



Staff Report

To: Planning Commission

Through: Chris Kerr, Community Development Director *C.K.*

From: Heidi Hinshaw, Associate Planner

Meeting Date: February 8, 2023 (Prepared January 29, 2023)

Item: VAR 23-08 "Aware Food Bank Sign Variance" at 152 Arthur St.

Tax Lots: 051W18BA08300

Issue before the Planning Commission

Action on a land use application, Variance VAR 23-08 (Type III), for the signage on the new food bank.

Executive Summary

The subject property, 152 Arthur St, is within the Downtown Development and Conservation (DDC) zone. It was originally developed in 1910 with a commercial building. Marion-Polk Food Share Inc. purchased the property in 2012 for the AWARE Foodbank. A fire significantly damaged the building on August 18, 2021, and it was later demolished in August 2022. City staff reviewed and approved a land use application package on October 13, 2022 to redevelop the AWARE Foodbank (DR 22-10 & PLA 22-06).

Through this Variance application, the applicant is requesting to keep the non-conforming signage that has already been installed. Per Table 3.10.10D of the Woodburn Development Ordinance, "Awning/Marquee Signs" are "Deemed wall signs" and "Shall not extend above or below the awning or marquee." However, Marion/Polk Food Share (MPFS) believes the current placement of the address and facility name signage improves pedestrian and traffic safety by identifying the facility in a more prominent, visible manner by being placed upon the awnings and closer to the right-of-way.

If the commission approves the variance, each wall sign would continue to meet all other standard requirements for wall signs within the DDC including size, ratio of sign area to façade, colors, and materials.



Front façade of food bank with Sign # 1

Recommendation

Approval with condition: Staff recommends that the Planning Commission consider the staff report and its attachments and approve the application per the Analysis and Findings in Attachment 102.

V1. Variance summary: This condition documents that the approved variance request was to vary from Woodburn Development Ordinance (WDO) Table 3.10.10D, row "Awning/Marquee Signs", by allowing signage to extend above the canopy.

Actions

The Planning Commission may act on the land use application to:

1. Approve per staff recommendations,
2. Approve with conditions, or
3. Deny, based on WDO criteria or other City provisions.

If the Planning Commission were to act upon the recommendation, staff would prepare a final decision document for signature by the Chair.

Attachments:

101. Tax Map: 051W18BA
102. Analyses & Findings
103. Applicant's Narrative
104. Signage Plans

05 1W 18BA

05 1W 18BA
WOODBURN



MARION COUNTY, OREGON
NE1/4 NW1/4 SEC18 T5S R1W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
 - Waterline - Non Bndry

- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ Section Corner
 - 16 15 21 22

