



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

TROUTDALE PLANNING COMMISSION REGULAR MEETING

Troutdale City Hall Council Chambers
219 E. Historic Columbia River Hwy. (lower level, rear entrance)
Troutdale, Oregon 97060

Wednesday, February 17, 2016
7:00 p.m.

1. **ROLL CALL/PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF MINUTES**
January 21, 2016 Regular Meeting
January 21, 2016 Work Session Meeting
3. **CITIZEN COMMUNICATION – NON AGENDA ITEMS**
4. **HEARING PROCEDURE**
Tanney Staffenson, Planning Commission Chair
5. **PUBLIC HEARING TYPE III**
Case File No. 15-066 MT. HOOD REALTY SIGN
Special Variance for work in the Right-of-Way – Sign Permit
6. **OLD BUSINESS - None**
7. **NEW BUSINESS - None**
8. **DEPARTMENT REPORTS**
9. **COMMISSION INITIATIVES AND CONCERNS**
10. **ADJOURN**
11. **WORK SESSION**
Development Code update

This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made in writing at least 48 hours prior to the meeting to Chris Damgen 503-674-7228, or by email at chris.damgen@troutdaleoregon.gov

Procedure for Quasi-Judicial Land Use Hearings

Quasi-judicial public hearings are held in accordance with Oregon law and procedures contained in the Troutdale Development Code. The hearing proceeds as follows:

1. Staff Presentation
 - City staff presents their report which includes applicable criteria and standards for the matter under consideration in the land use application.
 - All testimony and evidence should be directed toward these criteria.
 - If you believe that other criteria in the Comprehensive Plan, Development Code, or other city land use regulations apply, you must identify these criteria and explain why they apply to the decision.
2. Public Testimony
 - The Planning Commission accepts public testimony relating to the application.
 - The applicant is allowed to speak first, followed by proponents, then by opponents, and then by any parties neutral to the application.
 - An opportunity will be provided to anyone testifying to clarify any issues raised.
3. Raising Issues
 - All issues raised by a participant during the public hearing must be sufficiently clear and specific to allow the Planning Commission and other parties an opportunity to respond to those issues.
 - Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.
4. Requesting Additional Time
 - Prior to closing of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application.
 - The Planning Commission must grant the request either by continuing the public hearing to a future date, or by leaving the record open for at least seven days to admit only that specific additional written evidence or testimony.
 - If the record is left open for the additional written evidence or testimony, any participant may file a written request for an opportunity to respond to new evidence submitted during the period the record was left open.
 - If such a request is filed, the Planning Commission shall reopen the record to allow any person to raise new issues which relate to the new evidence, testimony, or criteria for decision-making.

MINUTES
TROUTDALE PLANNING COMMISSION
Regular Meeting
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
January 20, 2016

1. **Roll Call.** Chair Staffenson called the meeting to order at 7:02 p.m. There were no agenda updates.

Commissioners Present: Sandy Glantz, Frank Grande, Jamie Kranz, Shirley Prickett, Brian Sheets, Tanney Staffenson and Marv Woidyla

Commissioners Absent: None.

Staff: Chris Damgen, Senior Planner
John Morgan, Planning Consultant
Elizabeth Walstead, Planning Administrative Assistant
Rooney Barker, Transcriptionist

Guests (see list): Paul Wilcox
City Councilor Glenn White

- 2a. **Agenda Update – Election of 2016 Officers.** Nominations for Chair were opened: **Commissioner Prickett, with a second by Commissioner Glantz, nominated Tanney Staffenson.** This being the only nomination, Commissioner Sheets moved that the nominations be closed; Commissioner Prickett seconded the motion. The vote was unanimous and the nominations were closed. **The vote was unanimous and Chair Staffenson will continue as Chair of this Commission for 2016.**

Nominations for Vice-Chair were opened: **Commissioner Kranz nominated Commissioner Sheets with a second by Commissioner Glantz; Commissioner Kranz was nominated by Commissioner Grande with a second by Commissioner Prickett.** The first votes were by nomination but one was tied so the Commission voted again. **The final vote was 5-yes, 2-no (Grande, and Sheets) in favor of Commissioner Sheets, and he will be the Vice-Chair for 2016.**

2. **Approval of Minutes.** December 16, 2015 minutes were added to this item. **Commissioner Woidyla moved, with a second by Commissioner Prickett, to approve the minutes as written.**
- **November 18, 2015 Regular Meeting.** Commissioner Kranz's name was corrected to the correct spelling on p. 1, and on p. 2 the two Commissioners names were added to the adjournment nomination and second (Sheets and Kranz)..
 - **November 18, 2015 Work Session.**
 - **December 16, 2015 Regular Meeting.** A correction on p. 4 was requested in the second paragraph from the bottom of the page: “. . . right-turn/~~left~~right-turn onto 242.” On p. 5, in the second paragraph, the phrase “to close the public hearing” was inserted after Commissioner Sheet's motion to close the public hearing. On p. 6, in the first paragraph on that page, the 3 no vote names were corrected to read “Glantz, Kranz and ~~Grande~~Sheets.

