



*A place where families and businesses thrive.*

---

**Date:** February 4, 2019

**To:** Planning Commission

**From:** James Reitz (AICP), Senior Planner  
Bryan Pohl, Community Development Director

**Re:** Development Code Update Work Session

The purpose of this work session is to review possible amendments to the Development Code (DC). They are being drafted to comply with recent changes in State statute (e.g. the ADU code), as responses to citizen requests, and to address code omissions.

Following the work session, draft amendments will be prepared as per the Commission's direction, and scheduled for public hearing.

ACCESSORY DWELLING UNITS – The Accessory Dwelling Unit (ADU) regulations of DC §10.7.005 et. seq. needs to be revised to comply with SB 1051, which was adopted by the 2017 Legislature. It requires that cities allow ADUs, and stipulates what development standards can and cannot be imposed (see Exhibit A).

Forest Grove adopted an ADU code in 1992. The existing code requires a few revisions to become compliant with state law. The revisions would eliminate the ownership requirement, allow an entire existing floor (e.g. a basement) to be converted to an ADU regardless of floor area, eliminate the requirement for an additional parking space, and eliminate the requirement for siding and roofing materials similar to that of the primary structure (because words like “similar” are considered subjective, the intent is to minimize interpretations that could be used to limit ADU development). The draft ordinance language (Exhibit B) would bring the Development Code into compliance with state statute.

On a related matter, staff has been approached with the concept of allowing manufactured dwellings as ADUs. At present, the Development Code mirrors state statute: manufactured dwellings are allowed on residential lots so long as the floor area is at least 1,000 square feet. The DC limits new detached ADUs to 720 square feet (that area was selected in 1992 to match the requirement for all accessory structures in residential zones). Since the minimum floor area for manufactured dwellings is greater than the maximum floor area permitted for new detached ADUs, manufactured dwellings are not permitted as ADUs.

Small manufactured dwellings are available. Attached in Exhibit C are photos of several models ranging in floor area from 388 to 800 square feet.

Question: *should small manufactured dwellings be allowed as ADUs?*

On still another related matter, staff has been approached about allowing small manufactured dwellings as a housing type in the Town Center Transition zoning district. Several properties in the TCT are developed with single-family homes; the owner of one such property has inquired as to whether additional units could be developed, and whether those units could be manufactured dwellings. “In the TCT Zone, new dwellings are permitted as “stand-alone” developments or as part of mixed-use developments, but must meet density

requirements.” DC Table 3-12 Footnote #1. In the TCT, the minimum density is 16.22 DUA, or about 2,685 square feet per unit. That would be sufficient area for a manufactured dwelling. Further discussion of this topic follows in the Housing Types Allowed section below.

Question: *should manufactured homes be a permitted housing type in the TCT zoning district?*

**HOUSING TYPES ALLOWED** – The Development Code does not explicitly identify the types of housing permitted in non-residential zones. As noted in the ADU section above, this lack of specificity could result in the siting of manufactured dwellings in the TCT zoning district. In addition, under the current code, it’s possible that another manufactured dwelling park could be developed in the CC zoning district. To add clarity to the Development Code, Housing Types could be added to the commercial and town center zoning districts, as follows (potential new text in **bold**):

TABLE 3-10: Commercial and Mixed Use Zones Use Table

USE CATEGORY	NC	CC	NMU
<b>RESIDENTIAL</b>			
Household Living	L <sup>[1]</sup>	L <sup>[2]</sup>	P/L <sup>[15]</sup>
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L <sup>[3]</sup>	L <sup>[3]</sup>	L <sup>[3]</sup>
Bed and Breakfast	L <sup>[4]</sup>	P	L <sup>[4]</sup>
<b>HOUSING TYPES</b>			
<b>Single Units, Detached</b>	N	N	N
<b>Single Units, Attached</b>	N	P	P
<b>Accessory Units</b>	N	N	N
<b>Duplexes</b>	N	P	P
<b>Manufactured Dwellings</b>	N	N	N
<b>Manufactured Dwelling Park</b>	N	N	N
<b>Multi-Family Units</b>	P	P	P

TABLE 3-12: Town Center Zones Use Table

USE CATEGORY	TC - Core	TC - Transition
<b>RESIDENTIAL</b>		
Household Living	L <sup>[1]</sup>	L <sup>[1]</sup>
Group Living	p <sup>[1]</sup>	P
Transitional Housing	N	C
Home Occupation	L <sup>[2]</sup>	L <sup>[2]</sup>
Bed and Breakfast	C <sup>[2]</sup>	P
<b>HOUSING TYPES</b>		
<b>Single Units, Detached</b>	N	N
<b>Single Units, Attached</b>	N	P
<b>Accessory Units</b>	N	N
<b>Duplexes</b>	N	P
<b>Manufactured Dwellings</b>	N	N
<b>Manufactured Dwelling Park</b>	N	N
<b>Multi-Family Units</b>	P	P

Question: *should manufactured dwellings and/or manufactured dwelling parks be permitted housing types in the CC and TCT zoning districts?*

SIGNS – The sign code was adopted in 2009; it has not been reviewed since. The City Attorney has reviewed the sign code to ensure that it remains constitutionally compliant. For the most part the code remains compliant; only a few revisions will be necessary (see the City Attorney’s comments, attached as Exhibit D). In addition, there are edits recommended that would not change the content or intent, but are intended to add clarity. (Note that several comments pertain to definitions; the omissions cited are in fact located in Development Code Article 12.)

