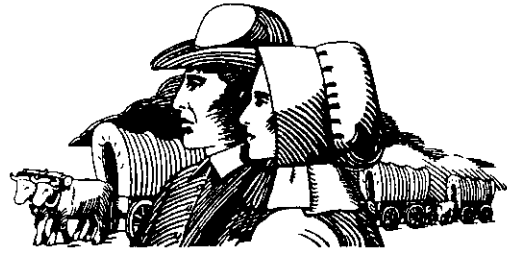


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

**City Commission Chambers - City Hall
December 12th, 2005 at 7:00 P.M.**

The 2005 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

PLANNING COMMISSION MEETING

1. **CALL TO ORDER**
2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
3. **ADOPTION OF PLANNING COMMISSION MINUTES:** *none available*
4. **ADOPTION OF FINDINGS OF FACTS FOR PLANNING COMMISSION DENIAL OF VR 05-04
PLANNING COMMISSION DISCUSSION/ACTION OF SP 05-27:** Applicant: Elizabeth Atly. At the November 28, 2005 Planning Commission Meeting, the applicant was denied a Variance request to reduce the rear and interior side yard setbacks from 20 feet to five feet in association with a multifamily development (SP 05-27). The property is located at 1427 16th Street and identified as Clackamas County Map 2-2E-32BA, Tax Lot 400
5. **HEARING:**
VR 05-05 (Quasi-Judicial Hearing), Applicant: Joseph Schaefer – Schwabe, Williamson & Wyatt, P.C.. The applicant is seeking approval of a variance to not apply section 15.28.090(C) of the Oregon City Municipal Code, which requires that any sign that is relocated immediately be brought into compliance with all applicable provisions of Title 15. The existing sign to be relocated currently exceeds the maximum sign face area of 300 square feet by 110 square feet. Clackamas County Map 3-2E-05D, Tax Lot 1211.
6. **ADJOURN PLANNING COMMISSION MEETING**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

DRAFT

BEFORE THE OREGON CITY PLANNING COMMISSION

**In the Matter of a Request for Site)
Plan Approval and Variance;)
Oregon City File Nos. SP 05-27 and)
VR 05-04.)
)
)
)
)
)
)**

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND FINAL ORDER**

INTRODUCTION

The applicants submitted the above-referenced applications for Site Plan Approval for the construction of a 7-unit multi-family development in association with a Variance for the reduction of the interior and rear yard setbacks from 20 feet to 5 feet on property zoned MUC-1 (Mixed Use Corridor). The subject site is described as Clackamas County Map 2-2E-32BA, Tax Lot 400 and is located at 1427 16th Street, Oregon City.

The hearing on this matter was duly noticed and held on November 28, 2005 before the Oregon City Planning Commission, which heard testimony from all who wished to be heard. The applicant and its representatives were given the opportunity to present its case and to have rebuttal, following the close of opposition territory.

Because the site plan is predicated on the grant of the requested variance, the Commission determined to deal with the variance issues first. The Commission has determined to deny the proposed variance for the reasons given in this Final Order, which would also result in the denial of the Site Plan Approval Request. However, the Commission will allow the applicant to resubmit a site plan that meets the City Code, as set forth below, if the applicant elects to do so within 10 days of the adoption of this Final Order by the Planning Commission. If the applicant fails to do so within such period, the site plan shall be deemed denied.

FINDINGS AND CONCLUSIONS REGARDING THE VARIANCE APPLICATION

The Commission adopts the Staff Reports and Recommendations, dated November 21, 2005, as modified below, as the basis for its actions. The staff report on the Variance Request did not make a recommendation and its analysis was not informed by the testimony given by opponents at the Planning Commission hearing. Therefore, the Commission adopts its own analysis in place of that of staff on pp. 4-5 of the Variance Staff Report and substitutes its own conclusions for the Staff Recommendation on p. 5 of that Staff Report.

The Commission concludes that each of the six criteria for a major variance listed in OCMC 16.60.030 must be met for a variance to issue. The Commission further concludes, for the reasons given below, that three of the criteria, i.e., A, B, and E, have not been met and reaches no conclusion on the remaining criteria.

With respect to those criteria considered by the Commission, the Commission finds:

A. “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”

The Commission construes “this title” to mean Title 17 of its City Code, relating to zoning and interprets the term “substantial damage” to refer to the incremental difference between a development which meets the setback requirements of OCMC 17.29.050 with respect to side and rear yards, and the site plan proposal submitted by the applicant.

Without setting forth all the qualities protected by the City's zoning regulations, the Commission examined whether "substantial damage to adjacent properties" would be caused by the grant of the proposed variance with respect to reducing light, air, and safe access and finds as follows:

One of the purposes for City zoning regulations is the adoption of regulations is to further the public health, safety, and welfare, among other things "to provide adequate light and air." OCMC 17.02.020. This purpose has the objective of promoting privacy for the adjacent single family residential land uses and is carried out, *inter alia*, by the dimensional standards of OCMC 17.29.050(D), the minimum required interior and rear yard setbacks of the MUC-1 zone, which provides that, if abutting a residential zone, the setback must be twenty feet from the property line. The Commission construes this setback to allow for adequate light and air for adjacent residential uses and concludes that varying the setback requirements to allow a setback of only five feet next to adjacent residential uses does "substantially damage" those uses. The Commission believes the testimony of Stacy Greg, Christine Moomaw, and Stephanie Paley over that of the applicant and concludes that the applicant has failed to bear its burden of proof that substantial damage would not be caused to adjacent property by reducing the setbacks as proposed and depriving those adjacent properties of the light and air they would normally received if the setback lines were adhered to.

With regard to safe access, the Commission notes that the health, safety and welfare purposes for Title 17 zoning regulations as set forth in OCMC 17.02.020 include "to secure safety from fire and other dangers; to lessen congestion in the streets; * * * to facilitate adequate provision for transportation * * *." This purpose is carried out by the setback requirements of OCMC 17.29.050(D), which limit the density on particular lots, so that adequate traffic circulation is provided, traffic safety is promoted and that the volume of traffic on the adjacent local streets is consistent with the City's comprehensive plan and zoning regulations. The grant of a variance in this case would allow for two more units, each of which would add approximately eight more trips per day, according to the City's Transportation Systems Plan. The Commission believes the testimony of Michael Brooks (that 16th Street is a bus route and that busses frequently travel over the 25 mph speed limit and that the possible future requirement of "No Parking" signs would be a hardship to those seeking to park in the neighborhood (a concern also shared by Stacy Greg and Stephanie Paley) and may not be required if the applicant were to build in conformity with City codes), Lyn Smith (that a number of the streets in the area exist only on paper and neighborhood circulation is poor), Leland Wagner (that it would be difficult for a fire engine to reach portions of the site in an emergency), and Christine Moomaw (noise and loss of traffic safety to children in the neighborhood from additional traffic), over that of the applicant and concludes that the applicant has failed to bear its burden of proof that safer access is promoted by the grant of this variance over that which would have occurred had the setback lines in the applicable zoning regulations were adhered to.

On balance, the Commission concludes that Criterion A is not met.

B. "That the request is the minimum variance that would alleviate the hardship"

The applicant's response to this criterion was economic in nature, i.e., that two additional housing units would be beneficial to his "bottom line." While the Commission appreciates the need for profit in the home construction industry, it also concludes that this economic consideration is not responsive to this criterion. The Commission further concludes that variances are available to deal with individual situations inherent in the property and which are unique to those properties, rather than being common to all properties with these characteristics. Moreover, the Commission believes the testimony of Michael Brooks (that the applicant can build five units as of right under the existing zoning regulations) and Stacey Greg (who asserted that no hardship existed) over that of the applicant and concludes that the applicant has failed to bear its burden of proof that the seven unit proposal which would be allowed by the grant of this variance is the minimum variance necessary over the five units that would be allowed had the setback lines in the applicable zoning regulations were adhered to.

For the reasons given above, the Commission concludes that criterion B is not met.

E. "No practical alternatives have been identified which would accomplish the same purpose and not require a variance"

For the reasons given under criterion B above, the Commission concludes that the purpose of construction of housing in the MUC-1 zone would be met under an application for five units meeting the dimensional standards in this zone. The Commission concludes that a five unit project is a "practical alternative" under these circumstances.

For the reasons given above, the Commission concludes that criterion E is not met.

For these reasons, the application for the variance is denied.

FINDINGS AND CONCLUSIONS REGARDING THE SITE PLAN APPROVAL APPLICATION

As indicated above, approval of the site plan in this case is predicated on approval of the variance application, because the site plan shows seven units, which would not otherwise be allowed if the variance were not denied.

If the applicant requests in writing, within 10 days of the transmittal of this Final Order, to resubmit the site plan in a manner that meets City codes and ordinances and agrees that the revised site plan is a new application with a new 120 day period for review and decision, City staff may restart the review process, give new notice, and proceed to determine the adequacy of the revised site plan under Oregon law and City regulations. If the applicant fails to resubmit the application within the 10 day period, the site plan will then be denied. If the applicant appeals this decision to the City Commission, the 10 day period shall be stayed until the expiration of the 10 day period following a City Commission Final Order.

DATED this 12 day of December, 2005.

OREGON CITY PLANNING COMMISSION

Chair

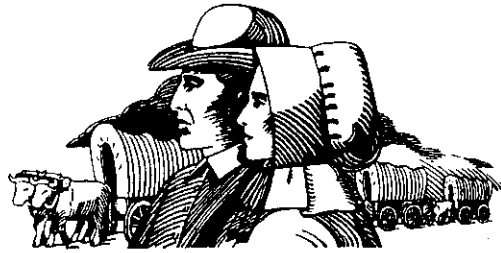
Secretary

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



STAFF REPORT AND RECOMMENDATION

Public Hearing: December 12, 2005

Date of Staff Report: December 5, 2005

FILE NO.: VR 05-05: Variance

APPLICANTS: Schwabe, Williamson & Wyatt, P.C. – Joseph Schaefer
1211 SW 5th Avenue, Suite 1600
Portland, Oregon 97204

OWNER: Wiesberg Family Properties
1630 Beavercreek Road
Oregon City, Oregon 97045

REQUEST: The applicant is seeking approval of a Variance to not apply section 15.28.090(C) of the Oregon City Municipal Code, which requires that any sign that is relocated immediately be brought into compliance with all applicable provisions of Title 15.

LOCATION: A parcel located at 1630 Beavercreek Road and identified as Clackamas County Map 3-2E-05D, Tax Lot 1211 (Exhibit 1)

REVIEWERS: Tony Konkol, Senior Planner, City of Oregon City

RECOMENDATION: Approval

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, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. 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 or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891

Background:

The applicant has proposed to relocate an existing pre-existing non-conforming sign approximately 25 feet to the east to make way for a new signalized intersection that is being constructed as part of the Beavercreek Road street improvement project (Exhibit 2). The original staff recommendation for the Beavercreek Road Access Management Plan identified the need for an intersection at the Southridge / Younger intersection as part of a later phase of development since the traffic warrants had not been met for the construction of the intersection at this time. The applicant presented a previous agreement between Southridge and the City from 1982 concerning the creation and location of this intersection and requested that the intersection improvement be included in the short-term construction plan. The construction of the intersection will require that the existing non-conforming sign be relocated.

Section 15.28.080 of the Oregon City Municipal Code limits the total surface area of a sign for a property with over 201 feet of street frontage to a total of 300 square feet. The existing Southridge sign has approximately 420 square feet of display area. The applicant has indicated that the height of the sign will be lowered to comply with the 30-foot maximum height allowed for a free-standing sign (Exhibit 3).

Section 15.28.090(C) of the Oregon City Municipal Code requires that *"Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in Section 15.28.040."* (Exhibit 4)

Location:

The subject property is located at 1630 Beavercreek Road and identified as Clackamas County Map 2-2E-05D, Tax Lot 1211 (Exhibit 1).

