

Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

July 12, 2001

Brian Romieke
Hermiston School District
341 NE 3rd Street
Hermiston, OR 97838

Dear Mr. Romieke:

This is your official notification that on July 11, 2001, the Hermiston Planning Commission granted the Hermiston School District's request for a variance from §155.35(B) of the Hermiston Code of Ordinances which requires uses allowed conditionally to erect one sign per street frontage not to exceed 32 square feet. The planning commission's decision permitted the school district to construct a 50 square foot free standing sign. The decision was based upon testimony presented at the public hearing and on the findings of fact. The planning commission imposed the following condition on the project:

1. Besides the sign granted by the variance, the Hermiston School District will only be permitted to have one other free-standing sign, a maximum of 32 square feet, located on the Desert View elementary School property.

§157.231 of the Hermiston Code of Ordinances allows an action of the planning commission to be appealed to the city council within 12 days after the notice of decision has been mailed. There were no objections to the proposed variance, therefore, the variance will take effect immediately.

A statement of out of pocket expenses associated with the hearing is enclosed. If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,



Steven E. Sokolowski
City Planner

c: Ward

7. All storm water drainage shall be retained on site. If drywells are to be used to retain the water on site, it is up to the applicant to work with the Department of Environmental Quality (DEQ) to determine if any permits are necessary.
8. All areas used for the standing and maneuvering of vehicles shall be paved prior to issuance of a certificate of occupancy.
9. Landscaping shall be installed as shown on the site plan and prior to issuance of a certificate of occupancy.
10. Approval of the conditional use permit will not waive the applicant's responsibility to comply with all building code, fire code and all other code requirements of the City of Hermiston.
11. Fencing along the northern property line shall be installed along the Maxwell Canal. Fencing shall be at least 4 feet in height.

Commissioner Wamsley voted no. Commissioners Sienia, Ferguson, Storment, Peterson, Rebman and Finley voted yes. Motion passed.

Decision

Commissioner Wamsley moved and Commissioner Ferguson seconded to deny the conditional use request based upon the findings of fact. Commissioner Peterson voted no. Commissioners Sienia, Ferguson, Stipe, Rebman, Wamsley and Finley voted yes. Motion passed.

Recess

Chairman Saylor declared a short recess at 9:40 p.m. The planning commission reconvened at 9:47 p.m.

Hearing/Variance/SW 9th Street/Hermiston School District

Chairman Saylor announced that a hearing was scheduled to consider a request for a variance from §155.35(B) of the Hermiston Code of Ordinances which states that uses permitted conditionally in an R-1 zone may erect one 32 square foot sign per street frontage. The applicant proposes to erect one 50 square foot sign. The applicant is Hermiston School District 8R. Chairman Saylor asked if any commissioner wished to declare a potential conflict of interest. Hearing none, she opened the hearing at 9:48 p.m. and read the following hearing guidelines:

- a. The applicable substantive criteria relied upon by the city in rendering the decision to grant the variance are contained in §155.50(A) 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 upon 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 upon 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).

Chairman Saylor stated that 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.

Staff Report

City Planner Sokolowski reported that the Hermiston School District has submitted an application for a variance for property located at 1225 SW 9th Street. The applicant has requested a 64% variance from §155.35(B) of the Hermiston Code of Ordinances. §155.35(B) states that uses allowed conditionally may be allowed to erect one sign per street frontage not to exceed 32 square feet. The applicant wishes to construct a 50 square foot free-standing reader board sign. For your information, a school is a conditional use in the R-1 zone and the planning commission granted a conditional use permit for Desert View Elementary on December 8, 1999.

Per §155.50 of the Hermiston Code of Ordinances, the planning commission may authorize variances from the requirements of the sign code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of the sign code would cause an undue or unnecessary hardship.

All properties within 300 feet of the periphery of the site were provided a direct mailing of the proposal. Staff received several inquiries, but did not receive any objections as a result of that mailing.

Commissioner Wamsley asked if the sign would be illuminated. City Planner Sokolowski reported that it would be an illuminated sign. General discussion followed on the size of signs at other schools.

Commissioner Finley moved and Commissioner Stipe seconded that the staff report be made a part of the record. Motion carried unanimously.

