



## TYPE III – PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Recommended Findings

*Date of Staff Report Issuance: February 6, 2017*

**FILE NO.:** VR 16-03: Variance

**HEARING DATE / LOCATION:** February 13, 2017 – Commission Chambers  
625 Center Street, Oregon City, Oregon 97045

**OWNER** Mark Handris  
1980 Willamette Falls Dr.  
Suite 200  
West Linn, OR 97068

**APPLICANT / REPRESENTATIVE:** Rick Givens  
Planning Consultant  
18680 Sunblaze Dr.  
Oregon City, OR 97045

**REQUEST:** Variance application to expand an existing sign beyond dimensions specified by the General Commercial (C) District. Adding 30 square feet to an existing 50 square foot sign for a retail development along Molalla Ave.

**LOCATION:** 19352 Molalla Ave., Oregon City, OR 97045  
Clackamas County Map 3-2E-09B Tax Lot: 2100

**NEIGHBORHOOD ASSOCIATION:** Gaffney Lane Neighborhood Association

**REVIEWER:** Trevor Martin, Planner

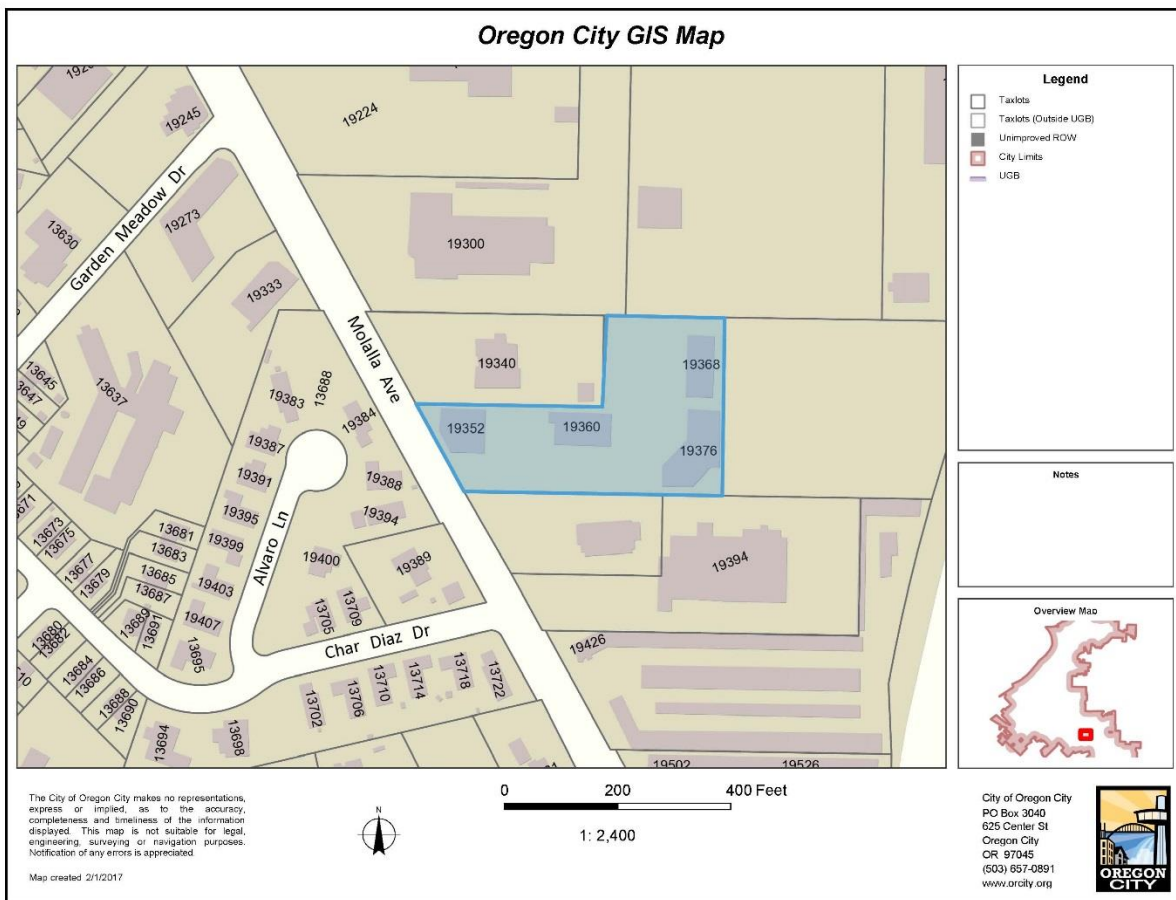
**Process:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised

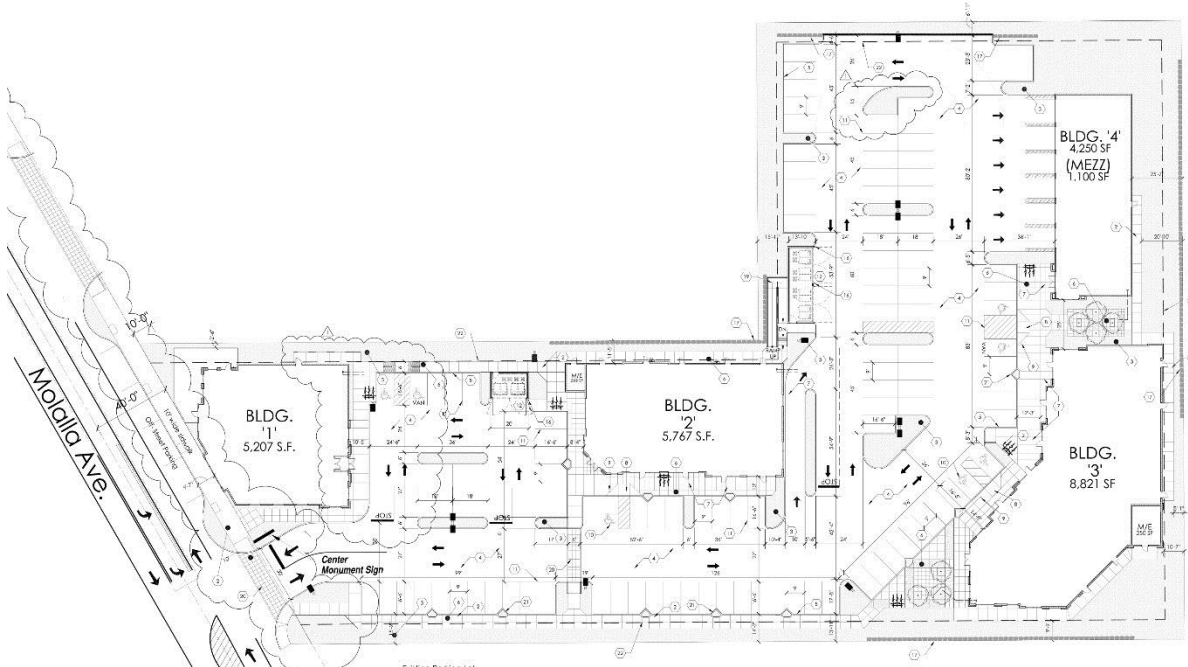
either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