Surrounding Zoning and Land Uses. The subject site and surrounding properties have the following zoning and uses:

Subject Site:	General Commercial
North:	Mixed Use Corridor 2
East:	General Commercial
South:	General Commercial
West:	General Commercial, R-3.5 Dwelling District

Public Comment. Transmittals regarding the proposal were sent to various City departments, affected agencies, the Neighborhood Association, the Citizen Involvement Committee and property owners within 300 feet of the property on November 9, 2005 requesting comments. The subject site was posted with a sign identifying the land use action on November 14, 2005. The Oregon City Public Works Department submitted comments indicating that the proposal does not conflict with their interests (Exhibit 5). The Planning Division did not receive any additional comments. Comments, which affect the proposed site plan and design review application, are incorporated into the analysis and findings section below.

DECISION-MAKING CRITERIA:**Municipal Code Standards and Requirements**

Title 15	Signs
Section 17.50	Administration and Procedures

ANALYSIS:

Section 15.28.040 *Variances* states that 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. **Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual**

location or orientation of the applicant' building, topography, vegetation or other circumstance over which the applicant has no control;

The applicant has indicated that no other property owner affected by the Beavercreek Road improvement plan is required to remove a non-conforming sign and that removal of the existing sign and loss of the non-conforming status is an extraordinary circumstance that does not apply to other property owners. The applicant has indicated that the property owner has no control over the Beavercreek Road project and that if the City decides not to proceed with the project the variance would not be necessary.

The Planning Commission must decide if an extraordinary circumstance over which the applicant has no control exists. If the Planning Commission finds that the no extraordinary circumstance exists, the variance request should be denied.

2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;

The applicant states that common courtesy indicates that when a structure must be relocated to make way for a new public improvement, the city ought to make every effort to mitigate for the displacements. In this instance, the sign will be moved a remarkably short distance and the applicant is willing to pay the considerable cost of the move. The applicant indicates that fundamental fairness requires the city to grant permission for the relocation of the non-conforming sign.

It appears the applicant is indicating that the right to maintain a non-conforming sign is lost by the city's road project and that the requirement to bring the sign into conformance if it is relocated should not be applicable since the property owner has no control over the road improvement project.

The Planning Commission must decide if the applicant has lost a right that is possessed by owners of other properties in the area. If the Planning Commission finds that the no right has been lost, the variance request should be denied.

3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and

The Oregon City Municipal Code, section 15.28.010 – Purpose and Scope, indicates that the city should regulate the placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

1. *Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;*
2. *Maintain the effectiveness of traffic signs;*
3. *Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction or which demand attention by their dominating size or appearance of motion; and*
4. *Maintain and enhance the scenic and other aesthetic qualities of the city.*

The applicant has indicated that the sign is compatible with the other signs in the commercial district and that the relocation of the sign is necessary to avoid an offset intersection, which would cause traffic confusion and reduce the effectiveness of the improvement. The applicant states that the sign has been in existence for some time without any complaints that it creates a nuisance or hazard and that the sign is significantly smaller than a billboard and thus does not demand more attention from travelers in the

public right-of-way. The applicant states that signs are a key element of the aesthetic quality of public rights-of-way in commercial districts since they assist travelers in finding their destinations.

The Planning Commission must decide if approving the variance request will not be materially detrimental to or conflict with the purpose and scope of section 15.28.010. If the Planning Commission finds that the purpose and scope of the Sign section of the Oregon City Municipal Code are not met, the variance request should be denied.

4. The variance requested is the minimum variance necessary to alleviate the identified hardship.

The applicant has indicated that the relocation of the sign approximately 25 feet to the east is the minimum necessary to accommodate the new signal and that the variance to the requirement that any sign which is relocated shall be brought into compliance with all applicable provisions of the sign chapter is the minimum necessary to alleviate the identified hardship.

The Planning Commission must decide if the applicant has requested the minimum variance necessary to alleviate the hardship. If the Planning Commission finds that the variance is the minimum necessary, the variance request should be denied.

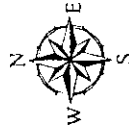
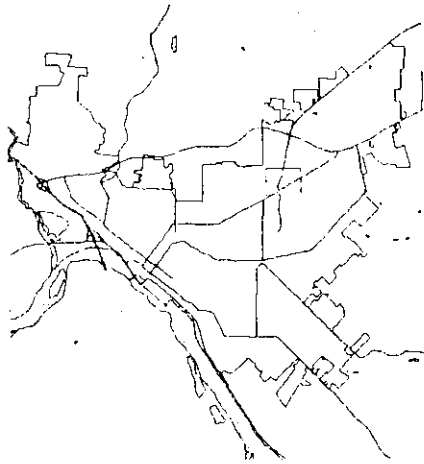
STAFF RECOMMENDATION:

This application is unique in that the applicant requested that the improvements to Beavercreek Road include the intersection at the Southridge / Younger properties, as identified in a 1982 agreement between the property owners and the City, and which requires the relocation of the existing non-conforming Southridge sign. The applicant has proposed to reduce the height of the sign to meet the 30-foot maximum height requirement for a sign as part of the relocation of the structure. When reviewing the approval criteria, the Planning Commission should consider if the City is responsible to waive certain sections of the Municipal Code to allow a non-conforming sign to be relocated and the non-conformity since the city project has identified an intersection at the location of the existing sign. Staff has recommended approval of this Variance Request.

EXHIBITS:

1. Vicinity Map
2. Applicant's Submittal Including Narrative/Site Plan
3. Applicant's Letter dated November 28, 2005
4. Oregon City Municipal Code Chapter 15.28 - Signs
5. Oregon City Public Works Department Comments dated November 29, 2005 (On File)

VR 05-05



City of Oregon City
P.O. Box 3040
320 Warner Mine Rd
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2005

11/09/2005



Exhibit

Southridge Center

Application Narrative for

Sign Variance

555 2nd Street
T3S R2E 05D Tax Lot 1211

Submitted by:

Schwabe, Williamson & Wyatt, P.C.
Joseph Schaefer, Land Use Planner
1211 SW Fifth Ave., Suite 1600
Portland, OR 97204
(503) 796-2091
jschaefer@schwabe.com

September, 2005

Exhibit 2

INTRODUCTION

This application is for relocation of an existing sign that was erected following approval of case file SN 04-21. The sign is being moved to the east approximately 25 feet to make way for a new signalized intersection that is being constructed as part of the Beavercreek Road project. A variance is required because the sign exceeds the area allowed by Chapter 15.28.080. The size issue was resolved and approved in the prior case file, and as a result, the existing sign is nonconforming. Because the sign needs to be moved slightly to make way for the new intersection, it may be subject to removal under Chapter 15.28.090(C). This variance application requests relief from the strict provisions of Chapter 15.28.090(C) and approval for moving the sign as indicated below.

The criteria for sign variances are contained in Chapter 15.28.040, Variances. The code language appears in **bold**, with criteria in ***bold italics***. The applicant response follows in regular font.

15.28.040 Variances.

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. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control;

The Beavercreek Road project will include two new signalized intersections; however, no other private property affected by the new intersections is required to remove a nonconforming sign. Removal of the pylon sign is an extraordinary circumstance that does not apply the other properties affected by the project. The location of the sign is the critical issue. As shown on the site plan, the sign is currently located in the center of opening between two buildings where a new signalized intersection will be placed to serve the public. There is more than sufficient width between the buildings to accommodate both the intersection and the sign; however, the sign cannot remain in the current location. Rather, it must be moved to the side of the opening between the buildings, where it will be visible to passing motorists.

The applicant has no control over the Beavercreek Road project. If the city decides not to proceed with the project, then this sign variance would not be required. However, the city council has decided to move forward with the Beavercreek Road project, and the applicant must adapt to that reality.

2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;

Preserving the right to signage is a fundamental issue, and all property owners in the area have the right to erect signage for commercial purposes because this is a commercial zone. The sign at issue was approved through a recent city application process, and all property owners in the area may apply for signs as permitted by the zoning code for this zone.

Common courtesy indicates that when a structure must be relocated to make way for a new public improvement, the city ought to make every effort to mitigate for the displacements. In this instance, the sign will be moved a remarkably short distance, and the applicant is willing to pay the considerable cost of the move. Fundamental fairness requires the city to grant permission for us to do so.

3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;

This is a general commercial zone, which allows a wide variety of commercial uses, many of which utilize pylon signs. Numerous examples could be provided to show that this type of signage is compatible with the character of the district, beginning with the sign for the Fred Meyer store that is adjacent to the subject property.

2. Maintain the effectiveness of traffic signs;

The whole purpose for moving the sign is to make way for a new traffic signal. The new sign location is offset from the intersection to prevent confusion with traffic signs, and to allow suitable vision clearance for vehicles moving through the intersection.

3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;

As noted, the sign is being moved for the sole purpose of allowing the safe movement of people and vehicles of all types. A new sidewalk at the intersection, along with new crosswalks, will ensure the safe movement of people. The sign has existed for some time and there are no complaints that it creates a nuisance or hazard. The proposed new location of the sign has been carefully reviewed by the city's own civil engineering consultant during the intersection design. The sign is not a safety hazard. It will be installed in accordance with the building code.

The sign is limited in size and indeed is significantly smaller than a billboard. As such, it does not demand attention from travelers on the public right-of-way. It has no moving parts and does not create the appearance of motion.

4. Maintain and enhance the scenic and other aesthetic qualities of the city.

The scenic and aesthetic qualities of the sign and its environs will be maintained by allowing it to be moved slightly to accommodate the intersection. Signs are a key element of the aesthetic quality of public rights-of-way in commercial districts, because they assist travelers in finding their destinations. In this instance, having the sign offset from the intersection will allow travelers to find their way into the shopping center via the new intersection. A pleasant drive to your destination is an aesthetic experience; a driving trip where you cannot find the place you are going is not.

The applicant has participated in numerous meetings with the city's staff, the city's consultants, and the property owners who are our neighbors. All participants are well aware of the need to relocate the sign, and none have raised any concerns about injuries to the use or enjoyment of other property.

As noted above, the sign is being moved to accommodate expansion of the public right-of-way. The new location has been reviewed by the city's engineering consultant to assure it is compatible with the right-of-way design, including design of the sidewalk and pedestrian crossings. The sign is being moved away from the intersection the proper distance to ensure this criterion is met.

4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.

This application requests approval to move the sign a remarkably short distance. This is the minimum necessary to make way for the new signalized intersection and the pedestrian ways that surround it. This is the absolute minimum variance necessary.

05 SEP 22 1:38

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | | | |
|--|--|---|
| Type II | Type III | Type III / IV |
| <input type="checkbox"/> Partition | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | Other |
| <input type="checkbox"/> Modification | | <input type="checkbox"/> Annexation* |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # 0205-05 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Schwabe, Williamson & Wyatt, P.C., Joseph Schaefer, Land Use Planner

PROPERTY OWNER (if different): Wiesberg Family Properties

PHYSICAL ADDRESS OF PROPERTY: 1630 BEAVERCREEK ROAD

DESCRIPTION: TOWNSHIP: 3S RANGE: 2E SECTION: 05D TAX LOT(S): 01211

PRESENT USE OF PROPERTY: Shopping Center

PROPOSED LAND USE OR ACTIVITY:

Sign Relocation

DISTANCE AND DIRECTION TO INTERSECTION:

800 feet to Molalla Avenue

CLOSEST INTERSECTION: Beavercreek and Molalla

PRESENT ZONING: Commercial

TOTAL AREA OF PROPERTY: unknown

Land Divisions

PROJECT NAME: _____

NUMBER OF LOTS PROPOSED: _____

MINIMUM LOT SIZE PROPOSED: _____

MINIMUM LOT DEPTH PROPOSED: _____

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROMPTLY FORWARDED TO
PURCHASER

VICINITY MAP

Attached

*To be provided by the APPLICANT
at the time application is submitted*

*Please See Separate Annexation Submittal Checklist

05 SEP 27 PM 3:30
RECEIVED
STAFF
PORTLAND OREGON CITY

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

1. All applications must be either typed or printed (black ink). Please make the words readable.
2. The application must be submitted with the correct fee(s).
3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Planning Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. With the application form, please attach all the information you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make complete a Pre-Application meeting to discuss your proposal with members of the Planning Division and any other interested agencies. Applicant is then to provide all necessary information to justify approval of the application.
7. The front page of the application contains a brief description of the proposal and will serve as the public notice to surrounding properties and other interested parties of the application. This is why neatness is important.
8. Detailed description, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information may be discussed with the planner who conducted the Pre-Application Conference prior to submission of the application.
9. Incomplete applications will be returned.

