

## **HERMISTON PLANNING COMMISSION**

### **Regular Meeting**

**April 13, 2016**

Chairman Saylor called the meeting to order at 7:00 PM. Commissioners Flaiz, Caplinger, Erz, Hamm, and Doherty, Fialka, and Rebman were present. Commissioner Medelez was absent.

### **Minutes**

Minutes of the March 9, 2016 Planning Commission meeting were unanimously approved.

### **New Business**

Consider an application for a Conditional Use Permit from Mike Walker of HAPO Community Credit Union requesting that the City allow the tear down and redevelopment of the existing credit union located at 175 NE Cornell Place into a drive thru banking facility. This request is defined as a conditional use. The property is owned by HAPO Community Credit Union. The property is also described as 4N 28 02C Tax Lot 203. The proposed structure will have three drive-up lanes, two with teller services and one with ATM services, and a 572 square foot building with an 850 square foot awning.

Chairman Saylor asked if any commissioners had a conflict of interest. Hearing none, she read the following guidelines:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances.
- b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
- c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
- d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.
- f. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.

City Planner Spencer presented the staff report.

### **Findings of Fact**

#### **The proposal is in conformance with the comprehensive plan and zoning code.**

1. The property is zoned Outlying Commercial (C-2) and subject to the provisions for uses established in 157.042 of the Hermiston Code of Ordinances.
2. A drive-up facility such as the proposed credit union is a conditional use in the C-2 zone per 157.041(B)(4) of the Hermiston Code of Ordinances.
3. The proposed facility is 572 square feet.
4. A 572 square foot bank facility requires one parking space for every 333 square feet of floor area, or two spaces for 572 square feet. Three spaces, two regular and one ADA accessible space, are proposed.
5. The C-2 zone requires a setback of at least 20 feet from any street and at least 25 feet from any adjacent residentially zoned property. The building and canopy are setback more than 20 feet from NE Cornell Pl. There is no residentially zoned property adjacent to the site along any property line. Therefore, no other setbacks are required.
6. The structure is located outside of the 15 foot vision clearance area required for the driveway approaches.
7. The proposed structure will be 19 feet in height. This will be well below the maximum height of 50 feet in the C-2 zone.
8. All areas for the standing and maneuvering of vehicles are proposed for paving on the site plan in conformance with 157.179 of the Hermiston Code of Ordinances.

#### **The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the Planning Commission**

9. As noted in findings 3, 4, 5, 6, and 7 above, the property is adequate in size and shape to accommodate all setback, lot coverage, and parking requirements

#### **Public facilities are of adequate size and quality to serve the proposed use**

10. There are existing public water and sewer lines installed in NE Cornell Pl.
11. The existing building is connected to water and sewer services. The new drive-up will reconnect using the existing connections.
12. NE Cornell Pl is fully improved to local commercial standards. No additional improvements, such as sidewalks, are necessary for redevelopment of the site.

#### **The proposed use will prove reasonably compatible with surrounding properties**

13. The proposed building will have a smaller footprint than the existing building while providing a similar service to the existing credit union.
14. The proposed drive up building will provide three lanes for vehicle queuing which will minimize congestion as vehicles wait for services. Approximately 12 to 14 vehicles can wait for services in the queuing area provided.
15. The applicant proposes to install landscaping along the south and east property lines improving street aesthetics.
16. Storm water will be retained in a new landscaped storm water retention swale in the northeast corner of the property.

### **Staff Recommendation**

Staff has reviewed the conditional use permit application. The proposed drive-through credit union is a use permitted conditionally in the C-2 zone. It is compatible with the surrounding development and will create little impact on the surrounding neighborhood through noise or visual impacts. Staff recommends that the planning commission consider the application materials presented, testimony from the applicant and general public at the hearing, and the development's potential impact on the surrounding neighborhood. Based upon the staff's review of the application, staff recommends the planning commission approve the application for a conditional use permit subject to the draft conditions listed in the staff report and any other conditions the planning commission finds necessary to mitigate potential impacts to the neighborhood.

Subject to the testimony received at the public hearing and deliberations of the planning commission, staff recommends that the planning commission impose the following conditions on the request:

1. All areas for the standing and maneuvering of vehicles shall be paved prior to occupancy as shown on the site plan.
2. All storm water drainage shall be retained on-site.
3. Landscaping shall be installed as shown on the site plan.
4. Signage shall be installed in accordance with Chapter 155 of the Hermiston Code of Ordinances and all vision clearance areas shall be maintained.
5. Applicant shall comply with all provisions of §92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of development.
6. Exterior site lighting shall be designed to avoid interference with adjacent properties.
7. A security plan shall be submitted to the city police department for review and comment prior to issuance of a building permit.
8. Applicant shall increase parking spaces to four total and submit a revised site plan to the City Planner for approval.

Mike Walker of HAPO Credit Union- There will primarily be two tellers working, with a maximum of three or four employees at any one time. This would be for a short transition period of employees changing cash trays or occasional manager presence. The operating hours will be from 9am to 6pm.

Chairman Saylor closed the hearing at 7:20pm.

Commissioner Hamm moved and Commissioner Flaiz seconded to approve the draft findings as written. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Fialka seconded to approve the Conditional Use Permit subject to the revised draft conditions. Motion passed unanimously.

### **Planner Comments and Unscheduled Communications**

The ADA compliant sidewalk ramps in unusual locations along HWY 395 is due to federal highway dollars being used on the ODOT project.

The livability report has shown that downtown revitalization is a community priority. Design work on the festival street should start in the next fiscal year.

Meeting adjourned at 7:41PM.

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Meeting adjourned at 7:41PM.



## Planning Department

180 NE 2<sup>nd</sup> Street  
Hermiston, OR 97838  
Phone: (541)567-5521  
Fax: (541)567-5530  
[planning@hermiston.or.us](mailto:planning@hermiston.or.us)

**To:** Planning Commission  
**From:** Clinton Spencer, City Planner  
**Subject:** Seventh Day Adventist Church Variance Request  
**Date:** May 2, 2016

Louis Hanson has submitted a request for a major variance on behalf of the Seventh Day Adventist Church located at 855 W Highland Ave. The property is described as 4N 28 15BA Tax Lot 901 and is zoned Single-Family Residential (R-1). The applicant has requested a variance from the maximum sign height of eight feet in residential zones. §155.35(C) establishes that free standing signs in low density residential areas are limited to eight feet in height. The property is zoned Single-Family Residential which is classified as a low density residential zone. The applicant is requesting the planning commission grant a variance from the eight foot height limitation and approve the construction of the sign with a 14 foot height. The proposed sign is 4 feet high and 8 feet wide or 32 square feet which is consistent with the sign size for conditional uses in the R-1 zone. With the exception of the sign height, the size and placement on the property meet the requirements of the sign code.

According to the applicant, an application for a sign permit was approved by the building department but rescinded upon a second review when the building inspectors verified the height of the sign exceeded the maximum allowed height. The applicant contends that since the sign was originally permitted with a 14 foot height by the building department, the city should honor the original permit issuance. Courts have historically held that issuance of a permit by a city which does not meet all of the standards of the code does not nullify those provisions.

Consideration of the variance allows the city additional authority in potential conditions which would allow the applicant to construct a taller sign while mitigating potential negative impacts of the sign. For instance, variable message LED signs such as the one proposed are relatively new in the city and there is no clear language governing their unique properties. Staff's experience has been that the city has received numerous complaints about the brightness of the existing LED signs at night time. The planning commission may choose to limit brightness and flashing or even require a slow text scroll speed to limit distractions to drivers.

Per §157.225(A) of the Hermiston Code of Ordinances, the planning commission may grant variances where it can be shown that, owing to special and unusual circumstances, literal interpretation of the zoning code would cause an undue or unnecessary hardship.

