



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## AGENDA UPDATE

### TROUTDALE PLANNING COMMISSION REGULAR MEETING

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

Wednesday, August 20, 2014  
7:00 p.m.

1. Roll Call / Pledge of Allegiance
2. Agenda Update
3. Approval of Minutes
  - Meeting minutes of June 18, 2014
4. Citizen Communications – Non-Agenda Items
5. Hearing Procedure

*Tanney Staffenson, Planning Commission Chair*
6. PUBLIC HEARING TYPE III QUASI-JUDICIAL PROCEDURE

File Number 14-030 Harvest Christian Church Sign Variance  
Applicant/Owner: Mike Halstead, Harvest Christian  
**Request:** Variance from the standard (TDC 10.020E.4.a) limiting the size of an electronic message center in a sign to three square feet to allow for a 10.7 square foot electronic message center.  
*Staff: Elizabeth McCallum, Senior Planner*
7. Department Reports.
8. Commission Initiatives and Concerns.
9. Adjourn.

*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 Elizabeth McCallum, 503-674-7228, or by email at [elizabeth.mccallum@troutdaleoregon.gov](mailto:elizabeth.mccallum@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  
**June 18, 2014**

1. **Roll Call / Pledge of Allegiance.** The session was called to order at 7:00 p.m.  
Commissioners Present: Kevin Coulton, Sandy Glantz, Frank Grande, Shirley Prickett, Brian Sheets, Tanney Staffenson and Marv Woidyla  
Commissioners Absent: None  
Staff: Elizabeth McCallum, Senior Planner  
John Morgan, Planning Director  
Guests (see list): Councilor Glenn White  
Councilor Rich Allen  
Dean Hurford, 17809 NE Marine Dr., Portland  
Alex Maux, 931 Harlow, Troutdale  
Gary Clark, 1225 E. Historic Columbia River Hwy.  

Chair Staffenson asked for a moment of silence to reflect on the tragedy that took place last Tuesday at Reynolds High School.
2. **Agenda Update.** None.
3. **Approval of Minutes – May 28, 2014.** Commissioner Sheets moved to approve the minutes as written, and Commissioner Woidyla seconded the motion. The motion passed 6 yes / 1 abstain (Commissioner Glantz) / 0 no.
4. **Citizen Communications – Non-Agenda Items.** Chair Staffenson read a June 15, 2014, email from a neighbor of his who asked to remain anonymous regarding the Clark application. (Note: This pertains to agenda item 6.)
5. **Hearing Procedure.** Chair Staffenson read out loud the public hearing procedure to the audience and then opened the public hearing on the following agenda item. He asked if any of the Commissioners had any ex parte contact or conflict of interest or bias; none did. Chair Staffenson opened the public hearing.
6. **Public Hearing, Type III Quasi-Judicial Procedure**  
**Case File No. 14-016 Clark Boat Cover Side-Yard Setback and Fence Height Variances**  
Ms. McCallum gave her staff report and recommended approval of the 3-1/2-foot side-yard setback of the board cover with conditions, and approval of the 6-foot fence within the required front yard setback. Of the two anonymous written comments staff received on this matter, one is included in the agenda packet and is part of the staff analysis, and

the other was received this past Sunday via email and was distributed to the Commission and to Mr. Clark this evening (see **Exhibit A**). The City's Chief Engineer, Travis Hultin, also submitted comments on the utility easement on the property (**Exhibit B**), the Deputy Fire Marshall submitted comment that there were no concerns at this time (**Exhibit C**), and the Building Official comment that permits were required for the boat cover and that if the setback was less than three feet a firewall would be required (**Exhibit D**).

Ms. McCallum recommended that the anonymous email received (**Exhibit A**) be included in the Final Order if the Planning Commission approves this request. She also offered the Commission more information of the details of the analysis, if they desired, saying that her recommendation with conditions is because of similar variances granted in the past.

**Discussion.** As mentioned, Chair Staffenson submitted the anonymous email in opposition to the request (**Exhibit A**) into the record. He said this and the other anonymous email in opposition are part of the record but will not be part of any appeal on this request because they are anonymous, he stated.

There was a question from Commissioner Woodyla on why the fire retaining wall mentioned in the staff report is not required; staff replied that is it because it is 3-1/2 feet from the property line so a fire wall is not required. Commissioner Sheets wanted to know why there was so much time between the original notice and this action. He asked what happened between the City and the applicant between 2009 and a few months ago, i.e., what led to that breakdown in communication. Ms. McCallum said she did not know why; the file resurfaced during the recent resignation of the Community Development Director and Mr. Ward requested it be reopened. Commissioner Sheets said he was trying to understand why the City was bringing this back after having a notice of infraction from five years ago. Ms. McCallum said that the City Manager requested it. Commissioner Coulton said he was curious since this is in a planned development if there are other issues. Ms. McCallum said the homeowner's association takes care of those and the City does not enforce those or take action against them. She added that she looks only at the Code section that applies, as established by the City Council. The Commissioner had another question about the structure (which was inaudible). Ms. McCallum said she cannot speak to the structure and the Building Official did not speak to it; that was a statement from the applicant.

**Applicant.** Gary Clark, 432 SE 18<sup>th</sup> Street, Troutdale, said the boat cover is bolted to the concrete in about ten places with very heavy gauge steel over the top, steel on the concrete. It's been 11 years since 2003 and it has held tight through many storms. Commissioner Sheets said the Commission has heard the staff report and would like Mr. Clark help them understand the history from his view, as well as explain the steps the City initiated, starting at the beginning. Mr. Clark went over the history. Regarding the time frame between contacts (2008-2010), he said that communications kind of ceased on both sides and everything was put on the back burner on his side so he could make sure he could take care of his family. He promptly responded to Ms. McCallum when

he received her [recent] letter and they have been working on it since then. He also wondered why the City stopped the proceedings but understands there were some personnel changes, retirements, etc., but he knows it was not on purpose or out of negligence. On his side, he said it was the out of sight, out of mind type of thing. Regarding the anonymous letters, Mr. Clark said if you went back you would not find any threats or issues with him toward any neighbors so he said he was not sure why anyone would be afraid of him. The only time he ever called the City was when there was a gigantic Air Stream trailer parked across the street and one day he witnessed a car turning around that nearly hit something because the driver could not see around the trailer to pull out. That trailer sat there for numerous months, he added, and he probably parked his new boat on the street, too, until the City came by and told him he needed to move it. After he saw the almost-accident was when he called the City, but never called them again for anything else. He does not think the claim in the letter was from first-hand experience. He said his family keeps to themselves. He recalled that it was shortly after when he called the City on the large trailer parked across the street that he received the letter from the City about his property. It seemed to go hand in hand. Still, it was his responsibility to perform due diligence on what permits he needed. There is really not an HOA there, but he knows that according to the City, if you have a recreational vehicle it should not sit on the grass, but on concrete and off the street.

The structure was built in 2003, Mr. Clark said, and he has never had a complaint from anyone about it. The fence is angled about 1-1/2 feet out because of the tongue of the trailer, he said in response to a question from Commissioner Prickett. Commissioner Sheets asked if Mr. Clark had ever received from the City a Notice of Violation regarding the boat cover. Mr. Clark said he believes the initial correspondence from the City was a letter about a report of a violation of City Code, or something like that. Nobody ever came to post on the home of the fence a notice of violation.

**Testimony.** There was no additional public testimony in favor, opposed to, in neutral to this request.

**Commission Prickett moved, with a second from Commissioner Glantz, to close the public hearing. The motion passed unanimously and the public hearing was closed.**

**Discussion.** Commissioner Sheets said when he hears something like this where it was "on hold" for so long it tells him that it is not on anyone's priority list and thus lends weight, in his opinion, to not only approve the request but to approve it with less conditions. There needs to be some incentive to the City to take care of these unresolved cases. If it is an issue that the City wants taken care of, they need to either take care of it or say they are going to stop worrying about it. He said he will consider any other discussion. Commissioner Coulton said he supported Commissioner Sheet's position. Commissioner Prickett also agreed with them but said we only have one Code enforcement officer. There was a short discussion on Code enforcement and its response.

The Commission then discussed the property easement and if the structure will be fixed to accommodate it, and the 20 variances approved over the past ten years with only three of them denied.

**Commissioner Sheets moved, with a second from Commissioner Glantz, to add a second Finding stating that anonymous letters opposing this application were submitted. The vote was unanimous and the motion passed.**

Commissioner Sheets asked staff if Condition No. 2 in the Draft Final Order (referencing that a building permit be submitted within 30 days of the Notice of Decision being issued) is statutory or a Code requirement or something else. Ms. McCallum said it is based upon a provision in the Code that sets a 30-day period and is referenced in the staff report. If we have gone five years without prosecuting this, it would not be out of the ordinary to allow Mr. Clark more time. Commissioner Woidyla said he thought Mr. Clark had everything in hand and is prepared to move within 30 days.

**Commissioner Sheets moved to amend Condition 2 in the Final Order to change the time period for submitted a building permit from 30 days to 45 days; there was no second. Commissioner Sheets withdrew the motion.**

**Commissioner Sheets moved to approve the Final Order as presented with the Conditions of Approval nos. 1 through 5; Commissioner Glantz seconded the motion. There was no discussion. The vote was unanimous and the motion passed.**

[Break] Chair Staffenson asked to adjourn the regular meeting in order to reconvene the Commission in a Work Session. **Commissioner Woidyla moved, with a second from Commissioner Prickett, to adjourn the regular meeting. The motion passed unanimously and meeting adjourned at approximately 7:50 p.m.**

**7. Work Session – Consideration of Administrative Procedures and Development Code Standard amendments to Reduce Barriers to Development.**

Chair Staffenson called the Work Session to order at 8:03 p.m. All Commissioners were present. He asked if anyone had objection to hearing public comment on this agenda item even though this is a work session; no one did.

Chair Staffenson asked the Commission to look at item **1.015 Chapter 1 – Introductory Provisions** of the Development Code with his proposed suggested language change (see **Exhibit E**); he said he did not mean to strike out the reference to the adoption of Ordinance 550 in that first paragraph. Commissioner Grande confirmed that these are suggested revisions submitted by Chair Staffenson. Commissioner Glantz said she prefers keeping the original language of ‘coordinate City’ rather than set out’, but she likes the added sentence. Setting out the regulations is not necessarily the purpose of this but the purpose is to coordinate those regulations, she added. Chair Staffenson explained his reasoning on the ‘coordination’ piece, and discussion followed. Chair

Staffenson said this Commission was tasked by the City Council to review the Code, and has brought these items to the Commission for their feedback.

The next item for discussion was variances (see 6.205 General Provisions). Regarding the proposed addition of paragraph D., John Morgan, Planning Director, commented that questioning a precedent when hearing a quasi-judicial case is a little complex because criteria and adherence is generally black and white. Troutdale's variance criteria are probably a little more arbitrary in scope than many. Therefore you have more discretion when you evaluate your variances, and you used that this evening and it gave you some direction in your decision. That is not inappropriate. No matter what, you will make judgments. Even in meeting criteria you have to judge whether a circumstance meets that criteria, and it's not black and white which is why staff doesn't handle it. Having some guidance available to you is always a possibility, but not binding yourself to it is not a bad idea. Your current language assures that no one can accuse you of not following precedent. If you're in shades of gray, you look to history to give you some idea of the values and cultures of the community, and that will give you some guidance in your decision. It's really a judgment call whether to make this particular change or not, he said.

There was a discussion on the Commissioners being level-headed and capable of making decisions, whether there are times when precedents don't work and others when not following a precedent can be dangerous, whether it is necessary to have this change or if it should be researched more. Commissioner Sheets said he would be more comfortable if Item D. was not included and gave his reasons. Commissioner Coulton asked if this is a focus on a barrier to development; Commissioner Woidyla asked if the variance granted earlier this evening would benefit the City and not the applicant. There was discussion on different types of variances and that they have been doing what the paragraph states anyway. Commissioner Grande said the Planning Commission's job is to follow the law, and to follow objective criteria to do that; he does not like this. Commissioner Sheets said trying to put that into two sentences is very difficult, and there are entire bodies of law dedicated to how to interpret precedent, etc., while at the same time not considering what we have done in the past could be harmful. Commissioner Grande said that was a good point and our decisions can always be appealed.

Commissioner Glantz said sometimes she votes differently so as to not set a precedent, and perhaps a clause that said each circumstance is unique would be acceptable; Commissioner Sheets agreed but he does not agree with the proposed statement saying that our variances do not control present or future applications. Commissioner Prickett suggested not including the second sentence of the proposed new paragraph, while Mr. Morgan suggested saying, "Variance decisions do not set precedent." This keeps it simple instead of wrestling with the language. He added that he is concerned with the phrase, ". . . and its benefit to the City" in that it sounds like another criteria and does not fit the Purpose section. A person could use that to argue their point. That creates a realm that is way outside a variance realm. The structure of State law as a guiding piece in most case law and statute is clear and objective standards. He cautioned against arbitrary standards that have no objective to measure it, saying that could come back to

bite. You would essentially be saying that the work you do does not set precedent. Considering it on its merits is really what you are talking about.

Commissioner Sheets said he likes understanding the pattern of decision making as that way there is no pattern of discrimination or of granting special favors to certain parts of the community. This does not mean this has happened or will happen, but he wants to make sure that it won't, and eliminating that protection does not sit well with him.

Commissioner Glantz said she understands that but also each case has its own merits. Commissioner Sheets expanded his argument and said each case is still viewed on its own merits, not necessarily looking at what happened in the past but also what will happen in the future. Chair Staffenson said this is not saying we don't look at the past but if we grant a variance it will not affect any decision made in the future. Commissioner Sheets said there needs to be reasonable expectations for investments or development; Commissioner Woodyla agreed that the more specific this becomes, the more glaring the omissions. Discussion followed on ending the first sentence of the proposed new paragraph after the word 'merits' and deleting the rest of the paragraph.

**Chapter 7, item 12, Arterial street setbacks,** Chair Staffenson said this came up previously. There was discussion on the proposed deletion of the buffer (some of which is inaudible due to a train passing). [Ms. McCallum asked for clarification to what the text inside the boxes on the bottom of Chair Staffenson's proposed text amendment was referring.] Ms. McCallum explained that there are notions in certain zones (such as on the Columbia River Highway and in the Town Center Overlay) and this revision addresses the land division section. The 20-foot setback on an arterial street is clear but options for a reduced setback with landscaping, fencing, etc., are not explained anywhere in the Code so they become arbitrary and it is difficult to apply that development. There was agreement that this amendment confuses the issue. After discussion, Chair Staffenson said he will rework the language.