Commissioner Sheets moved, with a second by Commissioner Glantz, to amend the motion to approve the minutes with these corrections; Commissioners Woidyła and Prickett agreed to that amendment. **The vote was unanimous and the minutes were approved as corrected.**

- 3. **Citizen Communications – Non-Agenda Items.** None.
- 4. **Old Business.** None.
- 5. **New Business.** None.
- 6. **Department Reports.** Chris Damgen updated the Commission on the Sheldon Development (Case File No. 15-057) and the public hearing on it before the City Council this past week and again next week. He also briefed them on the Port of Portland’s *Troutdale Airport Project* advisory committee meeting at Edgefield (in the ballroom) on January 28th. An upcoming sign permit application with location constraints will come to the Commission, probably in February, with a special variance request.
- 7. **Commission Initiatives and Concerns.** Chair Staffenson said the Commission previously approved the Gateway Estates project and reminded them that it had been a prolonged process and the Commission apologized to the applicant for that delay. He was recently told that as of yesterday Public Works has not turned anything around and he asked staff to please check that.

Commissioner Woidyła asked how many applications or any letters of intent has staff seen for the development of the TRIP property the Port has been developing. Mr. Damgen said with respect to some of that, staff receives phone calls all the time and they have had a couple of inquiries about the general area, but none have come from the Port to staff. Questions are about zoning and due diligence, but nothing concrete as far as the development concept.

Commissioner Glantz told of the increased traffic and tie-ups at Troutdale Road and Stark by the new charter school and how to discover what causes the back-ups. Mr. Damgen said he’ll put in a call about that and let her know. Commissioner Prickett said some driveways at 22nd where it runs into 23rd are not being replaced properly with asphalt instead of concrete; again, Mr. Damgen said he will check that. Commissioner Granda asked if anything has been done about beefing up the sound so people who attend meetings in the Chamber can hear what’s going on. It’s been known by management and it is being discussed but staff did not know when anything would be done. The possibility of a new city hall was briefly discussed as it is unknown now.

The Commission’s recommendations on the Capital Improvement Plan list (CIP) will go before City Council on Tuesday as well as the second hearing on the Sheldon Development on 242nd and Cherry Park Road.

- 8. **Adjourn.** Commissioner Prickett moved, with a second by Commissioner Sheets, to adjourn. **The vote was unanimous and the meeting adjourned at 7:31 p.m.**
- 9. **Work Session.** See Work Session minutes for January 20, 2016

Tanney Staffenson, Chair

Date

Attest: _____
Rooney Barker, Transcriptionist

MINUTES
TROUTDALE PLANNING COMMISSION
Work Session
Council Chamber
217 E. Historic Columbia River Highway
Troutdale, Oregon 97060
January 20, 2016

1. **Roll Call.** Chair Staffenson called the meeting to order at 7:39 p.m.

Commissioners Present: Sandy Glantz, Frank Grande, Jamie Kranz, Shirley Prickett, Brian Sheets, Tanney Staffenson and Marv Woityla

Commissioners Absent: None.

Staff: Chris Damgen, Senior Planner
John Morgan, Planning Consultant
Elizabeth Walstead, Planning Administrative Assistant
Rooney Barker, Transcriptionist

Guests (see list): Paul Wilcox
City Councilor Glenn White

2. **Work Session. Consideration of Development Code Updates.** Chair Staffenson gave a briefing to the Commission on the work they've accomplished on the Troutdale Development Code (TDC) to date. He also said he will coordinate his and Commissioner Glantz's changes for Ms. Walstead for inclusion in the final draft.

The November 9, 2015, memo from Ed Trompke, legal counsel, was distributed (see **Exhibit A**, presented at a previous meeting on November 18, 2015); Mr. Morgan said the Commission reviewed Mr. Trompke's memo back in November but we could go through it once more to see what comments the Commissioners may have. We could figure out our end game tonight, also. He suggested reviewing the memo first. Chair Staffenson said he is sure another memo will be received from Mr. Trompke (he expected to receive it yesterday) and the Commission should wait for that before they finalize anything in the TDC.

He also said he will be meeting with the Port of Portland on January 21st (?) regarding how their comments, particularly how our Code update affects the TRIP property (Troutdale Reynolds Industrial Park, now FedEx), basically everything north of Graham Road, and anything else they may comment on. He has information from the Sandy Drainage Improvement Company (SDIC) and Public Works comments. Mr. Morgan said we also do not have feedback yet from Mr. Trompke and Public Works on their readiness to move some of the current TDC items over to their Code, and we need an update on that. Mr. Damgen related a previous discussion Mr. Winstead had on these, and that he had advocated for the change that allowed the deferral of the financial guarantee. There are many places where we recommend removing engineering standards from the TDC into the Public Works Design Standards, Mr. Morgan said, so this is pure land use. We still don't have the formal endorsement of that yet

Exhibit A. November 9, 2015, legal memorandums to Tanney Staffenson and Steve Winstead from Ed Trompke regarding 1) TDC Chapter 5 comments; 2) Discussion of proposed edits to TDC chapter 8; 3) TDC chapter 10 edits; and 4) Comments on proposed TDC chapter 17 changes.

from Public Works. There are just a few pieces that we need to put together which we could probably do in February and then be finally ready to move this out and have the hearing. Chair Staffenson said he is willing to run this as hard as possible so that February will be the next work session and then the hearing in March. The draft TDC that will be given to the Commission for that hearing was briefly discussed as was their request for the timing of it (at least one week prior to their February meeting).