Testimony

Brian Romieke, 341 NE 3rd Street, said he represents the Hermiston School District. This will be a free-standing sign. Most of the schools have signs which are mounted on the building and do not have free-standing signs. There will be a light sensor on the sign which will turn it on after dark. Commissioner Stipe asked how long the sign will be lit. Mr. Romieke said he is open to discussion on how long the sign may be lit for, but he is planning on installing a timer which will shut the sign down around 11 p.m. or midnight. Commissioner Ferguson asked why a large sign was needed. Mr. Romieke said a large sign is needed to display the school logo and have a reader board sign as well. The other school signs do not have logos on them. The sign is smaller than the total amount of sign allowed since the school district will give up their right to construct one 32 square foot sign. City Planner Sokolowski stated the school has been very cooperative in planning their sign.

Commissioner Rebman stated that the sign appears to be larger than 50 square feet. Mr. Romieke explained the calculation of sign area. Commissioner Stipe asked where the sign would be located. Mr. Romieke said the sign will be located at the corner of SW 9th Street and W Johns Avenue and will be placed parallel to W Johns Avenue. Commissioner Stipe said that the sign will face a house and asked if it could be located farther to the south. Mr. Romieke said there is a light pole in the way farther south. Commissioner Peterson asked what hardship the school is experiencing that requires the variance. Mr. Romieke said there was no specific hardship, but the school district wants to make a better sign than is presently allowed. The signs at the other schools are too small to fit everything that a sign needs to show.

No one else wished to testify and the hearing was closed at 10:10 p.m.

Findings

Commissioner Rebman moved and Commissioner Finley seconded to adopt the findings of fact as follows:

1. Desert View Elementary School is a commercial building within a residential zone. The school will be used by the general public and could be considered as a commercial use. If the building was constructed in a commercial zone a 150 square foot sign could be constructed. The applicant is requesting a 50 square foot free-standing reader board sign.
2. Due to the fact that the school has been constructed in a residential zone, the sign ordinance only permits one sign per street frontage not to exceed 32 square feet. The applicant believes that the sign ordinance is too restrictive and would prefer to erect one sign at 50 square feet instead of two signs at 32 square feet totaling 64 square feet.
3. A readable sign is essential to notify the public of upcoming events and school activities and a single 32 square foot reader board sign is too small to adequately provide this type of notice. A 50 square foot reader board sign would provide the elementary school with the means to adequately notify the public of upcoming events and school activities.
4. The sign ordinance permits one sign per street frontage with one additional free-standing sign allowed on the property. For a use permitted conditionally, signs may be erected but may not exceed 32 square feet. Thus, per the sign ordinance, Desert View Elementary could install three 32 square foot free-standing signs totaling 96 square feet.
5. The applicant believes that one 50 square foot free-standing reader board sign better suits their needs and would have less impact on the neighborhood aesthetically. Also, the sign would be 14 square feet less than two signs totaling 64 square feet.
6. A 50 square foot reader board sign would provide the elementary school with the means to adequately notify the public of upcoming events and school activities and the sign would be 14 square feet less than two signs totaling 64 square feet.
7. The applicant believes that one 50 square foot free-standing reader board sign better suits their needs and would have less impact on the neighborhood aesthetically.

Motion carried unanimously.

Decision

Commissioner Wamsley moved and Commissioner Finley seconded to grant the variance request subject to the following condition:

1. Besides the sign granted by the variance, the Hermiston School District will only be permitted to have one other free-standing sign, a maximum of 32 square feet, located on the Desert View elementary School property.

Commissioner Stipe voted no. Commissioners Sienia, Ferguson, Peterson, Rebman, Wamsley and Finley voted yes. Motion passed.

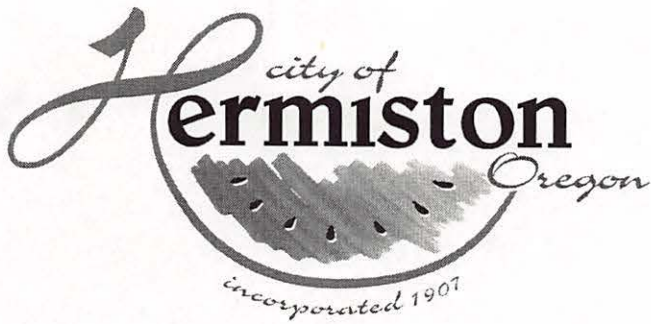
Final Plat/Minor Partition/N First Street/Nicholson Development