**4.300-1 Slope District.** The question came up about exempting certain properties from the current Slope District standards that don't abut protected water features. Commissioner Staffenson said a review of topographical maps makes sense to exempt from this section of the Code, and possibly to discuss forming a new district that remains compliant with Title 13. Landslide areas were discussed as was collecting taxes from properties that cannot be developed and wondering why people buy it. A zoning district map (posted on the wall) was used to discuss certain areas. There was discussion on looking at proposals situation by situation, coming up with a method to reevaluate buildable areas, using a GIS analysis to look at each piece of property to determine restrictions or opportunities, or leaving this to the case by case evaluation as it is now, to be fair and not provide special circumstances. This would focus on the slopes, Chair Staffenson said. Commissioner Sheets said he was open to discussing it. Commissioner Grande mentioned the underlying geology and how engineers can work with them, citing development in the west hills of Portland or in Lake Oswego as examples. Commissioner Coulton asked how much more developable land will this net us (no one could answer this now), and Commissioner Grande asked about a possible liability issue.

The setbacks on 4.317 were discussed, as was the definition of a slope district in 4.311, A.2. (p. 4.300-32), and how a slope is measured.

City Councilor Glenn White asked to make a contribution to the discussion, even though the Council had tasked the Commission with this. He said he found it "interesting that a 25% slope is a 12-1/2% grade, and there are roads steeper than that. Our town would not have been allowed to be built if this Code had been in place 100 years ago, so it's important to have some perspective in looking at this as you move forward. Some of you are on the Budget Committee and you are aware of the City's budget situation. We are spending our reserves now and we are working hard towards not having to do that. We can cut our way out and we've done some of that; we can tax our way out or build/grow our way. Council is committed to growing our way out. We have rejected a park maintenance fee, a road use fee, and even a gas tax. We feel Troutdale is poised and we feel we have the ability to grow our way out. According to Ron Garzini, our former City Administrator, the only other thing we can do to help development is to provide infrastructure and remove barriers. Our infrastructure is in good shape, even to the point of being overbuilt. What we need is customers, people, and a tax base to help grow our way out of this downturn in the economy. The City Council has unanimously tasked the Planning Commission to remove barriers that have worked their way into our City's Development Code. Recognizing that this is a monumental task, we have also unanimously approved funding and legal support to help you accomplish this goal. It is important to keep in mind that the building community is aware that you are working on this, so we've kind of inadvertently created a moratorium on building until this is accomplished because everyone is going to wait for the newer/better mousetrap. Unfortunately that is one of the side effects of proceeding with something like this so timing is of the essence. The Council is grateful to the Planning Commission for taking on this task. We look forward to seeing the positive results that we know you can achieve, and we are continuing to support this effort. Thank you."

Dean Hurford said building codes 30 years ago were adequate and everything he's built is still standing today. Now we must hire engineers, land use attorneys, soil consultants, environmental scientists, etc., and that's probably necessary but we are taking American entrepreneurs and switching them out. Now the cost of building something is not just the money but the time involved trying to get permits, etc., while you're paying for it all the way through the process for the plan, the design, building, etc. He is frustrated with the Building Code, he said. It should be an engineer's decision to build on a slope so why regulate it, he asked. The logical codes are okay, but otherwise we need to remove the barriers. All the American ingenuity has been taken away; he asked the Commission to embrace the guy coming in the door who wants to build something, to let him achieve his dream. Don't tie our hands and restrict us. Remove the barriers.

Chair Staffenson said the purpose of the Commission's discussion on sloped property is to make the property more useful rather than restrictive.

Alex Mauck, 931 Harlow, Troutdale 97060, said he concurs with what Councilor White and Mr. Hurford said. All his life he has seen more regulations which push everything

backwards, he said, and urged that things move forward. His concern is the Light Industrial areas, he told Commissioner Glantz when she asked what specific regulations he wanted them to address, and he said odors are an issue, he sees no RV or outdoor storage in the City and we need it. It's difficult to get things done with all the hurdles to overcome.

Councilor Rich Allen said he appreciated hearing this discussion. What better group that deals with the results of what we have done for years than the Planning Commission. If the Commission sees something that can be done better, he asked that they bring it forward. He is here representing himself this evening, he added.

Commissioner Sheets thanked the guests for coming to this meeting and speaking out about what they want or need. He appreciates that they understand the issues the Commission is looking at and working with, and it sets the tone. He doesn't hear anyone come in to say the City needs more regulations, so until that happens he is very appreciative. Commissioner Woidyla said they have received a lot of information this evening and it will take more than one hour to study it. Chair Staffenson asked if the Commissioners were willing to entertain reviewing these. No decision on this was heard.

There was a brief discussion on the City's erosion control standards. Ms. McCallum said there are erosion control standards in TDC 5.600 and in Construction Standards for Public Works facilities, and the City has had these since the 1990s. Chair Staffenson said the City's are a little more strict than Metro's and he would like to compare them. Commissioner Sheets said the letter to Chair Staffenson from the attorney states that erosion control is a matter of Statewide law, so they set the standards. Our standards meet the State standards, he said, and he asked for verification that that is what we are trying to accomplish. Chair Staffenson said our standards exceed State standards and the stronger standards are applied. He said he would like the Commission to look at a comparison. Mr. Hurford asked them to not lose what they are trying to accomplish here. Commissioners Woidyla and Prickett agreed that a comparison would be helpful.

The Commission asked about the drawings of slopes and their measurements in Chapter 4.300, and Ms. McCallum explained that those are representative drawings (not to scale) as examples only. Commissioner Glantz asked if it were possible for them to see some that were not representative but closer to what we are actually discussing. Mr. Morgan said a citizen in Damascus built one and it was very useful. [Multiple conversations prevented hearing much of the comments here.] Mr. Morgan explained the State law on this issue adding that it does not prevent development but does have requirements for safe development, although in a land inventory it states that slopes of more than 25% are excludable for the purpose of the inventory which does not mean you cannot allow building on them but it is a number that is stuck in the system. There is no legal basis that prevents you from developing more or less, it's our choice.

8. **Department Reports.** Ms. McCallum reintroduced John Morgan as the City's new Planning Director and said she is retiring at the end of September. Mr. Morgan said the

panic has set in and he's working diligently to absorb everything she holds in her mind. He will not be working full-time in this position, he added, but will do everything he can to keep the planning work moving along smoothly as well as the special projects, such as this one discussed tonight. He appreciates this Planning Commission's diligent work as well as their appreciation of each other, and he looks forward to working with them.

9. **Commissioner Initiatives and Concerns** – Commissioner Woidyla said the Port of Portland invited all the Port cities to their meeting to adopt their 20-year Master Plan for the Troutdale Airport last night. The runway will be shortened 320 feet, he added. Commissioner Prickett asked when the next Parks Advisory Committee is scheduled to meet. (NOTE: The PAC meets on the second Wednesday of each month in the Public Works conference room at 7:00 p.m.)
10. **Adjourn** – Commissioner Woidyla moved, with a second by Commissioner Prickett, to adjourn. The motion passed unanimously and the meeting adjourned at 9:45 p.m.

\_\_\_\_\_  
Tanney Staffenson, Chair

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Rooney Barker, Secretary  
Transcriptionist



**CITY OF TROUTDALE  
PLANNING COMMISSION STAFF REPORT  
TYPE III VARIANCE**

**FILE NUMBER: 14-030 Harvest Christian Church Sign Variance**

**REPORT DATE: August 13, 2014**

**HEARING DATE: August 20, 2014**

**APPLICANT/OWNER:** Mike Halstead, Harvest Christian Church

**STAFF:** Elizabeth A. McCallum, Senior Planner

**REQUEST:** Variance from the standard (TDC 10.020E.4.a) limiting the size of an electronic message center in a sign to three square feet to allow for a 10.7 square foot electronic message center.

**LOCATION:** 624 SW Halsey Street

**TAX MAP / LOT:** 1N3E26DA-2401

**TAX LOT SIZE:** 4.18 acres

**PLAN DESIGNATION:** Commercial

**ZONING DISTRICT:** Mixed Office Housing

**OVERLAY DISTRICT:** Town Center

**APPLICABLE STANDARDS:**

Troutdale Development Code (TDC): TDC 3.140 Mixed-Office/Housing zoning district, TDC 4.700 Town Center Overlay Standards, TDC 6.200 Variance and TDC 10.000 Signs

**PRIOR LAND USE APPROVALS:**

Conditional Use Approval for church File 09-007

Temporary sign permit 05-031

Temporary sign permit 05-030

Lot Line Adjustment 05-004

Partition Plat File 2004-46

Conditional Use approval file CU/SDR/VAR File 03-107 (expired and reapplied under 09-007)

**ATTACHMENTS:**

1. Multnomah County Tax Map 1N3E26DA
2. Vicinity map showing lotting and streets
3. Aerial Vicinity Map showing approximate sign location and existing sign location
4. Findings of Fact and Final Order File 09-007 Harvest Christina Church CU/SDR/VAR and Director's authorization for time extension dated May 11, 2011.
5. Comments from the Chief Engineer dated July 15, 2014
6. Comments from Police Chief Scott Anderson dated July 31, 2014
7. Detail of Partition Plat 2004-46 showing easement on 257<sup>th</sup> Avenue frontage.
8. Applicant's submittals.

**APPLICABLE CONDITIONAL USE CONDITIONS**

The sign is for a use that has a conditional use approval (File 09-007). Condition number 12 of that approval states (Attachment 4):

The applicant shall apply for a separate sign permit for any signage based upon the sign criteria of TDC 10.000 Signs. Permanent signage shall comply with the standards of TDC 10.065 commercial and Industrial Signs. One freestanding sign per street frontage is allowed. The maximum square footage of the freestanding signs shall be limited to 75 square feet.

To date, the applicant has not applied for the permanent signage permits. The subject variance request for a larger message center than the standard allows, requires evaluation of the other applicable sign standards and thus results in a sign permit for one of the two allowed freestanding signs.

**VARIANCE ANALYSIS**

The requested electronic message center size is 10.7 square feet. The requested variance is a 72 percent increase in the permitted area for an electronic message center. The area variance is requested for only one of the two allowed freestanding signs. This sign faces SW 257<sup>th</sup> Avenue.

The standard from which the applicant seeks a variance is from the Sign code's General Provisions for lighting:

*TDC 10.020 General Provisions. All signs in the City of Troutdale shall comply with the general provisions of this section and, where applicable, with the provisions of sections 10.025 through 10.065 inclusive. Signs shall not be restricted by content. Signs are usually and customarily used*

to advertise the sale of goods or services, or to identify occupants or activities that occur on the site or in the City in general.

*E. Lighting. Signs may be externally, internally, or directly illuminated, subject to the following:*

*4. An electronic message center may be incorporated into one freestanding sign or freeway sign within the boundaries of the site, provided that:*

*a. The electronic message center does not exceed three square feet in area for a freestanding sign or 60 square feet for a freeway sign.*

*b. The electronic message center shall be integrated into the design of the sign.*

An electronic message center is specifically defined in the Code as:

*.14 Electronic Message Center. A sign that uses changing lights to form a written message, or messages, in which the sequence of messages and rate of change is electronically programmed.*

A greater than 30 percent variance requires the Planning Commission's approval:

*TDC 6.225 Type III Variance. The Planning Commission may grant a variance under the Type III procedure if the request involves the expansion or reduction of a quantifiable provision in this code by more than 30%, or if this request is referred to the Planning Commission in accordance with section 6.235 of this chapter and the criteria in section 6.215 of this chapter are met. [Adopted by Ord. 705, ef. 5/10/01]*

The applicant's response to the criteria are incorporated into the following analysis:

*A. Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area;*

The applicant states:

*As cars and trucks drive up 257<sup>th</sup>, they are averaging speeds of 35 to 45 mph. Because of the mandatory tree placement and spacing on the south side of the road, the time to recognize and read our sign is limited to around 5 seconds. An electronic sign of 3 square feet would be difficult to see. A simple 10.7 square foot, one color, lower to the ground, time and temperature sign mixed with 4-8 word church announcements would give us the visibility we need. This would make up the lower part of our fixed letter sign, 16 inches high stretching left to right. The main body would give the church name, phone, logo and web address.*

*B. The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare;*

The applicant states:

*Granting the variance will not be injurious to any adjacent properties.*

Property owners within 250 feet of the site were notified of the variance requested and the hearing in writing, by letter, on July 10, 2014. The City received comments on this variance from the following:

The City's Chief Engineer is concerned that there are traffic safety implications associated with the placement of this sign and electronic message center at the proposed location. (Chief Engineer's comments dated July 15, 2014, Attachment 5).

Staff requested comments from the Police Chief on safety issues. Police Chief Scott Anderson and Sergeant Marc Shrake looked at the site on July 31 (email Attachment 6) and the Chief states that he doesn't have any traffic safety issues with the sign variance request.

SW 257<sup>th</sup> Avenue is a Multnomah County roadway and review for any such safety impacts, sign location and roadside signage standards, and any required mitigation are also the purview of Multnomah County Transportation (condition numbers 3 and 7).

Based upon the comments received, the Planning Commission has the authority to adopt a finding as to whether a larger electronic message center on a freestanding sign is injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare to include in its decision for this variance (whether approved or denied).

*C. The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought; and*

The applicant states:

*The size and (non-video style) of the sign proposed is consistent with the general intent and purpose of the original provision. That original intent, being to prevent the use of distracting signs and oversized billboards that would take away from the beauty and livability of our community.*

The current standard of TDC 10.020 E.4.a. was adopted June 13, 2000 by Council Ordinance 716. Staff reviewed the following to see if there was any specific discussion about the intent of the standard:

- Minutes of a hearing before the Planning Commission on proposed changes to the sign standards was held on April 19, 2000 (TDC Text Amendment 29). Neither the Final Order nor minutes of that hearing include a discussion about the specific intent of this standards.
- Minutes of two Council hearings (May 23, 2000 and June 13, 2000). There is no discussion specific to the intent of the standard in the minutes of either of those hearings.

The Planning Commission has the authority to adopt a finding as to what the general purpose and intent of this standard is to include in its decision for this variance (whether approved or denied).