APPLICANT'S SIGNATURE: 

MAILING ADDRESS: Schwabe, Williamson & Wyatt, P.C., 1211 SW Fifth Ave. Suite 1600

CITY: Portland STATE: OR ZIP: 97204 PHONE: (503) 796-2091

PROPERTY OWNER SIGNATURE(S): _____

MAILING ADDRESS: Please contact Schwabe, Williamson & Wyatt

CITY: _____ STATE: _____ ZIP: _____ PHONE: () _____

**If this application is not signed by the property owner,
then a letter authorizing signature by an agent must be attached**

DATE SUBMITTED: _____	RECEIVED BY: _____
FEE PAID: _____	RECEIPT #: _____

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

SIGN PERMIT APPLICATION (TYPE I)

Permit No. SN 04-21 Construction Cost \$1500
Zoning _____ Permit Fee (57 + 5% of Construction Cost) 895.⁰⁰

Sign Permit criteria can be found in Chapter 15.28 of the Oregon City Municipal Code
available at City Hall or at www.ci.oregon-city.or.us under City Code Book.

Please include Two copies of an elevation & site plan drawn to scale (per sign) indicating:

- the proposed sign dimension, color, graphic design, mechanical and structural design and engineering data ensuring structural stability
- location of the sign relative to property lines, structures, streets, sidewalks; building roof/wall dimensions as applicable; other signs on the premises and their square footage, size and type; the location of any structures and free standing signs on abutting properties.

Application is hereby made to:

Erect _____
Reconstruct _____
Change Copy X

For a:

Free Standing Sign X
Roof Sign _____
Wall Sign _____
Projecting Sign _____

From:

New Hangers _____
Old Hangers X

Applicant Scott Hildnerbrand/Security Signs
Street Address 1634 SE 12th Ave Legal Address/Tax Map 3-2E-OSD-1211
Height and Type of Building _____
Location of Sign EAST of 1634 SE 12th Ave building
Previous Location of Sign _____
Owner of Sign - Name and Address Wiesberg Family Properties LLC - 4800 SW Macadam Ave, Portland, OR 97239
Lessee of Sign - Name and Address _____
Sign made by Security Signs
Name, Address and Phone # of Sign Installer Mark Lingquist 383516
436 SE 12th Ave Portland, OR

DETAILS OF CONSTRUCTION, INSTALLATION AND ILLUMINATION OF SIGN

Horizontal Dimension _____ Vertical Dimension _____ Thickness _____ Weight _____
Height above sidewalk _____ Projection beyond property line _____
Materials of construction _____ Height of letters: Illuminated _____ Painted _____
Are there transformers for neon tubing? Yes _____ No _____ If yes, please attach information with the number and size of transformers.

Note: An electrical permit (from the Building Dept.) is required for the installation of all lighting and other electrical features.

Applicant signature _____ Phone 503-232-4172
Address 436 SE 12th Avenue, Portland, OR
Signature of Property Owner (or letter of authorization): Sarah Sumrall, as agent for owner
Print Name: Sarah Sumrall Phone 503 225-1545

City Approvals

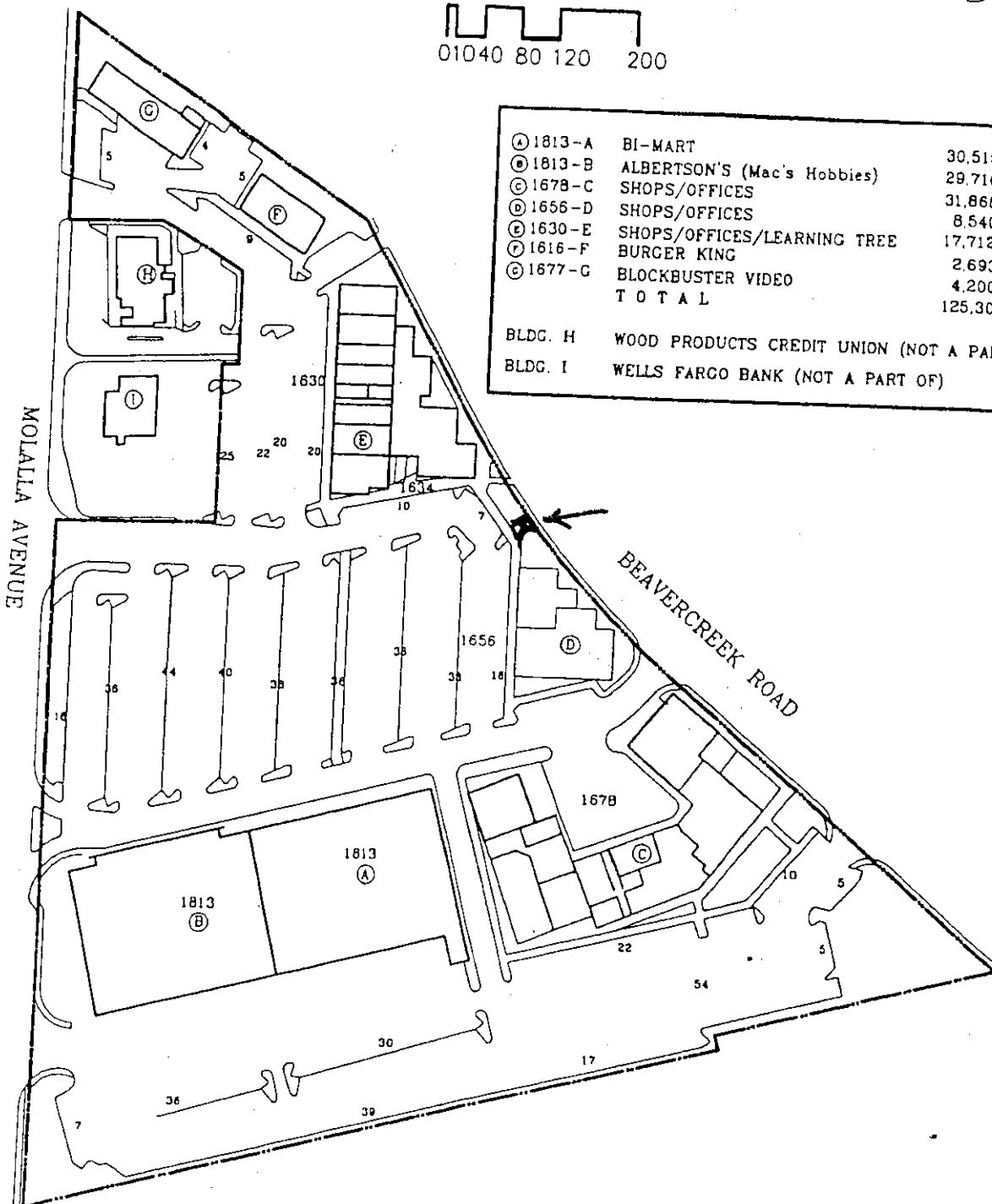
Approval of Appearance and Illumination

By Jerry White
Date Jun 3, 2004

DOUG BEAN & ASSOCIATES, INC.
SOUTH RIDGE CENTER



0 10 40 80 120 200



Ⓐ 1813-A	BI-MART	30,515 RSF
Ⓑ 1813-B	ALBERTSON'S (Mac's Hobbies)	29,716
Ⓒ 1678-C	SHOPS/OFFICES	31,868
Ⓓ 1656-D	SHOPS/OFFICES	8,540
Ⓔ 1630-E	SHOPS/OFFICES/LEARNING TREE	17,712
Ⓕ 1616-F	BURGER KING	2,693
Ⓖ 1677-G	BLOCKBUSTER VIDEO	4,200
T O T A L		125,304 RSF

BLDG. H WOOD PRODUCTS CREDIT UNION (NOT A PART OF)
BLDG. I WELLS FARGO BANK (NOT A PART OF)

REVISIONS	DATE	BY	CHK
	11/20/01	AE	AE
	JOB NO 21415M		

SOUTH RIDGE CENTER

ANKROM MOISAN
ASSOCIATED ARCHITECTS



6720 SW Macadam, Suite 100, Portland, Oregon 97219

503/245-7100

City of Oregon City

PO Box 3040

Oregon City, OR 97045

Reg# #/Rcpt#: 006-00039067 [AH]

Accounting Date: Fri, May 28, 2004

Date/Time: Fri, May 28, 2004 12:24 PM

4333/COMMUNITY DEV-SIGN PERMITS

Ref #: SN 04-19 THRU SN 04-24

\$2,570.00

Total Due = \$2,570.00

Payment Data:

Pmt# :1

Payer: SECURITY SIGNS, INC.

Method: CK

Ref#: 011639

Amount = \$2,570.00

Receipt Summary

Total Tendered = \$2,570.00

Total Due = \$2,570.00

Change Due = \$0.00

Have a Nice Day!

SOUTH RIDGE CENTER



BLACKBUSTER

Beaver Creek Road



Quality Since 1925

436 SE 12th AVE
PORTLAND, OR 97214
WWW.SECURITYSIGNS.COM
T 503.232.4172
F 503.230.1861

OR CCB #122809
WA SECUNSO20CF

SECURITY SIGNS

Scope of Work:

Remove all existing sign cabinets and channel letters. Replace with new cabinets, channel letters, neon and pole covers

South Ridge Center Cabinet

"South Ridge Center" to be internally illuminated channel letters. Letters to have Red Acrylic (278-OGP) faces with black trim cap and returns. Letters to be illuminated with EGI Clear Red neon.

Cabinet to be painted extruded aluminum with painted aluminum faces (painted to Miller CW 064 White Pebble). Each face to have three (3) sets of three (3) tubes of neon (2 tubes of EGI Bioma Blue Clear and 1 tube of EGI Clear Red Neon).

Tenant Cabinets

Cabinets to be painted extruded aluminum with white Lexan faces (painted to match Dark Blue vinyl PMS 281C).

Faces to have tenant graphics applied to the first surface. Vinyl graphics included for tenants in place at time of refurbishment.

Pole Covers

Painted aluminum pole covers to be installed onto existing poles (painted Miller CW 064 White Pebble).

* All cabinets to remain the same size.

South ridge
center



BLACKBUSTER

DATE 05/20/04

DRAWING # 03-KS29513

Page # 2 of 3

PROJECT MANAGER
Dennis Blackmann

© Copyright 2003 Security Signs, Inc.
This original design and specifications are
exclusive property of Security Signs, Inc.
The use of these designs to produce a similar
sign without written authorization from
Security Signs, Inc. is forbidden.

Customer agrees by
initialing here _____

SOUTH RIDGE
CENTER

Molalla Ave.
Oregon City, OR

LANDLORD APPROVAL

CLIENT APPROVAL

PLEASE SIGN HERE

PLEASE SIGN HERE

DATE

DATE



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503-222-9981 | Fax 503-796-2900 | www.schwabe.com

JOSEPH S. SCHAEFER
LAND USE PLANNER
Direct Line: (503) 796-2091
E-Mail: jschaefer@schwabe.com

November 28, 2005

VIA FIRST CLASS MAIL

Tony Konkol
Senior Planner
City of Oregon City
PO Box 3040
Oregon City, OR 97045

Re: Southridge Sign Variance Application

Dear Tony:

Thank you for sending me a copy of the notice of this land use application. The application requests a variance for the area of the sign faces. However, the notice also indicated a request for a height variance. You informed me that following our site meeting, your office measured the existing sign and determined it was about 31 1/2 feet tall, which exceeds the maximum allowed height of 30 feet.

Please be advised that we are not requesting a variance for the sign height. When the sign is relocated, we will lower it to ensure it is within the 30 foot limit.

Thanks for your assistance with this clarification.

Sincerely,

Joseph S. Schaefer
Land Use Planner

JSS:cst

City of Oregon City Chapter 15.28 SIGNS

15.28.010 Purpose and scope.

This chapter regulates the erection placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;
2. Maintain the effectiveness of traffic signs;
3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;
4. Maintain and enhance the scenic and other aesthetic qualities of the city.

