



## 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

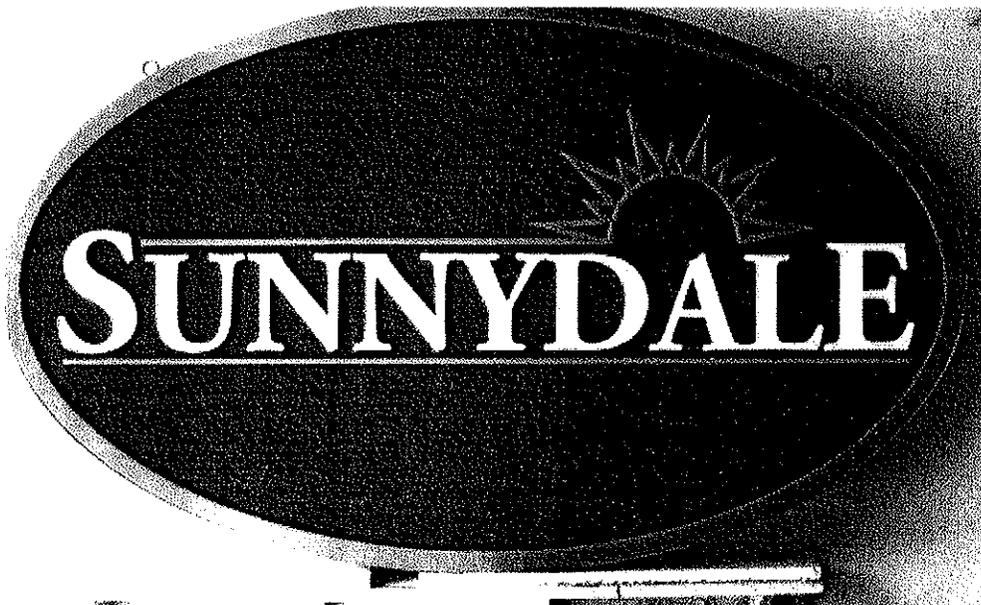
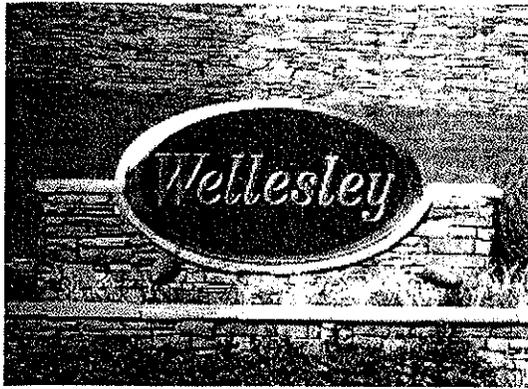
what constitutes a residential identification sign, or that staff has the authority to make this determination under the administration of 155.50 through 155.99. Therefore, after conferring with city counsel, it was recommended the issue be referred to the planning commission for an interpretation of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

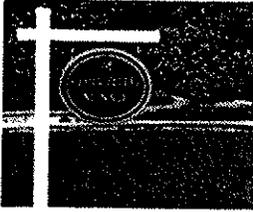
If the planning commission determines the sign at issue is an exempt residential identification sign, the property owner may keep the sign as installed. If the planning commission determines it is a sign in a residential zone subject to the two square foot area limitation, the property owner will need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

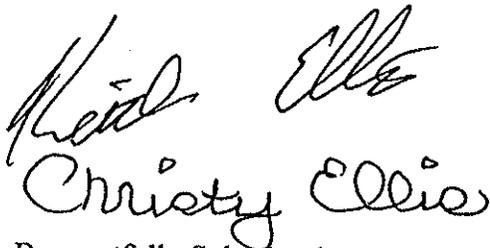
We do have a neighbor, George Koffler 698 W. Joseph, who has a similar circumstance. His house had to be constructed with the garage facing W. Joseph and his front door facing S.W. 7<sup>th</sup> St. to fit on the lot with the setbacks as well. I have spoken to this couple as well and they have had similar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

Handwritten signatures of Keith and Christy Ellis. The signature 'Keith' is on the left and 'Christy' is on the right, both in cursive.