**I. BACKGROUND:**

**1. Existing Conditions**

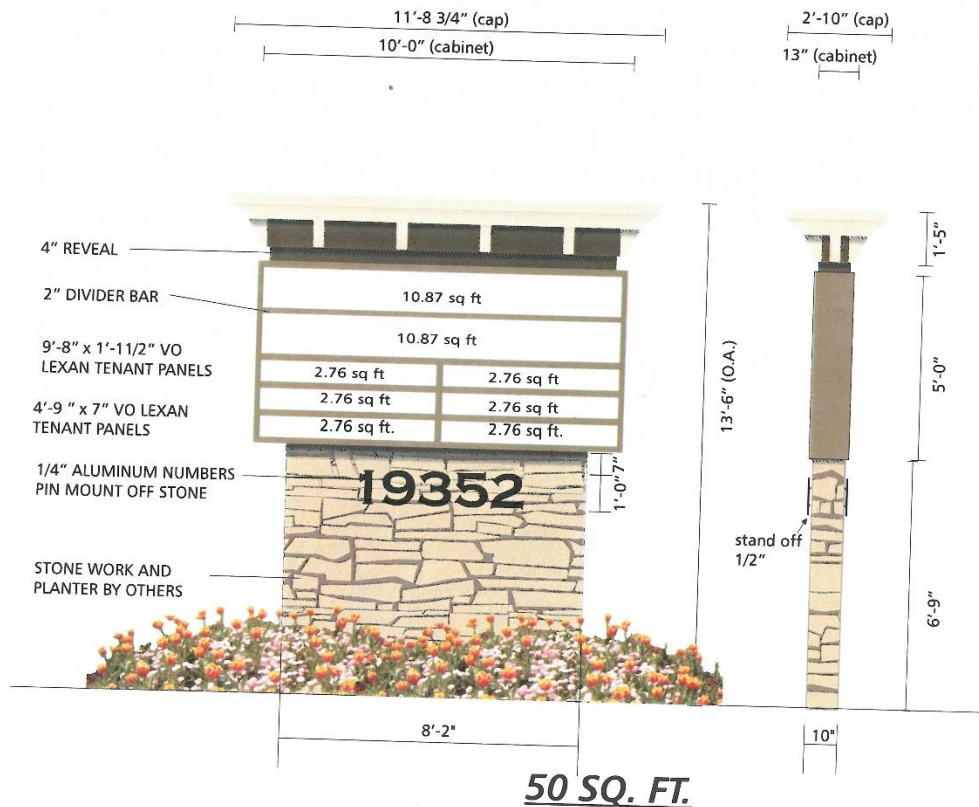
19352 Molalla Avenue is the location of the Settlers Square retail development, which is a 2.58 acre site that is L-shaped in configuration, being approximately 154 feet in width near Molalla Avenue, widening to 316 feet on the rear portion of the property. The property is developed with four commercial buildings. The Li'l Cooperstown Pub and Grill occupies a 5,207 sq. ft. building along the Molalla Avenue Frontage. Three other buildings on the rear portion of the site provide another 18,838 sq. ft. of retail space (plus an additional 1,100 sq. ft. mezzanine area in Building 4). The property has 176.81 feet of frontage on Molalla Avenue, which is relevant to the amount of sign area allowed by Article 15 of the Oregon City Municipal Code (OCMC).





Site Plan

The existing free-standing sign is located at the southwest corner of the subject property, adjacent to the Molalla Avenue frontage. Its original design had a sign area measuring approximately 5 feet high by 10 feet wide, with 50 sq. ft. of sign area on each side of the sign.



2008 Sign Permit Dimensions



Existing Sign

As shown in the photographs above, an additional panel measuring approximately 3 feet high by 10 feet wide has recently been added to the sign. The applicant stated they intended to provide needed signage for new tenants and was unaware that this addition would violate the provisions of Article 15. After being informed by the City of a code violation, the applicant began this process to obtain a variance and approval of the addition to the sign.

2. Zoning and Land Use

The subject property is zoned General Commercial (C).

The abutting land uses consist of the following:

Direction	Zoning	Use
North	GI & C	Storage & Emergency Services – Fire & Postal Service
South	C	Church
East	C	Parking
West	C	Molalla Ave.