Chapter 5. Comments in Mr. Trompke's memo have already been addressed regarding home occupations allowing for minor merchandise sales, and the Public Works Design Standards.

Chapter 8. Mr. Trompke believes some of what we have done will raise the ire of Metro and the DLCD (Department of Land Conservation and Development), and he presents information that causes him to believe we should leave some information as it is. That is fine if the Commission chooses to do that, Mr. Morgan said. In October he met with Metro and DLCD staff and Brian Harper (Metro) and went through the Code, and they had two minor comments; they did not respond to all of it. They might also come in at the last minute, however, with changes. It also would be good to get some direction, he said, on whether the Commission would like to abandon their proposed changes at this point, based upon Mr. Trompke's recommendations, which is fine, or we move to the hearing with the amendments as they are and see if we receive formal complaints from Metro and DLCD at the hearing, at which time we could back off before it goes before Council. He recommended we at least have a public hearing on them and force their hands if they have any concerns. It's up to the Commission if they want to do this and he asked them to think about it.

Chair Staffenson said his understanding, from his conversations with Mr. Trompke, is that Mr. Trompke's primary concerns were items we were deleting that were part of Ordinance 819, and his fear is that by changing those and rescinding the Ordinance that those things would potentially cause us some problems. Some of the items we deleted were not in compliance with Metro's Functional Plan, and he referred to the table in Mr. Trompke's memo on 8.054 *Accessways* and on 8.058 *Building Orientation*, where he said this is one where we supplied no alternative. The latest draft of the TDC does include supplemental language in 8.058 that addresses it to the extent of giving the property owner some alternatives to meeting the Code, and he pointed this out; the language proposed gives alternatives. Design flexibility was the whole point, Mr. Morgan said, and he would go to the mat on it with Metro but that is not for him to say. Commissioner Glantz said Troutdale does not have a city 'structure' that others do, and Mr. Morgan agreed.

Section 8.050 *Approval Criteria* (new language) needs headings to coordinate it with the other paragraphs, it was noted. Commissioner Glantz asked if Section 8.052 regarding entrances was not added back in; Chair Staffenson said it was not and referred her to Section 8.056. *Building Orientation*, Item A, B, and C., and Mr. Morgan confirmed that this is the proposed alternate language for what was deleted; he agreed that it needs a heading: A as *Building Entrance*, B as *Setbacks*, and C as *Alternative Design Options or Standards*. This new language gives more flexibility in design.

Mr. Morgan said he was hearing a sense of concurrence on the draft TDC, and we need to confirm that with Mr. Trompke for him to be comfortable with it, and he will bring that information to the Commission at the next meeting.

Mr. Trompke's memo listed another concern of his regarding *utility underground requirements* (Section 8.059). We eliminated it as the Municipal Code already requires it, and it will be in the Design Standards. It seemed redundant but Mr. Trompke is comfortable leaving it in as we may need that hammer sometime on a developer. This was discussed, and it was noted that it will be covered in the pre-application conferences with the developer, it will be in the Public Works Design Standards, etc., and is pretty straightforward. It just seemed redundant to have red tape language in the TDC, although it doesn't hurt to leave it in. Commissioner Sheets said it's just additional verbiage and he did not see any risk of leaving it in. The Commission concurred.

There are a few other places like that where we pulled text out; Mr. Trompke recommended we drop all of Chapter 8, but Mr. Morgan argued against that as the Chapter is probably the number one chapter that created the roadblocks to the development process and we worked to create a streamlined system that is much easier to run people through. This was discussed. We need to have long discussion, at staff level, with Mr. Trompke, Mr. Morgan added. Chair Staffenson said he would like a discussion on parts of Chapter 8 but not all of it. We'll have more to do when we meet in February. Commissioner Sheets said he appreciates the approach that if there are substantial objections those should hopefully be vetted at the public hearing. It's a draft now and that's why we have hearings so that people can see it.

Chapter 10 and the Sign Code and new Supreme Court case was reviewed (see Mr. Trompke's memo and accompanying document). Mr. Morgan summarized the Court's decision in that if you have to go outside and look at a sign to determine if it complies with the Code, it does not comply with the Constitution. It's the content, he added. The Court said it could clearly be a violation of free speech, although in some circumstances you perhaps could do it. We pulled a lot of our text out of the TDC, he added, but perhaps it will take a little more 'scrubbing' to comply. He suggested staff clean it up and then bring it back to the Commission. We have always gone with three things to essentially regulate signs: 1) How many signs you have; 2) Where they are on the property; and 3) The dimensions, height, width, etc. That's it; measurable standards have nothing to do with what the sign says. So many codes get into what the sign says. Commissioner Prickett asked about electronic signs that move (scroll), and Mr. Morgan said one could do that with Conditions, such as traffic safety. Our Code does not allow motion like a television but it does allow animation that changes at a slower pace, and even that might be subject to the new ruling. Again, he said our language might need a little scrubbing so Mr. Trompke will be comfortable with it. There was a brief discussion on signs.