City Planner Sokolowski reported that a representative of Nicholson Development will present the final plat for a minor partition located on approximately 1.02 acres of land located at the northwest corner of W Elm Avenue and N First Street. The site is the present location of the Jack In The Box restaurant and Blockbuster Video store. The property is owned by No-Bull Hermiston LLC. The proposed partition will create two lots. Parcel 1 encompasses approximately 26,216 square feet. Parcel 2 encompasses approximately 18,511 square feet. Nicholson Development proposes to partition the property into two lots in order to sell the existing buildings individually. The property is zoned Outlying Commercial (C-2). Notice was mailed to all property owners within 100 feet. Staff received several inquiries but did not receive any objections as a result of that mailing. The criteria that are applicable to the decision to accept the final partition plat are contained in §154.15 through §154.66, §157.041, §157.101 and §157.176 of the Hermiston Code of Ordinances.

Each lot is served by the sanitary sewer system. The sanitary sewer service for Parcel 2 crosses Parcel 1. As a condition of approval, staff recommends that the planning commission require the applicant to dedicate an easement for this sewer line. Each property has an existing use which has a minimum amount of required parking as specified in §157.176 of the Hermiston Code of Ordinances. The Jack In The Box restaurant requires 29 spaces and the Blockbuster video store requires 25 spaces. As the property is presently configured, there is a total of 50 spaces for both uses. The applicant obtained a minor variance from the parking requirements on December 15, 1999 to allow both uses to share the 50 spaces. The partition as proposed will leave 18 spaces for the Jack In The Box restaurant and 32 spaces for the Blockbuster video store. The applicant has recorded a non-exclusive parking easement allowing Jack In The Box and Blockbuster to utilize 17 shared parking spaces while reserving 18 spaces for Blockbuster and 18 spaces for Jack In The Box. Should the Blockbuster video store be used for any purpose which requires more parking than is presently provided, such as an eating or drinking establishment or dance hall, the owner will be responsible for securing additional parking for the facility.

Staff reported the final plat is prepared in accordance with the criteria established in Chapter 154 of the Hermiston Code of Ordinances.

Commissioner Wamsley asked if the parking spaces could be shared with any new use. City Planner Sokolowski said that more land must be acquired for additional parking. Chairman Saylor asked how the city keeps track of what use is in a building. City Planner Sokolowski said that a tenant improvement permit is required when a new use moves into a building. The tenant improvement permit may also trigger a site plan review.



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180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

To: Planning Commission
From: Steven E. Sokolowski, City Planner *SS*
Subject: Desert View Elementary School Sign Variance Request
Date: July 3, 2001

BACKGROUND

The Hermiston School District has submitted an application for a variance for property located at 1225 SW 9th Street. The applicant has requested a 64% variance from §155.35(B) of the Hermiston Code of Ordinances. §155.35(B) states that uses allowed conditionally may be allowed to erect one sign per street frontage not to exceed 32 square feet. The applicant wishes to construct a 50 square foot free-standing reader board sign. For your information, a school is a conditional use in the R-1 zone and the planning commission granted a conditional use permit for Desert View Elementary on December 8, 1999.

Per §155.50 of the Hermiston Code of Ordinances, the planning commission may authorize variances from the requirements of the sign code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of the sign code would cause an undue or unnecessary hardship.

All properties within 300 feet of the periphery of the site were provided a direct mailing of the proposal. Staff received several inquiries, but did not receive any objections as a result of that mailing.

CRITERIA

The specific criteria relied upon by planning commission in rendering a variance are contained in §155.50(A) of the Hermiston Code of Ordinances. In granting a variance, the applicant must show that all of the following conditions exist:

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 is 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 this chapter, 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.

4. The variance requested is the minimum variance from the provisions and standards of this chapter which will alleviate the hardship.

It is not necessary to restate other ordinances and statutory requirements of the variance as a part of the proceedings. The granting or denial of a 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

Subject to the comments and considerations of the public hearing, the following draft findings are presented:

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. Desert View Elementary School is a commercial building within a residential zone. The school will be used by the general public and could be considered as a commercial use. If the building was constructed in a commercial zone a 150 square foot sign could be constructed. The applicant is requesting a 50 square foot free-standing reader board sign.
2. Due to the fact that the school has been constructed in a residential zone, the sign ordinance only permits one sign per street frontage not to exceed 32 square feet. The applicant believes that the sign ordinance is too restrictive and would prefer to erect one sign at 50 square feet instead of two signs at 32 square feet totaling 64 square feet.