### Criteria

The specific criteria relied upon by the planning commission are contained in §157.225(A)(1) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development patterns or policy.
4. It is impossible to maintain the zoning ordinance and at the same time, build, erect or use the structure.
5. The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

It is not necessary to restate other ordinances and statutory requirements of the variance as part of the proceedings. The granting or denial of the variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

#### Draft Findings

**Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.**

1. The building department originally issued a permit and later rescinded the permit due to a previously unnoticed height violation.

**The variance is necessary for the preservation of a property right of the applicant that is substantially the same as is possessed by owners of other property in the same zone or vicinity.**

2. There are several similar signs on other properties in low density residential zones which exceed the height limitation.
3. The applicant has noted that West Park Elementary, First Christian Church, and the Hermiston High School are all within 1000 feet of the proposed sign, within a low density residential zone, and already have signs in excess of 8 feet in height.

4. In addition to the signs in relatively close proximity, noted in Finding #4, Rocky Heights Elementary, Sandstone Middle School, Armand Larive Middle School, and Desert View Elementary also have signs in excess of 8 feet in height.

**The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.**

5. The extra height will keep the LED messages out of the sightline of drivers approaching the sign at night, creating a safer driver environment.
6. Allowing extra height for the sign will better protect the investment in the sign by preventing it from being slapped or vandalized by passing pedestrians.
7. Placing the sign at a higher height will prevent children from hiding behind it during VBS activities during the summer.

**It is impossible to maintain the zoning ordinance requirements and at the same time build, erect or use the structure.**

8. The engineering drawings were submitted and approved by the city on November 19, 2015 and a permit was issued on January 18, 2016. The applicant subsequently poured the footing necessary for a 14 foot high sign.

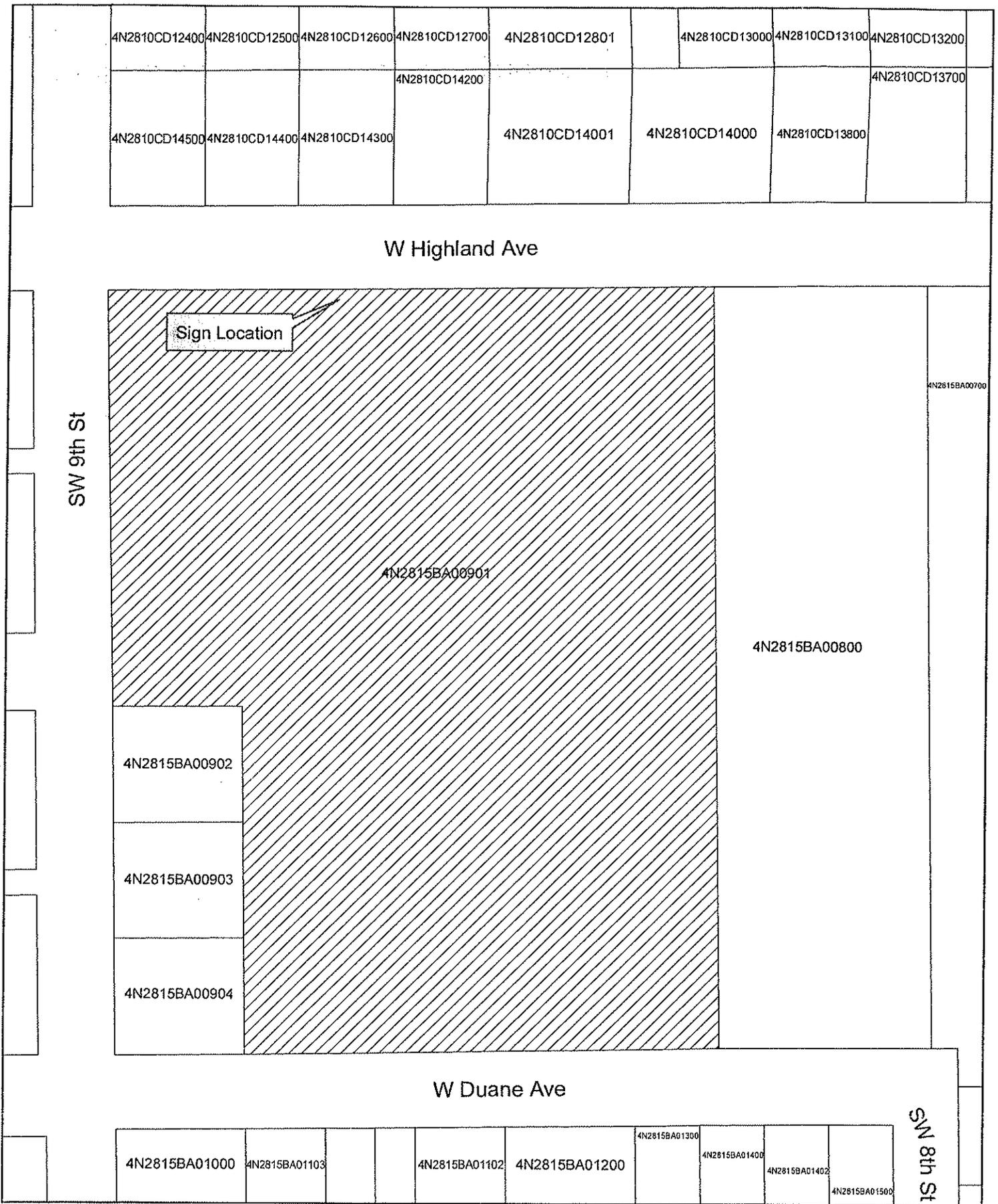
**The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.**

9. The applicant received a permit to build a sign at 14 feet in height but later had to modify the design at the direction of the building department.

#### **Staff Recommendation**

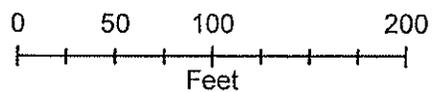
The planning commission may choose to approve or deny the variance requested by the Seventh Day Adventist Church. The applicant notes that several other property owners have signs as high or higher than the proposed sign and they wish to exercise a similar property right. Should the planning commission choose to approve the variance request, staff recommends the following conditions be placed upon the placement and operation of the sign:

1. The sign shall operate at the lowest possible brightness level from dusk to dawn.
2. Flashing text and blinking graphics shall not be used.



**Legend**

-  Area of Proposed Variance
-  Property Line
-  City Limits



CITY OF HERMISTON

APPLICATION FOR MAJOR VARIANCE

Pursuant to the provisions of §157.225 of the Hermiston Code of Ordinances, application is hereby made for a variance for the following described property:

Name of Applicant: HERMISTON SDA CHURCH Phone: 541-567-8241

Mailing Address: 855 W. HIGHLAND

Name of Owner (If Different): Phone:

Mailing Address:

Legal Description: Assessor's Map No: 15 BA Tax Lot No: 901

Subdivision (If Applicable):

Please Attach a Metes and Bounds Legal Description

Street Address:

Current Zoning Designation: R1

Variance Requested: MAX SIGN HEIGHT OF 8 FT NEEDED 14 FT 8 IN.

IMPORTANT!: Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to variance requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

- 1. Explain what exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

BUILDING DEPT ISSUED PERMIT & RECORDED IN

- 2. Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?