B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this chapter, except for the following:

1. Signs not visible from either a public right-of-way or property of different ownership, provided such signs shall be erected and maintained in accordance with applicable law;
2. Signs owned and maintained by governmental agencies;
3. Signs lawfully erected in the public right-of-way in accordance with applicable state and local laws and regulations;
4. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property; and
5. Signs carved into or part of materials which are an integral part of a building. (Ord. 94-1027 §1(part), 1994)

15.28.020 Definitions.

For the purposes of this chapter:

"Abandoned sign" means a sign that does not have copy on the display surface for a period of six months or more, including an obsolete sign.

"Billboard" means a sign with a display surface area of three hundred square feet or more.

"Display surface area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"Erect" or "erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Free-standing sign" means a sign supported from the ground by its own structure.

"Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

"Frontage" means the continuous distance along one street right-of-way line of one premises, provided such street is improved for public travel.

"Grade" means the level of the nearest sidewalk or road pavement.

"Incidental sign" means a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.

"Maintain," "maintained" or "maintaining" means activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.

"Natural materials" means wood, stone, brick and rock or any combination thereof.

"Obsolete sign" means a sign that calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.

"Premises" means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.

"Projecting sign" means a sign projecting more than one foot from the wall of a building.

"Roof sign" means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.

"Sign face" means the total of display surface area visible from one side of a sign.

"Sign official" is the person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

"Temporary sign" means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.

"Traffic control sign or device" means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the city of Oregon City, the state or federal governments.

"Wall" means a masonry structure.

"Wall sign" means a sign erected on a wall. (Ord. 94-1027 §1(part), 1994)

15.28.030 Permit required.

A. Permit required. No sign shall be erected or maintained except as provided by this chapter and a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter and signs existing on the date of adoption of the ordinance codified in this chapter which shall be subject to subsection D of this section.

B. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application for it to be processed by the city. The amount of the fee shall be proportionate to the value of the sign proposed and shall be calculated according to a permit fee schedule adopted by resolution of the city commission. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with city code, and the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action be taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within ninety days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

C. Appeals. Any person aggrieved by a decision of the sign official may appeal the decision to the planning commission. Any such appeal shall be in writing and be received by the city recorder no later than ten days after the date the challenged is

final. The appropriate appeal fee established by resolution of the city commission shall accompany the appeal. Proceedings before the planning commission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to city commission review of planning commission decisions involving conditional use permits.

- D. Permits for Signs Existing on the Effective Date of These Regulations. Signs existing on the effective date of these regulations shall also be required to obtain a permit within one hundred twenty days of the date these regulations become effective. No fee shall be charged for such permit and the sign official shall, within sixty days of the effective date of these regulations, give written notice of the requirement for permits and shall provide permit forms on request. Any such existing sign for which a permit has not been obtained within one hundred twenty days of the effective date of these regulations shall be deemed an unlawful use. (Ord. 94-1027 §1(part), 1994)

15.28.040 Variances.

- 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. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control;
 2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;
 3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and
 4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.
- 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.
- C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances. (Ord. 94-1027 §1(part), 1994)

15.28.050 Prohibited signs.

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this chapter:

- A. Billboards;
- B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic;
- C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to traffic control signs or devices;

- D. A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof;
- E. A sign located upon a tree, or painted or drawn upon a natural feature;
- F. An obsolete sign;
- G. Portable signs, A-frame signs, sandwich boards, tent signs, streamers, strings of lights, balloons, hulas, banners or pennants, excepting traditional holiday decorations; and except as provided in Section 15.28.010(B);
- H. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;
- I. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction;
- J. A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard;
- K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair;
- L. Any sign larger than four square feet on an undeveloped lot or parcel of property;
- M. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;
- N. Signs on fences or fencing. (Ord. 94-1027 §1(part), 1994)

15.28.060 Signs not requiring a permit.

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this chapter and are not illuminated;

- A. One temporary sign per street frontage of property under a single ownership provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;
- B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;
- C. A single sign where the display surface area does not exceed two square feet;
- D. Window signs situated on the indoor-side of a window or door;
- E. Flags, limited to two per premises;
- F. Signs attached to, or carried by, a person;
- G. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs. (Ord. 94-1027 §1(part), 1994)

15.28.070 Signs in residential zones.

- A. Signs Allowed. In the R-10, R-8, R-6, RC-4, R-6/MH and RA-2 zoning districts, the following signs are allowed:
 - 1. All signs allowed without permit as provided by this chapter so long as the requirements of this subsection are met;
 - 2. Permitted signs so long as a permit is first obtained as required by this chapter, and the requirements of this subsection are met.
- B. Display Requirements. All signs in the residential zones listed in this section must comply with the following requirements:

1. Not more than one wall sign or free-standing sign to be visible from each frontage, with no more than three frontages. Wall signs shall be measured by the outer limits of the lettering, illustration or other display;
2. Maximum twenty square feet of area per sign face;
3. Not to exceed ten feet in length;
4. Five feet maximum height above grade;
5. Primarily constructed of natural materials;
6. Sign shall be setback from the street as determined by the sign official, but not more than ten feet from the street right-of-way;
7. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure. (Ord. 94-1027 §1(part), 1994)

15.28.075 Signs for listed conditional uses in residential zones

- A. For conditional uses in residential zones, a sign that meets the following standards shall be allowed provided a permit is first obtained as required by this chapter:
 1. One wall sign per frontage is allowed. Additionally, one free-standing sign per conditional use is allowed.
 2. Maximum thirty-two square feet of area per sign face;
 3. Not to exceed ten feet in length;
 4. Eight feet maximum height above grade;
 5. Primarily constructed of natural materials or similar products, such as wood, stone, brick, or metal.
 6. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure. (Ord. 05-1002)

15.28.080 Signs in office, commercial and industrial zones.

- A. Signs Allowed. In the LOC, LO, NC, HC, LC, C, CBD, M-1 and M-2 zoning districts, the following signs are allowed:
 1. All signs allowed without permit as provided by this chapter, so long as the requirements of this subsection are met;
 2. Wall signs, so long as a permit is first obtained as required by this chapter and the display surface area is no larger than two square feet for each lineal foot of the wall on which the sign is erected;
 3. Free-standing signs, so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One free-standing sign shall be permitted for each street frontage of a premises, provided minimum subdivision lot frontage of thirty feet is met. No free-standing sign shall be permitted on the same frontage where there is a projecting or roof sign. Free-standing signs on the same premises but on different frontages shall be separated by a minimum of fifty feet distance.
 - b. Area. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet.
 - c. Projection. Free-standing signs shall not project over a public right-of-way.

- d. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.
- e. Horizontal Dimension. The greatest horizontal dimension shall not exceed twenty feet for any free-standing sign.
- f. Height. The height of any free-standing sign shall not exceed twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage. In no event shall any sign exceed thirty feet in height.

The following table summarizes free-standing sign area and height limits:

Street Frontage (in feet)	Maximum Display Surface Area (square feet)	Maximum Area of Any One Sign Face (square feet)	Maximum Height (in feet)
Up to 50	50	25	25
50 - 200	100	50	25
201+	101 - 300	51 - 150	30

- 4. Roof Signs. Roof signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. Maximum one roof sign is permitted for each premises, and shall be permitted instead of a projecting sign or free-standing sign.
 - b. Area, projection, clearance, horizontal dimension and height shall be within the limits set for free-standing signs. Stamped approval of a licensed civil or structural engineer may be required due to stresses put on the building. No roof sign shall be erected without approval of the fire marshal after a finding that the size, type and location of the sign will not substantially interfere with fire fighting;
- 5. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a free-standing or roof sign.
 - b. Area. Sign area shall not exceed sixteen square feet per sign face, with total area of all faces not to exceed thirty-two square feet.
 - c. Projection. Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line.
 - d. Vertical dimension. The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support.
 - e. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.
 - f. Separation. The minimum distance from another projecting sign shall be twenty feet in the same horizontal plane.
 - g. Projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building

code official, may extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet;

6. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained as required by this chapter, is allowed. An incidental sign may be a free-standing or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed thirty-two square feet, and no sign face shall exceed sixteen square feet. (Ord. 94-1027 §1(part), 1994)

15.28.090 Nonconforming signs and their removal.

- A. Signs lawfully erected and maintained as of the date of the adoption of this chapter, but which do not meet the requirements of this chapter, shall be regarded as nonconforming signs which shall be lawful if a permit for the same is obtained under Section 15.28.030 and may be continued for a period not to exceed ten years from the date of adoption of this chapter for the purpose of amortization of investment. Relief from this provision may be sought from the planning commission by following the procedures of Section 15.28.040 for a longer amortization period, upon a showing that the applicant requires a longer period in which to amortize its investment in the sign in question. In the case of an application for a longer amortization period for an alleged nonconforming billboard, the applicant must prove, at a minimum, that the sign structure cannot reasonably be used for a sign with an area smaller than three hundred square feet.
- B. Signs located on premises annexed into the city after the effective date of the ordinance codified in this section and which signs do not comply with the provisions of the ordinance codified in this section, shall be brought into compliance with the ordinance codified in this section within a period of time not to exceed six months after the effective date of annexation; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in subsection A of this section.
- C. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in Section 15.28.040.
- D. All existing signs or portions thereof prohibited in Section 15.28.050, except subsection A, shall be removed or altered to comply within six months from the date of adoption of this chapter.
- E. Within one year from the date of adoption of this chapter, the sign official or an authorized representative may inspect any sign regulated hereunder. The sign official shall have right of reasonable entry onto private premises to enforce the provisions of this chapter. After inspection, a notice shall be issued to the owner of the sign or property that lists the signs and identifies those signs which, in the opinion of the sign official, need repair or modification to bring them into compliance with this chapter and those which are in violation of the provisions of this chapter and must be removed, including the expiration of the grace period for the particular sign. The sign official may repeat such on-site inspections, with reasonable notice, from time to time as deemed necessary to enforce the provisions of this chapter.

F. Any sign regulated under this chapter found to be in violation of this chapter shall be deemed a nuisance. Violation of the provisions of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapters 1.16 and 1.20. (Ord. 94-1027 §1(part), 1994)

15.28.100 Conflict and severability.

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply. (Ord. 94-1027 §1(part), 1994)

15.28.110 Violation--Penalty.

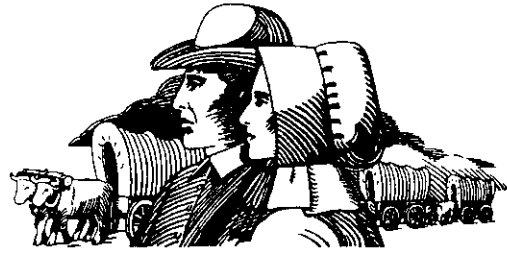
In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, 1.24. (Ord. 99-1004 §27, 1999; Ord. 94-1027 §1(part), 1994)

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

**City Commission Chambers - City Hall
December 12th, 2005 at 7:00 P.M.**

The 2005 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

PLANNING COMMISSION MEETING

1. **CALL TO ORDER**
2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
3. **ADOPTION OF PLANNING COMMISSION MINUTES:** *none available*
4. **ADOPTION OF FINDINGS OF FACTS FOR PLANNING COMMISSION DENIAL OF VR 05-04
PLANNING COMMISSION DISCUSSION/ACTION OF SP 05-27:** Applicant: Elizabeth Atly. At the November 28, 2005 Planning Commission Meeting, the applicant was denied a Variance request to reduce the rear and interior side yard setbacks from 20 feet to five feet in association with a multifamily development (SP 05-27). The property is located at 1427 16th Street and identified as Clackamas County Map 2-2E-32BA, Tax Lot 400
5. **HEARING:**
VR 05-05 (Quasi-Judicial Hearing), Applicant: Joseph Schaefer – Schwabe, Williamson & Wyatt, P.C.. The applicant is seeking approval of a variance to not apply section 15.28.090(C) of the Oregon City Municipal Code, which requires that any sign that is relocated immediately be brought into compliance with all applicable provisions of Title 15. The existing sign to be relocated currently exceeds the maximum sign face area of 300 square feet by 110 square feet. Clackamas County Map 3-2E-05D, Tax Lot 1211.
6. **ADJOURN PLANNING COMMISSION MEETING**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

DRAFT

BEFORE THE OREGON CITY PLANNING COMMISSION

**In the Matter of a Request for Site)
Plan Approval and Variance;)
Oregon City File Nos. SP 05-27 and)
VR 05-04.)
)
)
)
)
)
)**

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND FINAL ORDER**

INTRODUCTION

The applicants submitted the above-referenced applications for Site Plan Approval for the construction of a 7-unit multi-family development in association with a Variance for the reduction of the interior and rear yard setbacks from 20 feet to 5 feet on property zoned MUC-1 (Mixed Use Corridor). The subject site is described as Clackamas County Map 2-2E-32BA, Tax Lot 400 and is located at 1427 16th Street, Oregon City.