THE VARIANCE IS NECESSARY FOR THE PRESERVATION OF A PROPERTY RIGHT OF THE APPLICANT SUBSTANTIALLY THE SAME AS IS POSSESS BY OWNERS OF OTHER PROPERTY IN THE SAME ZONE OR VICINITY.

3. A readable sign is essential to notify the public of upcoming events and school activities and a single 32 square foot reader board sign is too small to adequately provide this type of notice. A 50 square foot reader board sign would provide the elementary school with the means to adequately notify the public of upcoming events and school activities.

THE AUTHORIZATION OF THE VARIANCE SHALL NOT BE MATERIALLY DETRIMENTAL TO THE PURPOSES OF THIS CHAPTER, 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.

Desert View Elementary Sign Variance Request

Page 3

4. The sign ordinance permits one sign per street frontage with one additional free-standing sign allowed on the property. For a use permitted conditionally, signs may be erected but may not exceed 32 square feet. Thus, per the sign ordinance, Desert View Elementary could install three 32 square foot free-standing signs totaling 96 square feet.
5. The applicant believes that one 50 square foot free-standing reader board sign better suits their needs and would have less impact on the neighborhood aesthetically. Also, the sign would be 14 square feet less than two signs totaling 64 square feet.

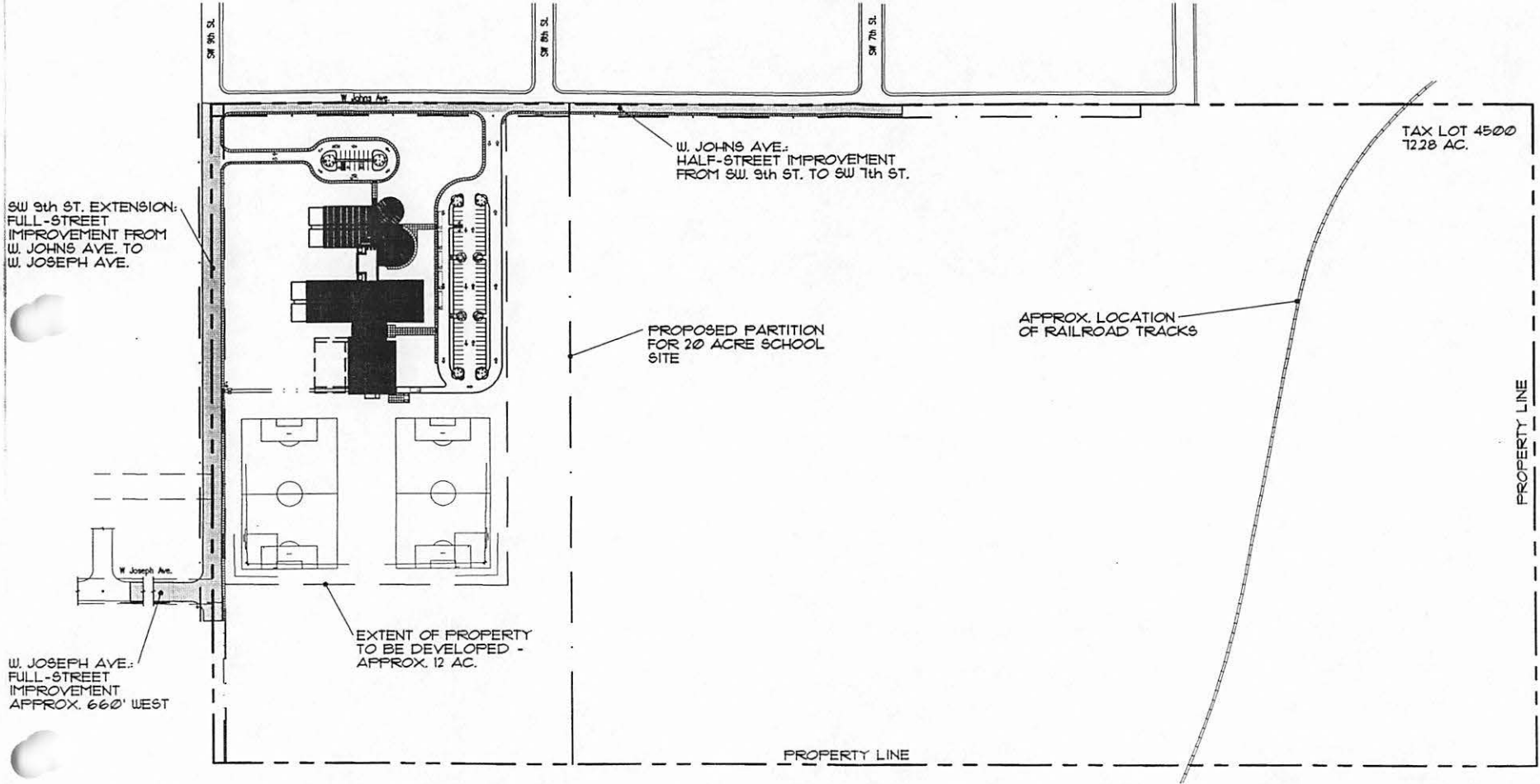
THE VARIANCE IS THE MINIMUM VARIANCE FROM THE PROVISIONS AND STANDARDS OF THIS CHAPTER WHICH WILL ALLEVIATE THE HARDSHIP.