THIS MORE CLOSELY MATCHES OTHER SIGNS IN LIKE ZONE & AREA SEE ATTACHED PHOTOS

3. Explain why the authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

EXTRA HEIGHT WOULD KEEP LIGHTS ABOVE TRAFFIC EYE LEVEL AT NIGHT WOULD KEEP SIGN FROM BEING SLAPPED TO SEE IF THEY COULD MAKE IT FLICKER OR GO OUT KEEP KIDS AT VBS FROM HIDING BEHIND IT

4. Explain why it is impossible to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

ENGINEERING DRAWINGS WERE OK'ED 11-16-15 BUILDING PERMIT # B-146-15 ISSUED 11-19-15 1-18-16 RECEIVED SIGN 2-17-16 DUG FOOTING + POURED CEMENT + INSPECTION SIGNED OFF LATER THAT DAY CHUCK RECEIVED THE PERMIT

5. Explain why the variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

SAME AS ABOVE - SIGN WAS OK'ED BUILT AND RECEIVED

**ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital copy) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the \_\_\_\_\_ owner/  owner's authorized representative  
(If authorized representative, please attach letter signed by owner.)

Signature of Application:  Date: 4-12-16

**OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COST WILL BE BILLED LATER**

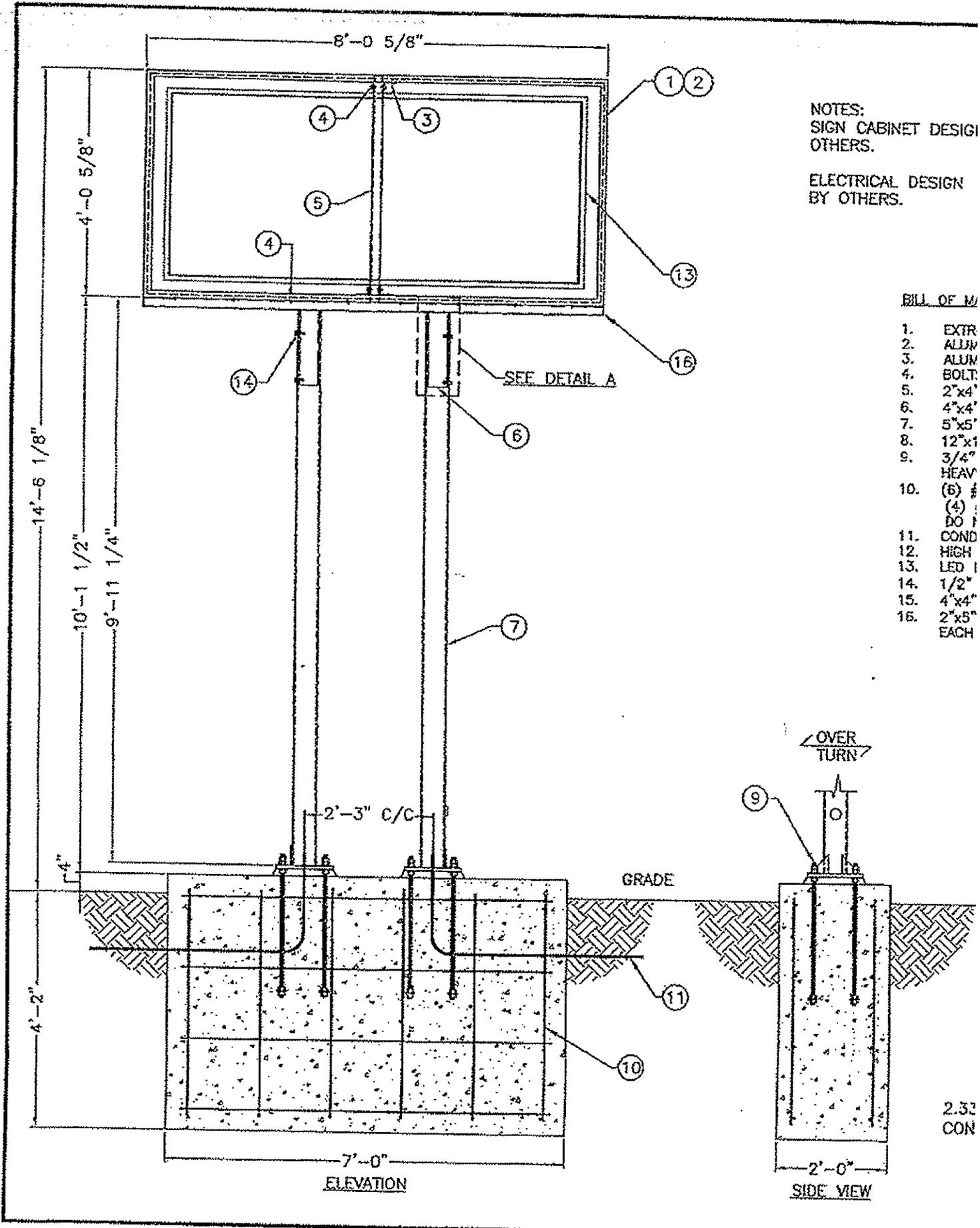
**NOTE:** The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

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**Office Use Only**

Date Filed: 4/23/14      Received By: W. J. [Signature]      Meeting Date: 5/11/14  
Fee: \$420.00      Date Paid: 4/23/14      Receipt No: XBPCF# 16594097



NOTES:  
SIGN CABINET DESIGN  
OTHERS.  
  
ELECTRICAL DESIGN  
BY OTHERS.

**BILL OF M**

- 1. EXTR
- 2. ALUM
- 3. ALUM
- 4. BOLT
- 5. 2"x4'
- 6. 4"x4'
- 7. 5"x5'
- 8. 12"x1
- 9. 3/4"
- HEAV
- 10. (6) #
- (4)
- DO F
- 11. COND
- 12. HIGH
- 13. LED I
- 14. 1/2"
- 15. 4"x4"
- 16. 2"x5"
- EACH

2.32  
CON

City of Hermiston  
Building Department  
**INSPECTION REQUEST**  
Ph. 667-5025 Fax: 567-6731

Date Requested: 2/17 Time: \_\_\_\_\_ Type Inspection: SIGN FOOTING  
CABO:  Structural  Mechanical  Mobile Home Set-up  Electrical  Plumbing  
Commercial:  Structural  Mechanical  Electrical  Plumbing  Other \_\_\_\_\_  
Permit #: B0146-15 Owner: SEVENTH DAY ADVENTIST Address: 855 W HIGHLAND AVE  
City: HERMISTON  
Inspection Scheduled: \_\_\_\_\_ Date: \_\_\_\_\_  Mon.  Tue.  Wed.  Thur.  Fri.  AM  PM  
Contractor: TOP NOTCH Phone #: \_\_\_\_\_  
Comments: READY WED MORNING  
Request Taken By: \_\_\_\_\_

**INSPECTION REPORT**

Date Inspected: 2-17-16 Time: \_\_\_\_\_ Type of Inspection: \_\_\_\_\_  
 Approved  Unable to Inspect  Reinspection Required  Finaled

Comments: \_\_\_\_\_  
Feature appeared to permit  
get back to contractor's mercy place  
to start work here

Call for Reinspection of Corrections  Ok to Continue After Corrections Made  
and Form Signed and Returned to Building Dept.  
Owner/Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inspected By: [Signature] Date: \_\_\_\_\_

# Building Permit

## Job Location Card



B-146-15

Permit Number

11-19-15

Date

855 W. HIGHLAND AVE.

Job Address

**FOR INSPECTIONS CALL 541-667-5025**

*It is the responsibility of the permit holder to post the card in a conspicuous location at the job site. Card should remain posted until completion of project.*

### BUILDING PERMIT

#### CITY OF HERMISTON

215 E. Gladys Avenue  
Hermiston, OR 97838  
(541) 667-5025



Date <u>11-19-15</u>	Receipt # _____
Building Permit	No. <u>B-146-15</u>
Valuation	\$ <u>29,000.00</u>
Building Permit Fee	\$ <u>245.05</u>
Plan Review Fee	\$ <u>159.28</u>
Investigation Fee	\$ <u>—</u>
State Surcharge	\$ <u>29.41</u>
<b>TOTAL</b>	\$ <u>433.74</u>

HERMISTON SDA CHURCH is hereby granted permission  
to ERECT POLE SIGN

on 4N28 15BA T.L. # 901

This permit is issued on the express condition that the construction shall conform in all respects to the statements certified to in the application for such permit and that all work shall be done in accordance with the ordinances of the City of Hermiston and the State of Oregon pertaining to the construction of buildings. Permits become null and void if work is not commenced within 180 days of issue date or if work is suspended for more than 180 days.