The hearing on this matter was duly noticed and held on November 28, 2005 before the Oregon City Planning Commission, which heard testimony from all who wished to be heard. The applicant and its representatives were given the opportunity to present its case and to have rebuttal, following the close of opposition territory.

Because the site plan is predicated on the grant of the requested variance, the Commission determined to deal with the variance issues first. The Commission has determined to deny the proposed variance for the reasons given in this Final Order, which would also result in the denial of the Site Plan Approval Request. However, the Commission will allow the applicant to resubmit a site plan that meets the City Code, as set forth below, if the applicant elects to do so within 10 days of the adoption of this Final Order by the Planning Commission. If the applicant fails to do so within such period, the site plan shall be deemed denied.

FINDINGS AND CONCLUSIONS REGARDING THE VARIANCE APPLICATION

The Commission adopts the Staff Reports and Recommendations, dated November 21, 2005, as modified below, as the basis for its actions. The staff report on the Variance Request did not make a recommendation and its analysis was not informed by the testimony given by opponents at the Planning Commission hearing. Therefore, the Commission adopts its own analysis in place of that of staff on pp. 4-5 of the Variance Staff Report and substitutes its own conclusions for the Staff Recommendation on p. 5 of that Staff Report.

The Commission concludes that each of the six criteria for a major variance listed in OCMC 16.60.030 must be met for a variance to issue. The Commission further concludes, for the reasons given below, that three of the criteria, i.e., A, B, and E, have not been met and reaches no conclusion on the remaining criteria.

With respect to those criteria considered by the Commission, the Commission finds:

A. “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”

The Commission construes “this title” to mean Title 17 of its City Code, relating to zoning and interprets the term “substantial damage” to refer to the incremental difference between a development which meets the setback requirements of OCMC 17.29.050 with respect to side and rear yards, and the site plan proposal submitted by the applicant.

Without setting forth all the qualities protected by the City's zoning regulations, the Commission examined whether "substantial damage to adjacent properties" would be caused by the grant of the proposed variance with respect to reducing light, air, and safe access and finds as follows:

One of the purposes for City zoning regulations is the adoption of regulations is to further the public health, safety, and welfare, among other things "to provide adequate light and air." OCMC 17.02.020. This purpose has the objective of promoting privacy for the adjacent single family residential land uses and is carried out, *inter alia*, by the dimensional standards of OCMC 17.29.050(D), the minimum required interior and rear yard setbacks of the MUC-1 zone, which provides that, if abutting a residential zone, the setback must be twenty feet from the property line. The Commission construes this setback to allow for adequate light and air for adjacent residential uses and concludes that varying the setback requirements to allow a setback of only five feet next to adjacent residential uses does "substantially damage" those uses. The Commission believes the testimony of Stacy Greg, Christine Moomaw, and Stephanie Paley over that of the applicant and concludes that the applicant has failed to bear its burden of proof that substantial damage would not be caused to adjacent property by reducing the setbacks as proposed and depriving those adjacent properties of the light and air they would normally received if the setback lines were adhered to.

With regard to safe access, the Commission notes that the health, safety and welfare purposes for Title 17 zoning regulations as set forth in OCMC 17.02.020 include "to secure safety from fire and other dangers; to lessen congestion in the streets; * * * to facilitate adequate provision for transportation * * *." This purpose is carried out by the setback requirements of OCMC 17.29.050(D), which limit the density on particular lots, so that adequate traffic circulation is provided, traffic safety is promoted and that the volume of traffic on the adjacent local streets is consistent with the City's comprehensive plan and zoning regulations. The grant of a variance in this case would allow for two more units, each of which would add approximately eight more trips per day, according to the City's Transportation Systems Plan. The Commission believes the testimony of Michael Brooks (that 16th Street is a bus route and that busses frequently travel over the 25 mph speed limit and that the possible future requirement of "No Parking" signs would be a hardship to those seeking to park in the neighborhood (a concern also shared by Stacy Greg and Stephanie Paley) and may not be required if the applicant were to build in conformity with City codes), Lyn Smith (that a number of the streets in the area exist only on paper and neighborhood circulation is poor), Leland Wagner (that it would be difficult for a fire engine to reach portions of the site in an emergency), and Christine Moomaw (noise and loss of traffic safety to children in the neighborhood from additional traffic), over that of the applicant and concludes that the applicant has failed to bear its burden of proof that safer access is promoted by the grant of this variance over that which would have occurred had the setback lines in the applicable zoning regulations were adhered to.

On balance, the Commission concludes that Criterion A is not met.

B. "That the request is the minimum variance that would alleviate the hardship"

The applicant's response to this criterion was economic in nature, i.e., that two additional housing units would be beneficial to his "bottom line." While the Commission appreciates the need for profit in the home construction industry, it also concludes that this economic consideration is not responsive to this criterion. The Commission further concludes that variances are available to deal with individual situations inherent in the property and which are unique to those properties, rather than being common to all properties with these characteristics. Moreover, the Commission believes the testimony of Michael Brooks (that the applicant can build five units as of right under the existing zoning regulations) and Stacey Greg (who asserted that no hardship existed) over that of the applicant and concludes that the applicant has failed to bear its burden of proof that the seven unit proposal which would be allowed by the grant of this variance is the minimum variance necessary over the five units that would be allowed had the setback lines in the applicable zoning regulations were adhered to.

For the reasons given above, the Commission concludes that criterion B is not met.

E. "No practical alternatives have been identified which would accomplish the same purpose and not require a variance"

For the reasons given under criterion B above, the Commission concludes that the purpose of construction of housing in the MUC-1 zone would be met under an application for five units meeting the dimensional standards in this zone. The Commission concludes that a five unit project is a "practical alternative" under these circumstances.

For the reasons given above, the Commission concludes that criterion E is not met.

For these reasons, the application for the variance is denied.

FINDINGS AND CONCLUSIONS REGARDING THE SITE PLAN APPROVAL APPLICATION

As indicated above, approval of the site plan in this case is predicated on approval of the variance application, because the site plan shows seven units, which would not otherwise be allowed if the variance were not denied.

If the applicant requests in writing, within 10 days of the transmittal of this Final Order, to resubmit the site plan in a manner that meets City codes and ordinances and agrees that the revised site plan is a new application with a new 120 day period for review and decision, City staff may restart the review process, give new notice, and proceed to determine the adequacy of the revised site plan under Oregon law and City regulations. If the applicant fails to resubmit the application within the 10 day period, the site plan will then be denied. If the applicant appeals this decision to the City Commission, the 10 day period shall be stayed until the expiration of the 10 day period following a City Commission Final Order.

DATED this 12 day of December, 2005.

OREGON CITY PLANNING COMMISSION

Chair

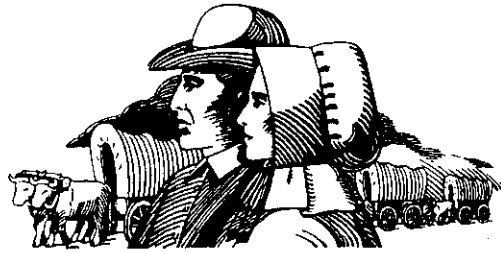
Secretary

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



STAFF REPORT AND RECOMMENDATION

Public Hearing: December 12, 2005

Date of Staff Report: December 5, 2005

FILE NO.: VR 05-05: Variance

APPLICANTS: Schwabe, Williamson & Wyatt, P.C. – Joseph Schaefer
1211 SW 5th Avenue, Suite 1600
Portland, Oregon 97204

OWNER: Wiesberg Family Properties
1630 Beavercreek Road
Oregon City, Oregon 97045

REQUEST: The applicant is seeking approval of a Variance to not apply section 15.28.090(C) of the Oregon City Municipal Code, which requires that any sign that is relocated immediately be brought into compliance with all applicable provisions of Title 15.

LOCATION: A parcel located at 1630 Beavercreek Road and identified as Clackamas County Map 3-2E-05D, Tax Lot 1211 (Exhibit 1)

REVIEWERS: Tony Konkol, Senior Planner, City of Oregon City

RECOMENDATION: Approval

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, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. 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 or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891

Background:

The applicant has proposed to relocate an existing pre-existing non-conforming sign approximately 25 feet to the east to make way for a new signalized intersection that is being constructed as part of the Beavercreek Road street improvement project (Exhibit 2). The original staff recommendation for the Beavercreek Road Access Management Plan identified the need for an intersection at the Southridge / Younger intersection as part of a later phase of development since the traffic warrants had not been met for the construction of the intersection at this time. The applicant presented a previous agreement between Southridge and the City from 1982 concerning the creation and location of this intersection and requested that the intersection improvement be included in the short-term construction plan. The construction of the intersection will require that the existing non-conforming sign be relocated.

Section 15.28.080 of the Oregon City Municipal Code limits the total surface area of a sign for a property with over 201 feet of street frontage to a total of 300 square feet. The existing Southridge sign has approximately 420 square feet of display area. The applicant has indicated that the height of the sign will be lowered to comply with the 30-foot maximum height allowed for a free-standing sign (Exhibit 3).

Section 15.28.090(C) of the Oregon City Municipal Code requires that *"Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in Section 15.28.040."* (Exhibit 4)

Location:

The subject property is located at 1630 Beavercreek Road and identified as Clackamas County Map 2-2E-05D, Tax Lot 1211 (Exhibit 1).

Surrounding Zoning and Land Uses. The subject site and surrounding properties have the following zoning and uses:

Subject Site:	General Commercial
North:	Mixed Use Corridor 2
East:	General Commercial
South:	General Commercial
West:	General Commercial, R-3.5 Dwelling District

Public Comment. Transmittals regarding the proposal were sent to various City departments, affected agencies, the Neighborhood Association, the Citizen Involvement Committee and property owners within 300 feet of the property on November 9, 2005 requesting comments. The subject site was posted with a sign identifying the land use action on November 14, 2005. The Oregon City Public Works Department submitted comments indicating that the proposal does not conflict with their interests (Exhibit 5). The Planning Division did not receive any additional comments. Comments, which affect the proposed site plan and design review application, are incorporated into the analysis and findings section below.

DECISION-MAKING CRITERIA:**Municipal Code Standards and Requirements**

Title 15	Signs
Section 17.50	Administration and Procedures

ANALYSIS:

Section 15.28.040 *Variances* states that 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. **Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual**

location or orientation of the applicant' building, topography, vegetation or other circumstance over which the applicant has no control;

The applicant has indicated that no other property owner affected by the Beavercreek Road improvement plan is required to remove a non-conforming sign and that removal of the existing sign and loss of the non-conforming status is an extraordinary circumstance that does not apply to other property owners. The applicant has indicated that the property owner has no control over the Beavercreek Road project and that if the City decides not to proceed with the project the variance would not be necessary.

The Planning Commission must decide if an extraordinary circumstance over which the applicant has no control exists. If the Planning Commission finds that the no extraordinary circumstance exists, the variance request should be denied.

2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;

The applicant states that common courtesy indicates that when a structure must be relocated to make way for a new public improvement, the city ought to make every effort to mitigate for the displacements. In this instance, the sign will be moved a remarkably short distance and the applicant is willing to pay the considerable cost of the move. The applicant indicates that fundamental fairness requires the city to grant permission for the relocation of the non-conforming sign.

It appears the applicant is indicating that the right to maintain a non-conforming sign is lost by the city's road project and that the requirement to bring the sign into conformance if it is relocated should not be applicable since the property owner has no control over the road improvement project.

The Planning Commission must decide if the applicant has lost a right that is possessed by owners of other properties in the area. If the Planning Commission finds that the no right has been lost, the variance request should be denied.