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

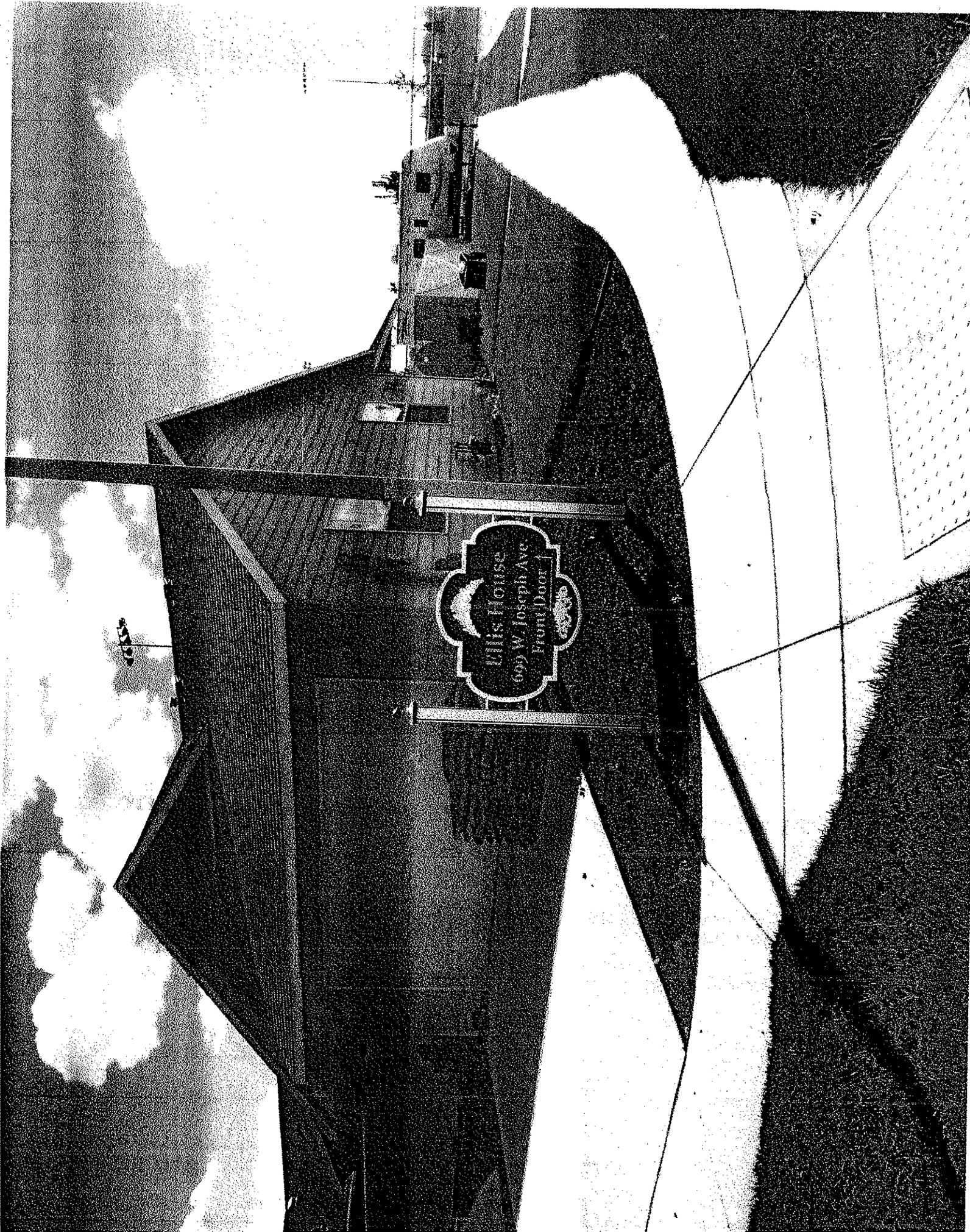
1. the action or process of identifying someone or something or the fact of being identified:  
"each child was tagged with a number for identification"  
"it may be impossible for relatives to make positive identifications"  
synonyms: recognition · singling out · pinpointing · naming  
Source Oxford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

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. Terre 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 - Very 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

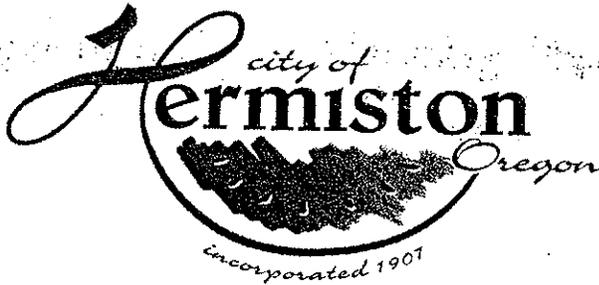
Comment

4. Ryan Niedeman                      Ryan Niedeman                      732 W Joseph Ave

Comment

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

Comment



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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.

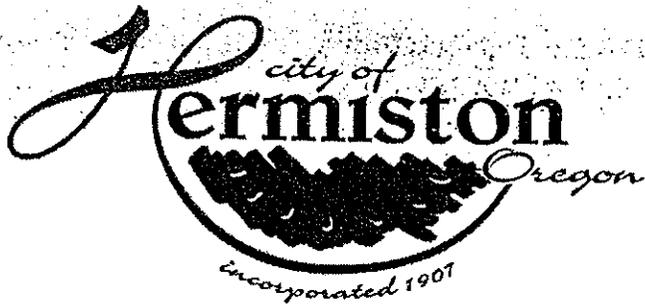
Please let the city know your plan of action for complying with the sign code within seven days of the date of this letter. You may contact me at (541)567-5521.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clinton Spencer', written over the printed name.

Clinton Spencer  
City Planner

C: Chuck Woolsey  
Larry Fetter  
Mike Marcum



**Planning Department**

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[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