Chapter 17. Mr. Trompke's memo was self-explanatory.

We are waiting for Mr. Trompke's last comments, the Public Works rebuttal, and agency comments, Chair Staffenson said. And the Port of Portland, someone added. Those will come before the Commission in February. He asked the Commission how they would like to see those comments. Separate was agreed upon and a complete final draft for the hearing. The next Commission meeting is scheduled for February 17th and there will be the Special Variance case to hear; Chair Staffenson said we should be able to do that and a work session. At some point he said it would be good to take care of the three basic assumptions used in all the different master plans and the Capital Improvement Plan (CIP) that they've recently reviewed so that are in alignment. Mr. Morgan suggested that when

this TDC update is approved and out of the way, that project be taken up by staff.
Commissioner Sheets said then we can make sure everything is as it should be.

- 3. Adjourn. Commissioner Sheets moved, with a second by Commissioner Glantz, to adjourn. The vote was unanimous and the meeting adjourned at 8:20 p.m.**

Tanney Staffenson, Chair

Date

Attest: _____
Rooney Barker, Transcriptionist



Staff Report

Report Date: 2/08/16

Hearing Date: 2/17/16

File Number & Name	15-066 Mt. Hood Realty Sign		
Location	201 SE Dora Ave (southwest corner of SE 2 nd St and SE Dora Ave)		
Application Type(s)	Type III Special Variance		
Project Applicant	Gresham Sign Solutions	Property Owner	Mt. Hood Realty
Property Size	0.11 acres (corner lot)	Current Plan Designation	Commercial
Tax Map / Tax Lot #	1N3E25CA-08900 / R-843301210	Current Zoning District	MO/H Mixed Office/Housing

PROPOSAL

The Applicant is applying for a *Special Variance* to allow for a freestanding sign to be placed within the right-of-way. The request consists of a waiver from a provision of the Troutdale Development Code (TDC) that prohibits this action. At the hearing, Planning Commission must find that criteria listed in Section 6.230 be met in order to approve the proposal.

PROCEDURE

This application is undergoing a Type III review procedure. [TDC Sec. 2.110 and Ch. 16]. This procedure requires a Public Hearing and Planning Commission approval in order to be adopted. Nearby property owners, relevant review entities, and other stakeholders were invited to offer comments on this project.

CONTENTS OF THIS REPORT

<i>Section</i>	<i>Page</i>	<i>Attachments</i>	<i>Ref</i>
The Property	2	Memo from Public Works	A
The Application	3	Application	B
Agency/Public Comments	3	Application Exhibits	C
Analysis	4		
Recommendation & Conditions of Approval	4		
Decision Criteria and Findings	5		

RECOMMENDATION

Staff recommends *approval* of this application subject to the draft findings on page 5 and proposed conditions on page 4.

THE PROPERTY

The application consists of one (1) existing 0.11 acre parcel (hereafter referred to as “the Property in Question” or “the Property”). The Property is designated as Commercial, zoned Mixed Office/Housing (MO/H), and is located in downtown at the intersection of SE Dora Avenue and SE 2nd Street. Both of these roads are maintained by the City of Troutdale. The Property has an existing structure that was previously a medical office and is intended to become a real estate office.

VICINITY MAP



STREET VIEW



THE APPLICATION

BACKGROUND

Mount Hood Realty ("The Owner") purchased the property in 2015 and informed Staff in September that they intended to open a real estate office at the site. In December, Gresham Sign Solutions ("The Applicant") submitted a sign permit application for consideration of a freestanding sign to be placed at the corner of the intersection. The Owner indicated that there had previously been a sign at the corner and that they wanted to put an attractive monument-style sign at that spot.

Upon reviewing the application, Staff discovered that the intended location of the sign was located in the right-of-way and not on the property itself. The TDC prohibits "signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility." [TDC 10.030.E] After discussing options with Staff, the Owner and Applicant have filed for a Special Variance to allow for the sign as proposed (Attachment C) to be located in the right-of-way.

APPLICABLE CRITERIA

Listed below are governing standards that shall apply (preliminary upon further review):

- *Troutdale Development Code [TDC]:* Ch. 1 (Introductory Provisions); Ch. 2 (Procedures for Decision Making); Sec. 3.140 (MO/H Mixed Office/Housing); Sec. 4.700 (TC Town Center); Sec. 6.230 (Type III Special Variance); Ch. 10 (Signs); Ch. 16 (Public Deliberations & Hearings)
- *City of Troutdale Construction Standards for Public Works Facilities*

PROCEDURE

This application is undergoing a Type III review procedure. [TDC Sec. 2.110 and Ch. 16]. This procedure requires a Public Hearing and Planning Commission approval in order to be adopted. Nearby property owners, relevant review entities, and other stakeholders were invited to offer comments on this project.