3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and

The Oregon City Municipal Code, section 15.28.010 – Purpose and Scope, indicates that the city should regulate the placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

1. *Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;*
2. *Maintain the effectiveness of traffic signs;*
3. *Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction or which demand attention by their dominating size or appearance of motion; and*
4. *Maintain and enhance the scenic and other aesthetic qualities of the city.*

The applicant has indicated that the sign is compatible with the other signs in the commercial district and that the relocation of the sign is necessary to avoid an offset intersection, which would cause traffic confusion and reduce the effectiveness of the improvement. The applicant states that the sign has been in existence for some time without any complaints that it creates a nuisance or hazard and that the sign is significantly smaller than a billboard and thus does not demand more attention from travelers in the

public right-of-way. The applicant states that signs are a key element of the aesthetic quality of public rights-of-way in commercial districts since they assist travelers in finding their destinations.

The Planning Commission must decide if approving the variance request will not be materially detrimental to or conflict with the purpose and scope of section 15.28.010. If the Planning Commission finds that the purpose and scope of the Sign section of the Oregon City Municipal Code are not met, the variance request should be denied.

4. The variance requested is the minimum variance necessary to alleviate the identified hardship.

The applicant has indicated that the relocation of the sign approximately 25 feet to the east is the minimum necessary to accommodate the new signal and that the variance to the requirement that any sign which is relocated shall be brought into compliance with all applicable provisions of the sign chapter is the minimum necessary to alleviate the identified hardship.

The Planning Commission must decide if the applicant has requested the minimum variance necessary to alleviate the hardship. If the Planning Commission finds that the variance is the minimum necessary, the variance request should be denied.

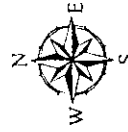
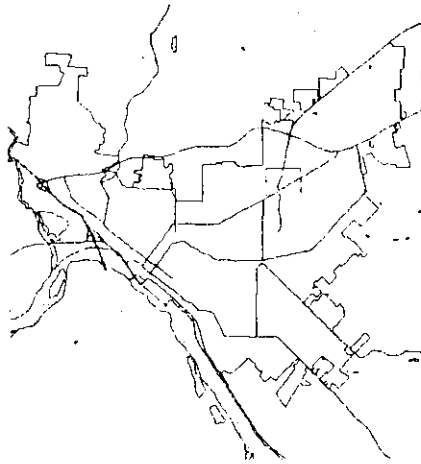
STAFF RECOMMENDATION:

This application is unique in that the applicant requested that the improvements to Beavercreek Road include the intersection at the Southridge / Younger properties, as identified in a 1982 agreement between the property owners and the City, and which requires the relocation of the existing non-conforming Southridge sign. The applicant has proposed to reduce the height of the sign to meet the 30-foot maximum height requirement for a sign as part of the relocation of the structure. When reviewing the approval criteria, the Planning Commission should consider if the City is responsible to waive certain sections of the Municipal Code to allow a non-conforming sign to be relocated and the non-conformity since the city project has identified an intersection at the location of the existing sign. Staff has recommended approval of this Variance Request.

EXHIBITS:

1. Vicinity Map
2. Applicant's Submittal Including Narrative/Site Plan
3. Applicant's Letter dated November 28, 2005
4. Oregon City Municipal Code Chapter 15.28 - Signs
5. Oregon City Public Works Department Comments dated November 29, 2005 (On File)

VR 05-05

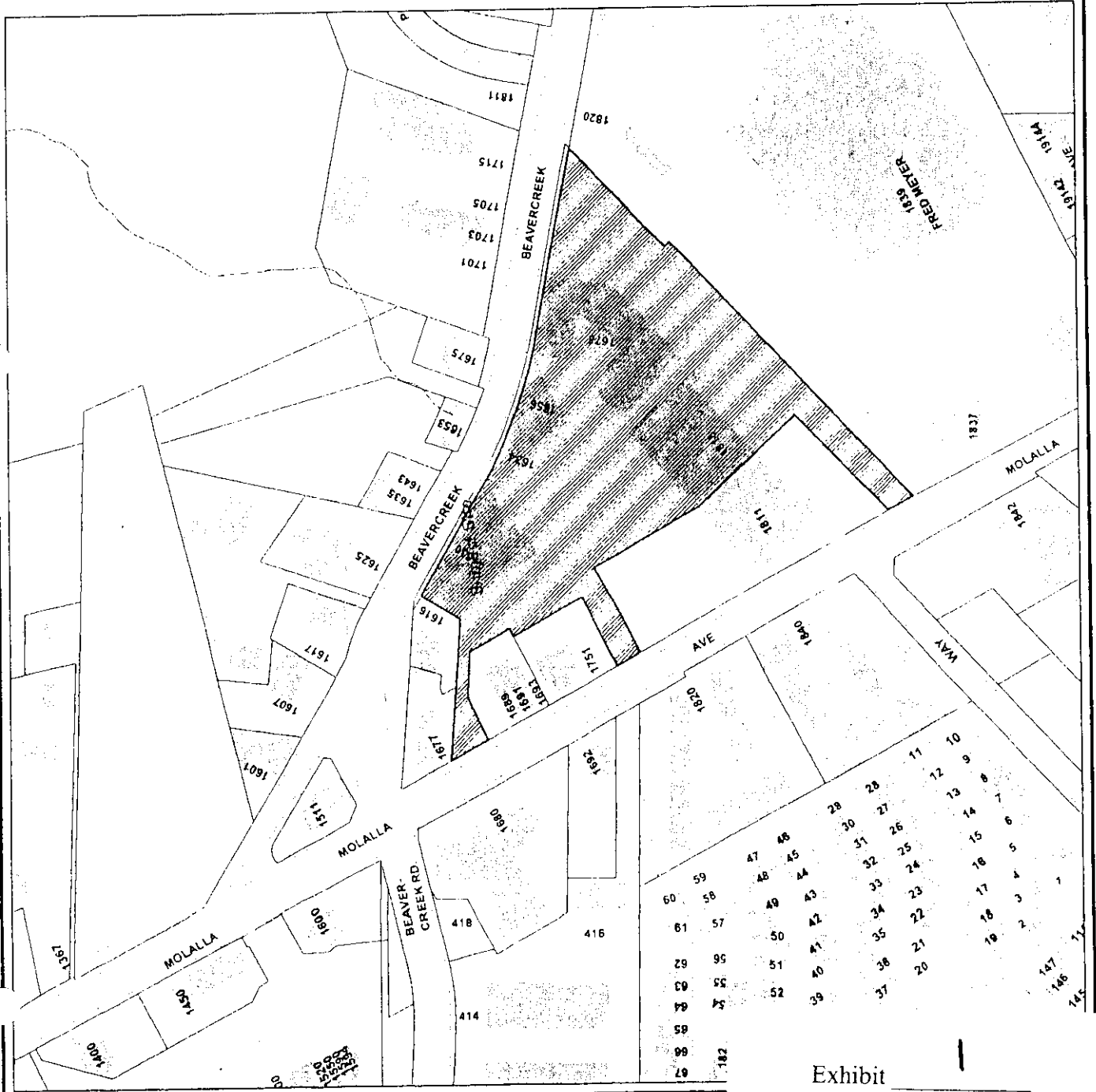


City of Oregon City
P.O. Box 3040
320 Warner Mine Rd
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2005

11/09/2005



Southridge Center

Application Narrative for

Sign Variance

555 2nd Street
T3S R2E 05D Tax Lot 1211

Submitted by:

Schwabe, Williamson & Wyatt, P.C.
Joseph Schaefer, Land Use Planner
1211 SW Fifth Ave., Suite 1600
Portland, OR 97204
(503) 796-2091
jschaefer@schwabe.com

September, 2005

Exhibit 2

INTRODUCTION

This application is for relocation of an existing sign that was erected following approval of case file SN 04-21. The sign is being moved to the east approximately 25 feet to make way for a new signalized intersection that is being constructed as part of the Beavercreek Road project. A variance is required because the sign exceeds the area allowed by Chapter 15.28.080. The size issue was resolved and approved in the prior case file, and as a result, the existing sign is nonconforming. Because the sign needs to be moved slightly to make way for the new intersection, it may be subject to removal under Chapter 15.28.090(C). This variance application requests relief from the strict provisions of Chapter 15.28.090(C) and approval for moving the sign as indicated below.

The criteria for sign variances are contained in Chapter 15.28.040, Variances. The code language appears in **bold**, with criteria in ***bold italics***. The applicant response follows in regular font.

15.28.040 Variances.

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. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control;

The Beavercreek Road project will include two new signalized intersections; however, no other private property affected by the new intersections is required to remove a nonconforming sign. Removal of the pylon sign is an extraordinary circumstance that does not apply the other properties affected by the project. The location of the sign is the critical issue. As shown on the site plan, the sign is currently located in the center of opening between two buildings where a new signalized intersection will be placed to serve the public. There is more than sufficient width between the buildings to accommodate both the intersection and the sign; however, the sign cannot remain in the current location. Rather, it must be moved to the side of the opening between the buildings, where it will be visible to passing motorists.

The applicant has no control over the Beavercreek Road project. If the city decides not to proceed with the project, then this sign variance would not be required. However, the city council has decided to move forward with the Beavercreek Road project, and the applicant must adapt to that reality.

2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;

Preserving the right to signage is a fundamental issue, and all property owners in the area have the right to erect signage for commercial purposes because this is a commercial zone. The sign at issue was approved through a recent city application process, and all property owners in the area may apply for signs as permitted by the zoning code for this zone.

Common courtesy indicates that when a structure must be relocated to make way for a new public improvement, the city ought to make every effort to mitigate for the displacements. In this instance, the sign will be moved a remarkably short distance, and the applicant is willing to pay the considerable cost of the move. Fundamental fairness requires the city to grant permission for us to do so.

3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;

This is a general commercial zone, which allows a wide variety of commercial uses, many of which utilize pylon signs. Numerous examples could be provided to show that this type of signage is compatible with the character of the district, beginning with the sign for the Fred Meyer store that is adjacent to the subject property.

2. Maintain the effectiveness of traffic signs;

The whole purpose for moving the sign is to make way for a new traffic signal. The new sign location is offset from the intersection to prevent confusion with traffic signs, and to allow suitable vision clearance for vehicles moving through the intersection.

3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;

As noted, the sign is being moved for the sole purpose of allowing the safe movement of people and vehicles of all types. A new sidewalk at the intersection, along with new crosswalks, will ensure the safe movement of people. The sign has existed for some time and there are no complaints that it creates a nuisance or hazard. The proposed new location of the sign has been carefully reviewed by the city's own civil engineering consultant during the intersection design. The sign is not a safety hazard. It will be installed in accordance with the building code.

The sign is limited in size and indeed is significantly smaller than a billboard. As such, it does not demand attention from travelers on the public right-of-way. It has no moving parts and does not create the appearance of motion.

4. Maintain and enhance the scenic and other aesthetic qualities of the city.

The scenic and aesthetic qualities of the sign and its environs will be maintained by allowing it to be moved slightly to accommodate the intersection. Signs are a key element of the aesthetic quality of public rights-of-way in commercial districts, because they assist travelers in finding their destinations. In this instance, having the sign offset from the intersection will allow travelers to find their way into the shopping center via the new intersection. A pleasant drive to your destination is an aesthetic experience; a driving trip where you cannot find the place you are going is not.

The applicant has participated in numerous meetings with the city's staff, the city's consultants, and the property owners who are our neighbors. All participants are well aware of the need to relocate the sign, and none have raised any concerns about injuries to the use or enjoyment of other property.

As noted above, the sign is being moved to accommodate expansion of the public right-of-way. The new location has been reviewed by the city's engineering consultant to assure it is compatible with the right-of-way design, including design of the sidewalk and pedestrian crossings. The sign is being moved away from the intersection the proper distance to ensure this criterion is met.

4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.

This application requests approval to move the sign a remarkably short distance. This is the minimum necessary to make way for the new signalized intersection and the pedestrian ways that surround it. This is the absolute minimum variance necessary.