3. **Municipal Code Standards and Requirements:** Staff has provided recommended findings for compliance, where applicable, with the following sections of the Oregon City Municipal Code for the proposed land use:

- 15.28 – Signs
- 17.50 – Administration and Procedures
- 17.60 – Variances

The City Code Book is available online at [www.orcity.org](http://www.orcity.org).

4. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.
5. **OCMC 17.50 Notice and Public Comment:** Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Staff received no public comments prior to the issuance of the staff report.

## II. ANALYSIS AND FINDINGS

### *Oregon City Municipal Code*

#### *15.28.080 - Signs in office, commercial, mixed use and industrial zones.*

- C. *Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:*
  1. *A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.*
  2. *Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.*
  3. *Maximum display area:*
    - a. *Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.*
    - b. *Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.*
    - c. *Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.*
    - d. *In no case shall any sign have a display area in excess of three hundred square feet.*
  4. *The sign width shall not exceed twenty linear feet.*
  5. *Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.*

**Finding Complies as Proposed:** The applicant indicated that the frontage of the subject property has frontage on one street, Molalla Avenue, which measures 176.81 feet in length. Per the provisions of this section, one free-standing sign, a maximum of twenty-five feet in height and having one hundred sq. ft. of sign display area (with a maximum of 50 sq. ft. per face) is allowed. The freestanding sign, as originally approved, complied with the standards of this section in that the display area consisted of two 5' x 10' (50 sq. ft.) faces, for a total of 100 sq. ft. The height of the sign is less than 25 feet. The proposed additional display area will increase the display area by adding two 3' x 10' faces on each face of the sign (30 sq. ft. each) below the existing signage. The overall height of the sign will not be increased. With the additional

display area, the total sign faces will have approximately 80 sq. ft. of face area and the total display area for the site will be approximately 160 sq. ft. This additional square footage is approved only if the proposed sign variance is approved.

Staff agrees with the applicant's finding. As demonstrated within this report, staff supports the proposed Variance.

**15.28.130 - Variances.**

*All of the following standards apply to variances to this chapter:*

A. *Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:*

1. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

**Finding Complies as Proposed:** The applicant indicated that:

*There will be no significant damage to adjacent properties caused by the proposed increase in sign display area. The sign is located at the southwest corner of the subject property. Property to the north is separated from the sign by the Li'l Cooperstown building on the subject property and, thus, will have no impacts from the proposed change. The property adjacent to the south of the subject property, at 19394 Molalla Ave., is developed with the Followers of Christ church and offices. The parking lot for the church is immediately adjacent to the sign and no buildings are located within the area that would be potentially impacted by the signage. Being to the south of the sign, the shadow pattern from the sign does not fall onto the church property. The location of the sign does not impact access to the church.*

The Oregon City Municipal Code regulations for free standing signs are based upon the amount of frontage on a site. In this instance, the subject property contains several buildings and businesses. The allotted amount of frontage is smaller than typically found for the number of tenant spaces onsite. The applicant has proposed a minimal sign increase to appropriately accommodate for the existing business that does not encroach in the public right-of-way and does not create any visual hazards for motorists and pedestrians (See permits and site plan above). In addition, the square footage primarily covers the signage structure and thus minimally effects the overall dimensions of the sign. Note that the City does not regulate the content on any proposed signs, what the property owner chooses to display is at their discretion.

2. *That the request is the minimum variance that would alleviate the hardship;*

**Finding Complies as Proposed:** The applicant indicated that:

*Site development consists of four separate buildings. Building One contains Li'l Cooperstown Bar and Grill, which is the sole building to have frontage on Molalla Avenue. The signage for this business is provided with on-building signs. None of the display area on the freestanding sign is used for Building One. Building Two contains Le Croissant, Pine Garden restaurant, and Oregonians Credit Union. Building Three contains a surveying company (Centerline Concepts, Inc.) Oregon City Barber, Building Blocks 4 Kids/Bloomin Clothes Closet and newly leased space that will become Cider Works, a tasting room for hard cider. As shown on the photograph of the sign, four of the existing businesses are constrained to a very small space that does not provide*