Since the sign code was adopted in 2009, at least two new sign styles have been developed: the feather banner and the air-blown device (see Exhibit E). Several examples of both types are now used in Forest Grove. They are not presently regulated.

Another question to consider is whether to allow monument signs in either or both of the Town Center zoning districts. While both districts have no minimum building setbacks, not all buildings are presently built out to the front property line, especially east of Cedar Street. Businesses in the TCC and TCT are allowed wall and projecting signs, but those offer limited visibility when the building is setback from the street. Allowing monument signs would provide those businesses additional visibility.

Lastly, the Development Code is silent about permitted signage in the Neighborhood Mixed Use (NMU) zoning district. Staff would suggest adding NMU to the same sign code that is applicable in the CC and CN zoning districts (DC §10.8.830(D)). This code allows monument signs, wall signs, and canopy or hanging signs. It does not allow pylon (a.k.a. pole) signs.

Question: *should feather banners and air-blown devices be added to the sign code?*

Question: *should monument signs be allowed in the TCC and TCT zoning districts?*

Question: *should signs permitted in the NMU zoning district be the same as those permitted in the CC and CN zoning districts?*

BED AND BREAKFAST – The B&B code (DC §10.7.025 et. seq.) was adopted in 1989. It has not been reviewed since. It has been suggested to staff that a number of revisions should be considered, including:

- Allowing more rooms to be rented. At present, in the single-family and RML zoning districts, up to 3 rooms can be rented. In the RMH zoning district, up to 27 rooms may be rented, while there is no cap in the commercial zoning districts where motels and hotels are permitted. Some homes – particularly in the “Old Town” area, may have a greater number of bedrooms that could be rented.
- Eliminating the owner-occupied requirement.
- Eliminating or reducing the off-street parking requirement.

Question: *should the DC be amended with any of the above proposals? Are there other proposals that should be considered?*

RESIDENTIAL INCENTIVE DENSITY – Councilor Valfre has suggested that the City consider alternatives to DC TABLE 7-3: (Residential) AMENITY CATEGORIES AND VALUES in terms of the programs used for green building certification (see Exhibit F for potential amendments; new text in **bold**). At present, only LEED certification is listed. His comments are as follows:

*"I would suggest that you replace "LEED Certification" with "Green Building Certification" or similar term. As you know, LEED certification is just one of several green building certifications, but one of the more expensive. As a result, many of the non-profits have chosen alternatives to LEED certifications, and I think it is appropriate in the interests of promoting affordable housing to allow flexibility that is acceptable to the funder/lender. The State Housing Department (OHCS) has thus chosen to allow Earth Advantage Certification or OHCS Green Building. Here are the guidelines:*

- *One of the following Green Building Standards of construction must be included in the development of any low-income housing funded by the Department with the exception of Projects funded exclusively with bond and/or 4% tax credits:*
- *Enterprise Green Communities,*
- *Earth Advantage Homes,*
- *LEED for New Construction; or*
- *OHCS Department Green Building Program.*

*In the effort to create "innovative and creative development", it does appear that by omission or commission we are facilitating the developer's market-rate preference by offering a path through use of points to avoid affordable housing.*

*Under other amenities: Perhaps Visitability: Oregon policy, as enacted by ORS 456.510, "encourages the design and construction of dwellings that enable easy access by individuals with mobility impairments and allow continued use by aging occupants". "Visitable" means able to be approached, entered and used by individuals with mobility impairments including, but not limited to, individuals using wheelchairs."*

*Question: should Table 7-3 be amended to include any or all of the suggested additions?*

**NEIGHBORHOOD MIXED USE ZONING DISTRICT** – In the NMU zoning district, "all housing types are permitted" (DC §10.4.315(E)). The question is whether manufactured dwellings and/or manufactured dwelling parks should be included or excluded.

This same Development Code section also stipulates that multi-unit buildings comply with the design standards of the Multi-Unit Residential Focus Area (Design Guidelines Section III). The code is silent about design standards for single-family and duplex homes. Staff would suggest amending this section so that they would have to comply with DC §10.8.880 Single-Family and Duplex development review standards.