*D. The variance is the minimum necessary to relieve a practical difficulty and the resulting hardship. [Adopted by Ord. 705, ef. 5/10/01].*

The applicant has the burden to clearly state what the practical difficulty and resulting hardship are. The applicant states in the application the following:

*Harvest Christian Church feels that the 10.7 square feet of electronic sign proposed, would be the minimum necessary to make the sign readable. As the mandatory new street trees grow, their canopy will continue to encroach on the visibility of our sign, thus an electronic sign lower than the trees, in conjunction with our main sign, would provide us with good visibility reducing the hardship.*

The Planning Commission has the authority to adopt a finding as to what the practical difficulty and the resulting hardship are and whether the variance is the minimum necessary to bring relief to the applicant to include in its decision (whether approved or denied).

## **ANALYSIS OF COMPLIANCE WITH OTHER APPLICABLE SIGN CODES**

The following standards for signage on this site apply:

The requested sign is a freestanding sign and meets the definition in Chapter 10 of the Troutdale Development Code:

*.20 Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.*

The requested freestanding sign is in a commercial zoning district (Mixed-Office/Housing), and is allowed:

*TDC 10.065 Commercial and Industrial Signs. In addition to exempt signs regulated by section 10.025 and temporary signs that require permits regulated by section 10.040, the provisions of this section regulate other allowed signs on all land zoned MO/H, NC, CC, GC, IP, LI, or GI, and any site zoned R-20, R-10, R-7, R-5, R-4, or A-2, where the use of that land is characterized as commercial, industrial, or institutional.*

- A. *Permitted Sign Types. Signs shall be limited to the following types:*
  - 1. *Freestanding signs.*

The number of freestanding signs allowed is one per street frontage. The subject sign under review is the sign on the SW 257<sup>th</sup> Avenue street frontage of this use:

- B. *Number of Signs. The number of signs allowed within the boundaries of the site shall be limited to no more than the following amounts per development site street frontage:*
  - 1. *One freestanding sign per development site street frontage except:*

The standards pertaining to size (total square footage) and height of the sign are:

*TDC 10.065 C. Sign size. Signs shall be subject to the following size limitations:*

- 1. *Freestanding sign.*
  - a. *A freestanding sign may not exceed one square foot of sign area per linear foot of site frontage, provided the maximum sign face area is not more than 150 square feet. Every site is entitled to a minimum sign face area of 24 square feet. For calculation purposes, corner signs that face more than one street shall be assigned a site frontage by the applicant.*

The proposed sign has a total square footage of 100 square feet exclusive of the truss work and support posts which are not related to the message or image being portrayed, as allowed in the calculation by the following definition of sign face area:

- .48 *Sign Face Area. The total display surface area of the sign. When the dimensions of a sign are specified, the term includes the frames or cabinets surrounding a sign; the electronic message center; any base material or supporting structure, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.*

And these specific instructions in Chapter 10.020 General Provisions:

*F. Sign Face Area. The sign face area shall be determined as follows:*

- 1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.*
- 2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.*
- 4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one sign face.*

The street frontage on SW 257<sup>th</sup> Avenue is over 400 feet in length. A maximum square footage of 150 square feet is permitted under this standard. However, condition number 12 of the Conditional Use approval for the church (File 09-007) limits the size of the two freestanding signs to 75 square feet (Attachment 4, condition number 12 page 9). The standards is met but the condition of approval is not met. The entire subject sign exceeds the allowed maximum square footage in area by 25 square feet. The area of the sign face within this freestanding sign shall be reduced in area to 75 square feet to be in compliance with condition number 12 of Conditional Use Approval File 09-007 (condition number 1).

*TDC 10.065 C. Sign size. Signs shall be subject to the following size limitations:*

- 1. Freestanding sign.*
  - d. Height shall not exceed 24 feet, except an individual business sign, as described in subsection (B)(1)(a) of this section, shall not exceed 20 feet in height and an automotive service station sign, as described in subsection (B)(1)(a) of this section, shall not exceed eight feet in height.*

There is a specific definition for height in the Development Code:

- .23 Height. The vertical distance measured from grade to the highest point of the sign or sign structure.*

The precise height of the sign is unknown as the exhibit provided does not have a scale. The height of the sign from the bottom of the electronic message center to the top of the gable top is 13 feet. Exposed footings extend more than 3 feet above the ground on the uphill side and an undetermined distance on the downslope side of the lot. The standard can be met with a condition and staff recommends the following condition whether the area variance of the

electronic message center is approved or not: “The maximum height of the sign, as measured from the average adjacent grade to the highest part of the sign’s supporting structure is limited to 24 feet.” (condition number 2).

*TDC 10.020 General Provisions. All signs in the City of Troutdale shall comply with the general provisions of this section and, where applicable, with the provisions of sections 10.025 through 10.065 inclusive. Signs shall not be restricted by content. Signs are usually and customarily used to advertise the sale of goods or services, or to identify occupants or activities that occur on the site or in the City in general.*

*C. Location.*

*1. Except as otherwise provided in this chapter, all signs shall comply with the building setback requirements of the underlying zoning district. The setback requirement for a freestanding sign shall be measured from the signboard.*

The building setback from the SW 257<sup>th</sup> Avenue property line, which is the rear property line of this lot, is based upon the setbacks of the Mixed-Office/Housing zoning district. The setbacks in the MO/H zoning district are those of the CBD zoning district:

*TDC 3.144 Dimensional and Density Standards.*

*C. Setbacks. Same as the CBD zoning district.*

CBD setbacks are:

*TDC 3.134 Dimensional Standards.*

*C. Setbacks:*

*1. Non-residential and mixed uses: No setbacks are required from a public street right-of-way or if abutting another commercial or industrial zoning district. If abutting a residential zoning district, the minimum setback along the abutting property line shall be 20 feet.*

A zero setback is permitted under TDC 3.134C.1 and the footing of the sign is a little less than 18 inches from the SW 257<sup>th</sup> Avenue property line. However, there is a slope easement 35 feet wide on this street frontage (Attachment 7) and the easement is understood to be to the County for slope maintenance, sidewalk, landscaping, utilities, signals and the stormwater management of SW 257<sup>th</sup> Avenue. The sign, as proposed, is within the slope easement. The sign must be moved outside of the easement if required by Multnomah County and/or a permit to encroachment into the easement obtained from Multnomah County (condition number 3).

The “temporary” freestanding signs permits authorized by the City (Files 05-030 and 05-031) for the church’s “coming soon” sign (it used to say Future Home of Harvest Christian Church), does not vest the location for a future freestanding sign. This is because there is a standard in the

Code that requires a new sign permit to replace or alter a sign and a new sign permit is to be reviewed under the sign code standards at the time that application is made:

*TDC 10.020 General Provisions. All signs in the City of Troutdale shall comply with the general provisions of this section and, where applicable, with the provisions of sections 10.025 through 10.065 inclusive. Signs shall not be restricted by content. Signs are usually and customarily used to advertise the sale of goods or services, or to identify occupants or activities that occur on the site or in the City in general.*

*A. Permits Required. Except as provided in section 10.025, Sign Permit Exemptions, of this chapter, a permit is required to erect, replace, construct, or alter a sign. A permit shall be issued by the Director if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of this chapter and other applicable city regulations.*

*TDC 3.134 Dimensional Standards.*

*C. Setbacks:*

*2. All signs shall be located entirely within the boundaries of a site unless specifically authorized by this chapter.*

The sign will be within the boundaries of the site. This standard is met.

*TDC 3.134 Dimensional Standards.*

*C. Setbacks:*

*3. All signs must be installed in compliance with section 5.040, Clear Vision Areas, of this code, as well as the regulations of this chapter.*

This location of this sign is not at an intersection of streets or driveways and streets. The standard does not apply.

*TDC 10.020 D. Construction. All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in this chapter.*

Building and electrical permits are required for this sign (condition number 4).

*TDC 10.020 E. Lighting. Signs may be externally, internally, or directly illuminated, subject to the following:*

*2. Lighted signs shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.*

3. *All externally illuminated signs that measure seven feet or more from ground level to the top edge of the sign shall be illuminated from above. Externally illuminated signs shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting.*

The sign is designed with external top-mounted lighting that appears to have opaque housing. If the housing of these light fixtures is opaque, it functions as a shield as required by the standard and TMC 8.26, on the street side and thus will not impair the vision of a driver or any nearby residential dwelling (including apartments).

4. *An electronic message center may be incorporated into one freestanding sign or freeway sign within the boundaries of the site, provided that:*
  - a. *The electronic message center does not exceed three square feet in area for a freestanding sign or 60 square feet for a freeway sign.*

This is the standard from which the applicant has requested the area variance.

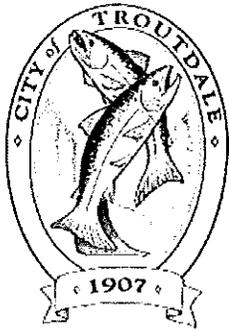
- b. *The electronic message center shall be integrated into the design of the sign.*

The electronic message center is part of the sign.

## **RECOMMENDATION**

Staff recommends approval of the variance for a 10.7 square foot electronic message center with conditions *if* integrated into a freestanding sign with a total sign face area, inclusive of the electronic message center, not exceeding 75 square feet area in order to be in compliance with the church's conditional use condition number 12.

Staff has prepared draft findings for the Planning Commission's consideration based upon the applicant's justification. The Planning Commission may add its determinations to those draft findings.



**CITY OF TROUTDALE  
PLANNING COMMISSION TYPE III VARIANCE  
FINDINGS OF FACT  
FINAL ORDER and CONDITIONS OF APPROVAL  
FILE NUMBER: 14-030 Harvest Christian Church Sign Variance  
REPORT DATE: August 13, 2014  
HEARING DATE: August 20, 2014**

**APPLICANT/OWNER:** Mike Halstead, Harvest Christian Church

**STAFF:** Elizabeth A. McCallum, Senior Planner

**REQUEST:** Variance from the standard (TDC 10.020E.4.a) limiting the size of an electronic message center in a sign to three square feet to allow for a 10.7 square foot electronic message center.

**LOCATION:** 624 SW Halsey Street

**TAX MAP / LOT:** 1N3E26DA-2401

**TAX LOT SIZE:** 4.18 acres

**PLAN DESIGNATION:** Commercial

**ZONING DISTRICT:** Mixed Office Housing

**OVERLAY DISTRICT:** Town Center

**APPLICABLE STANDARDS:** Troutdale Development Code (TDC)

TDC 3.140 Mixed-Office/Housing zoning district, TDC 4.700 Town Center Overlay Standards, TDC 6.200 Variance and TDC 10.000 Signs

**PRIOR LAND USE APPROVALS:**

Conditional Use Approval for church File 09-007  
Temporary sign permit 05-031  
Temporary sign permit 05-030  
Lot Line Adjustment 05-004  
Partition Plat File 2004-46  
Conditional Use approval file CU/SDR/VAR File 03-107 (expired and reapplied under 09-007)

**FINDINGS OF FACT:**

The staff report dated August 13, 2014, is hereby adopted as the Findings of Fact in this matter.

**ORDER:**

Based upon the foregoing, the Planning Commission approves a freestanding sign on the SW 257<sup>th</sup> Avenue frontage of a lot addressed at 624 SW Halsey Street, and an area variance from Troutdale Development Code 10.020 E.4.a., allowing for a 10.7 square foot electronic message center within that sign.

**CONDITIONS OF APPROVAL:**

1. The electronic message center shall be integrated into the design of the freestanding sign and the cumulative sign face area (inclusive of the 10.7 square foot electronic message center) shall not exceed 75 square feet in area to be in compliance with condition number 12 of Conditional Use Approval File 09-007.
2. The maximum height of the sign, as measured from the average adjacent grade to the highest part of the sign's supporting structure is limited to 24 feet.
3. The sign shall be located outside of the easement on the SW 257<sup>th</sup> Avenue frontage if required by Multnomah County. If allowed within the easement, obtain necessary permits from Multnomah County to construct this sign within the County easement on the SW 257<sup>th</sup> Avenue frontage. Submit copies of those permits with the building permit application.
4. Obtain required building and electrical permits from the City of Troutdale.
5. This approval does not apply to a separate freestanding sign on the SW Halsey Street frontage. A separate sign permit will be required and is subject to condition number 12 of Conditional Use File 09-007.
6. Building permits shall be obtained for the subject sign within one year of this approval. Building permits may not be submitted until the close of the appeal period stated in the Notice of Decision letter.
7. Any other conditions or regulations required by Multnomah County, Gresham Fire and Emergency Services, or to comply with state or federal codes are hereby made a part of this decision.