AGENCY/PUBLIC COMMENTS

NOTIFICATION

On February 1, 2016, a *Notice of Application & Request for Comment* was sent to the Public Works department and neighboring property owners within a 250 foot radius of the Property in Question. Citizens do reserve the right to deliver written comments prior to the Public Hearing or provide testimony at the Public Hearing. [TDC 15.040]

SUMMARY OF COMMENTS RECEIVED

Public Works' full comments are included in Attachment A. According to their general findings, the Department found that "the proposed sign can be placed in the public right-of-way" if it can adequately address all comments and conditions.

As of the date of this Staff Report, the City had not received any comments from nearby property owners or general inquiries as to the nature of the application.

ANALYSIS

CRITERIA TO BE USED FOR EVALUATION

Section 6.230 of the TDC outlines specific approval criteria for both types of amendments that an application must address in order for a special variance to be approved. Proposed findings drafted by Staff have been provided in the Decision Criteria and Findings section. The topography and existing conditions of the Property in Question must also be evaluated.

COMMENTARY

As part of their application, the Owner and Applicant provided Staff with an image showing the previous sign at the corner (shown on the right). Staff was unable to determine if that sign had ever been properly permitted or placed, but was also unable to find any complaints about the sign's positioning. By all accounts, the sign was clearly within the right-of-way, and to the untrained eye, it appears as though it was part of the property, given the topography and use of a retaining wall.

In most areas of Troutdale, a standard 50 foot wide right-of-way is utilized for these types of streets. In the grid pattern of downtown however, the right-of-way width increases to 60 feet. This wider width means that the property line brushes right up against the northern façade of the existing structure and reduces the area for a sign to be effectively located.



Given that the Owner already has an obligation to maintain the grounds adjacent to his property that are in the right-of-way, it seems reasonable to assume that allowing a sign in an area already under the Owner's responsibility would not be out of the question. The Owner would also have to assume financial responsibility if the sign ever had to be moved or disturbed in order for the City to perform work in the right-of-way. Lastly, Public Works has stated in its comments that "there will be no apparent obstruction to existing city-owned underground utilities at the proposed location."

RECOMMENDATION AND CONDITIONS OF APPROVAL

RECOMMENDATION

Staff recommends *approval* of this application subject to the draft findings on page 5 and proposed conditions listed below.

CONDITIONS OF APPROVAL

1. The Applicant shall obtain a Public Works Permit for construction/installation of the sign in the right-of-way, prior to commencing construction.
2. The Applicant shall enter into a license agreement with the City, documenting the terms for Applicant's ongoing usage of the public right-of-way for this purpose.
3. The Applicant shall revise the clear vision triangle diagram to be based on a vehicle stopped eastbound on SE 2nd Street, and shall locate the sign outside of this triangle.
4. If, at the sole determination of the City, it is found that the sign must be removed or relocated due to a public need for utilization of the right-of-way, or to cure an identified hazard to the public, the property owner shall remove or relocate the sign at the property owner's expense.

DECISION CRITERIA AND FINDINGS – TYPE III SPECIAL VARIANCE [TDC 6.230]

The following criteria shall be used to review and decide whether a special variance should be granted by the Planning Commission. Staff’s proposed findings are italicized below each criterion, shown in bold.

- A. **The unique nature of the proposed development is such that the intent and purpose of the regulations and of the provisions to be waived will not be violated.**

FINDING:** The location of the proposed sign is within a right-of-way that the City describes as “oversized for the current configuration of the improved street, leaving space available in the right-of-way that is presently unused by the public.” So long as the sign is properly sited with respect to the clear vision zone and complies with standards outlined in TDC Chapter 10, there would be no violations of intent or purpose. Furthermore, the sign would still be subject to other standards in order to obtain a building permit and a public works permit. **The criterion is met.

- B. **Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.**

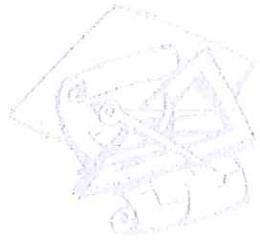
FINDING:** The Applicant has demonstrated that a previous sign had been placed at the proposed area. The City was unable to find any complaints from neighboring property owners or other stakeholders that the previous sign was detrimental in any form. No inquiries or comments expressing concern have been received prior to the Public Hearing for this application. It is well within reason that a new sign as proposed at the same location will not be materially detrimental to the public welfare based on past experience. **The criterion is met.