NUMBERS

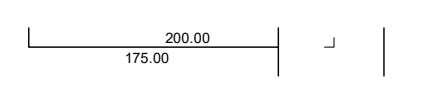
Tax Code Number
00 00 0

Acreege
0.25 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

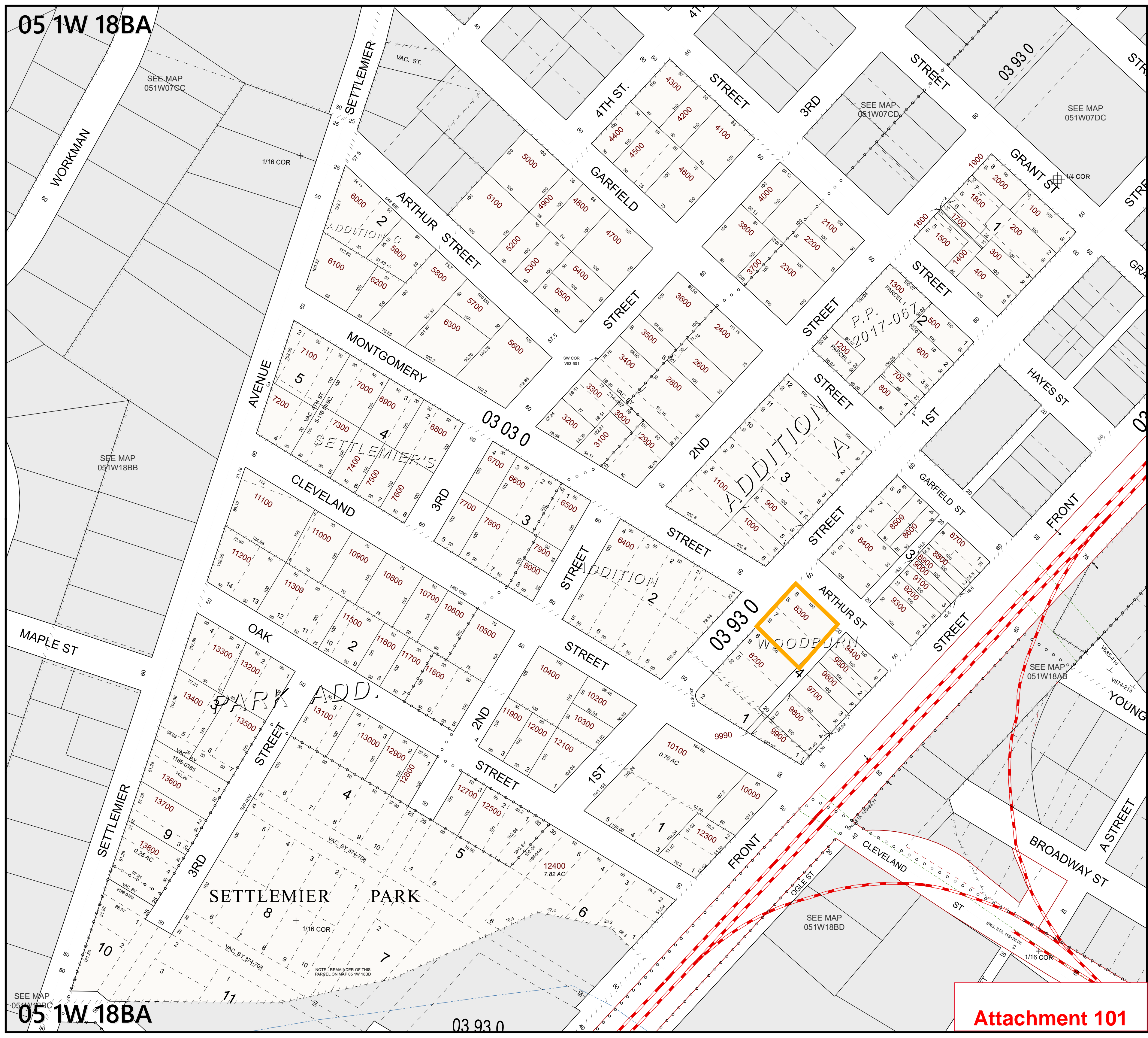
1900	
2500	
2700	
3900	
8100	
11400	
12200	
12600	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 3/3/2021

WOODBURN
05 1W 18BA



Attachment 101

05 1W 18BA

Analyses & Findings

This final decision analyzes the application materials and finds through statements how the application materials relate to and meet applicable provisions such as criteria, requirements, and standards. They confirm that a given standard is met or if not met, they call attention to it, suggest a remedy, and have a corresponding recommended condition of approval. Symbols aid locating and understanding categories of findings:

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> Requirement (or guideline) met with condition of approval Other special circumstance benefitting from attention 	Modification or condition of approval required
■	Deviation from code: Variance	Request to modify, adjust, or vary from a requirement

Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Commercial
<i>Zoning District</i>	Downtown Development & Conservation (DDC)
<i>Overlay District(s)</i>	n/a
<i>Existing Use(s)</i>	Civic organization (food bank)



Fig 1. Front façade with Sign #1

Fig 2. An excerpt from the City zoning map (site outlined in yellow).

The subject property consists of two legal lots, Lots 7 and 8 of Block 4 of the original Woodburn subdivision plat recorded in 1871. The applicable provisions appear in bold below and on the following pages.

Applicable Provisions

5.03.12 Variance

A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.