**APPROVED this 20th DAY OF AUGUST 2014**

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Tanney Staffenson, Chair  
Troutdale Planning Commission

DRAFT

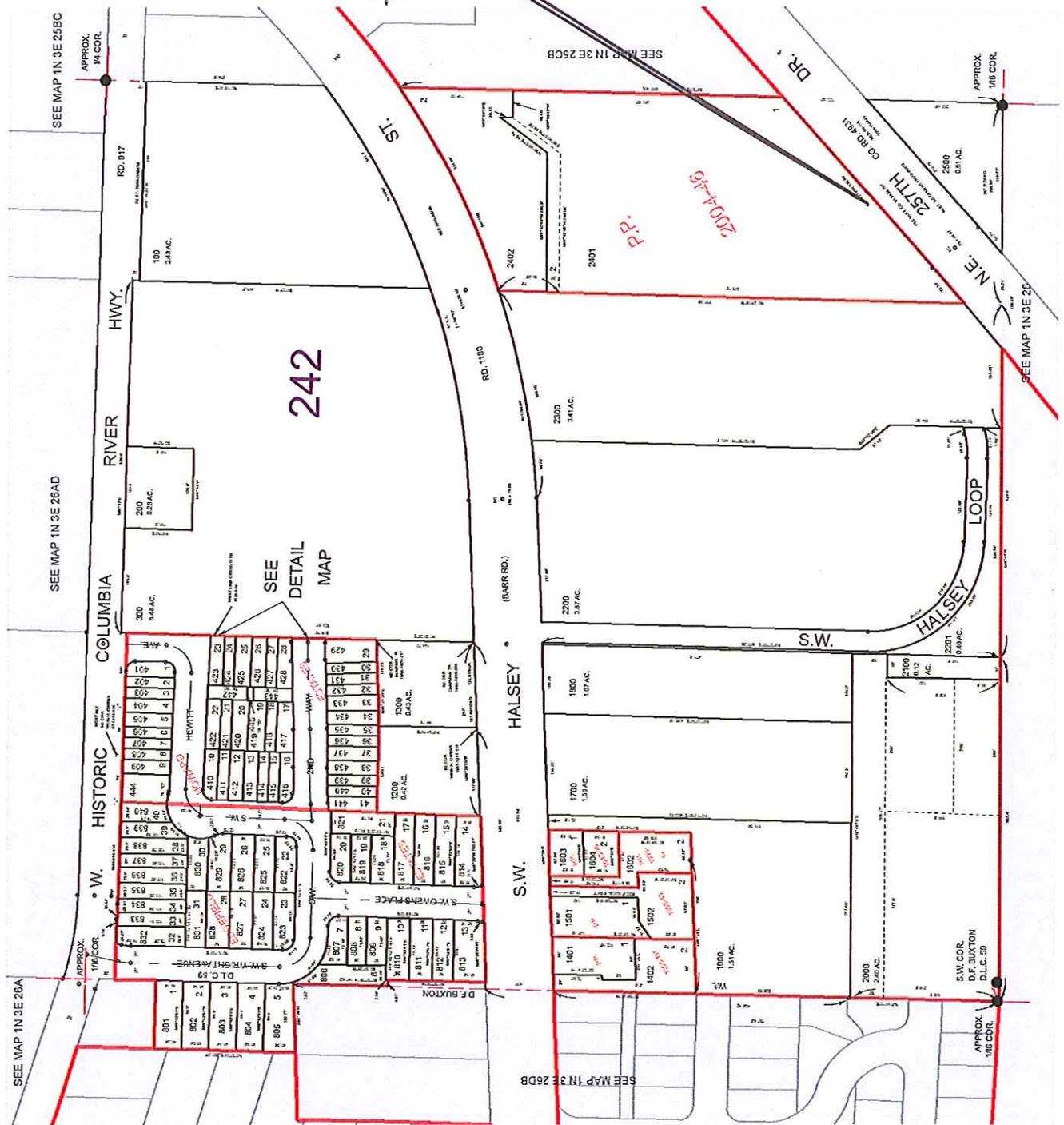
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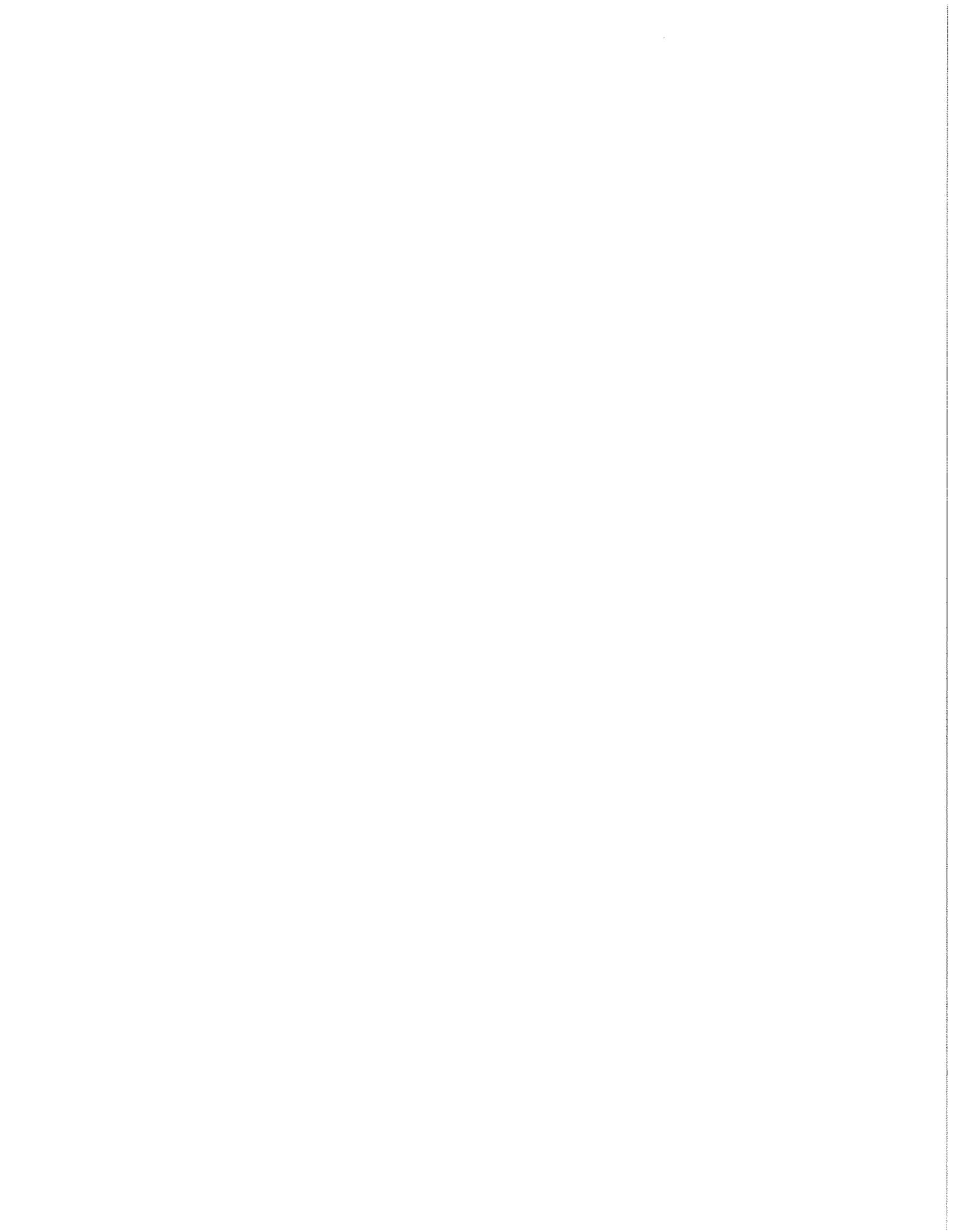
N.E. 1/4 S.E. 1/4 SEC. 26 T.1N. R.3E. W.M.  
MULTNOMAH COUNTY  
1" = 100'

1N 3E 26DA  
TROUTDALE

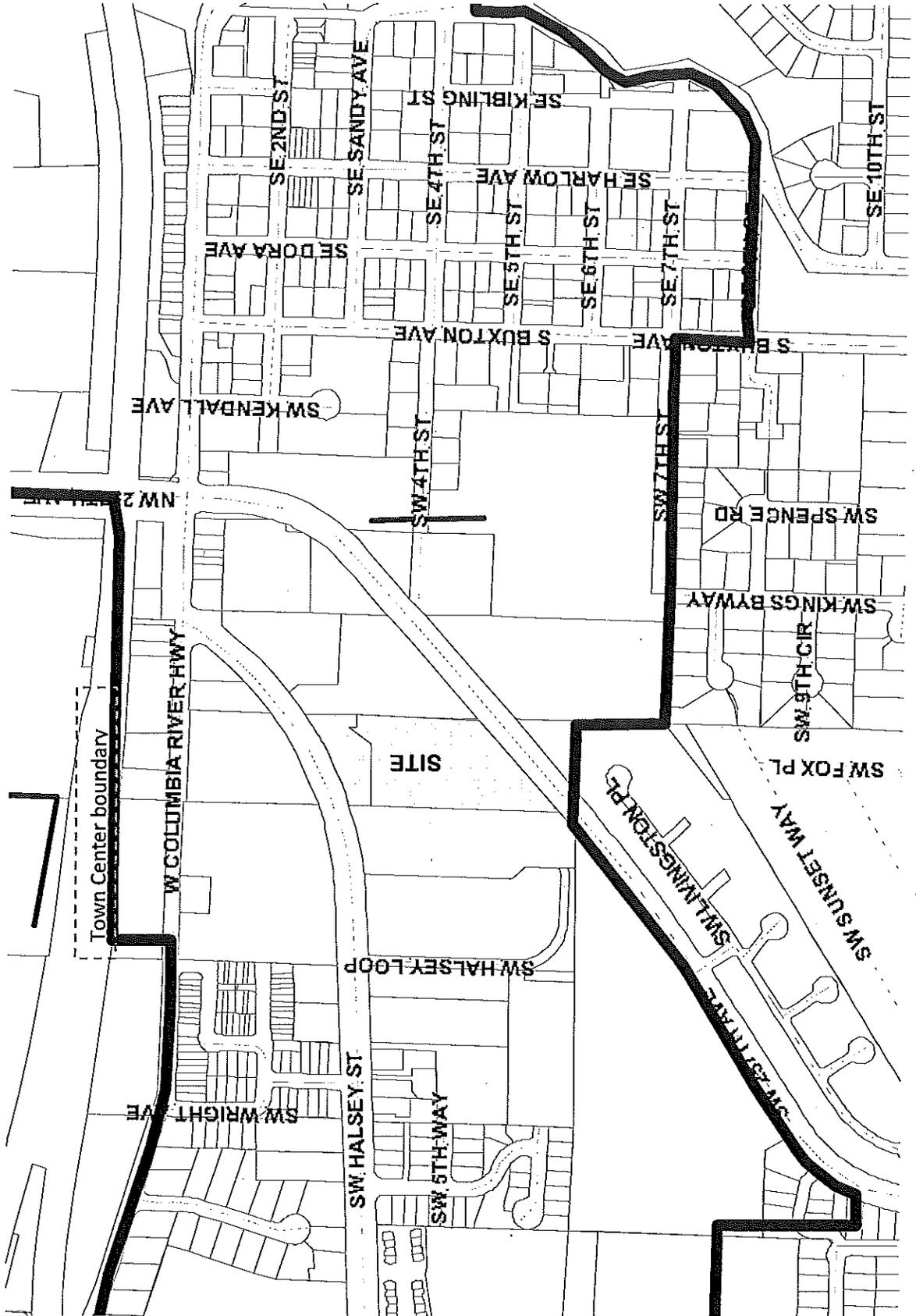
VAR FILE 14-030  
ATTACHMENT 1

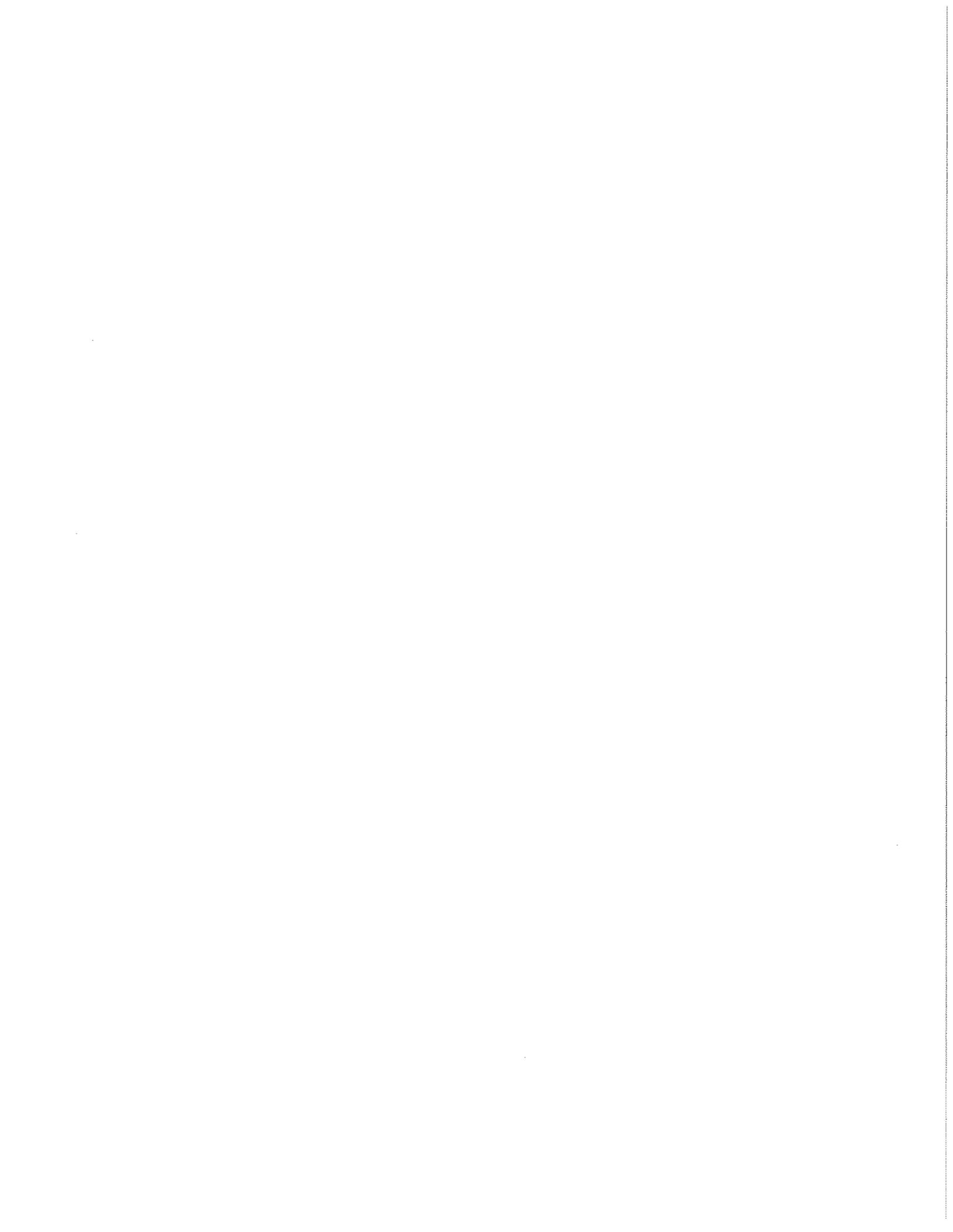
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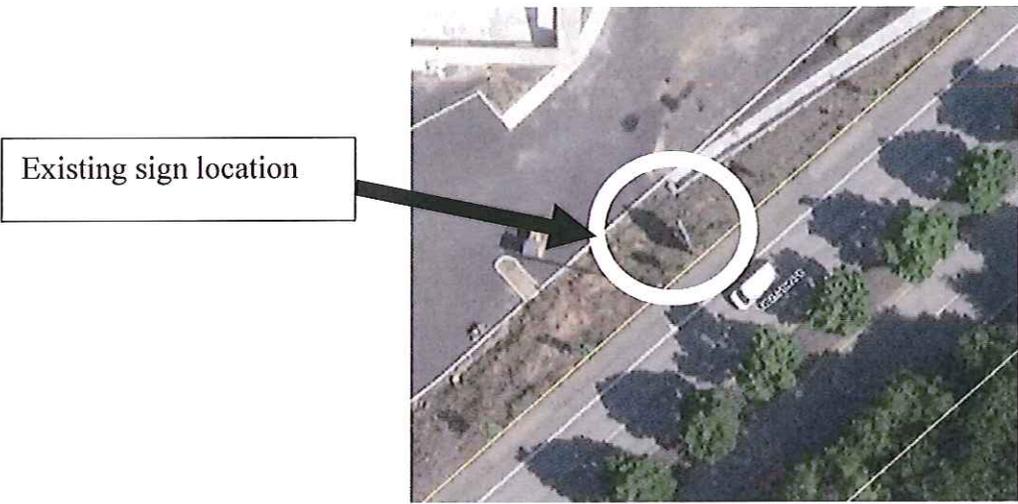