Street Address 855 W. HIGHLAND AVENUE

Contractor OWNER

By [Signature] Building Inspector

#### CODE REQUIREMENTS

The City Building Codes Department does not survey parcels. Approval granted for the placement of structures is subject to modification by actual surveyed location of easements, rights of way and lot lines. The owner is responsible for ensuring accuracy of set backs.

15' 3" in

HIGHLAND HILLS  
ELEMENTARY

Husky Apparel  
Available

TM

DAK FURNITURE

GALAXY



10ft 6 in



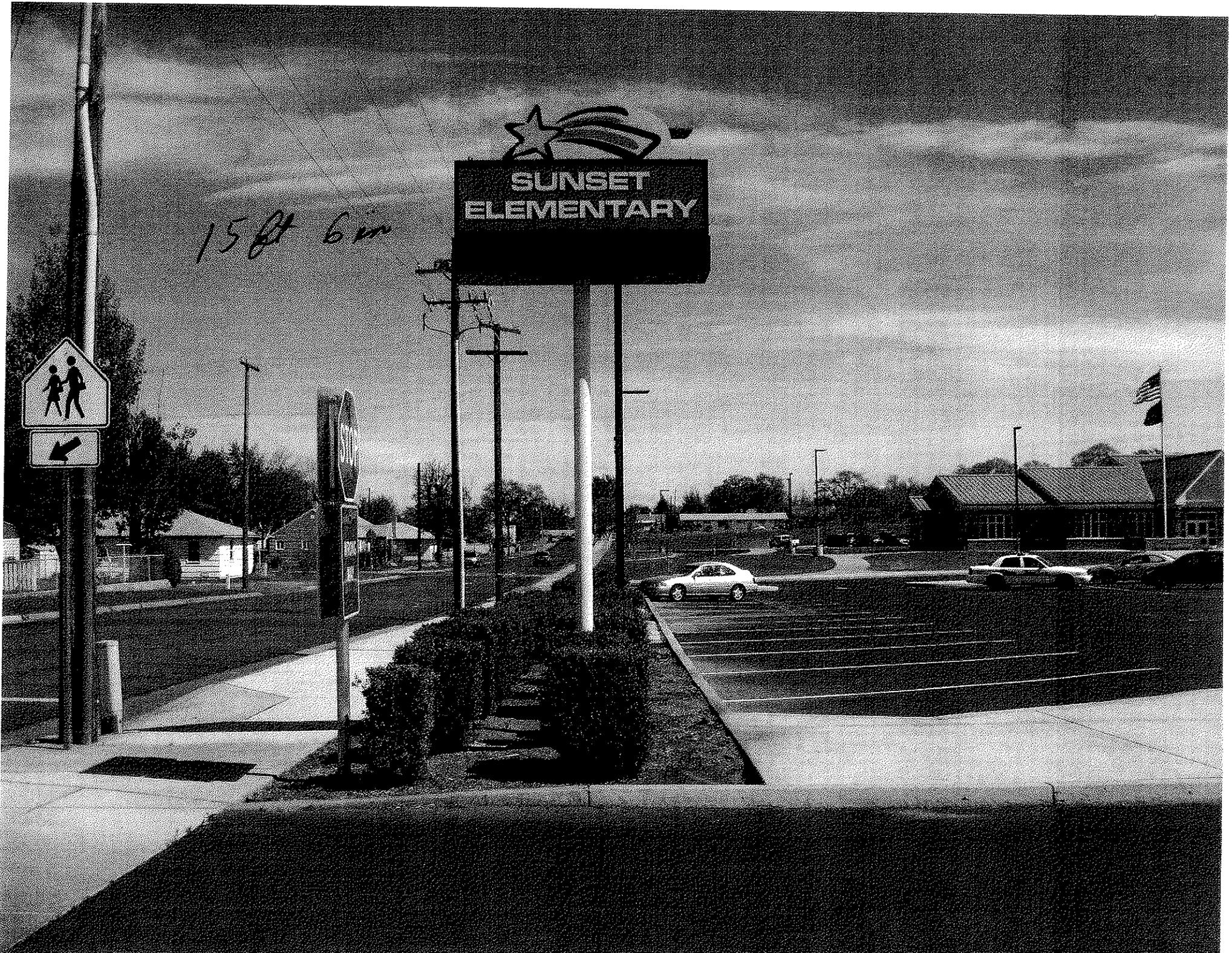
SANDSTONE MIDDLE SCHOOL



TESTING SEASON HAS STARTED  