3.10.10-Sign Code

Permanent Signs in the DDC, MUV and NNC Zones Table 3.10.10D
Monument Signs
<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 8 feet high • Maximum 20 square feet
Wall Signs
<ul style="list-style-type: none"> • Minimum 16 square feet • Maximum 4 percent of facade or 50 square feet, whichever is less
Drive-through Signs
<ul style="list-style-type: none"> • Maximum 2 • Maximum 8 feet high • Maximum 8 feet wide
Awning/Marquee Signs
<ul style="list-style-type: none"> • Deemed wall signs • Shall not extend above or below the awning or marquee
Projecting Signs
<ul style="list-style-type: none"> • Not allowed on a frontage with a monument sign • Maximum 1 per single-tenant site or complex • Minimum 8 feet above ground • Maximum 12 square feet • Maximum 4 foot projection

The applicant applied for and obtained approval of a Design Review and Property Line Adjustment land use application package on October 13, 2022 for the redevelopment of the AWARE Foodbank (DR 22-10 & PLA 22-06). Through this Variance application, the applicant is requesting to retain new nonconforming signage per Table 3.10.10D due to the specifics of the site, requirements from the City, and the expense that would incur should the signs be required

to be replaced. The Woodburn Development Code section 3.10 (Signs) Table 3.10.10D does not allow wall signs that “extend above or below the awning or marquee.”

B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:

- 1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and**

Applicant’s Response: “Woodburn Development Ordinance (WDO) 3.10.10B discusses awning or marquee signs and deems these as ‘wall signs’. The size limitations for wall signs in the CG zone are met. WDO 3.10.10B states ‘signs on awnings or marquees shall not extend above or below the marquee’. Marion Polk Food Share (MPFS), the owner/operator of the AWARE Food Bank, included protective black awnings that extend from the structure itself and horizontally into the right-of-way, designed to protect pedestrians from the elements and are permitted by code. However, these horizontally extending awnings into the right-of-way make it much more difficult to place signage upon the building front/façade as the existing awnings extend approx. 5 feet over the sidewalk and limit the location of signage placed upon the building façade that would not be blocked or not visible from the right-of-way.

MPFS believes the current placement of the address and facility name signage improves pedestrian and traffic safety by identifying the facility in a more prominent, visible manner by being placed upon the awnings and closer to the right-of-way.”

Staff Response: Because the applicant is a non-profit, community-serving institution that relied heavily on public funding to complete the project, it is reasonable to determine that requiring the removal and replacement of the sign would “impose an excessive burden on the property owner” per the variance language.

- 2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.**

Applicant’s Response: “The rebuild/reconstruction of the AWARE Food Bank was, unfortunately, an unanticipated and unplanned event for Marion-Polk Food Share, a non-profit organization, which experienced an act of arson in September 2021 and at the height of the COVID pandemic. While we have reviewed the City’s sign code, we do not believe the placement of the address and facility name signage will have a negative impact upon adjacent properties. Indeed, we believe the placement of the address and facility name upon the awning provides for a more readily and easily visible directional and locational signage and information for clients of the facility and will thereby reduce the potential need for additional directional assistance. See [photo below] and sign permit application plans.” (Attachment 104)



Sign #2 with arrows indicating building's front and overhanging awning.

Staff Response: Staff does not think the signs will adversely affect any neighbors, and instead, believe they increase the aesthetic value of the new buildings' contribution to the beauty and attraction of the Downtown Development District, which will likely positively impact neighbors.

C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.

- 1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:**
 - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.**
 - b. Whether reasonable use similar to other properties can be made of the property without the variance.**
 - c. Whether the hardship was created by the person requesting the variance.**

Applicant's Response: "The rebuild/reconstruction of the AWARE Food Bank was, unfortunately, an unanticipated and unplanned event for Marion-Polk Food Share. The best and most economic use of the site required us to complete an almost 100% replacement of the previous facility, building up to the public right-of-way and sidewalks (all permitted in the DDC zone). In addition, awnings extending into the right-of-way were installed to protect clients and pedestrian traffic from the elements. As such, we believe the awnings make it less desirable and visible were the facility name and address to be placed upon the building façade.