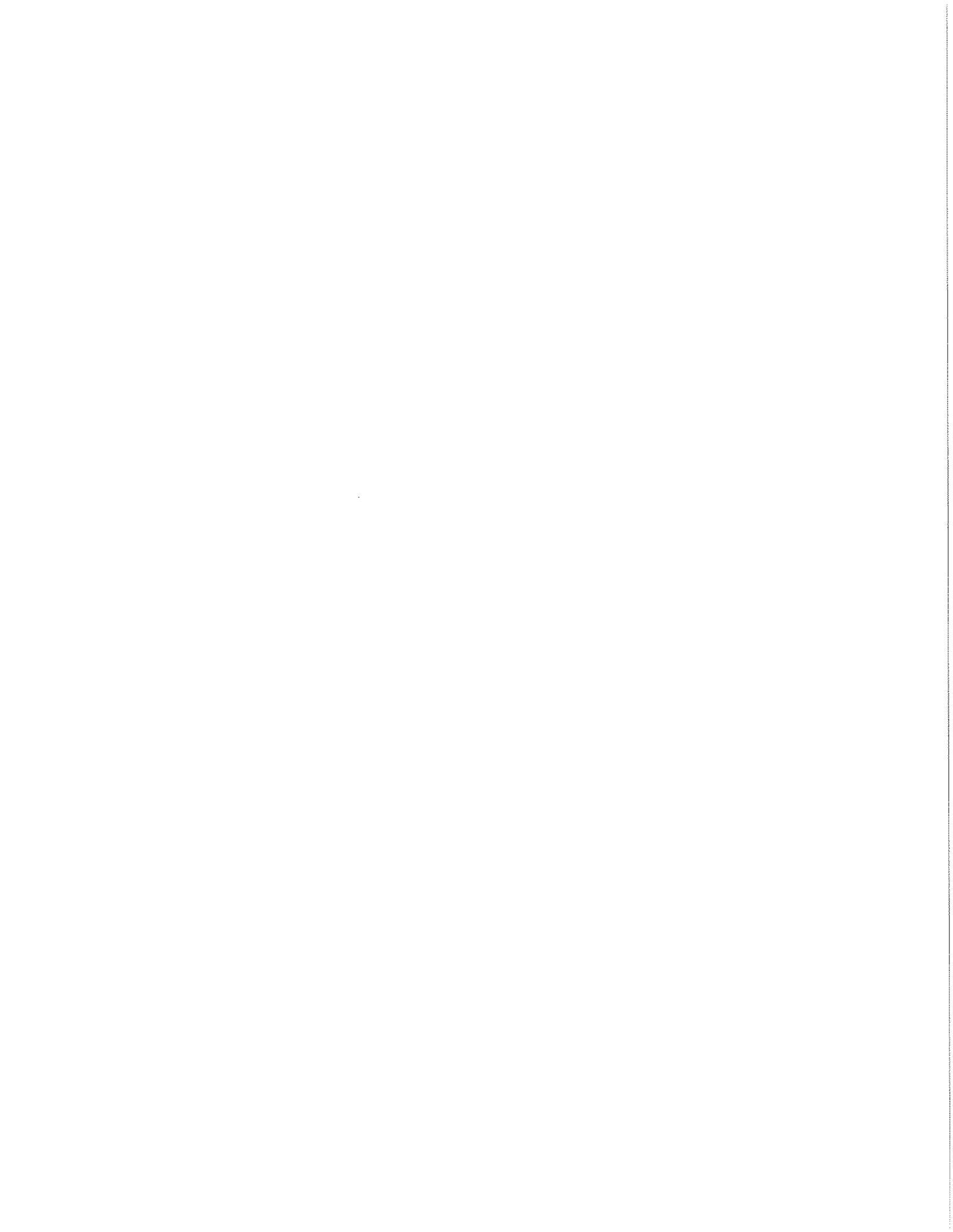


VICINITY MAP  
HARVEST CHRISTIAN CHURCH  
CITY OF TROUTDALE LAND USE APPLICATION FOR A  
VARIANCE FROM THE STANDARD LIMITING THE  
SIZE OF ELECTRONIC MESSAGE CENTERS TO 3 SQUARE FEET











# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

VAR FILE 14-030  
ATTACHMENT 4

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

Fax: (503) 667-0524

Planning Division

(503) 674-7228

May 11, 2011

Rev. Mike Halstead  
Harvest Christian Church  
PO Box 745  
Troutdale, Oregon 97060

Re: Extension of Conditional Use Permit File 09-007/ Harvest Christian Church

Dear Rev. Halstead:

I have received your request, via an email sent to Jodi Rogers the City's permit specialist, for an extension of the conditional use permit (CUP) to construct a church at 624 SW Halsey Street in Troutdale. A condition of approval for the conditional use permit was that the church building be substantially completed within two years of the CUP approval. In that decision, substantially completed was called out to mean that the structure is fully framed and roofed.

The CUP approval was made on May 20, 2009 so it will expire on May 20, 2011. Even though the building is not yet framed, construction is in progress and much work has occurred on the site, including installation of infrastructure and visible progress on the half-street improvements along SW Halsey.

It is my determination that it is in the best interest of the City and Harvest Christian Church to approve your request for a time extension of the CUP. Therefore, I am granting a one-year extension to May 20, 2012.

Please note that any additional time extensions for this CUP can only be granted by the Planning Commission.

Sincerely yours,

A handwritten signature in cursive script that reads "Rick Faith".

Richard R. Faith  
Community Development Director

## Rich Faith

---

**From:** Jodi Rogers  
**Sent:** Tuesday, May 10, 2011 8:11 AM  
**To:** Rich Faith  
**Subject:** FW: PLANNING EXTENSION to forward to Rich

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**From:** Mike Halstead [<mailto:mikeh@harvestworld.com>]  
**Sent:** Monday, May 09, 2011 8:03 PM  
**To:** Jodi Rogers  
**Subject:** RE: PLANNING EXTENSION to forward to Rich

Rich Faith. We are asking that you extend our conditional use based on condition no. 15. Thank you. Mike Halstead, Harvest Christian Church

---

**From:** Jodi Rogers [<mailto:JROGERS@ci.troutdale.or.us>]  
**Sent:** Monday, May 09, 2011 2:42 PM  
**To:** [mikeh@harvestworld.com](mailto:mikeh@harvestworld.com)  
**Subject:** PLANNING EXTENSION

You need to request a extension to for your conditional use based on Condition no. 15. Send Rich Faith a quick e-mail for this thanks.

*Jodi Rogers*  
*Permit Specialist*



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## NOTICE OF DECISION

May 22, 2009

**COMMUNITY  
DEVELOPMENT  
DEPARTMENT**

Fax: (503) 667-0524

Planning Division

(503) 674-7256

Building Division

(503) 674-7229

Mike Halstead  
4307 SE Oxbow Parkway  
Gresham, OR 97080

RE: Case File No. 09-007 – Harvest Christian Church

Dear Mr. Halstead:

The Troutdale Planning Commission met on Wednesday, May 20, 2009 and approved your application for a Type III Conditional Use, Site and Design Review, tree removal, and six variances for construction of a new church with accessory apartment at 624 SW Halsey. Attached is a copy of the signed findings of fact and final order for case file 09-007.

This decision may be appealed to the Troutdale City Council by 5PM, June 1, 2009, pursuant to section 16.280 of the Troutdale Development Code (TDC). The notice of appeal must indicate the basis for the appeal pursuant to section 16.290 of the TDC. A filing fee of \$2,512.50 must be included with the notice of appeal. All affected parties have the right to file a notice of appeal prior to the closing of the appeal period.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth A. McCallum".

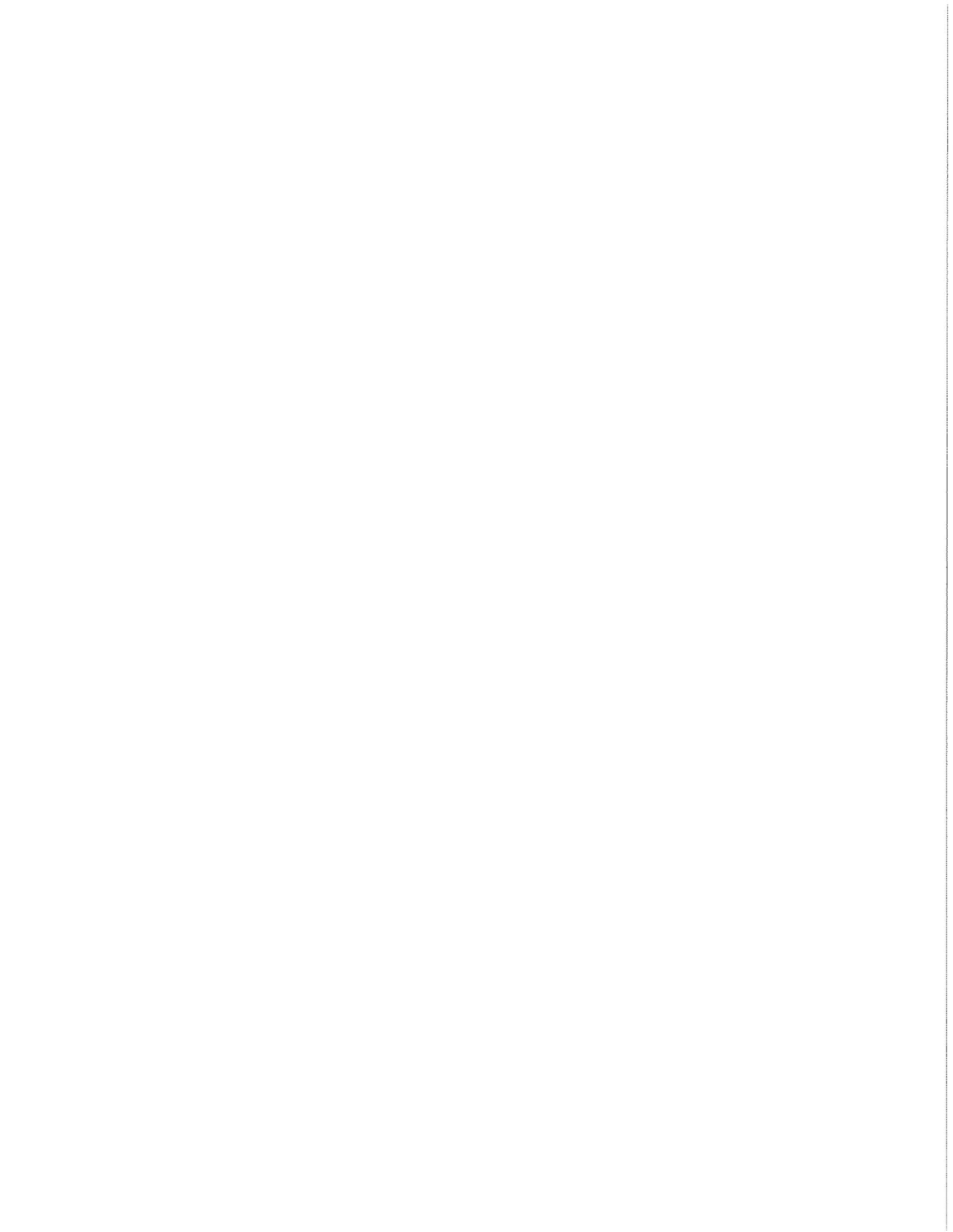
Elizabeth A. McCallum  
Senior Planner

c: Multnomah County Transportation  
Building Department  
Public Works Department  
Code Enforcement Officer  
Gresham Fire Marshal

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**BEFORE THE PLANNING COMMISSION**  
**of the**  
**CITY OF TROUTDALE**  
**ADOPTION OF FINDINGS of FACT & FINAL ORDER**  
**for a Conditional Use for a Church with Concurrent Site &**  
**Design Review, Six Variances & Tree Removal**

**FILE NO.** 09-007

**HEARING DATE:** May 20, 2009

**OWNER:** Harvest Christian Church and Mike and Jeanette Halstead

**APPLICANT:** Mike Halstead

**STAFF:** Elizabeth A. McCallum, Senior Planner

**REQUEST:** Conditional Use request to construct a new 36,000 square foot church with concurrent Site and Design Review, Tree Removal, and Six Variances

**LOCATION:** 624 SW Halsey Street

**TAX MAP & TAX LOT:** 1N3E26DA Tax Lots 2401 and 2402

**TAX LOT SIZE:** 4.21 acres

**PLAN DESIGNATION:** C--Commercial

**ZONING DISTRICT:** MO/H--Mixed Office/ Housing

**OVERLAY ZONING:** Town Center

**FINDINGS OF FACT:**

1. The staff report of May 13, 2009, is hereby adopted as the findings in this matter.

**ORDER:**

Based upon the foregoing, a conditional use and site and design review, with six variances, for a 36,000 square foot church building that will include a 500-seat auditorium, 13 classrooms, a gymnasium, six offices, a small apartment in the basement, and a parking lot with 263 parking spaces is approved with conditions. The six variances approved are: 1) a variance to exceed the maximum building footprint of 20,000 square feet in the Mixed Office/Housing zoning district to allow a 28,782 square foot building footprint; 2) a variance to exceed the maximum 139 parking spaces permitted in the Town Center to have 263 parking spaces; 3) a variance to reduce the minimum side yard setback to a building from an adjoining residential zone from 20 feet to three feet; 4) a variance to reduce the minimum side yard setback to the parking lot from an adjoining residential zone from five feet to four feet; 5) a special variance from the building orientation standard that requires public entrances to face the nearest transit street; and 6) a variance to increase the maximum 50 foot setback from a transit street up to 76 feet.