*Question: should manufactured dwellings and/or manufactured dwelling parks be permitted in the NMU zoning district?*

*Question: should single-family and duplex homes be required to comply with the design standards of DC §10.8.880?*

- Exhibit A** SB 1051 – ADU Guidance Booklet by Oregon DLCD
- Exhibit B** Draft ADU Code
- Exhibit C** Photos of Small Manufactured Homes
- Exhibit D** Sign Code with City Attorney Comments
- Exhibit E** Feather Banners and Air-Blown Devices – Example Code
- Exhibit F** Table 7-3 with Potential Additions

## EXHIBIT A

SB 1051 – ADU Guidance Booklet by Oregon DLCD

**GUIDANCE ON IMPLEMENTING  
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT  
UNDER OREGON SENATE BILL 1051**



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.  
(Photo courtesy of Ellen Bassett and [accessorydwellings.org](http://accessorydwellings.org).)*

**OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**

**MARCH 2018**



**Oregon Department of  
Land Conservation  
and Development**

## Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error<sup>1</sup> was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

---

<sup>1</sup> *The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs.*

## **Guidance by Topic**

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

### *Number of Units*

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

### *Siting Standards*

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

### *Design Standards*

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

*Parking*

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit [www.oregon.gov/lcd/tgm/pages/parking.aspx](http://www.oregon.gov/lcd/tgm/pages/parking.aspx) or contact DLCD.

*Owner Occupancy*

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

*Public Utilities*

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

*System Development Charges (SDCs)*

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

This page intentionally left blank.

## Accessory Dwellings (model code)

**Note:** ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section \_\_\_\_\_,] and shall conform to all of the following standards:

**[A. One Unit.** *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

**A. Two Units.** *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

### **B. Floor Area.**

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

**C. Other Development Standards.** Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

---

**Definition** (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

**Accessory Dwelling** – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

# EXHIBIT B

## Draft ADU Code

## ACCESSORY DWELLING UNITS

### 10.7.005 PURPOSE

The purpose of this section is to allow for establishment of an accessory dwelling unit in conjunction with a single-family dwelling in any zone that allows residential uses. An accessory dwelling unit may be permitted as a means to provide more affordable housing opportunities for young families and the elderly; encourage additional density at minimal cost and disruption to surrounding neighborhoods; allow individuals and smaller households to retain large houses as residences; and allow more energy efficient use of large, older homes.

### 10.7.010 PROCEDURE

An application for an accessory dwelling unit shall be reviewed by the Director under the Type I procedure.

### 10.7.015 STANDARDS

One (1) accessory dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of an existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, subject to the following standards and limitations:

- A. ~~The owner(s) of the primary dwelling shall occupy at least one (1) of the units;~~
- B. Any addition shall not increase the gross floor area of the original dwelling by more than 10%;
- C. The gross floor area of the accessory dwelling unit shall not exceed 30% of the primary dwelling's gross floor area, or 720 square feet, whichever is less; **However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would exceed 720 square feet.**
- D. ~~One (1) additional off-street parking space shall be provided in addition to the required parking for the primary dwelling;~~
- E. ~~The accessory dwelling unit shall have exterior siding and roofing similar in color, material and appearance to that used on the primary dwelling; and~~
- G. The accessory dwelling unit shall comply with applicable fire and life safety codes.

### 10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

(D13)(b) Accessory Dwelling Unit – ~~One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling.~~ **An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.**

## EXHIBIT C

### Photos of Small Manufactured Homes



**Palm Harbor 580 square feet**



**Palm Harbor 500 square feet**



**Palm Harbor 386 square feet**



**Palm Harbor 386 square feet**



Fleetwood 559 square feet



Fleetwood 378 square feet



Greenfab 800 square feet



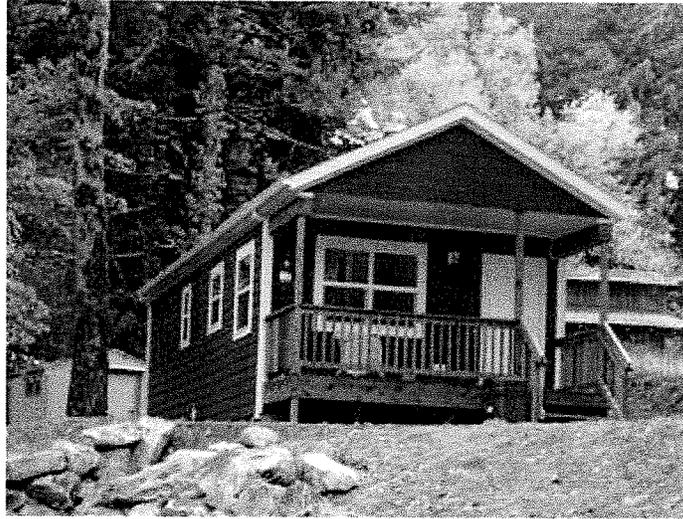
Greenfab 800 square feet



**Palm Harbor 384 square feet**



**Express Modular 720 square feet**



**Express Modular 448 square feet**



**Springfield 437 square feet**

## EXHIBIT D

Sign Code with City Attorney Comments

# SIGNS

## 10.8.800 PURPOSE

A. The purposes of §§10.8.800 through 10.8.870 (the “Sign Code”) ~~is~~ are:

- ~~1~~A. To promote the neat, clean, orderly and attractive appearance of the community;
- ~~2~~B. To accommodate the need of sign users while avoiding nuisances to nearby properties;
- ~~3~~C. To ensure safe construction, location, erection and maintenance of signs; and
- ~~4~~D. To minimize distractions for motorists on public highways and streets.

