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Planning Commission

Meeting Packet

February 26, 2024

6:30 p.m.

STAFF REPORT

TO: Yamhill Planning Commission

FROM: Walt Wendolowski, Contract Planner

SUBJECT: Conditional Use/Variance/Variance File No. 24-02

DATE: February 19, 2024

I. BACKGROUND INFORMATION

- A. **APPLICANT:** Yamhill-Carlton School District.
- B. **PROPERTY LOCATION:** The subject property is located at 310 East Main Street and the County Assessor Map identifies the site as located within Township 3 South; Range 4 West; Section 04AC; Tax Lot 800.
- C. **ZONING:** Single Family Residential (R2).
- D. **PARCEL SIZE:** Approximately 5.3 acres.
- D. **EXISTING DEVELOPMENT:** The property contains the Yamhill-Carlton Intermediate School, fronts a public street, and public sewer and water facilities serve the property.
- E. **REQUEST:** The applicant is requesting the following: (1) Conditional Use to install an Electronic Message Center; (2) Variance to the square footage limitation for a free-standing sign for a public building; and (3) Variance to the free-standing sign height requirements for a public building.
- F. **DECISION CRITERIA:** Yamhill Municipal Code; Chapter 10.16 (Single Family Residential – R2); Chapter 10.64 (Signs); Section 10.64.220 (Sign Variances), and Chapter 10.108 (Conditional Use).

II. APPLICATION SUMMARY

- A. The School District wishes to modify the existing 14-foot free-standing sign located on East Main Street. The existing 4'x8' cabinet would be removed and replaced by a new 4'x8' cabinet with an LED display (electronic message center). The active area of the display would contain 16.319 square feet of area. The sign height would remain at 14 feet, three inches. Per section 10.64.030(L)(1), establishment of an electronic message center (EMC) is subject to a conditional use.

- B. Development Code Section 10.64.04 establishes the requirements for public and semi-public signs. Per subsection (A), only one freestanding monument sign shall be permitted, not to exceed eighteen square feet in sign area and five feet in height. The proposed sign requires Variances to these two standards:
1. Section 10.64.030(L)(2) establishes the maximum allowable size for an EMC with public facilities allowed up to twenty-four square feet of area. Per the requirements in (L)(3), the area is calculated at a rate two times that of non-EMC signs. The EMC sign area is therefore 32.6 square feet in area. Coupled with the 11.3 square foot header, the total sign area of the proposed sign is 43.0 square feet. A variance is required as this exceeds the eight square foot limitation.
 2. The revised sign will be fourteen feet, three inches in height. A variance is necessary as this exceeds the 5-foot height limitation.

As the variances relate to changes in the sign regulations, they are subject to provisions in Section 10.64.220. While the process follows in Chapter 10.100 (Variances), the criteria in this Section are specific to signs and therefore apply to this request.

- C. The core of the change involves replacing the existing cabinet with a new one containing an EMC. This is an alteration per Section 10.64.130 and requires a sign permit. However, a sign permit cannot be issued unless the City approves the conditional use and variances.
- D. For the record, the applicant submitted the necessary application forms and submittal This hearing and process are consistent with the provisions in Chapter 10.104 (Conditional Uses) and Chapter 10.100 (Variances).

III. CRITERIA AND FINDINGS – CONDITIONAL USE

- A. Section 10.104.030 establishes the circumstances for granting a conditional use. The Planning Commission may prescribe restrictions or limitations for the proposed conditional use and only after it has determined that such conditions are necessary for the public health, safety, and general welfare, or to protect persons or improvements in the area.
- B. The following contains the specific decision criteria:
1. Section 10.104.030(A) - There is a public need for the conditional use;

FINDINGS: This criterion is not applicable to the request. The Code permits signs on the property; the applicant is simply requesting approval of a specific type of sign which requires approval of a conditional use.

2. Section 10.104.030(B) - There is an inadequacy of other property to satisfy the public need;

FINDINGS: As stated above, the Code allows signs on the property; considering alternative sites is not applicable for the purpose of the request.

3. Section 10.104.030(C) - The conditional use conforms to the Comprehensive Plan, all other provisions of this title, and any applicable street or highway plans;

FINDINGS: The Development Code implements Plan policies and sign regulations are part of the Code. The sign requires conditional use approval, thereby complying with provisions of the Code. Finally, the request does not establish a use or activity that will impact adopted street or highways plans.

4. Section 10.104.030(D) - The site for the proposed use is adequate in size and shape to accommodate said use of all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to incorporate said use with land uses in the neighborhood;

FINDINGS: The new sign replaces an existing height of similar height, area, and mass. Issues regarding yards, landscaping, parking, loading, and other issues are not factors in permitting the use.

5. Section 10.104.030(E) - The site for the proposed use related to streets and highways is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

FINDINGS: Again, this is effectively a sign replacement. The adequacy of streets and street improvements are not germane to the request.