**CONDITIONS OF APPROVAL:**

1. Consolidate the two tax lots prior to applying for building permits, or, if the two lots of Partition Plat No. 2004-46 are not consolidated:
  - a. Buildings may not straddle property lines.
  - b. Easements shall be recorded for utilities (water, sanitary sewer, and stormwater conveyance) that cross property lines, including water, sanitary sewer, stormwater conveyance and swales for treatment proposed.
  - c. Utility plans submitted with the building permit application shall clearly show the property lines and easement area. Submit a copy of the recorded easements with the building permit application.
2. Comply with Multnomah County Transportation Standards that apply to SW Halsey Street and SW 257th Avenue. Include the details on plans submitted with the building permit application.
  - a. Construction within the slope easement on 257th Avenue will need to be reviewed in detail by the County Engineer. If the construction is not approved by the County Engineer, the plan shall be modified to comply with the County's decision even if it results in a reduction in parking spaces and square footage of the church building. Submit a copy of the County's permit with the building permit application.

- b. The walkway from the public sidewalk on 257th Avenue to the walkway in front of the building shall be ADA compliant.
  - c. Construct half-street improvements along the site's Halsey Street frontage which complies with the following:
    - 1) Implements the "Halsey Street Conceptual Design Project" April 2005.
    - 2) Grade, and pave a depth of 7 inches of asphalt concrete over 17 inches of rock between existing pavement and new curb (distance varies from the roadway centerline).
    - 3) Reimburse Multnomah County for any required striping and signage.
    - 4) Furnish street trees as required.
    - 5) Construct Multnomah County standard concrete curb and 6-foot wide concrete sidewalk.
    - 6) Signal interconnect conduit and related equipment as required.
    - 7) Construct storm-drainage facilities as required.
  - d. Remove all sub-standard or deficient sidewalk, curb ramps, curb-returns, or driveway drops along the site's SW 257th Avenue frontage and reconstruct the same to meet current ADA standards.
  - e. Obtain a Construction Permit from Multnomah County for all improvements within the County right-of-way.
  - f. Designate the driveway aisle between SW Halsey and the parking area ( a distance of approximately 175 feet) as "no parking."
  - g. Obtain an "Access/Encroachment Permit" from the Multnomah County Transportation Right-of-way Section for use of the driveway on SW Halsey Street.
  - h. The County may restrict parking adjacent to the site along SW Halsey Street.
  - i. The applicant shall contact the Mid-County Lighting District for plans and fees associated with the installation of new street lights or relocation of any streets lights, if necessary as part of this development, for both SW 257th Avenue and SW Halsey.
3. Comply with applicable building codes. Include the details on plans submitted with the building permit application.

- a. Setbacks from property lines to walls with windows or openings must comply with the 2007 Oregon Structural Specialty Code, Table 704.8 "Maximum Area of Exterior Wall Openings."
  - b. Eight accessible parking spaces are required. One of these is to be a "Wheelchair User Only" space.
  - c. Prior to applying for building permits, the applicant must verify that there is adequate "fire flow" for necessary hydrants and fire sprinklers to be installed in the structure.
  - d. A fire sprinkler system and fire alarm system are required to comply with Chapter 9 of the 2007 Oregon State Structural Specialty code.
  - e. The site plan shall have a clearly marked accessible route that leads between the accessible parking spaces, the public transit stop, public streets and sidewalks, and passenger drop-off and loading zones to accessible entries in accordance with section 1103 of the 2007 Oregon State Structural Specialty code.
4. Comply with Fire Codes, including, but not limited to the following. Include the details on plans submitted with the building permit application.
- a. Provide fire flow per Oregon Fire Code Appendix B. Fire flow for commercial buildings varies based on construction and square footage; refer to OFC App B Table B105.1.
  - b. Additional fire hydrants may be required depending on their distance to the fire flow requirements. OFC App. C.
  - c. All fire department access roads (parking lot drive) shall not be less than 20 feet wide if the building is less than 30 feet tall. If the building is OVER 30 feet tall, the access road must be 26 feet wide and will require "No Parking Fire Lane" signs or curb marking. OFC 503. The aisle on the south side of the building is only 25 feet wide and shall be widened to meet the standard. Compact parking spaces with a length of 16 feet are allowed and can be used to make up the area.
  - d. Both new and existing fire hydrants shall be shown on plans. Additional fire hydrants may be required due to fire flow available or building construction type. OFC 508.5.

- e. All fire department access roads, water mains and fire hydrants shall operate prior to any building construction. OFC 1414.1.
  - f. Fire sprinkler and fire alarm systems may be required due to building size, construction type, occupancy and fire flow available. OFC 903, 907.
  - g. PIV's, FDC's and fire hydrants shall be at least 40 feet from any portion of the building. The PIV will need to be downstream from the on site fire hydrant. NFPA 13 & 24.
  - h. The FDC shall be within 50 feet of a public fire hydrant. It will need to be taken out to Halsey to be on the same side as the existing public fire hydrant. NFPA 13E.
  - i. All fire access roads shall meet the load requirement of 75,000 lbs. Provide an engineer's letter with building plans supporting this requirement. OFC D 102.1.
5. Landscaping and Screening. Include the following changes on plans submitted with the building permit application.
- a. Modify the landscaping as necessary to accommodate required bike racks (see condition number 6).
  - b. The slope between the sidewalk on Halsey up to the parking lot abutting Halsey, shall be planted with trees, shrubs and groundcover to hold the slope above the sidewalk. The use of native plants is encouraged. The following groundcovers are prohibited: ivy and vinca.
  - c. Plant street trees along the SW 257th Avenue and SW Halsey Street frontages behind the sidewalk in a location approved by the County. Approved street trees are numerous and include the following: most maples with globe or oval shaped "habit;" Various crab apples with upright "habit;" columnar Goldenchain; crimson cloud, Lavelle and Snowbird Hawthorns; Dawyck purple beech; Glorybower tree; Japanese snowbell; Starlight and Venus dogwoods. Ash trees are no longer recommended because of increased Emerald Ash Borer pest activity. Check with the Planning Division for a list of recommended street trees. The spacing shown for trees on 257th is approved. Use the same spacing on Halsey. All street trees shall be at least 7 feet in height, as measured after planting.

- e. The following plants shall be removed from this site: English ivy; Himalayan blackberry, purple loosestrife, reed canary grass and Scot's broom.
  - f. Details of the garbage enclosure shall be submitted with the building permit application and shall meet the standards of TDC 11.015.
  - g. The minimum plant sizes shall be as specified in TDC 11.010G. Revise the landscaping plan to include plant sizes in the key.
  - h. A tree planter is required at the east end of the 15 parking spaces on the north side of the church building. Two spaces shall be eliminated from this area to accommodate the tree planters.
6. Off-Street Parking. Include the following changes on plans submitted with the building permit application.
- a. Bike racks to accommodate 14 bicycles are required. The plan includes a bike rack that holds eight bicycles. A bike rack to hold at least six more bicycles is needed. A recommended location is near the doors to the gymnasium. Other areas can be proposed for bike racks, provided they meet the standards.
  - b. Provide a paved, lighted pad for this rack with on-site walkway connection from the gymnasium door to the existing on-site walkway.
  - c. If there are 50 or more employees, then at least one (1) carpool/vanpool parking space shall be designated within the parking lot.
  - d. Compact parking spaces may be necessary on the south side of the building so that the aisle can be 26 feet wide to comply with fire codes. A maximum of 44 compact parking spaces are allowed. These spaces shall be clearly and permanently marked as compact spaces. The minimum dimensions of compact spaces shall be 8 feet wide by 16 feet long.
  - e. Required parking spaces, including bicycle racks, shall be improved and available for use at the time of final building inspection.
  - f. Unless there is extruded curbing around the vegetated swales, wheel stops will be required in the parking spaces that abut the vegetated swales. Wheel stops are also required anywhere else there are shrubs in the landscaping within 2 feet of the parking space. Show curbing and wheel stops on the landscaping plans.

7. A National Pollutant Discharge Elimination System 1200-C Permit (NPDES) is required for this site and shall be approved and the erosion control installed as required by that permit prior to issuance of a grading permit for this site and prior to any removal of vegetation from this site.
8. Stormwater Management. Submit the following documentation and show any modifications required on the construction plans submitted with the building permit application.
  - a. Maps and supporting documentation in the submitted Drainage Report (DL Design Group LLC, March 5, 2009) are blurry and unreviewable. A Final Drainage Report shall be submitted with the building permit application with clear maps and supporting documentation.
  - b. Connection to the stormwater line in Halsey requires a Public Works permit.
  - c. The stormwater system proposed shall be privately owned and operated.
  - d. The applicant shall submit an Operations and Maintenance plan for the stormwater management prior to the issuance of a Certificate of Occupancy.
  - e. Stormwater conveyance from private parcels shall be in compliance with the plumbing code.
9. Outdoor Lighting. Submit the following documents with the building permit application.
  - a. A complete outdoor lighting plan as part of the electrical permit plans.
  - b. Include dimensional drawings of the parking lot light pole and fixture as a detail with the electrical plans.
  - c. The maximum height of any outdoor light is 25 feet as measured from the adjacent grade and includes any support pier.
  - d. All wall-mounted outdoor light fixtures shall be shown on the elevation drawings and the electrical plans submitted with the building permit application. The maximum height of wall lights is 25 feet except any light on a wall that is less than 50 feet from the adjacent property line shall not exceed 15 feet in height as measured from the adjacent grade.

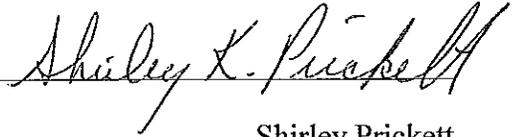
- e. Include an index for the wattage and type of lamp used in all outdoor light fixtures.
  - f. Shielding is required for any fixture requiring shielding as specified in TMC 8.26. If the shoe box fixture style does not limit the direct line-of-sight of the lamps from the lower SW Halsey Street grade, additional direct shielding on the Halsey "street side" will be required on both types of light fixtures in order to prevent the view of the lamps from the SW Halsey Street grade.
  - g. Install motion detection security lights on the west wall of the church to prevent nuisance activities in between the church and the apartment fencing.
10. Utilities and Construction Standards for Public Works Facilities.
- a. Utility Undergrounding. Development subject to site and design review shall be required to install underground utilities including, but not limited to, natural gas, electric power, telecommunications facilities to serve the development and to convert existing overhead utilities to underground in accordance with Chapter 12.11 of the Troutdale Municipal Code.
  - b. This land use approval does not constitute final approval of details for utilities, including but not limited to alignments, materials and points of access, connection or discharge, that are depicted or suggested in the application. The applicant is required to submit detailed construction drawings through the building permit process for the project. The City of Troutdale Public Works department will review construction plans, in detail, when they are submitted and approve, reject or require modifications to the plans or drawings based upon conformance with City standards and the professional engineering judgement of the Chief Engineer.
  - c. The applicant shall identify existing well(s) and/or water right(s) on the property, if any. If one or more wells/rights exist, the applicant shall properly abandon the well and/or resolve the unused water right according to the requirements of the Oregon Water Resources Division and provide documentation of abandonment/resolution to the City prior to receiving the Certificate of Occupancy. If no wells/rights exist, the applicant shall certify such in writing to the City prior to receiving the Certificate of Occupancy.
  - d. Applicant shall identify all existing septic tanks and/or drain fields on the property, if any. If a septic system exists, the applicant shall properly abandon the septic system in accordance with the Oregon Department of Environmental Quality (DEQ) regulations and provide documentation of abandonment to the

City of Troutdale prior to receiving the Certificate of Occupancy. If no septic system exists on the property, the applicant shall certify such in writing to the City of Troutdale prior to receiving the Certificate of Occupancy. The City of Portland processes septic systems and drain fields permits for Oregon DEQ for properties within the City of Troutdale.

- e. The applicant is responsible for making connections to the existing public lines in SW Halsey Street in accordance with the Construction Standards for Public Works Facilities. A Public Works permit is required to connect to the public lines. Review of specific details and conformance to city standards will occur when the applicant submits building and public works permit applications.
  - f. Obtain required plumbing permits.
  - g. Install a grease trap or interceptor to treat wastewater from the kitchen area prior to discharging to the City's sewer system. In addition, an operations and maintenance plan, indicating how and by whom the trap will be maintained must be submitted to the City.
  - h. Pay applicable System Development Charges.
11. Record a 15-foot wide public connectivity pedestrian and bicycle "through-travel" easement within the parking lot or on the internal sidewalks on the site between SW 257th Avenue and SW Halsey Street. A copy of this easement shall be submitted to the City Planning Division prior to issuance of the Certificate of Occupancy.
12. The applicant shall apply for a separate sign permit for any signage based upon the sign criteria of TDC 10.000 Signs. Permanent signage shall comply with the standards of TDC 10.065 Commercial and Industrial Signs. One freestanding sign per street frontage is allowed. The maximum square footage of the freestanding signs shall be limited to 75 square feet.
13. The proposed development shall be constructed in substantial conformance with the plans submitted as part of this site and design review and specific site plan approval and all conditions imposed by this decision.
14. Any other conditions or regulations required by Multnomah County, Gresham Fire and Emergency Services, or to comply with state or federal codes are hereby made a part of this decision.

15. The conditional use approval and site and design review shall be void after two years, unless substantial completion has taken place. Because substantial completion is not defined in the Code, substantial completion is established for purposes of this approval as having the church building completely framed and roofed. A one-year extension may be requested of the Director prior to expiration of this approval. Additional time extensions beyond one year may be granted by the Planning Commission.