- C. **The provision to be waived is unreasonable and unwarranted due to the specific nature of the proposed development.**

***FINDING:** In a typical right-of-way for a street classification similar to Dora and 2nd, an argument can be made that placement of private signs or markers would impede transportation or utility effectiveness. Because of the larger width of the right-of-way in the area in addition to the finding that there is no apparent obstruction to existing utilities at the location, the typical concerns of incursion are mitigated.*

*The nature of this property with its retaining wall and slope give the illusion of property extending to the wall. The proposed positioning of the sign would appear to most observers to be in an obvious area and not in the public space. The previous sign provides a clear example of a sign being able to exist at that location without objection or injury. **The criterion is met.***

Date: February 2, 2016
To: Chris Damgen, Senior Planner
CC: File
Steve Gaschler, Public Works Director
David Schaffer, Water & Streets Superintendent
From: Travis Hultin, Chief Engineer 
RE: Type III Variance Application Review, Mt Hood Realty (File No. 15-066)



The Public Works Department has reviewed the Type II Variance submittal for the Mt Hood Realty Sign. These comments are divided into two categories: general comments and proposed conditions. General comments are informational points to guide the applicant in the proper planning of public works infrastructure for this project, to inform the applicant of possible extraordinary issues and/or to provide the basis for findings. Proposed conditions are requirements that Public Works recommends be formally imposed on the developer in the final order. Note that references to the "City Standards" herein refer to the *Construction Standards for Public Works Facilities*.

General Comments/Findings

1. This land use approval does not constitute final approval of all details depicted or suggested in the application. If this variance is approved, the applicant will be required to submit plans in conjunction with a Public Works Permit application. The City of Troutdale Public Works Department will review plans, in detail, when they are submitted and approve, reject or require modifications to the plans or drawings based upon conformance with City Standards, the TDC, the conditions of this variance, and the professional engineering judgment of the Chief Engineer. See proposed condition 1.
2. The applicant will be required to enter into a license agreement with the City documenting the terms for applicant's ongoing usage of the public right-of-way for this purpose. See proposed condition 2.
3. The existing right-of-way fronting the property is oversized for the current configuration of the improved street, leaving space available in the right of way that is presently unused by the public for transportation facilities. This provides excess space in the present condition for placement of a sign outside of the clear vision zone, if properly sited.
4. The applicant has measured/established the clear vision zone incorrectly in the application. The applicant constructed the clear vision triangle diagram based on a vehicle stopped on SE Dora Avenue northbound. There is no stop control northbound at that location. The clear vision triangle must be established based on the stop controlled approach, which is SE 2nd Street eastbound. See proposed condition 3.
5. There will be no apparent obstruction to existing city-owned underground utilities at the proposed location.
6. This assessment is based on the existing conditions. Approval of this variance will not constitute an irrevocable right to place the sign in the public right-of-way. The City will

retain primacy with respect to access and usage of the public right-of-way. Future street or utility improvements may necessitate the removal or relocation of the sign. In that event, the property owner can be required to remove or relocate the sign at the property owner's expense. See proposed condition 4.

7. The applicant has not provided any information regarding franchised utilities that may underlie the proposed sign location. As part of the construction process, the applicant will be required to obtain utility locations and adjust the placement of the sign to avoid obstruction of any existing utilities.
8. Based on the foregoing, it is the opinion of the Public Works Department that the proposed sign can be placed in the public right-of-way, provided it fully addresses the comments and conditions contained herein, and can be approved.

Proposed Conditions

1. The applicant shall obtain a Public Works Permit for construction/installation of the sign in the right-of-way, prior to commencing construction.
2. The applicant shall enter into a license agreement with the City documenting the terms for applicant's ongoing usage of the public right-of-way for this purpose.
3. Applicant shall revise the clear vision triangle diagram to be based on a vehicle stopped eastbound on SE 2nd Street, and shall locate sign outside of this triangle.
4. If, at the sole determination of the City, it is found that the sign must be removed or relocated due to a public need for utilization of the right-of-way, or to cure an identified hazard to the public, the property owner shall remove or relocate the sign at the property owner's expense.



CITY OF TROUTDALE

PHONE (503) 665-5175 | www.troutdale.info

Land Use Application

Please complete the information on this cover sheet and include any form(s) relative to your application

PROJECT INFORMATION

Project Name: Variance request

Location in City: 201 SE Dora St. Troutdale, OR 978060

Describe Project Intent or Request: Placement of a sign on the corner of the property

CONTACT INFORMATION

The Applicant is considered the *primary contact*. Please list any additional contacts in a narrative or on a separate sheet.

Applicant

Current Property Owner (if not the Applicant)

Name: Rodney Barker

Company: Mt Hood Realty

Mailing Address: 532 NE Curtis Dr. Corbett, OR 97019

Primary Phone # 503-329-1249 cell office cell home/office

Email: info@mthoodrealty.com

Relationship with Project: Current Property Owner Tenant Consultant/Rep. Engineer Surveyor Architect Contractor/Builder Other (specify): Owner of building and owner of businessPlease Note! If the Applicant is not the current property owner, include Form O or a letter from the owner that acknowledges their authorization for the Applicant to submit this particular application.

WHAT ARE YOU APPLYING FOR?

Check all boxes that apply and include the corresponding form(s) with this cover sheet.