Further, as part of the City Planning Dept. staff initial Site Development Review for the reconstruction, city staff requested the offsets on the building face/cornice bump outs. WDO 3.07.07.B.5.h states, 'architectural features such as awnings, windows, cornices, etc. shall be provided at the second floor to differentiate the storefront from the upper levels of the building, to add visual interest, and to allow the storefront to function as the base for the rest of the building.' See photos under Exhibit A. The building offsets and cornices make it more difficult for signage to be installed/placed upon the building face itself as there are reduced appropriate locations/spaces available for signage upon the building façade.

In addition, the number of windows on the 2nd floor provide for a less 'industrial look' of the structure in the historic downtown core which is required for the Downtown which states, 'the upper windows of multi-story buildings shall use multi-pane double-hung sash windows or the equivalent style' (WDO 3.07.07.B.5.b). The window placement further reduces the number of locations/spaces that signage/text can be placed upon the building façade."

Staff Response: Staff concurs with applicant.

2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:

- a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
- b. Incremental impacts occurring as a result of the proposed variance.

Applicant's Response: The use was and continues to be a permitted use in the zone and other land use and design requirements for the reconstruction have been met/received approval. We do not believe the location of the current signage will have visual, noise, traffic or other impacts upon adjacent property owners. In fact, we believe the location of the signage upon the awning provides the most visible directional, locational information for clients of the facility and will thereby reduce the potential need for additional directional assistance.

Staff Response: Staff concurs with applicant.

3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

Applicant's Response: Not applicable. Marion-Polk Food Share is proposing to retain signage that will not change traffic, drainage or other land forms.

Staff Response: Staff concurs with applicant.

4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;

Applicant's Response: (no response)

Staff Response: Allowing this variance is the minimum deviation necessary to make the most economic use of the property.

5. Whether the variance conflicts with the Woodburn Comprehensive Plan (WCP).

Applicant's Response: (no response)

Staff Response: The Comprehensive Plan states that, "The City has had a sign ordinance since 1973. It has been successful in controlling proliferation of signs, mostly along main arterials. The sign ordinance was revised in 2004. The Sign Ordinance implements goals relating to public health, safety and welfare, basically for transportation safety and aesthetic goals." (p. 8-9) This variance does not conflict with these goals of the WCP.

Recommendation of Approval

In the Variance application, the Applicant's narrative addresses the section of the WDO that the new Aware Food Bank signs do not meet- namely that they rise above the awning (3.10.10B). The building in question is unique to Woodburn and therefore its situation is unique when it comes to its needed signage. Staff agrees with the applicant that the same signage placed on the wall behind the awning would be harder to read (if not impossible from the sidewalk) and it may not even be possible to move the signs to the wall due to the amount and location of windows also required by the WDO.

The awning on which the signs are built serve a public good by sheltering customers from inclement weather as they wait outside, which, unfortunately, they often must do. The signs are clearly visible from the sidewalk and the transit stop across the street, while they likely would not be if placed anywhere else. Therefore, their current placement seems to be the most logical placement.

Staff does not think the signs will adversely affect any neighbors, and instead, believe they increase the aesthetic value of the new buildings' contribution to the beauty and attraction of the Downtown Development District, which will likely positively impact neighbors.

In all other factors: size, color, placement, and percentage of façade covered, the signs in question meet the requirements of WDO 3.10; therefore, staff recommends approval of the Variance request.

✓ The Variance (VI) provisions are met. Staff recommends one condition, Condition V1, simply to document what the Commission would approve and to facilitate future reference and research by staff: "V1. Variance summary: This condition documents that the approved variance request was to vary from Woodburn Development Ordinance (WDO) Table 3.10.10D, row 'Awning/Marquee Signs', by allowing signage to extend above the canopy."

APPLICANT NARRATIVE

5.03.12 Variance

A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.

B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:

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FINDINGS: Woodburn Development Ordinance (WDO) 3.10.10B discusses awning or marquee signs and deems these as “wall signs”. The size limitations for wall signs in the CG zone are met. WDO 3.10.10B states “signs on awnings or marquees shall not extend above or below the marquee”. Marion Polk Food Share (MPFS), the owner/operator of the AWARE Food Bank, included protective black awnings that extend from the structure itself and horizontally into the right-of-way, designed to protect pedestrians from the elements and are permitted by code. However, these horizontally extending awnings into the right-of-way make it much more difficult to place signage upon the building front/façade as the existing awnings extend approx. 5 feet over the sidewalk and limit the location of signage placed upon the building façade that would not be blocked or not visible from the right-of-way.