**Formatted:** Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

B. The Sign Code is not intended to allow the construction, erection or maintenance of any sign in a place or manner that is unlawful under any state or federal law or City ordinance.

**Formatted:** List Paragraph, Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Font: 12 pt

## 10.8.805 GENERAL PROVISIONS

A. Compliance with Sign Code~~Other Laws and Regulations. All signs erected, constructed or maintained in the City must comply with this Sign Code (Sections 10.8.800 through 10.8.870). A sign that is erected, constructed or maintained in violation of the Sign Code is declared to be a nuisance and may be abated as such. It is not the purpose of this section to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other City ordinance, or state or federal law.~~

B. Oregon Motorist Information Act. This section adopts by reference the provisions of~~the Oregon Motorist Information Act, ORS Chapter 377 (2017) is adopted by reference and incorporated into Sections 10.8.800 to 10.8.870 as if fully set forth herein.~~

## 10.8.810 EXEMPTED SIGNS

The following signs ~~shall do~~ not require planning approval, ~~for their use~~ although some may require a building permit to ensure compliance with structural requirements. Use of these signs does not affect the amount or type of signage otherwise allowed by this Sign Code ordinance. All signs listed in this section are subject to all other applicable provision(s) of ~~this Chapter~~ the Sign Code.

- A. Official signs placed or authorized by the city, county, state, or federal government in the publicly owned right-of-way as well as ~~official~~ signs required by city, state, or federal government located on private property.
- B. Flags adopted or ~~endorsed~~ by a governmental agency.
- C. Tablets, cornerstones, or commemorative plaques.
- D. Signs intended to be viewed from within a building.
- E. Seasonal decorations on private property.
- F. Signs erected by a recognized neighborhood watch group.
- G. Handheld signs.
- H. Accessory signs.
- I. Landmark signs.
- J. Signs for hospital or emergency services and railroads.

**Comment [CC1]:** No way to know if it is “official.” Instead, this provision relies solely on the identity of the person that placed the sign (“city, county, state or federal government”).

**Comment [CC2]:** What is “endorsed” by?

**Formatted:** Highlight

**Comment [CC3]:** What is an “accessory” sign? The CDC defines an “accessory use” but not an “accessory” sign. Same for “landmark” and “incidental” signs.

- K. Incidental Signs, provided the signs do not exceed one and a half (1.5) square feet in area for each sign, with no more than three (3) signs allowed for each permitted structure.
- L. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature.
- M. Any sign ~~which that~~ is not visible to motorists or pedestrians ~~on from any~~ public highway, sidewalk, street, alley, or other area open to public travel.
- N. One indirectly illuminated or non-illuminated wall sign not exceeding one-and-one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.
- O. Signs placed in or attached to a motor vehicle, bus, railroad car, or light rail car that is regularly used for purposes other than the display of signs.
- P. Signs, up to four (4) square feet and no taller than two (2) feet, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking.
- Q. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected where there is a danger to the public or to which public access is prohibited.
- R. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended and oriented for viewing by persons within the facility.
- S. Covered flier boxes under one (1) square foot in area when attached to a temporary or permanent sign.
- T. Banner signs placed or authorized by the City in the publicly owned right-of-way.

10.8.815 PROHIBITED SIGNS

Notwithstanding Section 10.8.810 above, the following signs are prohibited:

- A. Signs or sign structures ~~which that~~ may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in §10.8.155 *Clear Vision Areas*.
- B. Signs ~~that are~~ not in compliance with applicable setback requirements.
- C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility as permitted under the provision(s) of §90.01 et. seq. *Permitted Uses of the Public Way*.
- D. Portable signs in the following categories:
  - 1. Signs on a parked vehicle unless the vehicle is being used for transport in the normal day-to-day operations of a business.
  - 2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
- E. Billboards.
- F. Moving signs.
- G. Festoons.
- H. Balloon signs.
- I. Hazardous signs.
- J. Flashing signs.
- K. Roof signs.
- L. ~~Off premise signs.~~
- M. Signs that appear similar to traffic control devices.
- N. Signs not in compliance with this Chapter.

**Comment [CC4]:** This is why I added the "notwithstanding" clause above. 10.8.810.O would allow these signs.

**Comment [CC5]:** Here again, many of these terms would benefit from a definition.

**Comment [CC6]:** This one is illegal. The only way to distinguish an on-premise sign from an off-premise sign is to read it. As a general rule, if you have to reread the sign to determine if it complies with the regulation, the regulation is probably illegal.

10.8.820 TEMPORARY SIGNS

General ~~temporary sign~~ provisions.

A. Temporary signs may be erected and maintained only in compliance with the following provisions. ~~They~~ A temporary sign shall:

1. contain no moving parts and shall not be lighted.
2. be affixed to a permanent structure.
3. be placed no higher than the building's eave, top of wall, or parapet.