THANK YOU PARENTS FOR YOUR  
SUPPORT

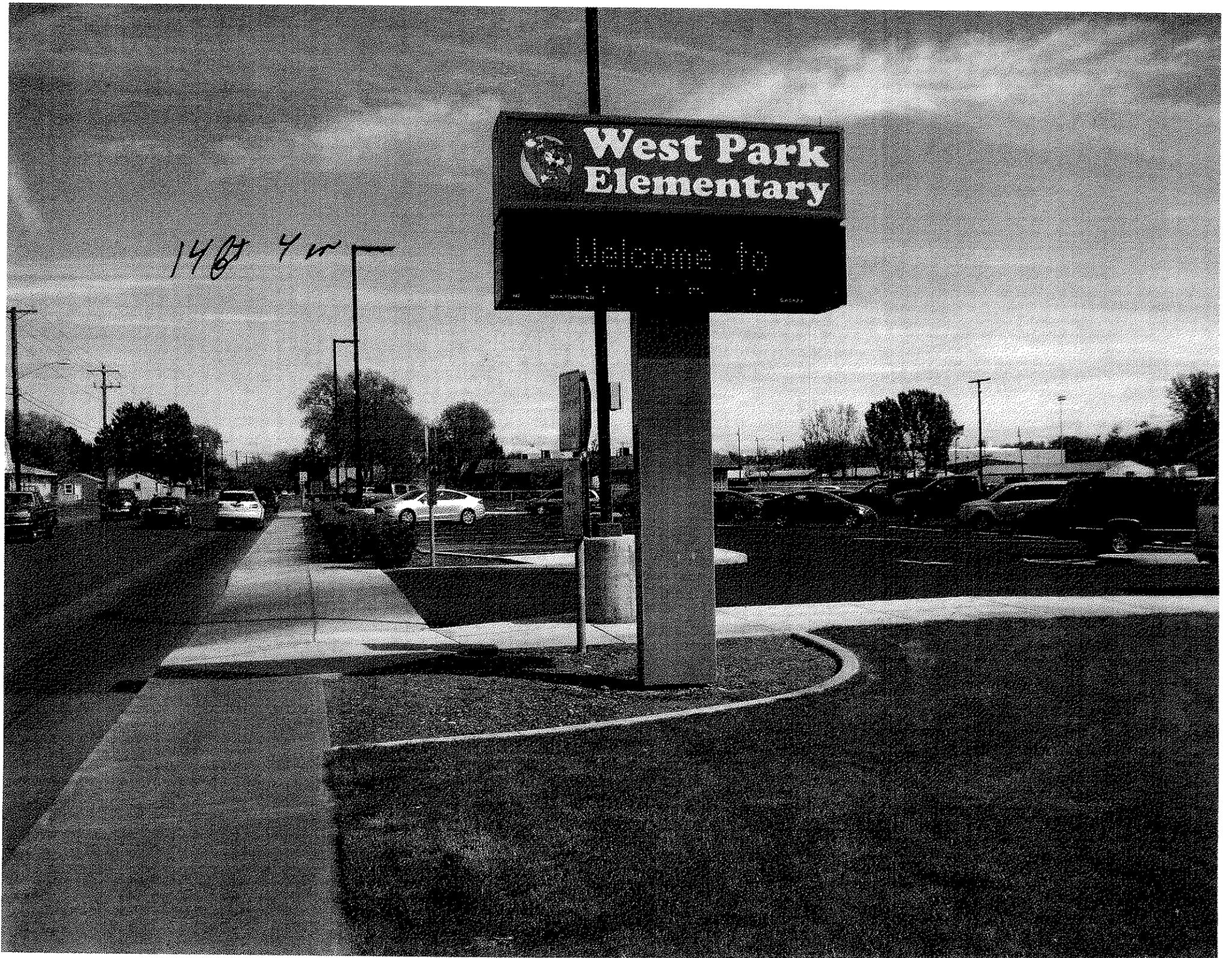
15 ft 6 in

  
**SUNSET  
ELEMENTARY**



148 4 m

 **West Park  
Elementary**  
Welcome to



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<b>DESERT VIEW ELEMENTARY</b>	

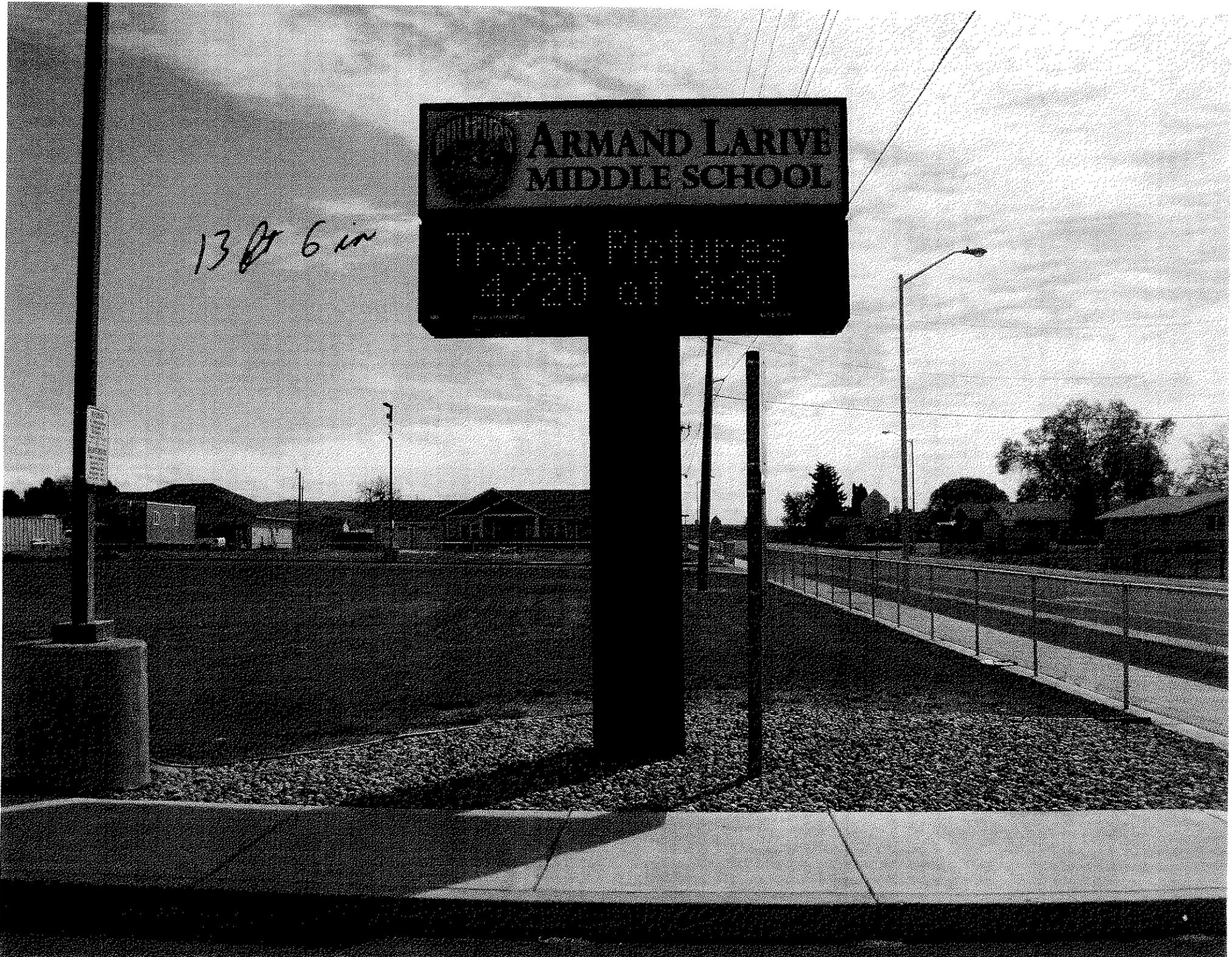
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2-WAY

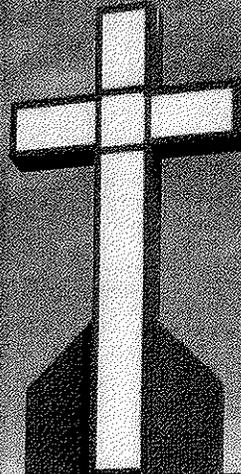


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THE FUTURE  
IS NOW





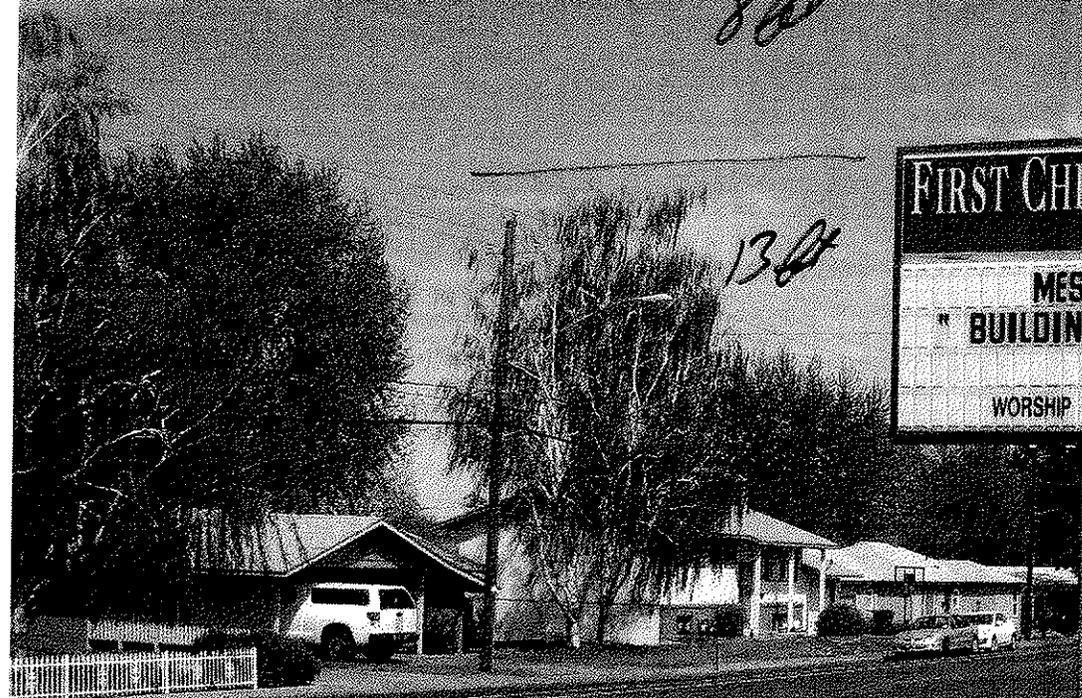
**FIRST CHRISTIAN CHURCH**

MESSAGE SERIES :  
" BUILDING A BLESSED LIFE "