*for signs that can be seen effectively from the road. Le Croissant is new to the development and needs larger signage to advertise its business. There is no room for signage for the new Cider Works. The new sign will provide for sufficient room for larger signage for Le Croissant and Cider Works and will allow for the signs for the other four existing businesses to be somewhat increased in size so that they are readable to passing motorists. The proposed additional sign area is the minimum that will alleviate the hardship of having insufficient space to effectively advertise these Oregon City businesses.*

As mentioned above, a site of similar size and with similar number of tenants would typically have more frontage and a larger size freestanding sign would be permitted. The subject site is approximately 25 feet from being able to install the next size up of permitted signs.

Per OCMC 15.28.080(C)(3):

- b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the *sign* face shall not exceed fifty square feet.
- c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the *sign* face shall not exceed one hundred fifty square feet.

Staff agrees with the applicant that the requested 30 square foot sign increase variance is appropriate for the subject property. The subject site is already landscaped and the proposed sign does not encroach into the public right-of-way and does not adversely impact motorists and pedestrians.

3. Granting the variance will equal or exceed the purpose of the regulation to be modified;

**Finding Complies as Proposed:** The applicant indicated that:

*The purposes for sign regulations as listed in OCMC 15.28.010 include:*

- A. *Allows signs compatible with the character and uses allowed in the zoning district in which they are located;*
- B. *Maintains the effectiveness of traffic control signs throughout the city;*
- C. *Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;*
- D. *Maintains and enhances the scenic and other aesthetic qualities of the city;*
- E. *Supports the economic development of Oregon City businesses;*
- F. *Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and*
- G. *Is not intended to regulate the content of signs in any way.*

*The proposed sign, as shown in the photograph on Page 2, is compatible with the character and uses allowed in the City's General Commercial Zone, in which the site is located. Similar signs advertise businesses in retail developments along the length of Molalla Avenue. The proposed sign would be beneficial to the effectiveness of traffic signs in that it will make it easier for motorists to find the businesses that they are looking for without slowing traffic to read too small of signage. The proposed sign would have no impact upon the safe movement of pedestrians or emergency services, or constitute a nuisance or hazard. The sign has existed safely in its present location for several years since the Settlers Square development was constructed and has caused no such negative impacts.*

Presumably the most significant reason for the limitations on sign sizing is to maintain the scenic and aesthetic qualities of the city. Too much, or too large of signage can impact these qualities. In this instance, however, the proposed increase in signage is modest in scale, adding only 30 square feet to the sign face. It should be noted that if the site had street frontage that was only an additional 24 feet in length, the permissible sign face would be 150 sq. ft. The proposed variance would result in only 80 sq. ft. of sign face area. This modest increase is more than offset by the fact that there is minimal signage found in this section of Molalla Avenue.



The church property to the south of the subject site has only a very small sign along its frontage. The fire station to the north of the site also has a very small sign on its frontage. Across Molalla Avenue, the Char Diaz Estate manufactured home subdivision has only a brick monument sign at the entry to the neighborhood.





*As shown on the photos above, the street view on this stretch of Molalla Avenue has very minimal signage along it. The addition of 30 sq. ft. of sign area below the existing sign face will not have any significant impact upon the aesthetic qualities of this street view.*

The proposed frontage is approximately 25 feet short of being allowed to increase to the next level of sign size. The subject site is large enough to accommodate for a variety of buildings and businesses, and due to the configuration of the site, the subject property is limited in the size of sign allowed. Just to the north of the proposed development are two larger signs and staff feels that the requested 30 square foot increase is appropriate and will accommodate for the existing business. Additionally, there are site near the subject site with signs similar in size, or larger that than the one proposed at Settler's Square.