B. Permitted temporary signs ~~age~~. Temporary signs ~~shall be are~~ allowed ~~for on~~ each lot in the following zones as follows:

1. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones (~~no a permit shall be is not~~ required for such signs):

- i. One temporary sign per frontage, not exceeding four (4) square feet in area, per side, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected. Such signs are typically used for garage sales and other domestic purposes. ~~No permit shall be required for such signs~~.
- ii. Two temporary signs not exceeding 24 (twenty-four) square feet in a area allowed per subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification. ~~No A~~ sign may not be erected for an inhabited residence.
- iii. One temporary sign per lot, not exceeding six (6) square feet in area and 30 (thirty) inches in height.
- iv. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

**Comment [CC7]:** For how long? This is the only one that does not have a durational requirement.

2. Commercial (CC, CN, TC) and Industrial (LI, GI) Zones:

- i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
- ii. Temporary signs shall be erected for no more than 30 consecutive days and for no more than sixty (60) days per calendar year.
- iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

3. Institutional Zone:

- i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
- ii. Temporary signs shall be erected for no more than 120 days per calendar year.
- iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

C. All Zones:

1. Signs not exceeding six (6) square feet each in area during the period from six (6) weeks prior to a public election or the time the election is called, whichever is earlier, to 14 (fourteen) days after the public election. ~~No A permit shall be is not~~ required for such signs.
2. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within 30 (thirty) days of the completion of any construction, landscaping, or remodeling.

**Comment [CC8]:** Is a permit required?

#### 10.8.825 PORTABLE SIGNS

General ~~portable sign~~ provisions. Portable signs may be erected and maintained only in compliance with the following provisions:

- A. Portable signs ~~are allowed only shall be permitted in the~~ Commercial (CN, CC, TC), Industrial (LI, GI), and Institutional zones ~~only~~.
- B. Portable signs shall be professionally prepared, contain no moving parts and shall not be lighted.
- C. Each property ~~shall be is~~ permitted one portable sign, not exceeding six (6) square feet in area. The sign shall be located on private property directly adjacent to the business or institution ~~that is responsible for the sign to which the sign pertains~~, unless permitted to be in the public right-of-way under the provision(s) of §90.01 et. seq. *Permitted Uses of the Public Way*.
- D. Portable signs shall be removed at the close of the business day.

**Comment [CC9]:** How do we know? Prepared to enforce?

**Comment [CC10]:** This is intended to get away from the "pertains" requirement, which would require you to analyze the content of the sign.

#### 10.8.830 PERMANENT SIGN REGULATIONS

General provisions. Permanent signs may be erected and maintained only in compliance with the following ~~specific~~ provisions:

##### A. General permanent sign provisions.

1. ~~No s~~Signs are not permitted within a public right-of-way unless authorized by a public agency.
2. Signs shall be erected in an upright position and placed perpendicular to a horizontal surface conforming to the line from horizon to horizon.
3. Maximum square footage restrictions include changeable copy and exclude accessory and incidental signs.
4. Minimum clearance for projecting, canopy, blade and hanging signs when over a walkway or access area is eight (8) feet. ~~A S~~Signs shall not project beyond the canopy.
5. Projecting and hanging signs may extend no more than six (6) feet from a building's façade. No projecting or hanging sign may be over 24 (twenty-four) square feet in area on each side.
6. Sign setbacks are measured from the nearest property line to the nearest portion of the sign. In addition to the specific setbacks noted above, all signs ~~shall~~ must meet the clear-  
vision provision(s) of §10.8.155 *Clear Vision Areas*.

**Comment [CC11]:** Here again, definitions of "accessory" and "incidental" would be useful.

##### B. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones.

1. ~~Each~~ A subdivision, manufactured home park, or multi-family complex is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. The sign shall be non-illuminated or indirectly illuminated.
2. ~~Each~~ A church or public school is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. Each sign may include changeable copy (manual or electronic). Any electronic changeable copy sign ~~shall~~ must have all illumination turned off between the hours of 9 p.m. and 7 a.m. Each sign ~~shall~~ must meet the setbacks applicable to the residential zone in which it is located.
3. Home occupation signs, not exceeding six (6) square feet in area, non-illuminated and professionally prepared.

C. Institutional Zone.

1. ~~Each~~ An institution is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. ~~Each~~ The sign may include changeable copy (manual or electronic). Any electronic changeable copy sign ~~shall~~ must have all illumination turned off between the hours of 9 p.m. and 7 a.m. ~~Each~~ The sign ~~shall~~ must meet the setback provision(s) of §10.3.220(C) *Setbacks*.
2. In lieu of a monument sign, ~~each~~ an institution is permitted a wall sign of up to 40 (forty) square feet in area.

D. Commercial (CC, CN) and Industrial (LI, GI) Zones. Signs in the commercial and industrial zones may be directly or indirectly lit and shall meet all setback provision(s) of its zone.