6. A 50 square foot reader board sign would provide the elementary school with the means to adequately notify the public of upcoming events and school activities and the sign would be 14 square feet less than two signs totaling 64 square feet.
7. The applicant believes that one 50 square foot free-standing reader board sign better suits their needs and would have less impact on the neighborhood aesthetically.

STAFF RECOMMENDATION

Staff recommends that the findings, as may be amended, be adopted and the variance to construct a 50 square foot sign be granted subject to the following condition:

1. Besides the sign granted by the variance, the Hermiston School District will only be permitted to have one other free-standing sign, a maximum of 32 square feet, located on the Desert View elementary School property.



SW 9th ST. EXTENSION:
FULL-STREET
IMPROVEMENT FROM
W. JOHNS AVE. TO
W. JOSEPH AVE.

W. JOSEPH AVE.:
FULL-STREET
IMPROVEMENT
APPROX. 660' WEST

W. JOHNS AVE.:
HALF-STREET IMPROVEMENT
FROM SW. 9th ST. TO SW 7th ST.

PROPOSED PARTITION
FOR 20 ACRE SCHOOL
SITE

APPROX. LOCATION
OF RAILROAD TRACKS

TAX LOT 4500
12.28 AC.

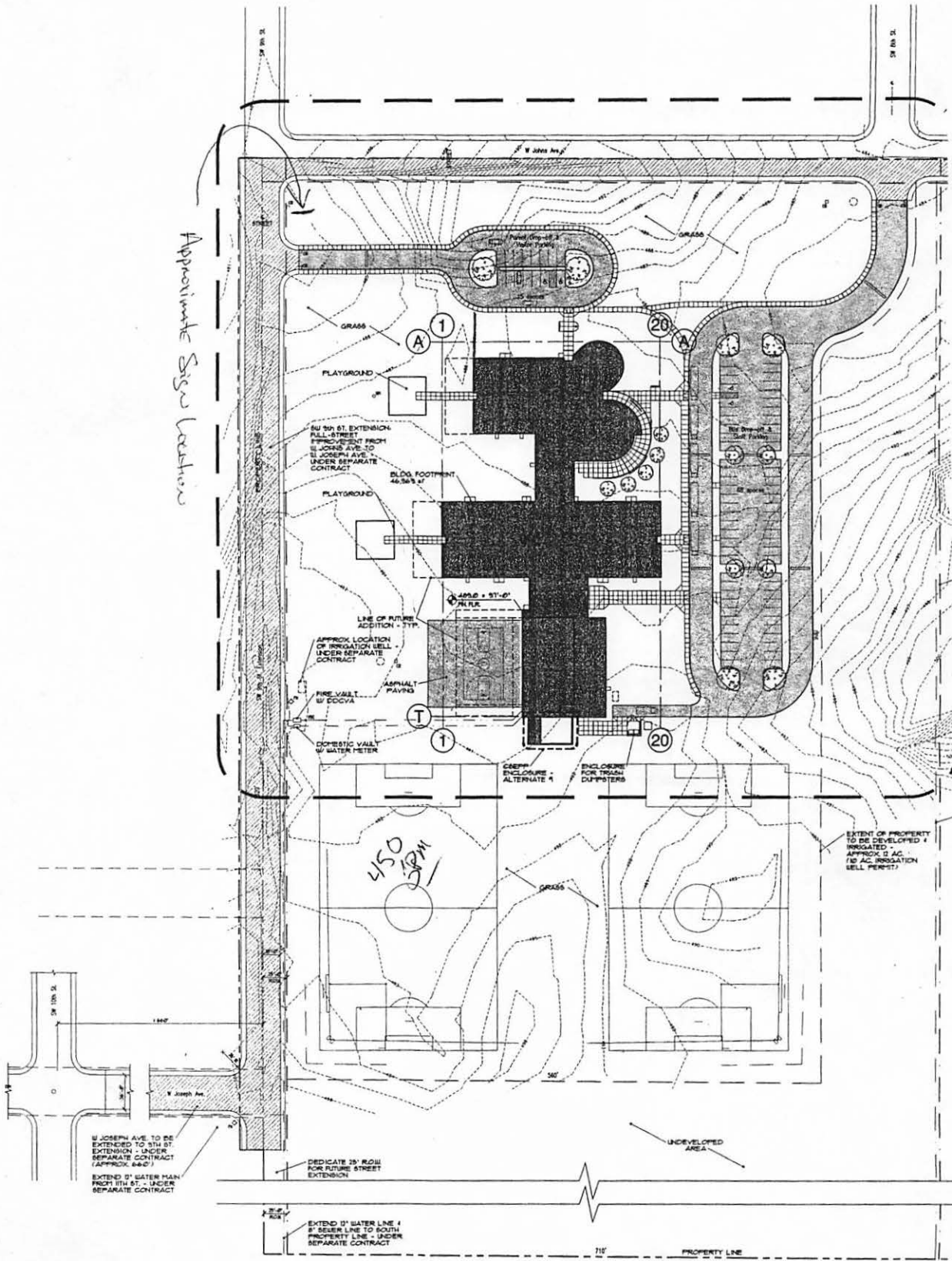
EXTENT OF PROPERTY
TO BE DEVELOPED -
APPROX. 12 AC.