Permit/Review	Form	Permit/Review	Form	Permit/Review	Form
<input type="checkbox"/> Amendment	Form A	<input type="checkbox"/> Land Division	Form I	<input type="checkbox"/> Temporary Use Permit	Form U
<input type="checkbox"/> Conditional Use Permit	Form C	<input type="checkbox"/> Site & Design Review	Form R	<input checked="" type="checkbox"/> Variance	Form V
<input type="checkbox"/> Development Permit	Form D	<input type="checkbox"/> Sign Permit	Form S	<input type="checkbox"/> Other (specify below):	
<input type="checkbox"/> Flood Hazard Permit	Form F	<input type="checkbox"/> Tree Removal Permit	Form T		

OFFICE USE ONLY	File Number:	Fee Paid:	Receipt #
	Map Taxlot #	Property ID #	Property Size:
	Zoning District:	Zoning Overlay:	Plan Designation:
	Notes:	Updated: 12/2015	



CITY OF TROUTDALE

PHONE (503) 665-5175 | www.troutdale.info

Variance Request



VARIANCE INFORMATION

What type of Variance is being applied for? Type I Standard Type II Standard Type III Standard Type III Special Variance

This Application is seeking a Variance from the following Section: 10.030 Prohibited Signs

This Application's review criteria is listed in the following Section: 6.230 Type III Special Variance

NARRATIVE

Describe the intent of the Variance and why you believe it is a valid request. You can attach a separate sheet if desired.

Our intent is to open and operate our business (Mt Hood Realty) and be an active business in the Troutdale area. This sign will help establish our business with our customers.

The property line along building frontage has been maintained as part of the landscape and the building has not been moved or changed in any manner.

There was a previous sign that was located in the same location and approximately the same size. I have submitted a picture.

The design of our sign meets all design criteria including clear vision area, and that the area between retaining wall and building already maintained by the property owner.

SUBMITTAL

Checklist

- Land Use Cover Sheet
- supporting evidence
- additional info (listed below)