1. Monument Signs: Each site or multi-tenant complex is allowed one (1) permanent monument sign not to exceed 40 (forty) square feet in area and eight (8) feet in height per 400 feet of frontage, not to exceed three (3) per site or multi-tenant complex.
2. Wall signsage (including window signsage) ~~shall~~ shall not have a gross area ~~not~~ greater than 15% of the face of the building to which the sign is attached or painted.
3. ~~A~~ Canopy or hanging signs shall not exceed 15% of each wall face of the building to which the sign is attached.
4. No more than two (2) lighted signs ~~shall be~~ are permitted in the windows of ~~each~~ business.

E. Commercial (CC) Zone:

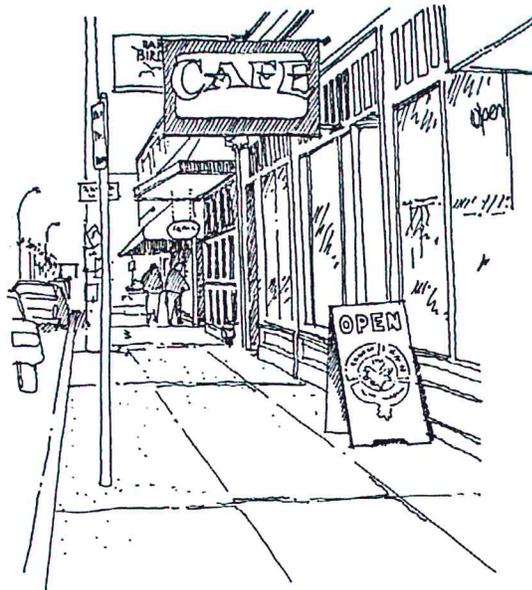
1. In lieu of a monument sign, no more than one (1) pylon sign ~~shall be~~ is allowed per street frontage. Multiple-tenant developments may be allowed additional pylon signs as provided in section (D)(1) above.
2. All pylon signs shall have a minimum clearance of ten (10) feet below the sign and shall have a maximum, overall height of twenty (20) feet above grade. ~~No~~ A pylon sign ~~shall~~ may not have a total area of more than forty (40) square feet per face, except as provided in section (3) below.
3. Pylon signs for properties with three or more businesses may have up to seventy (70) square feet per face.

F. Commercial (TC) Zones:

1. ~~A~~ canopy or hanging signs shall not exceed 15% of each wall face of the building to which the sign is attached.
2. ~~A~~ wall signsage (including window signsage) ~~shall~~ may have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
3. ~~No~~ A wall sign ~~shall~~ may not project more than 18 inches from the wall to which it is attached.
4. ~~A~~ B businesses with a ground-floor entrances ~~which have~~ where the front building line is within five (5) feet of the public right-of-way ~~shall be~~ is permitted one (1) projecting sign on the front building face, side, or corner in lieu of a wall sign. ~~A~~ Projecting signs shall project no more than six (6) feet, have a maximum vertical dimension of six (6) feet, and ~~is~~ be limited to a maximum of 24 (twenty-four) square feet of area per face.

5. Lighting for signs in the TC zones ~~shall be is~~ limited to internal lighting, where the light source is inside the sign, or to indirect lighting screened from view, where the light source is located below the sign, and is part of an ornamental feature of the sign structure. Braces and struts ~~which that~~ support indirect lighting from the top or sides of the sign are prohibited. This Section ~~shall not be applicable for~~ does not apply to signs and lighting approved through Town Center Track 2 *Design Guidelines*.
6. No more than two (2) lighted signs ~~shall be are~~ permitted in the windows of each business.
7. A lighted sign visible to and located within 100 feet of a residential zone ~~shall must~~ be turned off from 10:00 p.m. to sunrise.

Figure 8-16: Signs in the Town Center



G. Video display and changeable copy signs (manual and electronic) are subject to the following standards:

1. Video display signs ~~shall only be are~~ allowed only as part of a permanent monument or wall sign.
2. Manual changeable copy signs ~~shall be are~~ allowed as part of a permanent monument, wall, or pylon sign.
3. The video display and changeable copy portion of a sign may not exceed 24 (twenty-four) square feet in area.
4. Electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not change at intervals of less than seven (7) seconds.

5. Video display and electronic changeable copy signs shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk and dawn as measured from the sign's face at maximum brightness.
6. Video display and electronic changeable copy signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour (1-1/2 hour) before sunset and one half-hour (1-1/2 hour) after sunrise.

#### 10.8.835 SIGN PERMITS

~~No A sign which that~~ is not specifically listed as exempt from the provisions of this [Sign Code ordinance](#) ~~may not shall~~ be erected, constructed, attached, relocated, or structurally altered without obtaining City approval. ~~Such approvals are~~ [Approval is](#) not required for signs listed as exempt or for routine sign maintenance.

