Readerboard: The sign may be a mechanical readerboard.

(viii) Location: Elementary school readerboards shall be on an arterial public street right-of-way frontage or a collector frontage if no arterial frontage exists.

(e) In addition to a monument sign allowed in TDC 38.140(2)(b) above, a public high school (Grades 9-12) on a property of 40 acres or larger in area is permitted one freestanding monument sign with an electronic message display subject to the following standards:

(i) Number: One per school site.

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

(iii) Height Above Grade: No higher than 8 feet.

(iv) Height of Sign Face: No higher than six feet.

(v) Area of Sign Face: No more than 32 square feet with the electronic display occupying no more than 75% of the sign face area.

(vi) Illumination of non-electronic sign face: Internal including halo effect illumination.

(vii) Electronic Message display shall have a maximum transition time between messages of 2 seconds, have a minimum display time where the image remains static for a period of 20 seconds or more; have a maximum luminance of 500 candelas per square meter after sunset and before sunrise; and shall be equipped with an automatic dimming feature that adjusts for ambient light levels.

(viii) Time of operation: Electronic message display is restricted from the hours of 10:00 pm. to 7:00 am.

(ix) Location: An electronic message display shall be located within 30 ft. of an arterial public street right-of-way frontage and no closer than 100 ft. to a residential property.

(f) In place of the wall signs allowed in TDC 38.140(2)(c) above, public schools are permitted wall signs subject to the following standards:

(i) Number: Each building on the school site is permitted wall signage on each elevation. One sign per elevation is allowed.

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

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

(iv) Height of Sign Face: No higher than five feet, except that one wall sign on the east elevation of the primary building at a public high school may be up to 10 feet in height.

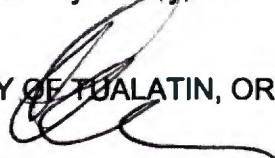
(v) Area: No more than 75 square feet, except one wall sign on the east elevation of the primary building at a public high school shall not exceed 300 square feet.

(vi) Illumination: Internal or indirect.

(3) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply.

INTRODUCED AND ADOPTED this 9th Day of May, 2011.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.

DLC D

APPROVED BY TUALATIN CITY COUNCIL
Date 5-9-11
Recording Secretary M. Smith



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Linda Odermott, Paralegal
Brenda Braden, City Attorney

DATE: 05/09/2011

SUBJECT: Ordinance Amending the Sign Regulations to Allow an Electronic Message Display for a High School Campus in the RL Planning District; Amending TDC 31.060, 38.100 & 38.130-140 (PTA-11-02)

ISSUE BEFORE THE COUNCIL:

Council will consider an Ordinance that would modify the Tualatin Development Code (TDC), Chapter 38 Sign Regulations to:

- Allow one electronic message display freestanding monument sign on a large high school property in the RL (Low-Density Residential) Planning District;
- Amending 38.140 to allow a monument sign with an electronic message display component subject to standards for size, brightness, duration of message display and hours of operation;
- Allow an electronic sign on a large high school campus property and requiring a minimum distance from residential properties;
- Continue to prohibit animated graphics or moving copy;
- Allowing LED illumination and revising the prohibited sign standards.

RECOMMENDATION:

Staff recommends Council approve the Sign Code amendment proposed in PTA-11-02.

EXECUTIVE SUMMARY:

On April 25, 2011 the Council held a public hearing on the plan text amendment requesting changes to the sign code to allow electronic message displays on a freestanding monument sign at the high school. At the conclusion of the public hearing, the Council approved the ordinance by a vote of 5-1 in favor, with Councilor Brooksby in opposition and Councilor Barhyte absent. Council instructed staff to bring back the Ordinance for adoption on May 9, 2011.

Attachments: PTA 11-02 Ordinance



U49J82043608
neopost
\$0.1880
05/27/2011
Mailed From 97062
US POSTAGE



Wm Harper, Sr Planner
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

DEPT OF

MAY 31 2011

**LAND CONSERVATION
AND DEVELOPMENT**

PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERV & DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM OR 97301-2540

CD Enclosed