**APPROVED THIS 20th DAY OF MAY 2009**



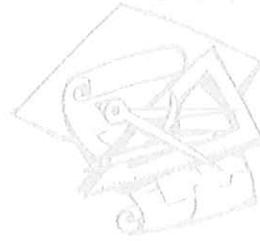
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Shirley Prickett  
Planning Commission Chair

**Date:** July 15, 2014

**To:** Elizabeth McCallum, Senior Planner

**CC:** File  
David Schaffer, Water & Streets Superintendent  
Mike Sorensen, Wastewater Superintendent  
Amy Pepper, Civil Engineer  
John Bushard, Civil Engineer



**From:** Travis Hultin, Chief Engineer

**RE:** TYPE III Variance Review, Harvest Christian Church Sign (File No. 14-030)

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The Public Works Department has reviewed the Type III Variance submittal for the Harvest Christian Church electronic message center 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. Any and all utility and transportation plans submitted with this application have been reviewed for the purpose of determining the feasibility of providing utility and transportation facilities for the project in accordance with City standards. This land use approval does not constitute final approval of details, including but not limited to alignments, materials and points of access, connection or discharge, that are depicted or suggested in the application.
2. It is the opinion of the Public Works Department that the proposed electronic message center can be developed in accordance with the requirements of the Troutdale Development Code (as it pertains to Public Works requirements) and Construction Standards for Public Works Facilities, provided it fully addresses the comments and conditions contained herein, and can be approved.
3. There is the potential for traffic safety implications associated with the placement of this sign and electronic message center at the proposed location. However, 257<sup>th</sup> Avenue is a Multnomah County roadway, and review for any such safety impacts, sign location and roadside signage standards, and any required mitigation, shall be the purview of Multnomah County Transportation.

#### **Proposed Conditions**

None



**Elizabeth McCallum**

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**From:** Scott Anderson  
**Sent:** Thursday, July 31, 2014 2:53 PM  
**To:** Elizabeth McCallum  
**Cc:** John Morgan  
**Subject:** RE: belated request for comment for a sign variance

Beth  
Sgt. Shrake and I looked at the site and I don't have any traffic safety issues with the sign variance request.  
Scott

---

**From:** Elizabeth McCallum  
**Sent:** Wednesday, July 30, 2014 12:07 PM  
**To:** Scott Anderson  
**Cc:** John Morgan  
**Subject:** belated request for comment for a sign variance

July 30, 2014

Chief Anderson,

It has occurred to me that your expertise is needed to evaluate whether an electronic message center in a freestanding sign is "detrimental to the public welfare" or otherwise poses a driving hazard on SW 257<sup>th</sup> Avenue and advise the Planning Commission accordingly.

Please see the attached application that is a request for a variance for a 10.7 square foot message center on a sign that will face 257<sup>th</sup> Avenue.

Please provide comments for the following criteria with respect to the "public welfare" as defined by your professional experience:

*B. The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare;*

A reply is requested before August 8 if possible.

Thank you kindly.

Elizabeth A. McCallum, Senior Planner  
City of Troutdale

Please make a note of the following:

The new official mailing address is:

**219 E. Historic Columbia River Hwy, Troutdale, OR 97060-2078**

[elizabeth.mccallum@troutdaleoregon.gov](mailto:elizabeth.mccallum@troutdaleoregon.gov)

phone: 503-674-7228

fax 503-667-0524

**My office is located at:** 2200 SW 18th Way, Troutdale, OR 97060.



1/16

(MARX)  
EXTENSION NO. 1180

EXISTING NORTH/  
SOUTH 6.0' CHAIN  
LINK FNC.

WELLS)  
CENTERLINE)  
ULT. CO.)

12-79 (BEINHAUER - WELLS)

1 (HOLLY - WELLS)

- WELLS)

- WELLS)

ULT. CO.)

-25-2003

18, 07-24-1991

3-1999

92, 01-30-1986

-14-2002

N 00°17'02" E 683

593.10'

PARCEL 1  
140,474 SQ. FT.  
3.22 ACRES

SLOPE EASEMENT  
PER (B)

61.51'

N 47°10'29" E 323.16'

S 47°10'29" W 336.56'

N 42°49'31" W 35.00'

74+00.00

N 47°10'29" E 35.33'

10

L=64.07'

L=73.33'

13.55'

INITIAL  
POINT

997.15' (CALC.)

45'

FND. 5/8" I.R./Y.P.C.  
INSCRIBED "HULT PLS 2427" UP 0.2' (1)  
N 57°40'49" E 0.18'

(C)

FND. 4 1/4" BRASS CAP IN CONCRETE  
AT RE-ENTRY CORNER D. F. BUXTON D  
NO. 59 (BT BK. C, PG. 244)(BT BK F, PG.  
HELD

VAR FILE 14-030  
ATTACHMENT 7

PARCEL 1  
PROBATE ORDER  
NO. 8508-91784  
DATED 1-30-1986

1.00' WIDE  
NON ACCESS STRIP

88°25'00"

74.51'

37.34' (M)(3)

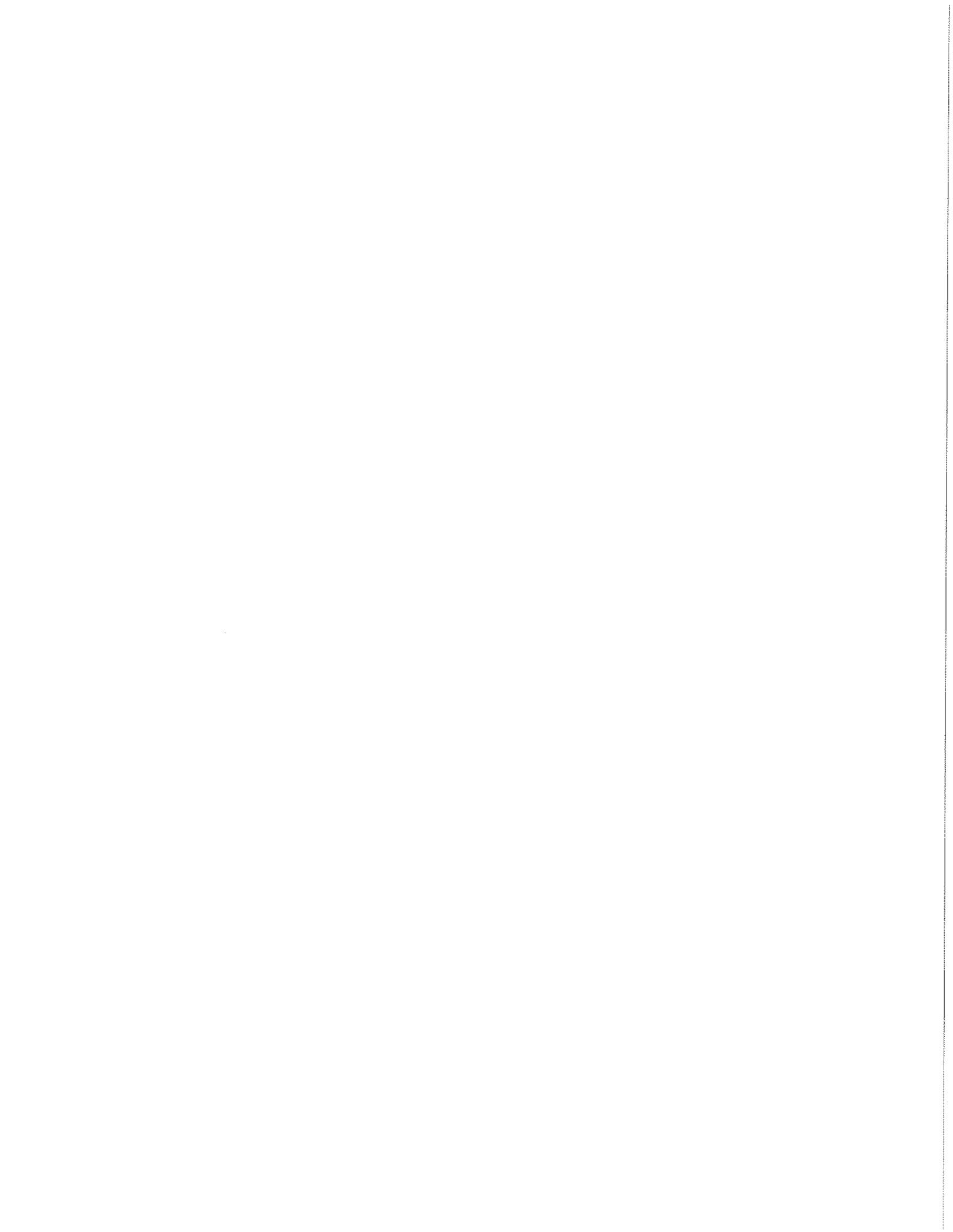
37.17' (M)(3)

37.17' (M)(3)

37.17' (M)(3)

37.17' (M)(3)

1



Harvest Christian Church  
624 SW Halsey  
Troutdale OR

VAR FILE 14-030  
ATTACHMENT 8

Narrative for type III variance.

6.215 A. *Special circumstances or conditions including, but not limited to, lot size, lot shape, topography, or size or shape of building, apply to the property, development, or to the intended use and are not typical of the general conditions in the surrounding area;*

As cars and trucks drive up 257<sup>th</sup>, they are averaging speeds of 35 to 45 mph. Because of the mandatory tree placement and spacing on the south side of the road, the time to recognize and read our sign is limited to around 5 seconds. An electronic sign of 3 square feet would be difficult to see. A Simple 10.7 square foot, one color, lower to the ground, time and temperature sign mixed with 4-8 word church announcements would give us the visibility we need. This would make up the lower part of our fixed letter sign, 16 inches high stretching left to right. The main body would give the Church name, phone, logo and web address.

6.215 B. *The variance authorized will not be injurious to adjacent properties or the surrounding neighborhood or otherwise detrimental to the public welfare;*

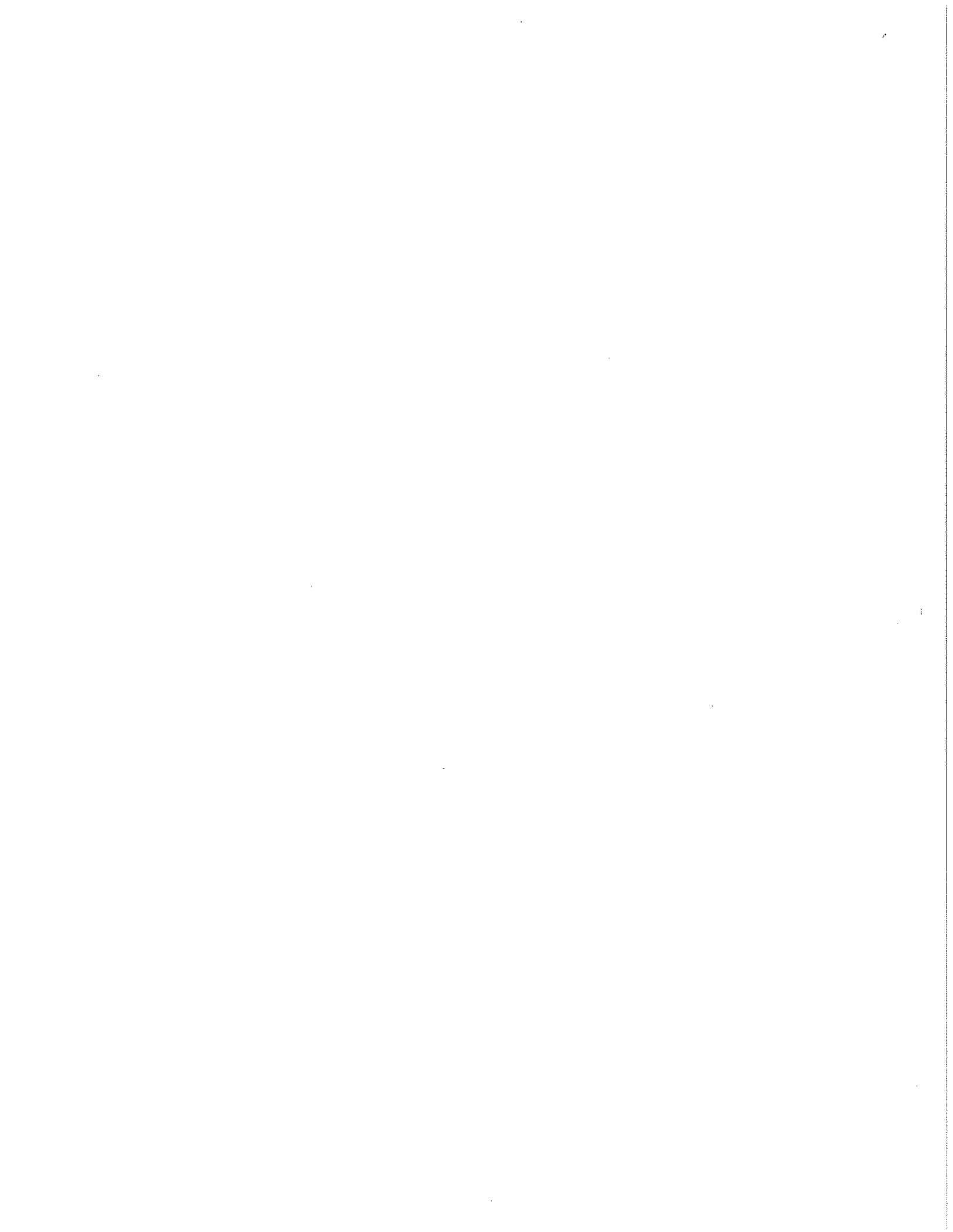
**Granting the variance will not be injurious to any adjacent properties.**

6.125 C. *The variance authorized will be consistent with the general purpose and intent of the provision from which a variance is sought;*