- A. ~~A P~~permits ~~for to~~ modifications ~~of an~~ existing signs, or to legalize ~~a~~ signs for which a permit was not obtained when it was constructed, will be processed by ~~means of~~ a Type 1 procedure.
- B. A permit for new signs will be processed by means of a Type 1 procedure, using the [applicable](#) standards of this [Sign Code](#) ~~chapter~~ as approval criteria.

#### 10.8.840 PERMIT REQUIREMENTS

An applicant for a sign permit shall supply the following information on forms provided by City:

- A. Size, height, location, description, and material of the sign;
- B. Name of the manufacturer, contractor, owner, and business advertised;
- C. Scaled drawing(s) and description of copy, structure, and lighting;
- D. Photo(s) or drawing(s) of the proposed sign location(s); and
- E. Signature of property owner or designee.
- F. Other information [required as the City determines necessary](#) to demonstrate compliance with this [Sign Code](#) ~~chapter~~.

#### 10.8.845 LANDMARK AND ~~ABANDONED~~ SIGNS

Landmark signs and ~~abandoned~~ signs are subject to the following provisions:

- A. Landmark Signs may be exempted from the provisions of this ~~chapter~~ [Sign Code](#) upon the recommendation of the Historic Landmarks Board.
- B. ~~Abandoned~~ signs shall be removed or made conforming within 45 (forty-five) days of the date they become classified as ~~abandoned~~.

**Comment [CC12]:** "Abandoned" is clear but what is a "landmark" sign?

#### 10.8.850 CONSTRUCTION AND MAINTENANCE STANDARDS

The following standards apply to the construction and maintenance of signs in the City:

- A. All permanent signs shall be constructed and erected in accordance with the design and construction requirements of the most recent edition of the State of Oregon Structural Specialty Code.
- B. All illuminated signs ~~shall be~~ [are](#) subject to the provisions of the State Electrical Specialty

- | Code. It ~~is shall~~ be the applicant's responsibility to demonstrate compliance with that code by supplying the City with a copy of an approved State Electrical Permit.
- | C. All signs shall be maintained at all times in a state of good repair. ~~No~~ A person shall not maintain or permit to be maintained on their premises any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

10.8.855 NONCONFORMING SIGNS

- A. Non-conforming signs shall be brought into compliance [with this Sign Code](#) when:
1. The sign is physically modified to the extent that a building permit is required; or
  2. The use of the building or tenant space to which the sign pertains changes (e.g., office to retail); or
  3. The site is subject to conditional use permit review, or design review as defined in §10.2.310.
- B. All temporary or portable signs not in compliance with the provisions of this [eSign Code](#) shall be removed or made compliant immediately following adoption of this [codeordinance](#).

10.8.860 VARIANCES

- ~~A. Signs that does~~ not ~~consistent-comply~~ with the provision(s) of this [Sign Ceode](#) may be approved pursuant to §10.2.720 *Variance Review Criteria*.

10.8.865 ENFORCEMENT

The Community Development Director or designee shall have the authority to order or effect the removal of any sign which does not conform to the provision(s) of this [Sign Code-ordinance](#).

10.8.870 PENALTY IMPOSED

A person ~~responsible for a violation of~~ [who violates](#) any provision(s) of this ~~ordinance-Sign Code~~ [shall may](#) be subject to a civil penalty in an amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for any subsequent violation occurring in a two-year period starting from the issuance of the first notice of violation. [In the event of a violation.](#) ~~¶~~the Community Development Director or [person designated by the Director](#) ~~designee~~ may cite the violator into Municipal Court ~~for said violations~~.

10.8.875 PERMIT FEE

The fee for a sign permit described above shall be set by City Council by resolution.

## EXHIBIT E

Feather Banners and Air-Blown Devices – Example Code

## SIGN CODE - POSSIBLE AMENDMENTS

Add Fin Sign (aka shark fin sign, shark fin banner, feather banner, feather flag)

Feather Banner: A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Article, a feather banner is an advertising device and sign.

Flag, Feather: Flags used to bring attention to, or advertising displays including but not limited to blade, feather, shark fin, swooper, teardrop, triangular and wind flag.

Feather Flag Sign. A free standing temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

(1) *Maximum size*. Each feather flag sign shall not exceed thirty two (32) square feet in total area.

(2) *Location*. Feather flag signs must be located outside of the public right of way and any clear vision triangle. The number of feather flag signs is limited to one (1) per every forty (40) linear feet of road frontage along the roadway where the primary business sign is installed.



Flag: A device made of cloth, plastic, or natural or synthetic fabric, with or without characters, letters, illustrations, or ornamentation applied to such surface, and which is designed to move in the wind. For purposes of this Article, except as specifically authorized, a “flag” is an advertising device and “sign.” It is defined separately from wind-blown device.

Air-blown Device (aka air-blown dancer): Any device not otherwise specifically defined in this Article that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. This definition

specifically includes but is not limited to those devices referred to commercially as “air puppets” and “air dancers.” For purposes of this Article, air-blown devices are advertising devices.



Inflatable Sign: Any sign, advertising device, or balloon that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled in the shape of a container, figure, or product. For purposes of this Article, inflatable signs and balloons are considered advertising devices.