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2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.

FINDINGS: The rebuild/reconstruction of the AWARE Food Bank was, unfortunately, an unanticipated and unplanned event for Marion-Polk Food Share, a non-profit organization, which experienced an act of arson in September 2021 and at the height of the COVID pandemic. While we have reviewed the City’s sign code, we do not believe the placement of the address and facility name signage will have a negative impact upon adjacent properties. Indeed, we believe the placement of the address and facility name upon the awning provides for a more readily and easily visible directional and locational signage and information for clients of the facility and will thereby reduce the potential need for additional directional assistance. See attached photos and sign permit application plans.

C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.

[Applicant Narrative p.1]

1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:

a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.

b. Whether reasonable use similar to other properties can be made of the property without the variance.

c. Whether the hardship was created by the person requesting the variance.

FINDINGS: The rebuild/reconstruction of the AWARE Food Bank was, unfortunately, an unanticipated and unplanned event for Marion-Polk Food Share. The best and most economic use of the site required us to complete an almost 100% replacement of the previous facility, building up to the public right-of-way and sidewalks (all permitted in the DDC zone). In addition, awnings extending into the right-of-way were installed to protect clients and pedestrian traffic from the elements. As such, we believe the awnings make it less desirable and visible were the facility name and address to be placed upon the building façade.

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In addition, the number of windows on the 2nd floor provide for a less “industrial look” of the structure in the historic downtown core which is required for the Downtown which states, “the upper windows of multi-story buildings shall use multi-pane double-hung sash windows or the equivalent style” (WDO 3.07.07.B.5.b). The window placement further reduces the number of locations/spaces that signage/text can be placed upon the building façade.

2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:

a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.

b. Incremental impacts occurring as a result of the proposed variance.

FINDINGS: The use was and continues to be a permitted use in the zone and other land use and design requirements for the reconstruction have been met/received approval. We do not believe the location of the current signage will have visual, noise, traffic or other impacts upon adjacent property owners. In fact, we believe the location of the signage upon the awning

[Applicant Narrative p.2]

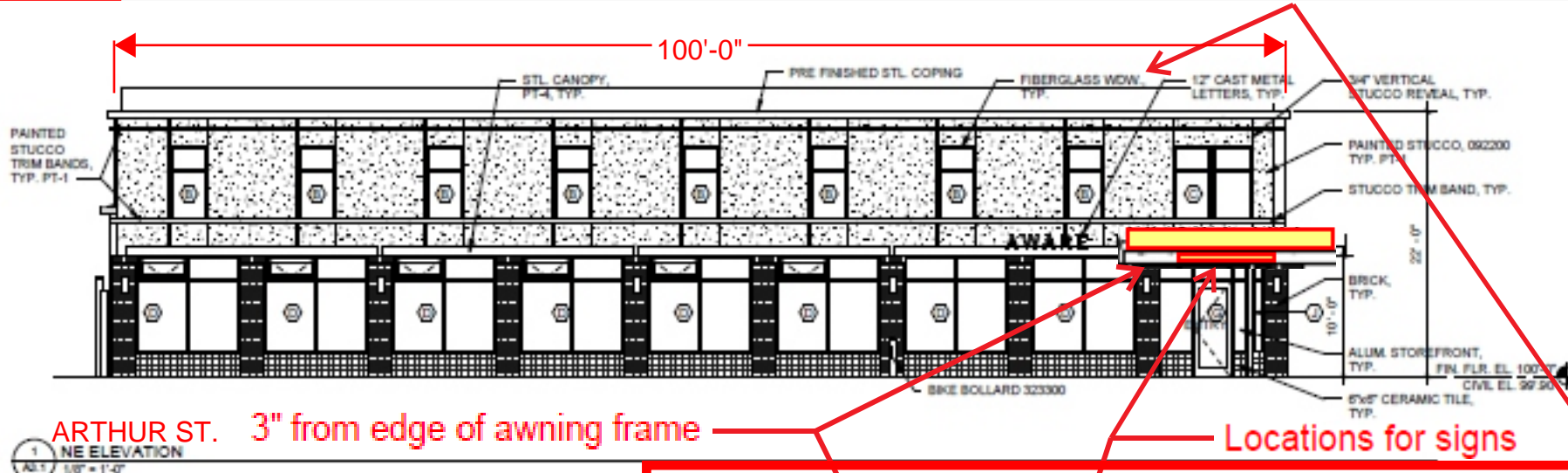
provides the most visible directional, locational information for clients of the facility and will thereby reduce the potential need for additional directional assistance.