WORSHIP 10:30 AM SUNDAY SCHOOL 9:30

8/28

13/28







## Planning Department

180 NE 2<sup>nd</sup> Street  
Hermiston, OR 97838  
Phone: (541)567-5521  
Fax: (541)567-5530  
planning@hermiston.or.us

**To:** Planning Commission  
**From:** Clinton Spencer, City Planner  
**Subject:** Request for Interpretation – Residential Identification Sign Definition  
**Date:** April 26, 2016

City staff requests that the planning commission interpret an ambiguous portion of the sign code in Chapter 155 of the municipal code. In November of 2015 the city received a citizen complaint that a neighboring property owner was erecting a large sign in their front yard. The subject sign is located at 699 W Joseph Ave. Upon investigation by code enforcement, it was determined that sign posts had been installed but no sign hung. Code enforcement visited the site, spoke with the property owners, and explained the sign code limitation of two square feet in the residential zones.

No sign was installed and the issue remained dormant until April of 2016 when the Ellis family at 699 W Joseph Ave finally installed a sign in their front yard of approximately fourteen square feet in area. The installation of the sign immediately generated a second complaint to the city. Upon receipt of the complaint, the city issued a letter to the Ellis family summarizing the complaint against the sign, but that it was possible the sign was exempt under the sign code. Copies of all correspondence are attached to this memo for the planning commission's reference.

In attempting to determine if the sign is in violation of the ordinance, staff considered three provisions in the sign code. First, a sign is defined as, "*Any medium, including its structure and component parts, other than paint on a building, which is used or intended to be used to attract attention to the subject matter for communication purposes.*" (155.02 Definitions) The sign at issue meets the definition of a sign in the code as its intended purpose is to attract attention for communication purposes. Second, in residential zones, sign area is limited as follows, "*(B) Size and height. One nameplate or identification sign with a maximum of two faces not exceeding two square feet per face per dwelling unit is permitted. Uses allowed conditionally may be allowed to erect one sign per street frontage not to exceed 32 square feet.*" (155.35(B)) The sign code is explicit that a use permitted conditionally in a residential zone, such as a church or beauty salon, may have up to 32 square feet of sign area. The two square foot limitation has historically be interpreted to apply to home occupations which are required to not exhibit the outward appearance of a business. (157.002) Third, certain signs are considered exempt signs. The code provides an exemption for "*residential identification signs*" (155.17(J)). However, the code is silent on what constitutes a residential identification sign.

It is the opinion of planning and code enforcement staff that the sign at issue should be considered a residential identification sign and thus exempt from the application of ordinance standards. However, it is not clear from the text of the code that there is either a standard for

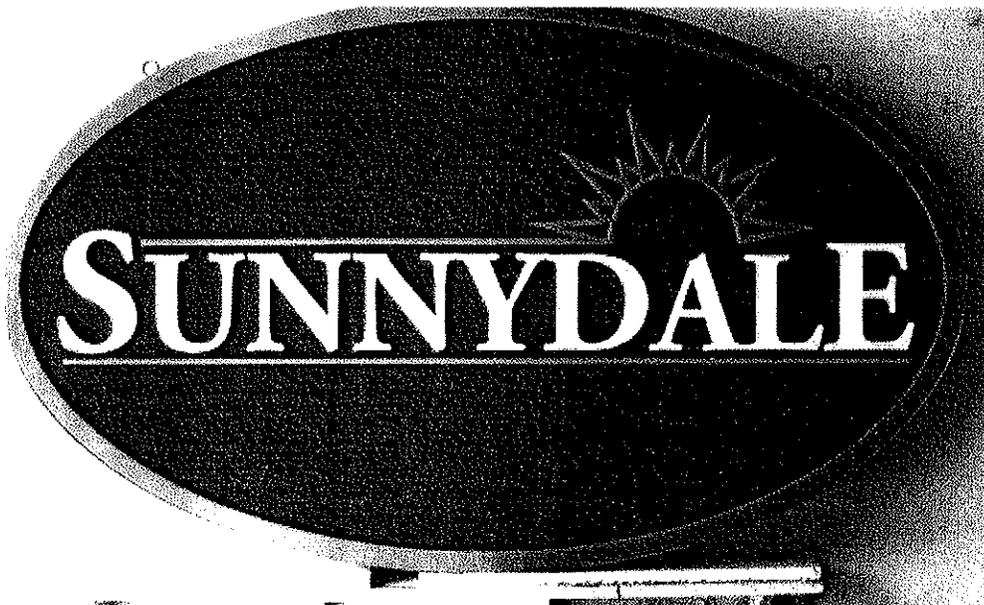
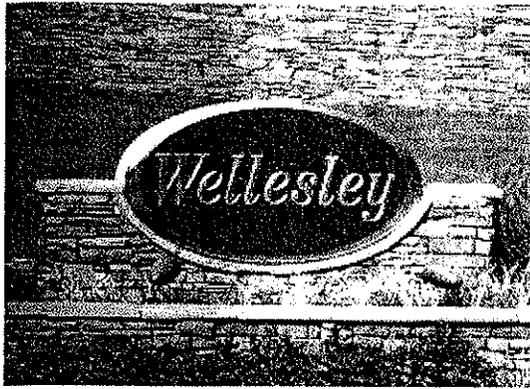
what constitutes a residential identification sign, or that staff has the authority to make this determination under the administration of 155.50 through 155.99. Therefore, after conferring with city counsel, it was recommended the issue be referred to the planning commission for an interpretation of the code.

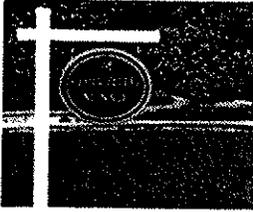
If the planning commission determines the sign at issue is an exempt residential identification sign, the property owner may keep the sign as installed. If the planning commission determines it is a sign in a residential zone subject to the two square foot area limitation, the property owner will need to apply for a variance from the planning commission in order to keep the sign.

For the planning commission's information regarding procedure, this request for an interpretation is not a hearing. The planning commission has been provided written copies of all communications from and to the city regarding the sign. Additional public input may be solicited by the planning commission but it is not obligated to consider additional evidence.

Appended to this report are several images which may be representative of residential identification signs based upon a "Google Image Search" using this term.







Saturday, April 16, 2016

To: City of Hermiston Planning Department,  
Clint Spencer – City Planner  
Hermiston City Council.

I, Keith Ellis, Hermiston resident residing at 699 W. Joseph Ave. have put up a “Residential Identification” sign in my front yard. I did not seek a permit from the city for this sign. Upon my review of the Hermiston municipal code (HCO 155.17(J)) it states that “Residential Identification” signs are exempt from the city’s sign codes. As the sign identifies my name and address of my residence it seemed self-evident that the sign met the criteria of this exemption.

Upon the request of Clint Spencer, Hermiston’s City Planner, who came and spoke with my wife on Thursday, April 14<sup>th</sup>, 2016 I am providing the Planning Department the following information. This information is being provided to give more clarity on why we feel the sign is needed and is in line with the purpose of Hermiston Code Chapter 155. The sign communicates the information of residence and orientation of the entrance of this residence. It is not a visual blight, or cause of detriment to public safety or property values.

