



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: February 7, 2022	Subject: Ordinance No. 856 – 1st & 2nd Reading Scrivener’s Error Correction Staff Member: Barbara Jacobson, City Attorney and Dan Pauly, Planning Manager Department: Legal and Planning	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: February 7, 2022 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: February 7, 2022 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: February 7, 2022 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council approve Ordinance No. 856 on first and second reading.		
Recommended Language for Motion: Two separate motions: <ul style="list-style-type: none"> • I move to adopt Ordinance No. 856 on first reading. • I move to adopt Ordinance No. 856 on second reading. 		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

To enact Ordinance No. 856 for the sole purpose of removing a two-word scrivener’s error, as described below.

EXECUTIVE SUMMARY:

The Wilsonville Sign Code, Section 4.156, was revised on March 1, 2010 by Ordinance No. 675. During the course of the Camping World litigation, it was discovered that when the sign code was updated staff inadvertently missed including Wilsonville Code Section 4.181 in that revision. This created a partial direct conflict with updated Section 4.156. and Section 4.181(Exceptions and Modifications – High Limits). This code language that has existed throughout the history of Wilsonville’s zoning code and before adoption of any current flag or sign regulations in Section 4.156. Although Section 4.181 was not applicable to the cause of action in the Camping World litigation, it did point out an inconsistency that needs to be fixed. Other sections of the revised Code set a specific limit on flag height, making the height exemption in Section 4.181 contradictory, as flag display heights and flag pole heights are, in all customary applications, the same.

To resolve the conflict staff recommends the following correction to Section 4.181:

“Except as stipulated in Section 4.800 through 4.804, height limitations specified elsewhere in this Code shall not apply to barns, silos or other farm buildings or structures on farms; to church spires, belfries, cupolas; and domes; monuments; water towers; windmills; chimneys; smokestacks; fire and hose towers; above-ground electric transmission, distribution, communication and signal lines, towers and poles; and properly screened mechanical and elevator structures.”

EXPECTED RESULTS:

Wilsonville’s Code Chapter 4 will be consistent on the allowed height of a flag pole.

TIMELINE:

Upon enactment.

CURRENT YEAR BUDGET IMPACTS:

None.

FINANCIAL REVIEW:

Reviewed by: KAK Date: 1/24/2022

LEGAL REVIEW:

Reviewed by: BAJ Date: 1/24/2022

COMMUNITY INVOLVEMENT PROCESS:

The 2010 and 2012 adoption of the current sign regulations included extensive involvement of stakeholders and the public.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Clarity versus confusion in reading the Code.

ALTERNATIVES:

Do nothing; modify the Code to address pole height in a different manner to achieve consistency.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Ordinance No. 856