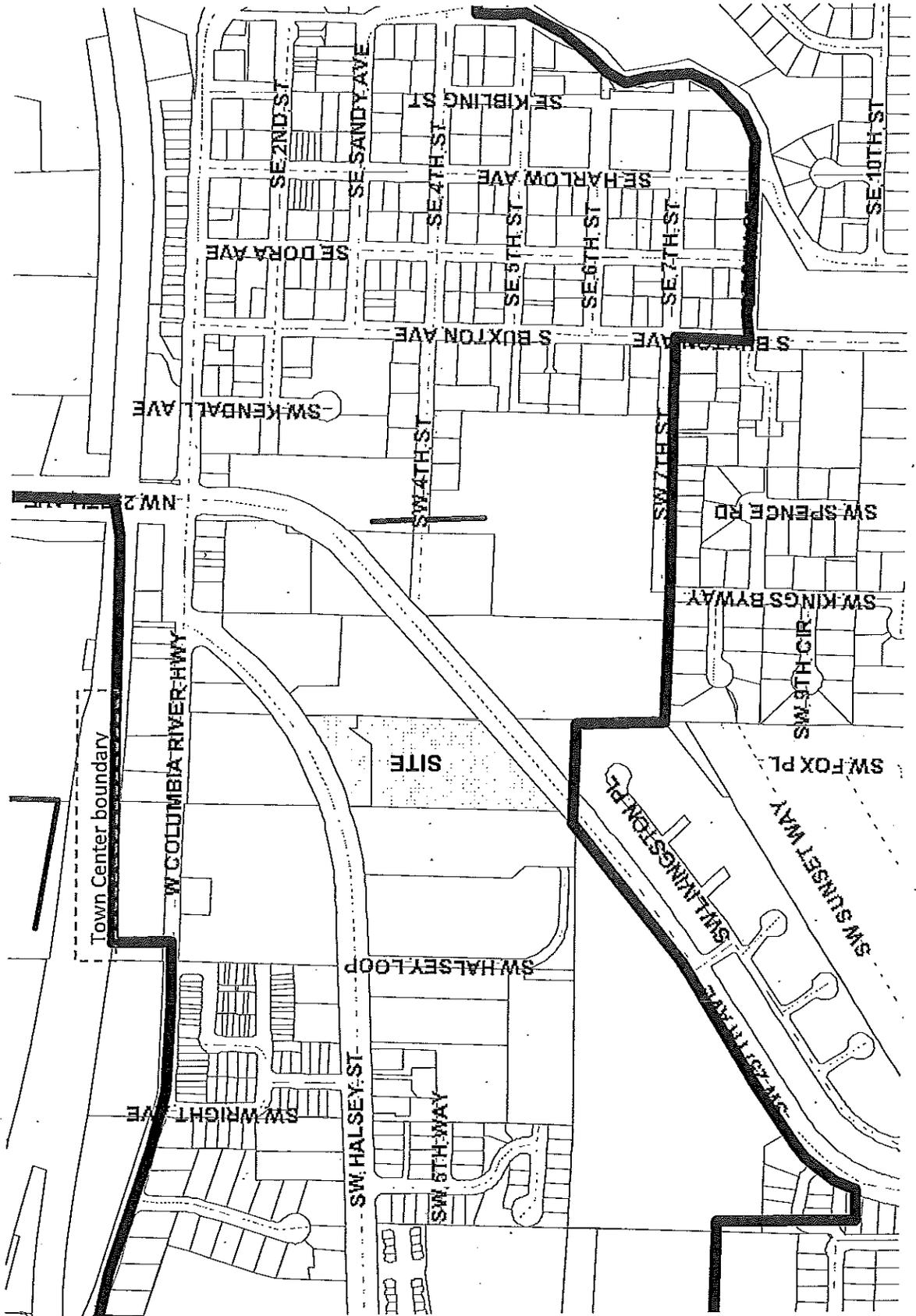
The size and (non-video style) of the sign proposed is consistent with the general intent and purpose of the original provision. That original intent, being to prevent the use of distracting signs and oversized billboards that would take away from the beauty and livability of our community.

6.125 D. The variance is the minimum necessary to relieve a practical difficulty and the resulting hardship.

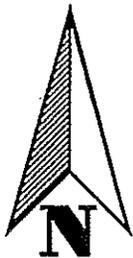
Harvest Christian Church feels that the 10.7 square feet of electronic sign proposed, would be the minimum necessary to make the sign readable. As the mandatory new street trees grow, their canopy will continue to encroach on the visibility of our sign, thus an electronic sign lower than the trees, in conjunction with our main sign, would provide us with good visibility reducing the hardship.



VICINITY MAP  
 HARVEST CHRISTIAN CHURCH  
 CITY OF TROUTDALE LAND USE APPLICATION FOR A  
 VARIANCE FROM THE STANDARD LIMITING THE  
 SIZE OF ELECTRONIC MESSAGE CENTERS TO 3 SQUARE FEET



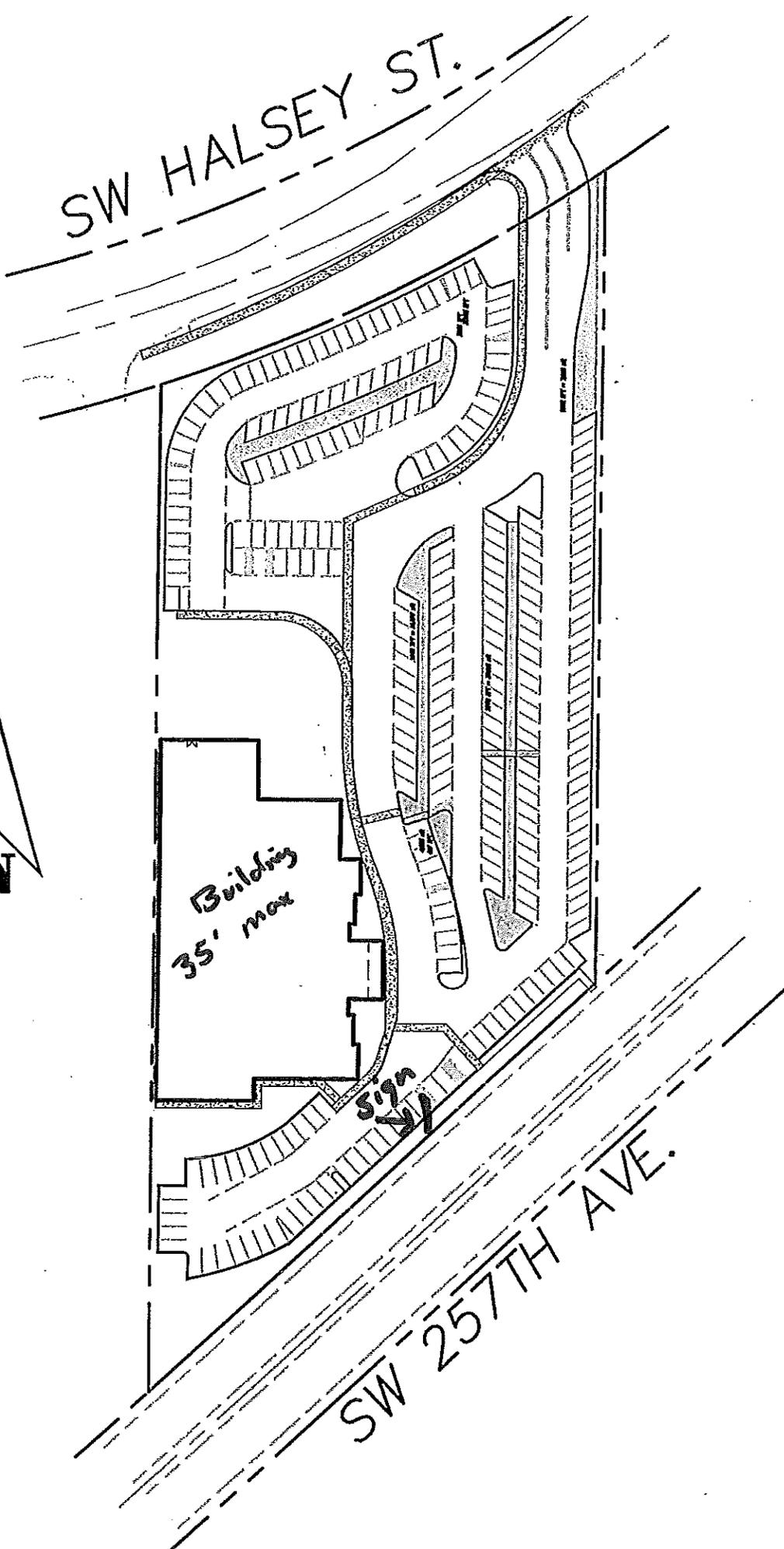
SW HALSEY ST.

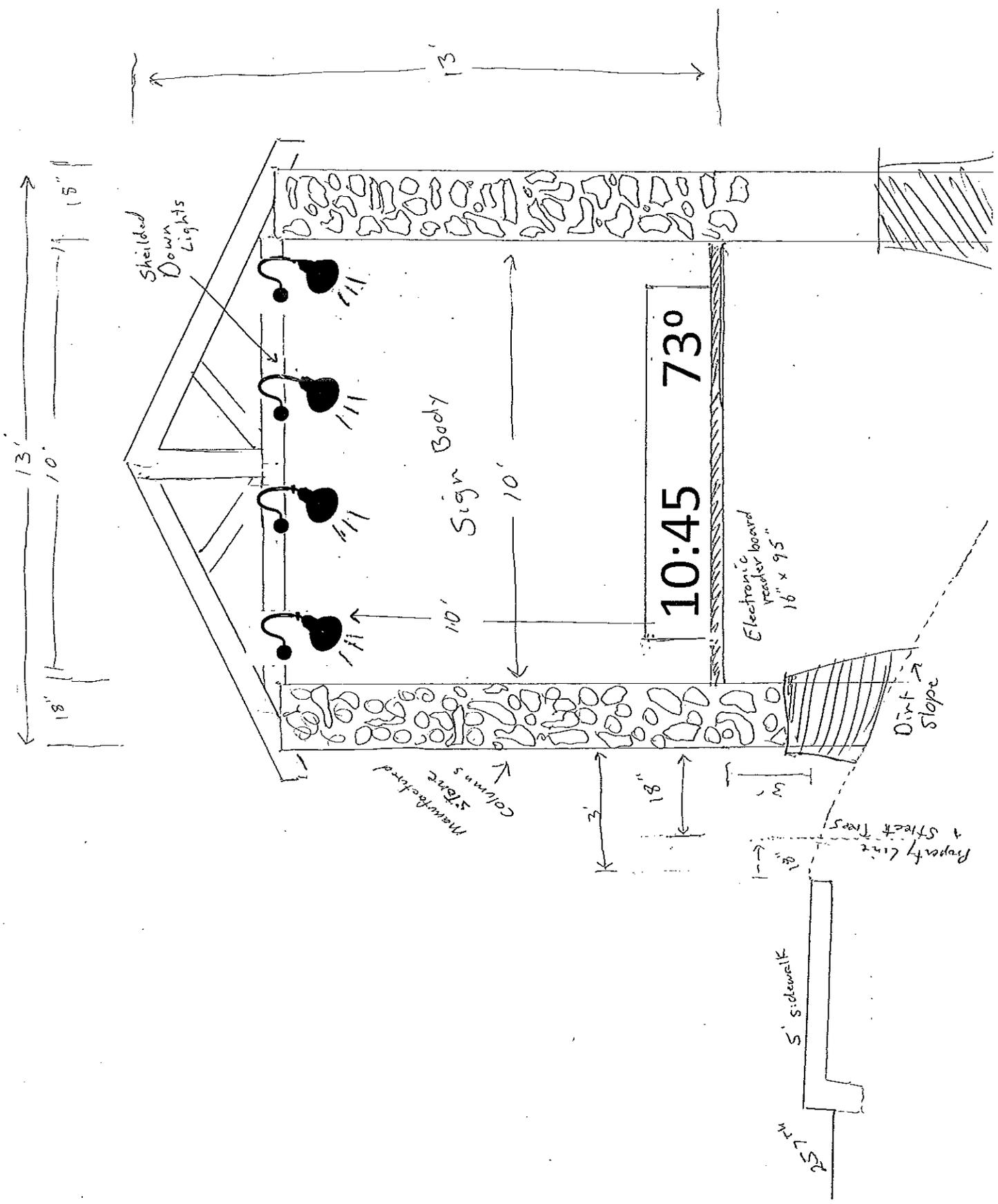


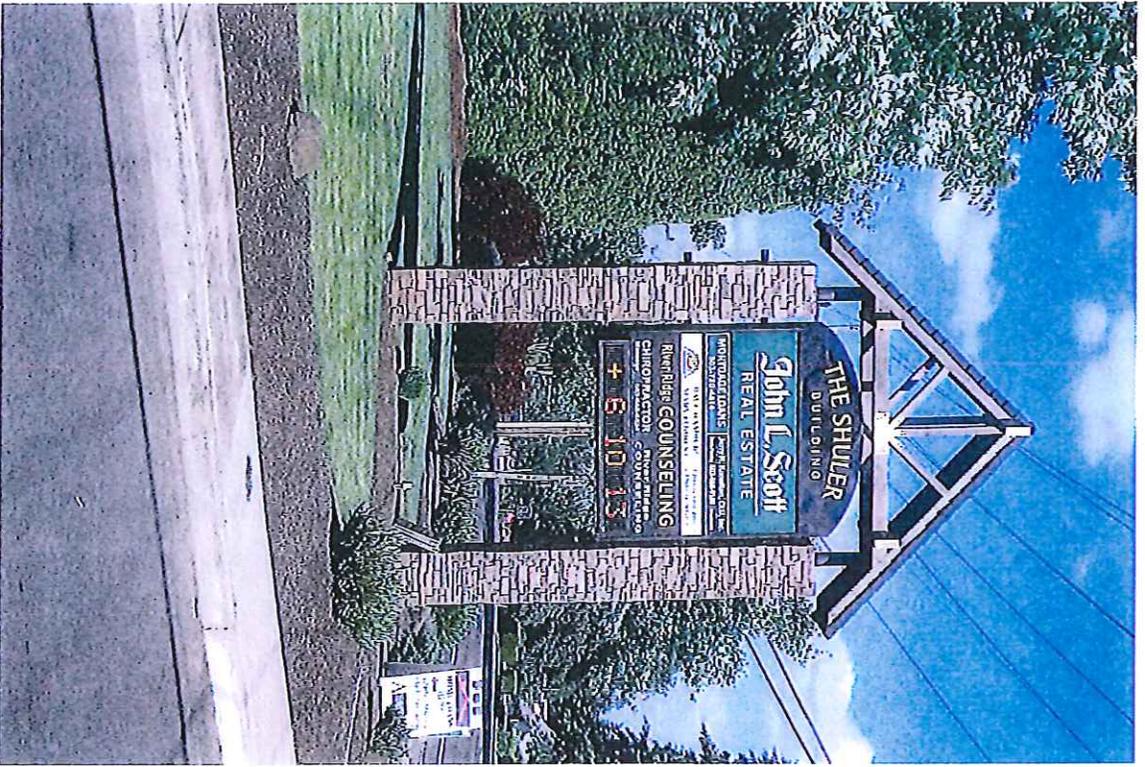
Buildings  
35' max

Sign  
↓

SW 257TH AVE.







Similar  
design  
shorter  
roof structure