3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

FINDINGS: Not applicable. Marion-Polk Food Share is proposing a replacement of the previously existing structure that is a permitted use that was, unfortunately, destroyed by fire in September 2021 and we are not proposing changes to traffic, drainage or other land forms.

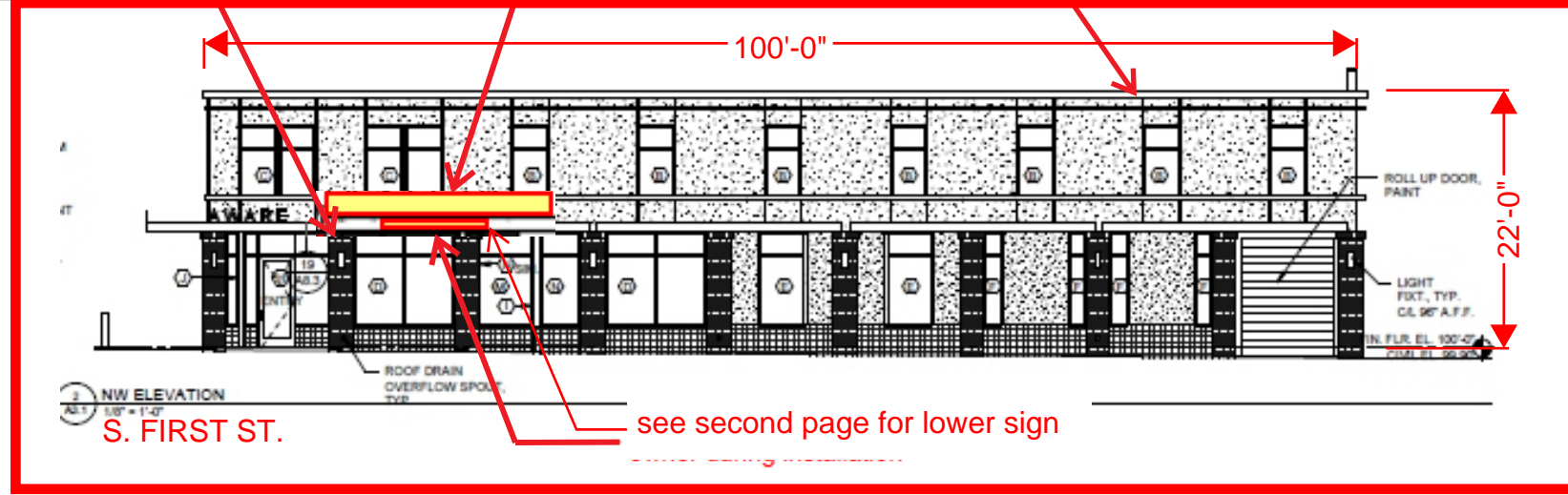
12'-6" 13.3 sf

AWARE Food Bank



2 SETS :
 12" HIGH DIMENSIONAL LETTERS
 POWDER COATED
 TO MATCH "PARTNER ORANGE";
 BOTTOM RAIL MOUNTED;
 RAIL PAINTED BLACK

PARTNER ORANGE
 HEX: dd854e
 RGB: 221, 133, 78
 CMYK: 10, 56, 76, 0
 Pantone: 7576 C