From left to right: the Wilco near the intersection of Garden Meadow Dr. and Molalla Ave. has 50 square foot sign. 19195 Molalla appears to have a sign greater than 50 square feet. 19273 Molalla also appears to have a sign greater than 50 square feet.

4. *Any impacts resulting from the adjustment are mitigated;*

**Finding Complies as Proposed:** The applicant indicated that *“Any minor impact of increasing the sign area by 30 sq. ft. per face is offset by the fact that the additional area is being provided below the existing signage. As such, it will have a lesser impact upon the street view”*.

Staff agrees with the applicant. As demonstrated in the pictures within this report, the site is already landscaped and the increase in sign size will not have any adverse impact on pedestrians or motorists.

5. *No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

**Finding Complies as Proposed:** The applicant indicated that *“Additional display area is needed to effectively provide signage for the number of businesses that are housed in this development. There is no other alternative that will accomplish this purpose”*.

Staff agrees with the applicant. See findings under OCMC §§ 15.30.128(1) & (2) above.

6. *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

**Finding Complies as Proposed:** The applicant indicated that *“There are no comprehensive plan policies that directly relate to the proposed variance. The purposes of the signage provisions have been addressed above in this narrative”*.

Applicable Comprehensive Plan Goals and Policies are as follows and have been incorporated into Staff’s recommendation:

**Section 1: Citizen Involvement**

- *Goal 1.4 Community Involvement- Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*
  - *Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.*
- *Goal 1.5 Government/Community Relations - Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities*

**Finding: Complies as Proposed:** This variance has been reviewed through a Type III public process which includes public notification, posting in the paper, mailing to property owners within 300 feet of the site, posting on the City’s website, emailed notice and posting a sign on the subject site. In addition, the agenda was emailed and posted online inviting the public to participate. The procedures set forth in Chapter 17.50 will be followed in the City’s processing of this application.

**Section 2: Land Use**

- *Goal 2.4 Neighborhood Livability- Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*
- *Goal 2.5 Retail and Neighborhood Commercial - Encourage the provision of appropriately scaled services to neighborhoods.*
  - *Policy 2.5.1- Encourage the redevelopment of linear commercial corridors in ways that encourage expansion of existing businesses and infill development, and at the same time reduces conflicting traffic movements, improves the aesthetic character of these commercial areas, and encourages trips by transit, bicycling and walking.*
  - *Policy 2.5.3 - Review design standards and the sign code to ensure compatibility with existing neighborhoods.*

**Finding: Complies as Proposed:** The applicant has met with the Gaffney Lane Neighborhood Association to review the proposed project. The new design of the sign accommodates for the currently existing structure and integrates the expansion of the sign into the structure without creating and adverse impacts to the public right-of-way, existing landscaping, pedestrians, and motorists.

**Section 9: Economic Development**

- *Goal 9.1 Improve Oregon City’s Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.*

- *Goal 9.2 Cooperative Partnerships - Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.*
  - *Policy 9.2.2- Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan*

**Finding: Complies as Proposed:** The proposed sign variance, adding 30 square feet to an existing 50 square foot sign, will give business within the Settler's Square development an opportunity to effectively advertise their business without creating a hazard to passing pedestrians and motorists, while maintaining the cohesiveness of the existing sign.

*B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder*

**Finding: Complies as Proposed:** The required variance fee has been paid by the applicant.

All fees have been paid.

*C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.*

**Finding: Complies as Proposed:** The procedures set forth in Chapter 17.50 will be followed in the City's processing of this application.

This application has been in accordance with OCMC Ch. 17.50.

### III. CONCLUSION AND RECOMMENDATION

Based on the analysis and findings described above, the proposed sign variance complies with the requirements of the Oregon City Municipal Code.

City Staff recommends approval of file VR 16-03 based upon the findings, exhibits, and conditions contained in this staff report.

### IV. EXHIBITS

1. Vicinity Map
2. Land Use Application
3. Site Drawings
4. Code Responses
5. Neighborhood Meeting Documents