05 SEP 22 1:38

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | | | |
|--|--|---|
| Type II | Type III | Type III / IV |
| <input type="checkbox"/> Partition | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | Other |
| <input type="checkbox"/> Modification | | <input type="checkbox"/> Annexation* |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # 0205-05 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Schwabe, Williamson & Wyatt, P.C., Joseph Schaefer, Land Use Planner

PROPERTY OWNER (if different): Wiesberg Family Properties

PHYSICAL ADDRESS OF PROPERTY: 1630 BEAVERCREEK ROAD

DESCRIPTION: TOWNSHIP: 3S RANGE: 2E SECTION: 05D TAX LOT(S): 01211

PRESENT USE OF PROPERTY: Shopping Center

PROPOSED LAND USE OR ACTIVITY:

Sign Relocation

DISTANCE AND DIRECTION TO INTERSECTION:

800 feet to Molalla Avenue

CLOSEST INTERSECTION: Beavercreek and Molalla

PRESENT ZONING: Commercial

TOTAL AREA OF PROPERTY: unknown

Land Divisions

PROJECT NAME: _____

NUMBER OF LOTS PROPOSED: _____

MINIMUM LOT SIZE PROPOSED: _____

MINIMUM LOT DEPTH PROPOSED: _____

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROMPTLY FORWARDED TO
PURCHASER

VICINITY MAP

Attached

*To be provided by the APPLICANT
at the time application is submitted*

*Please See Separate Annexation Submittal Checklist

05 SEP 27 PM 3:30
RECEIVED
STAFF
PORTLAND OREGON CITY

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

1. All applications must be either typed or printed (black ink). Please make the words readable.
2. The application must be submitted with the correct fee(s).
3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Planning Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. With the application form, please attach all the information you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make complete a Pre-Application meeting to discuss your proposal with members of the Planning Division and any other interested agencies. Applicant is then to provide all necessary information to justify approval of the application.
7. The front page of the application contains a brief description of the proposal and will serve as the public notice to surrounding properties and other interested parties of the application. This is why neatness is important.
8. Detailed description, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information may be discussed with the planner who conducted the Pre-Application Conference prior to submission of the application.
9. Incomplete applications will be returned.

APPLICANT'S SIGNATURE: 

MAILING ADDRESS: Schwabe, Williamson & Wyatt, P.C., 1211 SW Fifth Ave. Suite 1600

CITY: Portland STATE: OR ZIP: 97204 PHONE: (503) 796-2091

PROPERTY OWNER SIGNATURE(S): _____

MAILING ADDRESS: Please contact Schwabe, Williamson & Wyatt

CITY: _____ STATE: _____ ZIP: _____ PHONE: () _____

**If this application is not signed by the property owner,
then a letter authorizing signature by an agent must be attached**

DATE SUBMITTED: _____	RECEIVED BY: _____
FEE PAID: _____	RECEIPT #: _____

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

SIGN PERMIT APPLICATION (TYPE I)

Permit No. SN 04-21 Construction Cost \$1500
Zoning _____ Permit Fee (57 + 5% of Construction Cost) 895.²⁵

Sign Permit criteria can be found in Chapter 15.28 of the Oregon City Municipal Code
available at City Hall or at www.ci.oregon-city.or.us under City Code Book.

Please include Two copies of an elevation & site plan drawn to scale (per sign) indicating:

- the proposed sign dimension, color, graphic design, mechanical and structural design and engineering data ensuring structural stability
- location of the sign relative to property lines, structures, streets, sidewalks; building roof/wall dimensions as applicable; other signs on the premises and their square footage, size and type; the location of any structures and free standing signs on abutting properties.

Application is hereby made to:

Erect _____
Reconstruct _____
Change Copy X

For a:

Free Standing Sign X
Roof Sign _____
Wall Sign _____
Projecting Sign _____

From:

New Hangers _____
Old Hangers X

Applicant Scott Hildnerbrand/Security Signs
Street Address 1634 SE 12th Ave Legal Address/Tax Map 3-2E-OSD-1211
Height and Type of Building _____
Location of Sign EAST of 1634 SE 12th Ave building
Previous Location of Sign _____
Owner of Sign - Name and Address Wiesberg Family Properties LLC - 4800 SW Macadam Ave, Portland, OR 97239
Lessee of Sign - Name and Address _____
Sign made by Security Signs
Name, Address and Phone # of Sign Installer Marc Lingquist 383516
436 SE 12th Ave Portland, OR

DETAILS OF CONSTRUCTION, INSTALLATION AND ILLUMINATION OF SIGN

Horizontal Dimension _____ Vertical Dimension _____ Thickness _____ Weight _____
Height above sidewalk _____ Projection beyond property line _____
Materials of construction _____ Height of letters: Illuminated _____ Painted _____
Are there transformers for neon tubing? Yes _____ No _____ If yes, please attach information with the number and size of transformers.

Note: An electrical permit (from the Building Dept.) is required for the installation of all lighting and other electrical features.

Applicant signature _____ Phone 503-232-4172
Address 436 SE 12th Avenue, Portland, OR
Signature of Property Owner (or letter of authorization): Sarah Sumrall, as agent for owner
Print Name: Sarah Sumrall Phone 503 225-1545

City Approvals

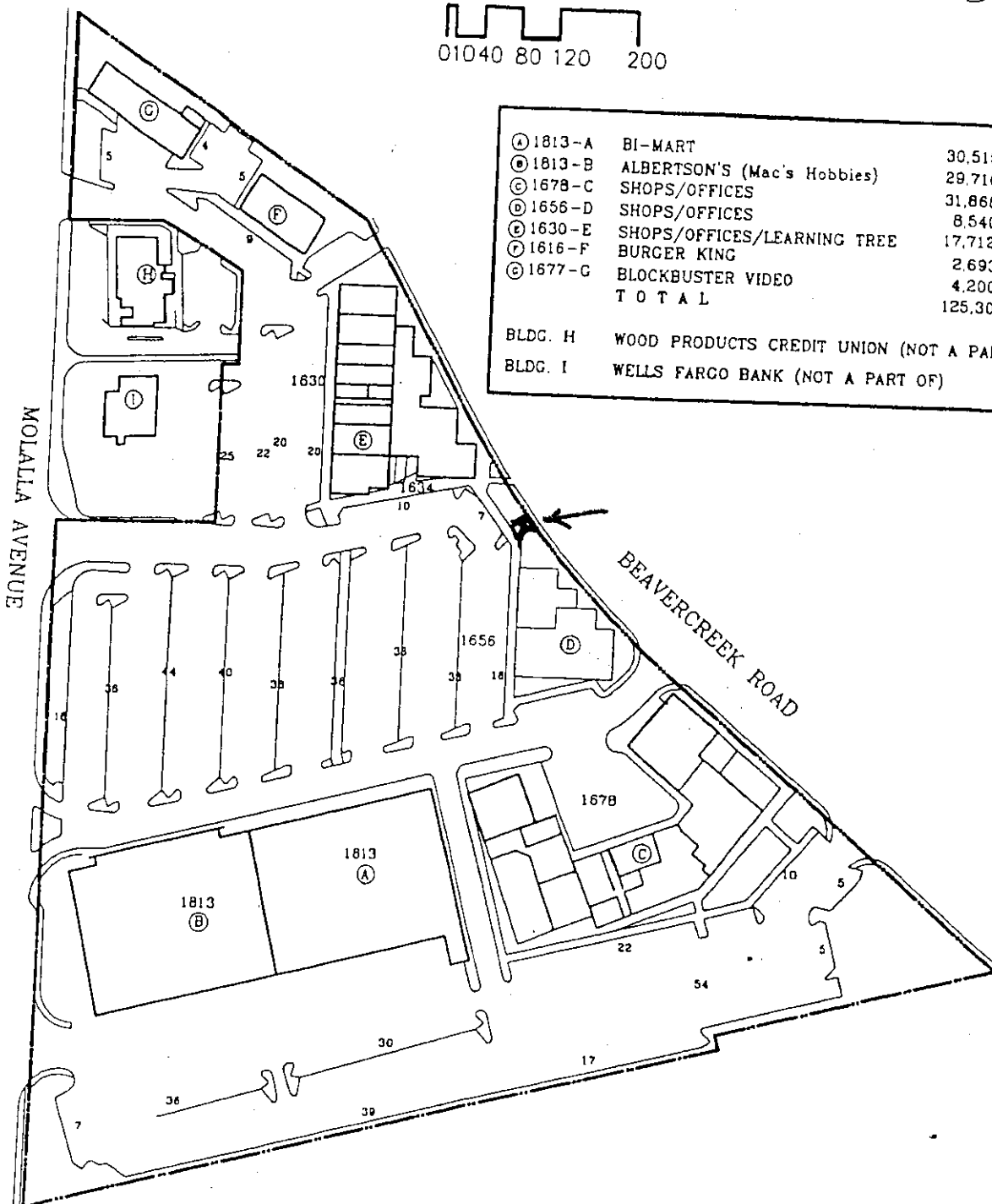
Approval of Appearance and Illumination

By Jerry White
Date Jun 3, 2004

DOUG BEAN & ASSOCIATES, INC.
SOUTH RIDGE CENTER



0 10 40 80 120 200



Ⓐ 1813-A	BI-MART	30,515 RSF
Ⓑ 1813-B	ALBERTSON'S (Mac's Hobbies)	29,716
Ⓒ 1678-C	SHOPS/OFFICES	31,868
Ⓓ 1656-D	SHOPS/OFFICES	8,540
Ⓔ 1630-E	SHOPS/OFFICES/LEARNING TREE	17,712
Ⓕ 1616-F	BURGER KING	2,693
Ⓖ 1677-G	BLOCKBUSTER VIDEO	4,200
T O T A L		125,304 RSF

BLDG. H WOOD PRODUCTS CREDIT UNION (NOT A PART OF)
BLDG. I WELLS FARGO BANK (NOT A PART OF)

REVISIONS	DATE	BY	CHK
	11/20/01		
	JOB NO 21415M		
	DUN AE		
	CHK AE		

SOUTH RIDGE CENTER

ANKROM MOISAN
ASSOCIATED ARCHITECTS



6720 SW Macadam, Suite 100, Portland, Oregon 97219

503/245-7100

City of Oregon City

PO Box 3040

Oregon City, OR 97045

Reg# #/Rcpt#: 006-00039067 [AH]

Accounting Date: Fri, May 28, 2004

Date/Time: Fri, May 28, 2004 12:24 PM

4333/COMMUNITY DEV-SIGN PERMITS

Ref #: SN 04-19 THRU SN 04-24

\$2,570.00

Total Due = \$2,570.00

Payment Data:

Pmt# :1

Payer: SECURITY SIGNS, INC.

Method: CK

Ref#: 011639

Amount = \$2,570.00

Receipt Summary

Total Tendered = \$2,570.00

Total Due = \$2,570.00

Change Due = \$0.00

Have a Nice Day!

SOUTH RIDGE CENTER



BLACKBUSTER

Beaver Creek Road



Quality Since 1925

436 SE 12th AVE
PORTLAND, OR 97214
WWW.SECURITYSIGNS.COM
T 503.232.4172
F 503.230.1861

OR CCB #122809
WA SECUNSO20CF

SECURITY SIGNS

Scope of Work:

Remove all existing sign cabinets and channel letters. Replace with new cabinets, channel letters, neon and pole covers

South Ridge Center Cabinet

"South Ridge Center" to be internally illuminated channel letters. Letters to have Red Acrylic (278-OGP) faces with black trim cap and returns. Letters to be illuminated with EGI Clear Red neon.

Cabinet to be painted extruded aluminum with painted aluminum faces (painted to Miller CW 064 White Pebble). Each face to have three (3) sets of three (3) tubes of neon (2 tubes of EGI Bioma Blue Clear and 1 tube of EGI Clear Red Neon neon).

Tenant Cabinets

Cabinets to be painted extruded aluminum with white lexan faces (painted to match Dark Blue vinyl PMS 281C)

Faces to have tenant graphics applied to the first surface. Vinyl graphics included for tenants in place at time of refurbishment.