AWARE Food Bank this application



FONT - BASIC SANS BLACK
 AWARE FOOD BANK
 SIGN PACKAGE

EXTERIOR BUILDING NAME
Project number 2023 - AFB - 03
Date 8/13/2023
Director Laresa Yakouba
Contact 360.931.3113

A110

Scale: 1:10

Attachment 104

5" tall letters (rather than 6"), powder coat to match "Partner Orange", projected mounting to face of steel awning channel



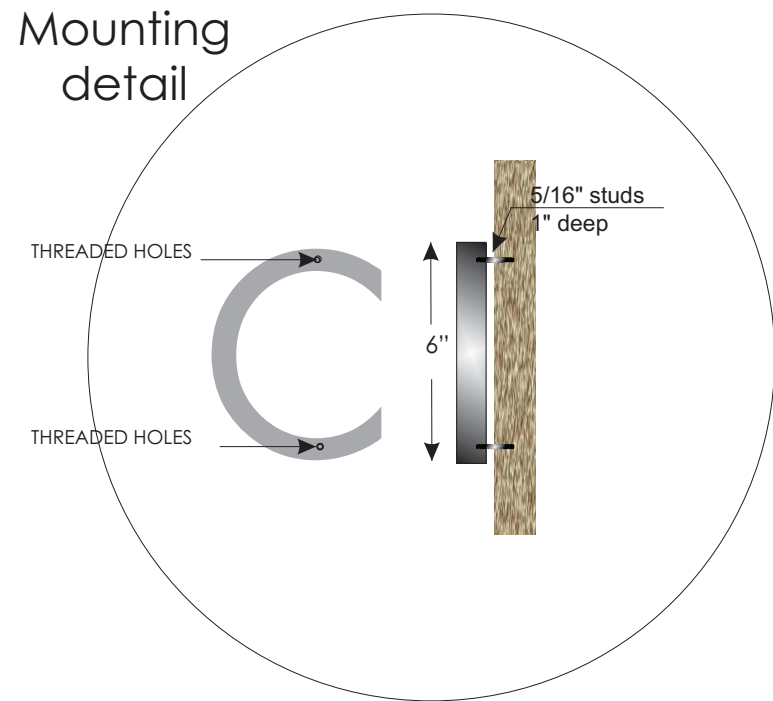
Despensa de Alimentos

Use specified font (Basic Sans Italic)- if unavailable in dimensional letters, laser cut aluminum could be an option. Match letter spacing of logo text, clipped here.

PARTNER ORANGE
 HEX: dd854e
 RGB: 221, 133, 78
 CMYK: 10, 56, 76, 0
 Pantone: 7576 C

2 SETS :
5" HIGH
DIMENSIONAL LETTERS
MOUNTED METHOD:
PROJECTED

FONT - BASIC SANS ITALIC



1 SET :
6" HIGH POWDER
COATED TO MATCH
"PARTNER ORANGE"
DIMENSIONAL LETTERS
MOUNTED METHOD:
PROJECTED; FONT
BASIC SANS



AWARE FOOD BANK

SIGN PACKAGE

EXTERIOR

NAME & ADDRESS

Project number	2023 - AFB - 03
Date	8/13/2023
Director	Laresa Yakouba
Contact	360.931.3113

A112

Scale: 1:10

Attachment 104



AWARE Food Bank

152 Arthur Street, Woodburn OR 97071

Zone: Downtown Development & Conservation (DDC)

New Building Area: 8,220 Square Feet

New Building Height: 22'-0"

Building Length (each face): 100'

New Commercial building primarily a foodbank with office support spaces, a community room for the Foodshare to utilize, and a warehouse to support foodbank operation. New building replaces an existing 7,243 SF building on the site, serving similar functions.

Sign Permit Calculations

Arthur Street Wall Sign:

Requirements:

WDC Table 3.10.10D, Wall Signs:

- Minimum 16 square feet
- Maximum 4 percent of façade or 50 square feet, whichever is less

Proposed:

Wall area: $100' \times 22' = 2,200$ SF

Sign area: 13.3 SF + 2.8 SF = **16.1 SF**, > 16 SF

Percentage: $16.1 / 2,200 = 0.7\%$, < 4%