We feel that there is exceptional circumstances that apply to our property that does not apply to all of our neighbors. However, we feel that any of our fellow Hermiston residents should be allowed to put up a residential identification sign as an exception to Hermiston municipal sign code. Our house was constructed on the corner of S.W. 7<sup>th</sup> St. and W. Joseph Ave. To be compliant with Hermiston Planning code construction setbacks the garage had to be turned to face W. Joseph Ave to fit on the property. Hermiston Planning also required the address of the residence be based on the street that the garage faced. Thus my address is 699 W. Joseph, but my front door faces S.W. 7<sup>th</sup> St.

These factors create an exceptional circumstance that delivery staff, Emergency responders, visitors and trick or treaters have a difficult time finding the front door. Delivery companies like Fed Ex and UPS routinely drop packages at my garage man door without waiting for someone to answer the door. With Items like medication and live plants or anything that can be destroyed by the irrigation sprinklers, this is a problem. I don’t expect these companies to change their business model on my account. The sign has corrected this problem. A less frequent, but more serious concern is the confusion added to Emergency responders. I have had police arrive at my residence and knock on the garage man door, but I cannot hear this from the inside of my house. I believe the sign would assist with this as well. It has been suggested that we seek a change of address to correct the problem. We do not feel that this would solve the problem of the visual indicator of the garage door, and would create other problems with our established accounts and mail.

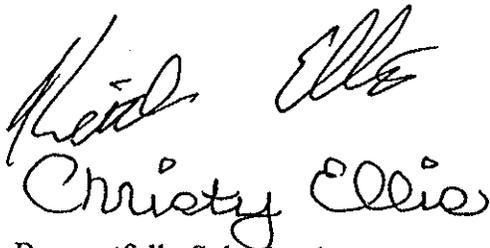
We do have a neighbor, George Koffler 698 W. Joseph, who has a similar circumstance. His house had to be constructed with the garage facing W. Joseph and his front door facing S.W. 7<sup>th</sup> St. to fit on the lot with the setbacks as well. I have spoken to this couple as well and they have had similar delivery issues.

The sign itself was hand carved by myself out of cedar wood. It is 47 inches wide at its widest point and 37 inches tall at its tallest point. It is not a rectangle in shape and the surface area of the sign is 8.8678 square feet. The sign has only one side with lettering. The letters are 4 inch font, a common size sold for address signs, at the tallest it's elevation above grade is 4'2" at its highest point. It is supported by 2 pressure treated 4x4 posts that are set 36" into grade with concrete. The Legal description of the property is 4N2815AC, Tax Lot # 6900.

(See attached photo)

We feel that this is clearly a residential identification sign and should not be subject to the existing application, permit and fee requirements of Chapter 155 of the Hermiston municipal code. (HCO 155.17 Exempt Signs.) We would also like to be given an explanation from the Hermiston Planning commission as to why they acted on the complaint of a neighbor immediately. The first time before the sign was even placed. Yet when I called and spoke with Clint Spencer about the issue. I was told that I would have to fill out an application for a Variance and submit a \$225 fee and wait until the committee met before any action could be made. I did not hear from our City Planner, Clint Spencer, that there was an exemption for residential identification signs in the code. Even though this was clearly explained to him at that time, because the original complaint was that I was "intending" to erect a "Business sign". This has given us the impression that the Hermiston City Planning department has inequitable access. People who feel they have a complaint get immediate response and action. Those who find themselves on the receiving end of these complaints receive economic barriers and action at the convenience of the time frame of the committee. This should not be.

Please see attached definitions and signatures of neighbors.

The image shows two handwritten signatures in cursive. The first signature is 'Keith Ellis' and the second is 'Christy Ellis'. Both are written in dark ink.

Respectfully Submitted,  
Keith & Christy Ellis

# 1. res·i·den·tial

[,rezə'den(t)SH(ə)]

## ADJECTIVE

1. designed for people to live in:  
"private residential and nursing homes"  
synonyms: suburban · commuter · exurban

Source Oxford Dictionary

# 2. i·den·ti·fi·ca·tion

[ɪ,den(t)əfə'kāSH(ə)n]

## NOUN

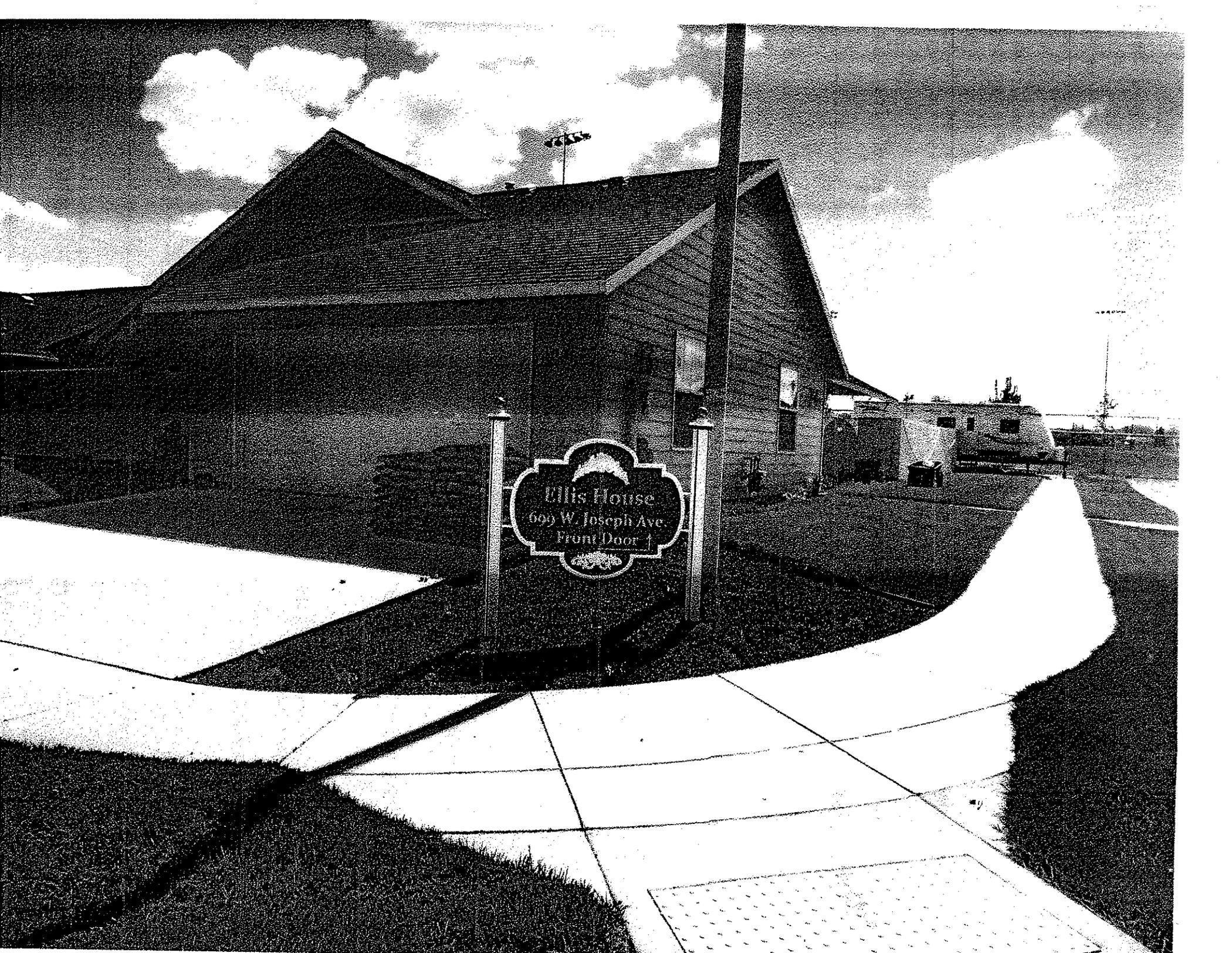
1. the action or process of identifying someone or something or the fact of being identified:  
"each child was tagged with a number for identification"  
"it may be impossible for relatives to make positive identifications"  
synonyms: recognition · singling out · pinpointing · naming  
Source Oxford Dictionary.