PROPERTY LINE

PROPERTY LINE

1
CU.2 SITE PLAN (ENTIRE 72 ACRE PARCEL)
1" = 200'-0"





Approximate Sign Location

450
SPM

EXTENT OF PROPERTY TO BE DEVELOPED & IMMOBILIZED APPROX. 2 AC. (10 AC. IRRIGATION WELL PERMIT)

W. JOSEPH AVE. TO BE EXTENDED TO 3TH ST. EXTENSION - UNDER SEPARATE CONTRACT (APPROX. 44'-0")
EXTEND 12" WATER MAIN FROM 17TH ST. - UNDER SEPARATE CONTRACT

DEDICATE 25' ROW FOR FUTURE STREET EXTENSION

EXTEND 12" WATER LINE & 8" SEWER LINE TO SOUTH PROPERTY LINE - UNDER SEPARATE CONTRACT

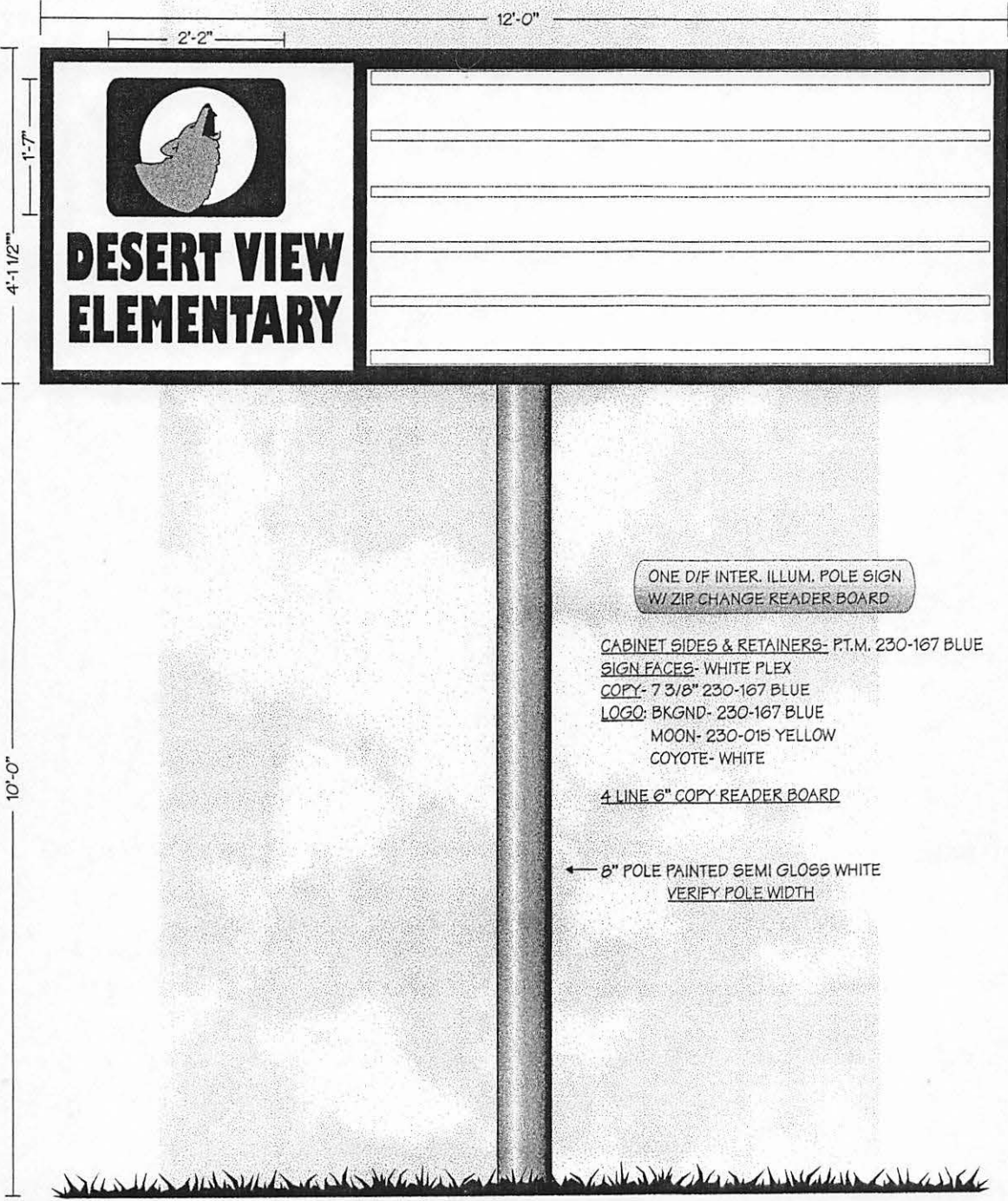
18 PARTIAL SITE PLAN (20 ACRE PARCEL)
1/8" = 50'-0"

PROPERTY LINE

157
CHOICE

Job Name: DESERT VIEW ELEMENTARY
 Job Location: HERMISTON, OR.
 Design #: DesViewElem2
 Sheet #: 1 OF 1
 Salesperson: JOE FISCHER
 Designer: CWW
 Date: 6/6/2001
 Revision:
 Scale: 3/4" = 1'-0"

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ONE D/F INTER. ILLUM. POLE SIGN
 W/ ZIP CHANGE READER BOARD

CABINET SIDES & RETAINERS- PT.M. 230-167 BLUE
 SIGN FACES- WHITE PLEX
 COPY- 7 3/8" 230-167 BLUE
 LOGO: BKGND- 230-167 BLUE
 MOON- 230-015 YELLOW
 COYOTE- WHITE
 4 LINE 6" COPY READER BOARD

