



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
FINAL DECISION (DENIAL)

HEARING DATE: June 21st, 2016

PROJECT NUMBER: VAR-2016-100

APPLICANT/OWNER: Crook County School District
Prineville OR 97754

STAFF: Joshua Smith
Senior Planner

APPLICABLE CRITERIA:

- (1) City of Prineville Sign Code - Chapter 152, sections 152.20, 152.43, 152.65.

FINDINGS OF FACT:

1. **LOCATION:** The proposed variance is located at 1396 SE 2nd St. (Utility Address), Crook County Assessor's Map # 15-16-05DA tax lot 00700.
2. **ZONING:** The subject property is zoned General Residential, (R-2) and is designated as open space on the Comprehensive Plan Map.
3. **SITE DESCRIPTION:** The parcel is occupied by a portion of the track, football field and baseball field.
4. **PROPOSAL:** The applicant is requesting a variance to the City's sign code to allow a business (Robertson Ford) to place a sign behind the newly donated scoreboard at the baseball field behind Cecil Sly Elementary School. The sign is proposed to be 8 x 12 (96 sq. ft.) and mounted at the height of the scoreboard on its own poles. The sign will depict the name of the business (Robertson Ford) that donated the scoreboard.
5. **COMMENTS:** No comment were received from neighboring properties.

Criteria: 152.20 *Exempt Signs. The following signs are exempt from this ordinance.*

16. Off premise. Commercial advertising signs located within recreational athletic fields, parks arenas, and other public property operated by public or non-profit civic organizations; provided however, that the signs face inward toward the respective athletic fields and do not extend above any of the perimeter fences. These signs shall be non-illuminated, and shall not have any flashing or animated components.

Staff Finding 1: An off premise sign, meaning a sign that is not on the property where the business is located is not allowed in the City of Prineville. An exception to that rule is for athletic fields where the signs face inward toward the field and do not extend above the fence as described in section 152.20(16).

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Criteria: 152.65 Variance Application. *An applicant for a sign permit or an applicant owning or leasing a sign that is not in conformance with the provisions of this chapter may seek a variance to the provisions of this chapter. A variance request for sign location or for sign height or area may be allowed by the Planning Commission. The decision of the Commission may be appealed to the City Council. A variance may be granted upon a finding by the appropriate review body that all of the following criteria can be satisfied:*

1. There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property that do not generally apply to other properties or uses in the same zoning district.

2. The request will be the minimum variance necessary to alleviate the hardships or practical difficulties.

3. In determining a variance, the Commission or the Hearings Officer may attach such conditions to granting all or a portion of any variance as necessary to achieve the purpose of these standards.

Staff Finding 2: The school district is essentially asking for a variance to the location and size of a sign allowed under the off premise sign exception. They are proposing a sign behind the newly donated scoreboard that would face outward and above the fence. A variance may be granted if the three criteria above are satisfied.

1. The exceptional or extraordinary circumstance is that this is school property that received a donation of a new scoreboard with the understanding that the donor would be allowed to place a sign behind the scoreboard facing Combs Flat Rd. While the situation is unique, the School district and business owner should have been aware that the City does have a sign code and should have consulted the city prior to making an agreement. The Planning Commission shall determine if the Schools reasoning is enough to warrant a variance.

2. It is difficult to justify a hardship or practical difficulty to what amounts to an off premise sign. An athletic field sign is typically limited in size by the fence it is attached to. In order to see the sign from Combs Flat Rd. the sign would have to be much larger than a typical athletic field sign. However, if approved the sign should not exceed 150 sq. ft. which is the maximum within the City's commercial zones. The sign is proposed to be 96 sq. ft.

3. The Planning Commission may attach conditions for granting of a variance. If approved staff would recommend a size and height limit. A condition should also be made that clearly states that this variance does not set a precedent for future signs of this nature.

Criteria:

152.31 Signs in Residential Zones. *No signs shall be permitted in any residential zones except as provided in this section.*

*3. **Commercial Uses.** A commercial use, in a residential zone may have 1 wall or ground-mounted sign not to exceed 32 square feet in area and may have a building directory sign provided in the area if such a sign does not exceed 1 square foot per use of the building.*

152.43 Ground Mounted or Monument Signs. *A sign which is not attached to any structure or building, and has a support which places the bottom thereof less than 4 feet from the ground.*

The following criteria shall be applicable for a ground mounted or monument sign.

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1. *A ground mounted or monument sign shall not be located within 10 feet of any other sign, within any street right-of-way, or within any clear vision area.*
2. *No more than 1 ground mounted sign shall be permitted for each street frontage. Unless otherwise specified in these standards, ground mounted signs shall have maximum overall dimensions and area not exceeding any of the following:*
 - A. *A maximum height of 15 feet.*
 - B. *May contain 1 square foot of sign area for each 2 lineal feet of street frontage, not to exceed a maximum area of 150 square feet.*

Staff Finding 3: The proposed variance is to the size and location allowed by the exemption. Since the exemption does not have specific size requirements other than the fence height the code sections above are to provide some clarity on what is normally allowed. The first section, 152.31 is size requirement for a commercial sign within a residential zone and the second section 153.43 are the requirements for ground mounted signs within a commercial zone.

HEARING SUMMARY:

Staff - Staff gave a presentation about the school district's proposal of a variance to the sign code to angle a 96 sq. ft. sponsor sign off the back of the baseball scoreboard that was donated to the school district by the sponsor. Staff explained that this type of sign would be considered an off premise sign because it does not face inward toward the respective athletic field. Off premise signs are prohibited by the City's sign code. An exception to that prohibition are signs within athletic fields that face inward toward the respective field and do not extend above the fence. Staff explained that this sign would not face the field and would extend above the fence. In order to approve the sign the Planning Commission would have to find that the proposal meets the variance criteria.

Applicant - Joe Becker a member of the Booster Club represented the School District. Joe acknowledged that the school missed a step in promising the sign prior to approval. Joe explained that the sign will be slightly smaller than the scoreboard and angled as to be seen from Combs Flat Rd. The primary purpose of this sign versus one that typically faces the field was to better represent the amount of money and commitment they made to the school district. In looking at the building donated by Les Schwab the School District did not anticipate a problem.

Commission Deliberations - The Commissioners acknowledged the importance and need of the monetary donations that sponsors give to the School District. Some Commissioners felt the sign was appropriate and not detrimental to the surrounding homes and that attaching it to the scoreboard would better represent the donation of the scoreboard. Other Commissioners felt that the proposal did not meet the variance criteria of an "exceptional or extraordinary circumstance" or that there was a "hardship or practical difficulty". Some Commissioners felt that there were other opportunities that could either meet the sign code or be a more appropriate place for a variance. There was also a concern that this sign would set a precedent for other signs and put the City in a situation where they are lobbied to grant a variance based on the size of the donation.

Decision - Kim Kambak made a motion to deny the application based on the finding that the variance criteria was not met. Bob Spaulding seconded the motion and the motion passed with two in opposition and four in favor.

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PLANNING COMMISSION FINDING: The Planning Commission with a 4 to 2 vote found that the applicant did not meet the variance criteria to warrant approval of the proposed sign.

DECISION: Based on the findings in the staff report as listed above, the Planning Commission finding and the deliberations within the public hearing, application **VAR-2016-100** for a variance to the sign code has been **Denied**.

Marty Bailey: _____ Date: _____
Planning Commission Chair