6. Section 10.104.030(F) - The proposed use will have minimal adverse effect on abutting property or the permitted uses thereof; and

FINDINGS: The site currently contains a 14+ foot free standing sign. The replacement sign contains the same approximate height, dimensions, and mass thereby limiting potential adverse impacts.

The primary difference between the two signs lies in the use of an electronic message center. In establishing the regulations, the City adopted provisions to ensure this type of sign will have minimal impact on neighboring properties. Compliance with the provisions outlined in Section VI of this report will minimize adverse impacts. The Commission may condition an approval to require compliance with these provisions.

7. Section 10.104.030(G) - The conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare.

FINDINGS: As noted in the above criterion, compliance with the EMC design provisions would be required to ensure the sign protects the public health, safety, and general welfare.

III. CRITERIA AND FINDINGS – VARIANCE FREE-STANDING SIGN HEIGHT REQUIREMENT FOR A PUBLIC USE BUILDING

A. As stated earlier, the maximum allowable height for a free-standing sign involving a public or semi-public use is 5-feet. The proposed 14-foot 3-inch sign exceeds this limitation and therefore requires a variance to the sign regulations.

B. A variance to the sign regulations is subject to provisions in Section 10.64.220. The following includes the specific criteria and findings:

1. Section 10.64.220(A) - There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.

FINDINGS: There are two possible unique circumstances. The first is the presence of the existing sign pole, in that, it is cost effective for the School district to use the pole to locate the new sign. Second, part of the sign's purpose is to display messages to the teachers, students, parents, and the public at large and that is visible from a reasonable distance. This is not possible with a 5-foot monument sign.

2. Section 10.64.220(B) - The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.

FINDINGS: Except for the message sign, there will be no net change in the height, dimensions, or relative mass of the structure. Therefore, there is no gain or loss respective to granting a special privilege.

3. Section 10.64.220(C) - The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.

FINDINGS: Adverse impacts are not anticipated on traffic safety or public welfare as the new sign effectively copies the existing one. Benefits to public safety and welfare are likely, however, due to the message capability of the

sign. This can alert the public regarding school closures, events, city-wide emergencies, and other matters of importance to the public.

4. Section 10.64.220(D) - The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance.

FINDINGS: The School does not have a special advantage as there is no change in height. Further, as a public entity, there is no special advantage relative to a competing business.

5. Section 10.64.220(E) - The variance request shall not be the result of a self-imposed condition or hardship.

FINDINGS: The applicant was made aware of the requirements and submitted the required variance application. This is not the result of a self-imposed hardship.

IV. CRITERIA AND FINDINGS – VARIANCE

FREE-STANDING SIGN AREA REQUIREMENT FOR A PUBLIC USE BUILDING

- A. As stated earlier, the maximum allowable sign area for a free-standing sign for a public use is eight square feet. The cabinet itself contains approximately 32 square feet in area and based on the calculation methodology in 10.46.030(L)(3) the proposed sign contains 43.9 square feet of area.
- B. A variance to the sign regulations is subject to provisions in Section 10.64.220. The following includes the specific criteria and findings:
 1. Section 10.64.220(A) - There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.

FINDINGS: The prior variance recognize the height, bulk, dimensions, of the proposed sign are similar the existing improvements. While the new sign incorporates an EMC, the cabinet size will be unchanged so that the visible square footage is similar. The only significant difference is the use of the EMC. And as noted, the sign's purpose is to display messages to the teachers, students, parents, and the public at large. The message capability of the sign can alert the public to school matters and other issues. This is not possible with an eight square foot sign limitation.

2. Section 10.64.220(B) - The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus

not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.

FINDINGS: Except for the message sign, there will be no change in the height, dimensions, or relative mass of the cabinet. The visible square footage remains unchanged.

3. Section 10.64.220(C) - The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.

FINDINGS: As noted, adverse impacts are not anticipated on traffic safety or public welfare as the new sign effectively copies the existing one.

4. Section 10.64.220(D) - The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance.

FINDINGS: The School does not have a special advantage as there is no change in the cabinet area. Further, as a public entity, there is no special advantage relative to a competing business.

5. Section 10.64.220(E) - The variance request shall not be the result of a self-imposed condition or hardship.

FINDINGS: The applicant was made aware of the requirements and submitted the required variance application. This is not the result of a self-imposed hardship.

VI. RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff finds the submitted application complies with the applicable decision criteria and recommends approval subject to the following Conditions of Approval:

- A. The decision shall be limited to the conditional use for the electronic message center sign and variances to the sign height and area requirements. No other changes shall be allowed unless otherwise permitted by the City.
- B. The applicant shall obtain a sign permit from the City of Yamhill. The sign shall conform to the proposed sign submitted as part of this application.
- C. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

V. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 - 1. Approve the application and adopt findings contained in the Staff Report, or
 - 2. Approve the application with modified findings and/or conditions, or
 - 3. Deny the application, specify reasons why the applicant has not met the criteria, or
 - 4. Continue the matter to a date, time and place certain.
- B. Staff will return with an Order for the Chair's signature based on the Planning Commission decision.