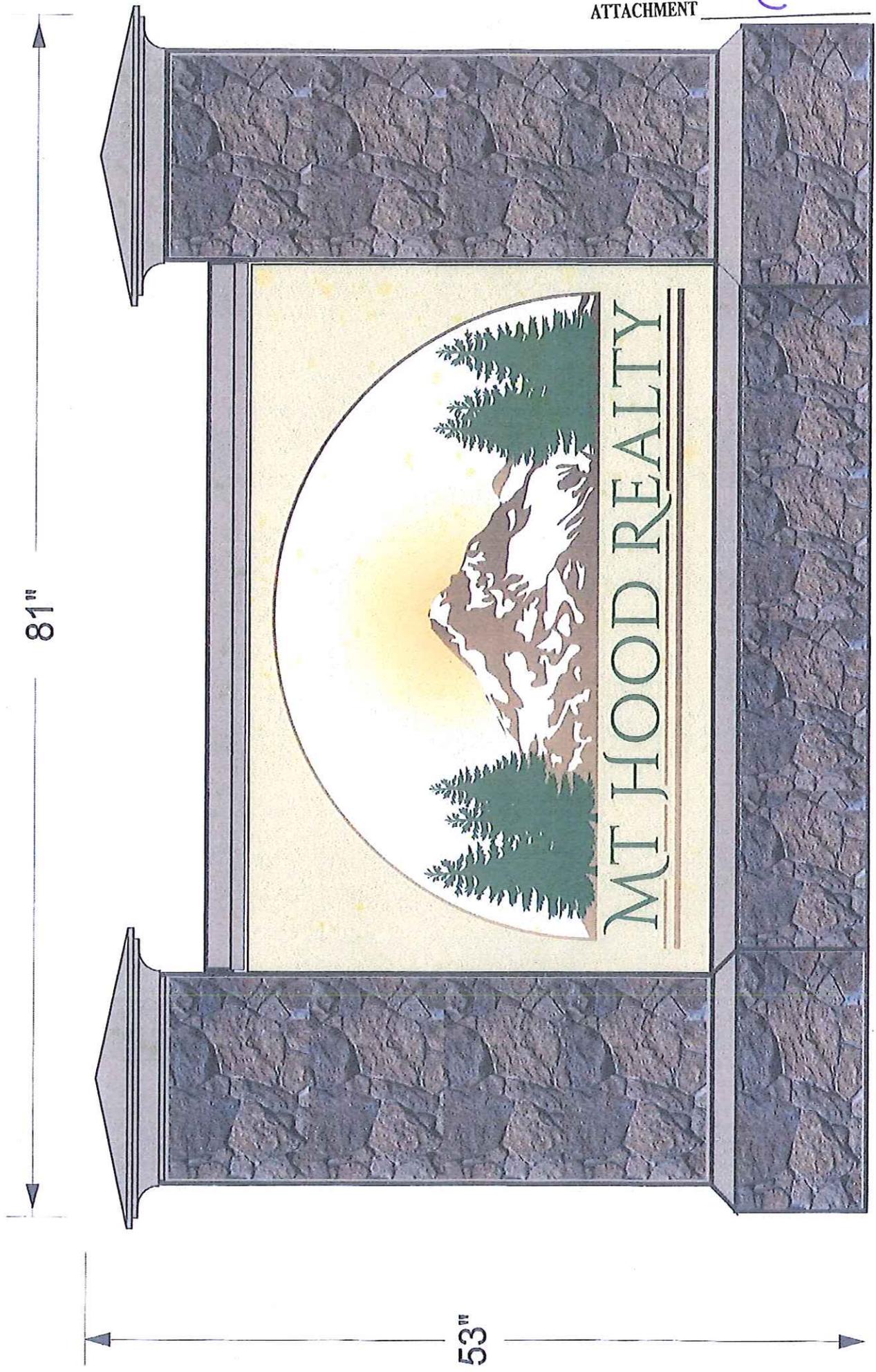
Applicant Certification

I have completed this form to the best of my knowledge and hereby authorize the City of Troutdale ("City") to process this application and review the submittal according to all governing standards. I acknowledge that the City reserves the right to require additional information if requested.

Signature: *Paul Baker* Date: 1/15/16

OFFICE USE	File Number:	Fee Paid:	Receipt #
	Notes:	Updated: 01/2016	

Monument Sign
Model # 2 with Stone Finish



81"

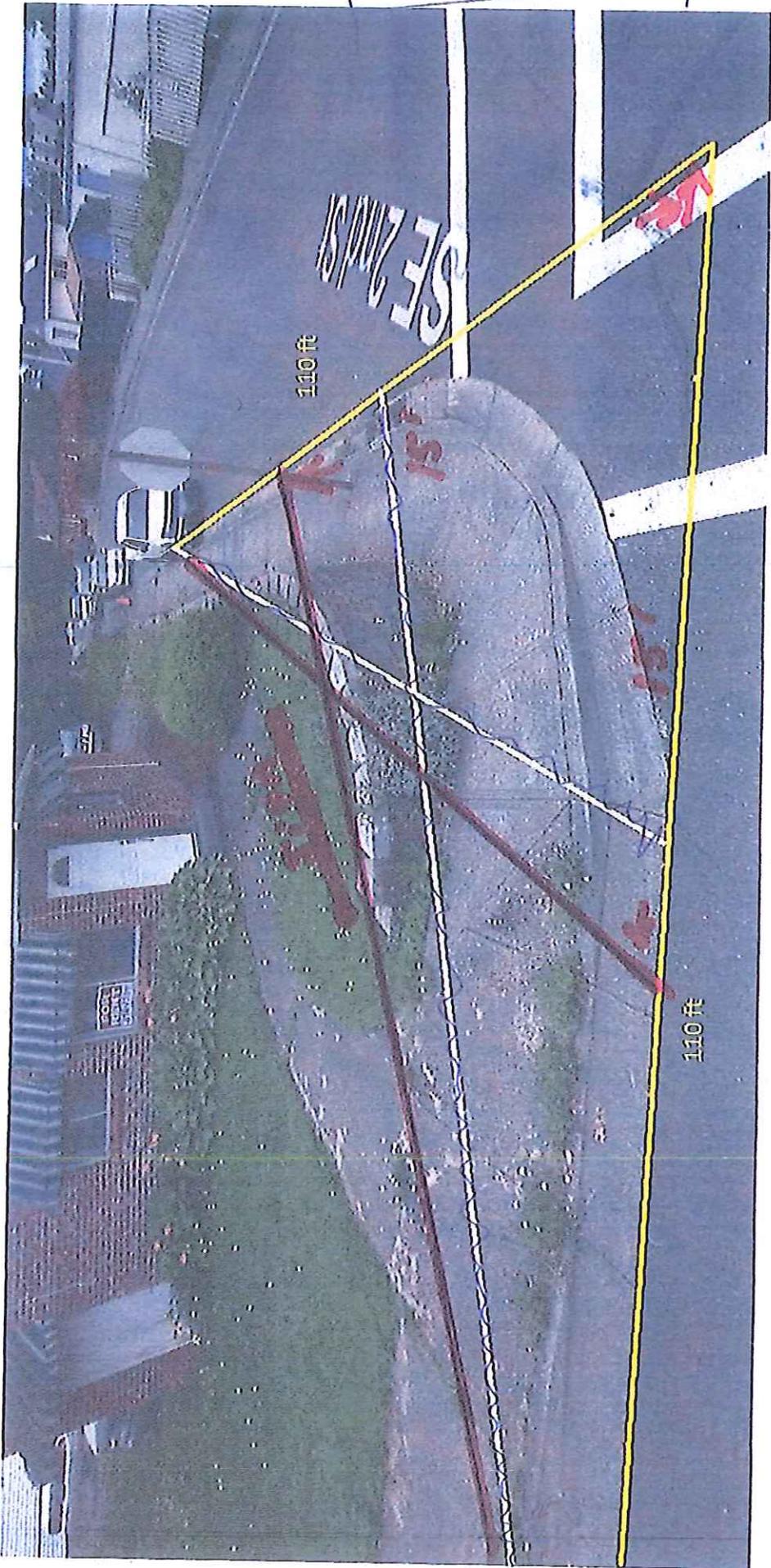
53"

ATTACHMENT

C

Monument Sign
201 SE Dora St., Troutdale, OR





15

110 ft

110 ft

15'