# 3. sign

## Simple Definition of *sign*

•  
: a piece of paper, wood, etc., with words or pictures on it that gives information about something

Source Webster Dictionary.



Ellis House  
609 W. Joseph Ave.  
Front Door ↑

With my signature below I am indicating that I find the "Residential Identification" sign at 699 W. Joseph as installed, permissible.

Name (Print)                      Signature                      Address

1. Terige Kofler                      [Signature]                      698 West Joseph

Comment The Sign is fine with us

2. Mike Fieker                      686 W Joseph Ave

Comment Sign is nice.

3. Shelley Dulic                      1093 W Joseph Ave

Comment looks great!

4. SAM McDAW                      [Signature]                      175 W JOSEPH AVE

Comment \_\_\_\_\_

5. [Signature] Andres Guzman                      674 W. Joseph

Comment \_\_\_\_\_

With my signature below I am indicating that I find the "Residential Identification" sign at 699 W. Joseph as installed, permissible.

Name (Print)                      Signature                      Address

1. Don Isom                      Don Isom                      7016 W Joseph Ave

Comment I think the sign looks great - Done nice -

2. Sharon Smith                      Sharon Smith                      747 W Joseph

Comment The sign looks very professional 747 W Joseph

3. Gilberta Vortjak                      Gilberta Vortjak                      718 W Joseph av

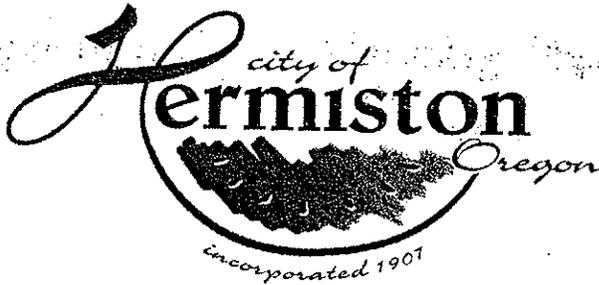
Comment

4. Ryan Niedeman                      Ryan Niedeman                      732 W Joseph Ave

Comment

5. [Signature]                      [Signature]                      681 W Joseph Ave

Comment



## Planning Department

180 NE 2<sup>nd</sup> Street  
Hermiston, OR 97838  
Phone: (541)567-5521  
Fax: (541)567-5530  
[planning@hermiston.or.us](mailto:planning@hermiston.or.us)

April 14, 2016

Keith Ellis  
699 W Joseph Ave  
Hermiston, OR 97838

Re: Citizen Complaint of Potential Non-Conforming Sign

The City of Hermiston has received a complaint about a potential violation of the city's sign code on your property located at 699 W Joseph Avenue. Upon inspection by city staff, the city determined that a sign of approximately 14 square feet in size is installed in the front yard. Under the provisions of 155.31 of the Hermiston Code of Ordinances, signs in residential low density zones are limited to 2 square feet in size.

In the city's sign code a sign is defined as "Any medium, including its structure and component parts, other than paint on a building, which is used or intended to be used to attract attention to the subject matter for communication purposes." (HCO 155.02) However, certain categories of signs are exempt from the city's sign code as well. One of these exempt sign categories is "residential identification signs." (HCO 155.17(J)) What constitutes a residential identification sign is not defined within the municipal code. Based upon the city's investigation of the sign, it is possible that your sign could qualify as a residential identification sign, but there is not sufficient language in the sign code for staff to make this determination.

After investigating your sign installation, the city offers three possible remedies for you.

1. Submit a request for interpretation to the planning commission. The planning commission has the authority to determine if the sign is a residential identification sign. If the planning commission determines that you have installed an exempt residential identification sign, you may obtain a sign permit for the existing sign. If the planning commission determines you have not installed an exempt sign, you may then apply for a variance from the maximum sign size.
2. Apply for a variance from the maximum sign size without requesting an interpretation from the planning commission.
3. Remove the sign and replace with a sign meeting the two square foot maximum size.

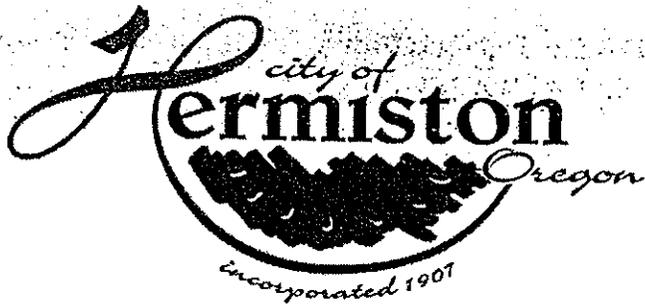
Please let the city know your plan of action for complying with the sign code within seven days of the date of this letter. You may contact me at (541)567-5521.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clinton Spencer', with a long horizontal flourish extending to the right.

Clinton Spencer  
City Planner

C: Chuck Woolsey  
Larry Fetter  
Mike Marcum



**Planning Department**

180 NE 2<sup>nd</sup> Street  
Hermiston, OR 97838  
Phone: (541)567-5521  
Fax: (541)567-5530  
[planning@hermiston.or.us](mailto:planning@hermiston.or.us)

April 14, 2016

Mr. & Mrs. Daniel Slimak  
731 W Joseph Ave  
Hermiston OR 97838

Dear Daniel & Sandra:

Enclosed please find for your reference a copy of the letter delivered to 699 W Joseph Ave.

If you have any questions, please call.

Thank you,

Heather KP LaBeau  
Zoning Clerk

Enclosure

November 3, 2015

Hermiston Planning Department

180 N.E. 2nd Street

Hermiston, OR 97838

We are writing to submit a formal complaint against our neighbor's Keith and Chris Ellis (699 W. Joseph Ave. - Hermiston). Mr. Ellis has begun to erect an unsightly "name and address sign" on the corner of his property at 7th and Joseph in the St. John's Estates subdivision. The overall size, including posts, appears to be approximately 4' x 6'.

Why would the Ellis' require such a large house address sign? We have been told by both Mr. and Mrs. Ellis that the sign is necessary to direct UPS and FedEx drivers to their front door as deliveries are frequently left at the garage side door, misdirected to neighbors, or not delivered. This necessitates a sign nearly the size of a half sheet of plywood? Since our mail is delivered to a community mailbox it seems to us simply adding street address numbers on the 7th Street side of their garage would serve the same purpose.

It is our opinion that the Ellis' plan to use this "name and address sign" as a quasi business identification. Mrs. Ellis operates a day care out of their home, which we might add is in direct violation of the St. John's Estates Subdivision Declaration of Restrictions, notarized and filed with the Umatilla County Records office. Since the covenants state that no signs or billboards of any kind or for any use shall be erected, painted or displayed upon any of the real property but do provide a provision for a name and address plaque or sign (if approval is first obtained from the Developer or Co-Developer), we feel the Ellis' are attempting to circumvent the intent of the covenants which is to secure the integrity of the subdivision through protective restrictions.

We understand Mr. Ellis plans to seek permission from the Hermiston Planning Department to proceed with the construction of said "name and address sign". We hope the Planning Department will take our comments into consideration as they contemplate their decision.

Respectfully submitted,

Daniel and Sandra Slimak, 731 W. Joseph Ave, Hermiston, Oregon 97838

Attachments