Pole Covers

Painted aluminum pole covers to be installed onto existing poles (painted Miller CW 064 White Pebble)

* All cabinets to remain the same size

South ridge
center



BLACKBUSTER

DATE 05/20/04

DRAWING # 03-KS29513

Page # 2 of 3

PROJECT MANAGER
Dennis Blackmann

© Copyright 2003 Security Signs, Inc.
This original design and specifications are
exclusive property of Security Signs, Inc.
The use of these designs to produce a similar
sign without written authorization from
Security Signs, Inc. is forbidden.

Customer agrees by
initialing here _____

SOUTH RIDGE
CENTER

Molalla Ave.
Oregon City, OR

LANDLORD APPROVAL

CLIENT APPROVAL

PLEASE SIGN HERE

PLEASE SIGN HERE

DATE

DATE



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503-222-9981 | Fax 503-796-2900 | www.schwabe.com

JOSEPH S. SCHAEFER
LAND USE PLANNER
Direct Line: (503) 796-2091
E-Mail: jschaefer@schwabe.com

November 28, 2005

VIA FIRST CLASS MAIL

Tony Konkol
Senior Planner
City of Oregon City
PO Box 3040
Oregon City, OR 97045

Re: Southridge Sign Variance Application

Dear Tony:

Thank you for sending me a copy of the notice of this land use application. The application requests a variance for the area of the sign faces. However, the notice also indicated a request for a height variance. You informed me that following our site meeting, your office measured the existing sign and determined it was about 31 1/2 feet tall, which exceeds the maximum allowed height of 30 feet.

Please be advised that we are not requesting a variance for the sign height. When the sign is relocated, we will lower it to ensure it is within the 30 foot limit.

Thanks for your assistance with this clarification.

Sincerely,

Joseph S. Schaefer
Land Use Planner

JSS:cst

City of Oregon City Chapter 15.28 SIGNS

15.28.010 Purpose and scope.

This chapter regulates the erection placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;
2. Maintain the effectiveness of traffic signs;
3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;
4. Maintain and enhance the scenic and other aesthetic qualities of the city.

B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this chapter, except for the following:

1. Signs not visible from either a public right-of-way or property of different ownership, provided such signs shall be erected and maintained in accordance with applicable law;
2. Signs owned and maintained by governmental agencies;
3. Signs lawfully erected in the public right-of-way in accordance with applicable state and local laws and regulations;
4. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property; and
5. Signs carved into or part of materials which are an integral part of a building. (Ord. 94-1027 §1(part), 1994)

15.28.020 Definitions.

For the purposes of this chapter:

"Abandoned sign" means a sign that does not have copy on the display surface for a period of six months or more, including an obsolete sign.

"Billboard" means a sign with a display surface area of three hundred square feet or more.

"Display surface area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"Erect" or "erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Free-standing sign" means a sign supported from the ground by its own structure.

"Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

"Frontage" means the continuous distance along one street right-of-way line of one premises, provided such street is improved for public travel.

"Grade" means the level of the nearest sidewalk or road pavement.

"Incidental sign" means a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.

"Maintain," "maintained" or "maintaining" means activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.

"Natural materials" means wood, stone, brick and rock or any combination thereof.

"Obsolete sign" means a sign that calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.

"Premises" means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.

"Projecting sign" means a sign projecting more than one foot from the wall of a building.

"Roof sign" means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.

"Sign face" means the total of display surface area visible from one side of a sign.

"Sign official" is the person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

"Temporary sign" means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.

"Traffic control sign or device" means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the city of Oregon City, the state or federal governments.

"Wall" means a masonry structure.

"Wall sign" means a sign erected on a wall. (Ord. 94-1027 §1(part), 1994)

15.28.030 Permit required.

A. Permit required. No sign shall be erected or maintained except as provided by this chapter and a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter and signs existing on the date of adoption of the ordinance codified in this chapter which shall be subject to subsection D of this section.

B. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application for it to be processed by the city. The amount of the fee shall be proportionate to the value of the sign proposed and shall be calculated according to a permit fee schedule adopted by resolution of the city commission. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with city code, and the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action be taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within ninety days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

C. Appeals. Any person aggrieved by a decision of the sign official may appeal the decision to the planning commission. Any such appeal shall be in writing and be received by the city recorder no later than ten days after the date the challenged is

final. The appropriate appeal fee established by resolution of the city commission shall accompany the appeal. Proceedings before the planning commission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to city commission review of planning commission decisions involving conditional use permits.

- D. Permits for Signs Existing on the Effective Date of These Regulations. Signs existing on the effective date of these regulations shall also be required to obtain a permit within one hundred twenty days of the date these regulations become effective. No fee shall be charged for such permit and the sign official shall, within sixty days of the effective date of these regulations, give written notice of the requirement for permits and shall provide permit forms on request. Any such existing sign for which a permit has not been obtained within one hundred twenty days of the effective date of these regulations shall be deemed an unlawful use. (Ord. 94-1027 §1(part), 1994)

15.28.040 Variances.

- 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. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control;
 2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;
 3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and
 4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.
- 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.
- C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances. (Ord. 94-1027 §1(part), 1994)

15.28.050 Prohibited signs.

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this chapter:

- A. Billboards;
- B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic;
- C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to traffic control signs or devices;

- D. A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof;
- E. A sign located upon a tree, or painted or drawn upon a natural feature;
- F. An obsolete sign;
- G. Portable signs, A-frame signs, sandwich boards, tent signs, streamers, strings of lights, balloons, hulas, banners or pennants, excepting traditional holiday decorations; and except as provided in Section 15.28.010(B);
- H. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;
- I. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction;
- J. A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard;
- K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair;
- L. Any sign larger than four square feet on an undeveloped lot or parcel of property;
- M. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;
- N. Signs on fences or fencing. (Ord. 94-1027 §1(part), 1994)

15.28.060 Signs not requiring a permit.

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this chapter and are not illuminated;

- A. One temporary sign per street frontage of property under a single ownership provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;
- B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;
- C. A single sign where the display surface area does not exceed two square feet;
- D. Window signs situated on the indoor-side of a window or door;
- E. Flags, limited to two per premises;
- F. Signs attached to, or carried by, a person;
- G. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs. (Ord. 94-1027 §1(part), 1994)

15.28.070 Signs in residential zones.

- A. Signs Allowed. In the R-10, R-8, R-6, RC-4, R-6/MH and RA-2 zoning districts, the following signs are allowed:
 - 1. All signs allowed without permit as provided by this chapter so long as the requirements of this subsection are met;
 - 2. Permitted signs so long as a permit is first obtained as required by this chapter, and the requirements of this subsection are met.
- B. Display Requirements. All signs in the residential zones listed in this section must comply with the following requirements:

1. Not more than one wall sign or free-standing sign to be visible from each frontage, with no more than three frontages. Wall signs shall be measured by the outer limits of the lettering, illustration or other display;
2. Maximum twenty square feet of area per sign face;
3. Not to exceed ten feet in length;
4. Five feet maximum height above grade;
5. Primarily constructed of natural materials;
6. Sign shall be setback from the street as determined by the sign official, but not more than ten feet from the street right-of-way;
7. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure. (Ord. 94-1027 §1(part), 1994)

15.28.075 Signs for listed conditional uses in residential zones

- A. For conditional uses in residential zones, a sign that meets the following standards shall be allowed provided a permit is first obtained as required by this chapter:
 1. One wall sign per frontage is allowed. Additionally, one free-standing sign per conditional use is allowed.
 2. Maximum thirty-two square feet of area per sign face;
 3. Not to exceed ten feet in length;
 4. Eight feet maximum height above grade;
 5. Primarily constructed of natural materials or similar products, such as wood, stone, brick, or metal.
 6. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure. (Ord. 05-1002)

15.28.080 Signs in office, commercial and industrial zones.

- A. Signs Allowed. In the LOC, LO, NC, HC, LC, C, CBD, M-1 and M-2 zoning districts, the following signs are allowed:
 1. All signs allowed without permit as provided by this chapter, so long as the requirements of this subsection are met;
 2. Wall signs, so long as a permit is first obtained as required by this chapter and the display surface area is no larger than two square feet for each lineal foot of the wall on which the sign is erected;
 3. Free-standing signs, so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One free-standing sign shall be permitted for each street frontage of a premises, provided minimum subdivision lot frontage of thirty feet is met. No free-standing sign shall be permitted on the same frontage where there is a projecting or roof sign. Free-standing signs on the same premises but on different frontages shall be separated by a minimum of fifty feet distance.
 - b. Area. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet.
 - c. Projection. Free-standing signs shall not project over a public right-of-way.

- d. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.
- e. Horizontal Dimension. The greatest horizontal dimension shall not exceed twenty feet for any free-standing sign.
- f. Height. The height of any free-standing sign shall not exceed twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage. In no event shall any sign exceed thirty feet in height.

The following table summarizes free-standing sign area and height limits:

Street Frontage (in feet)	Maximum Display Surface Area (square feet)	Maximum Area of Any One Sign Face (square feet)	Maximum Height (in feet)
Up to 50	50	25	25
50 - 200	100	50	25
201+	101 - 300	51 - 150	30

- 4. Roof Signs. Roof signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. Maximum one roof sign is permitted for each premises, and shall be permitted instead of a projecting sign or free-standing sign.
 - b. Area, projection, clearance, horizontal dimension and height shall be within the limits set for free-standing signs. Stamped approval of a licensed civil or structural engineer may be required due to stresses put on the building. No roof sign shall be erected without approval of the fire marshal after a finding that the size, type and location of the sign will not substantially interfere with fire fighting;
- 5. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a free-standing or roof sign.
 - b. Area. Sign area shall not exceed sixteen square feet per sign face, with total area of all faces not to exceed thirty-two square feet.
 - c. Projection. Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line.
 - d. Vertical dimension. The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support.
 - e. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.
 - f. Separation. The minimum distance from another projecting sign shall be twenty feet in the same horizontal plane.
 - g. Projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building

code official, may extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet;

6. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained as required by this chapter, is allowed. An incidental sign may be a free-standing or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed thirty-two square feet, and no sign face shall exceed sixteen square feet. (Ord. 94-1027 §1(part), 1994)

15.28.090 Nonconforming signs and their removal.

- A. Signs lawfully erected and maintained as of the date of the adoption of this chapter, but which do not meet the requirements of this chapter, shall be regarded as nonconforming signs which shall be lawful if a permit for the same is obtained under Section 15.28.030 and may be continued for a period not to exceed ten years from the date of adoption of this chapter for the purpose of amortization of investment. Relief from this provision may be sought from the planning commission by following the procedures of Section 15.28.040 for a longer amortization period, upon a showing that the applicant requires a longer period in which to amortize its investment in the sign in question. In the case of an application for a longer amortization period for an alleged nonconforming billboard, the applicant must prove, at a minimum, that the sign structure cannot reasonably be used for a sign with an area smaller than three hundred square feet.
- B. Signs located on premises annexed into the city after the effective date of the ordinance codified in this section and which signs do not comply with the provisions of the ordinance codified in this section, shall be brought into compliance with the ordinance codified in this section within a period of time not to exceed six months after the effective date of annexation; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in subsection A of this section.
- C. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in Section 15.28.040.
- D. All existing signs or portions thereof prohibited in Section 15.28.050, except subsection A, shall be removed or altered to comply within six months from the date of adoption of this chapter.
- E. Within one year from the date of adoption of this chapter, the sign official or an authorized representative may inspect any sign regulated hereunder. The sign official shall have right of reasonable entry onto private premises to enforce the provisions of this chapter. After inspection, a notice shall be issued to the owner of the sign or property that lists the signs and identifies those signs which, in the opinion of the sign official, need repair or modification to bring them into compliance with this chapter and those which are in violation of the provisions of this chapter and must be removed, including the expiration of the grace period for the particular sign. The sign official may repeat such on-site inspections, with reasonable notice, from time to time as deemed necessary to enforce the provisions of this chapter.

F. Any sign regulated under this chapter found to be in violation of this chapter shall be deemed a nuisance. Violation of the provisions of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapters 1.16 and 1.20. (Ord. 94-1027 §1(part), 1994)

15.28.100 Conflict and severability.

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply. (Ord. 94-1027 §1(part), 1994)

15.28.110 Violation--Penalty.

In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, 1.24. (Ord. 99-1004 §27, 1999; Ord. 94-1027 §1(part), 1994)