Mural: A picture or image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a building wall, which may or may not contain text, logos, and/ or symbols.

Wind-blown Device: Any device, whether or not specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. Such devices include banners (except as may be specifically authorized), pennants, streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. A “flag” is defined separately and is not considered a “windblown device” for purposes of this Article. See also “air-blown device,” which is defined separately.

Sign, Walker (Human Directional Sign): A person, visible from the public R.O.W., which is holding, twirling, or wearing a sign or costume to draw attention to a business, project, place, or event.

## EXHIBIT F

### Table 7-3 with Potential Additions

TABLE 7-3: AMENITY CATEGORIES AND VALUES

Amenity Category	Value	Description
Bicycle Amenities	1 point	Provide residents with enhanced bicycle amenities (parking and repair area). The area dedicated to long-term bicycle parking shall be sized to accommodate 0.5 bicycles per unit and must be covered and secure. The area dedicated to bicycle repair shall be a minimum of 50 square feet in area and designed and equipped to facilitate bicycle maintenance.
Energy Efficiency	2 points	Energy efficiency improvements compliant with Energy Trust of Oregon. Projects must enroll in the Energy Trust’s Design Assistance program during schematic design or earlier and commit to exceeding Oregon code requirements by a minimum of 5%.
	2 points	Achieve an Energy Star score of 7 or better, as calculated by the EPA online tool.
	3 points	Project designed to Net Zero Energy Certification.
“Green” Materials	2 points	Use environmentally sensitive (“Green”) materials on at least 50% of the building’s interior surfaces including: <ul style="list-style-type: none"> <li>• Wall and Ceiling Latex Paint: Low VOC</li> <li>• Paint with recycled content: minimum 50% post-consumer</li> <li>• Countertop with recycled content: 25% Post-consumer content</li> <li>• Carpet with post-consumer recycled content (+50%)</li> <li>• Renewable flooring materials: Linoleum, cork, bamboo, or wool</li> <li>• Forest Stewardship Council-certified Reclaimed Wood</li> </ul>
	3 points	Use of “Green Material” on at least 75% of the building’s interior.
Low Impact Design	1 point	Manage all storm water from the site using low impact design techniques from <i>Clean Water Services Low Impact Development Handbook for the Tualatin Basin</i> .
Ground Floor Retail	3 points	Provide at least 5,000 square feet of retail or space which is designed to be convertible to ground level retail. A density bonus for this amenity is available in the TCT zone only.
Residential Gardening	2 points	Provide a community garden for use by residents. The garden must include raised beds (minimum size 3’ by 5’) with improved soil and a water source for irrigation. The garden may be at grade or rooftop, but must be located in an area with adequate sunlight (minimum 6 hours/day). The area dedicated to the community garden shall be sized to accommodate 0.3 raised beds per unit plus walkways.
Rooftop Garden or Eco-Roof	2 points	Provide a rooftop garden or an eco-roof. The rooftop garden or eco-roof must cover at least 50% of the roof area of the building. Rooftop gardens must be accessible to residents and at least 30% of the garden area must contain plants. The remaining area must include seating areas and other amenities. Eco-roofs must be designed to reduce storm water and be entirely covered with vegetation.
<ul style="list-style-type: none"> <li>• Public Plaza</li> <li>• Outdoor Patio</li> <li>• Seating Area</li> </ul>	2 points	Where ground floor retail is planned, provide a patio area for outdoor seating between the retail and the primary public street frontage which is designed to activate the street frontage. The patio and seating area must extend along at least 20 feet of the frontage and be at least 10 feet deep.
	3 points	Provide a public plaza with a minimum area of 2,000 square feet. Seating areas and landscape plantings are required amenities. Water features are encouraged. To promote a sense of openness and safety, public plazas shall be completely visible from an adjacent street frontage.

Structured Parking	10 points	At least 80% of the required parking is provided in a parking structure. Structures may be at- or below-grade.
LEED Certification	Silver: 8 points Gold: 10 points Platinum: 12 points	Project designed to achieve LEED Silver, Gold, or Platinum certification. Project features required to qualify for LEED certification cannot be used to qualify for points in other amenity categories.
<b>Enterprise Green Communities</b>		<b>Projects must be designed to achieve compliance with the mandatory EGC Criteria measures applicable to that construction type and must achieve 35 optional EGC points. Project features required to qualify for EGC certification cannot be used to qualify for points in other amenity categories.</b>
<b>Earth Advantage Homes</b>	<b>Silver: 8 points Gold: 10 points Platinum: 12 points</b>	<b>Projects must be designed to achieve Earth Advantage Silver, Gold, or Platinum certification. Project features required to qualify for EA certification cannot be used to qualify for points in other amenity categories.</b>
<b>OHCS Green Building Program</b>		
Visitability		At least 00% of the units must have at least one zero-step entrance, doors with 32 inches of clear passage space, and at least one bathroom on the main floor that is wheelchair accessible.
Other	TBD	Other amenity approved by Planning Commission