← 8" POLE PAINTED SEMI GLOSS WHITE
 VERIFY POLE WIDTH

ALTERNATIVE FONT

**DESERT VIEW
 ELEMENTARY**

Landlord: _____
 Date: _____
 Customer: _____
 Date: _____

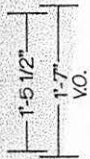
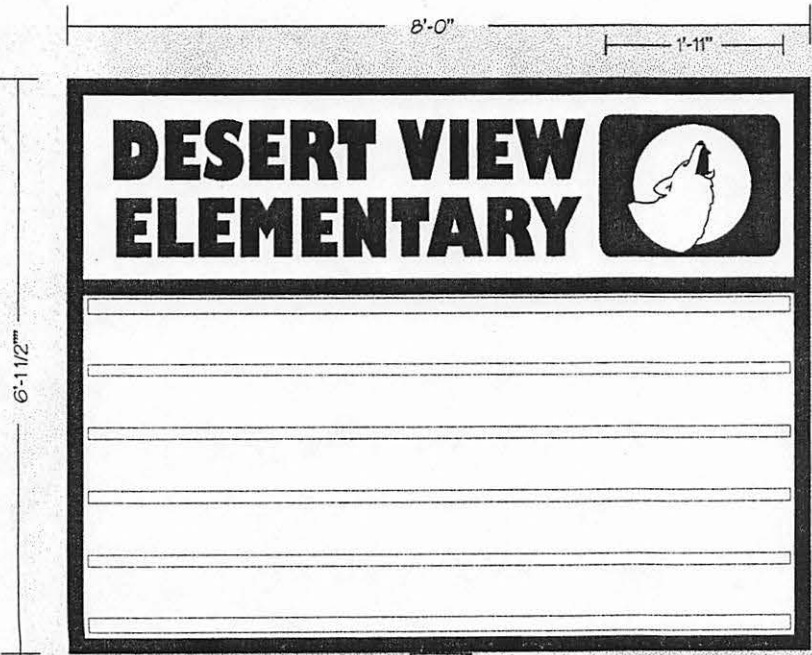
ALTERNATE

- Job Name: DESERT VIEW ELEMENTARY
- Job Location: HERMISTON, OR.
- Design #: DesViewElem1
- Sheet #: 1 OF 1
- Salesperson: JOE FISCHER
- Designer: CWW
- Date: 6/6/2001
- Revision: 6/11/2001
- Scale: 3/4" = 1'-0"

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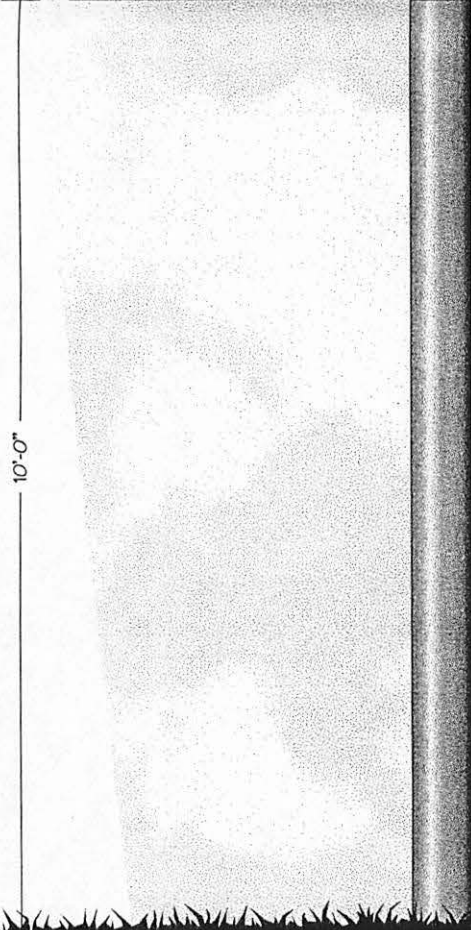


1112 E. Nob Hill Blv. Yakima, Wa. 98901 Ph: (509) 248-3772 Fax: (509) 457-8026



Landlord: _____
 Date: _____
 Customer: _____
 Date: _____

4 LINE 6" COPY READER BOARD



ONE D/F INTER. ILLUM. POLE SIGN W/ ZIP CHANGE READER BOARD

- CABINET SIDES & RETAINERS- PT.M. 230-167 BLUE
- SIGN FACES- WHITE PLEX
- COPY- 7 3/4" 230-167 BLUE
- LOGO- BKGND- 230-167 BLUE
- MOON- 230-015 YELLOW
- COYOTE- WHITE

8" POLE PAINTED SEMI GLOSS WHITE
 VERIFY POLE WIDTH

ALTERNATIVE FONT

**DESERT VIEW
 ELEMENTARY**

CITY OF HERMISTON

APPLICATION FOR 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: Brian Romeike Phone: 541-561-8671

Mailing Address: 341 N.E. Third Hermiston, OR 97838

Name of Owner (If Different): Hermiston School District Phone: 541-667-6000

Mailing Address: SAME AS ABOVE

Legal Description: Assessor's Map No: 4N28A Tax Lot No: 4500 Parcel 1

Subdivision (If Applicable): N/A | Partition Plat # 2000-14

Please Attach a Metes and Bounds Legal Description

Street Address: 1225 SW. 9th Street, Hermiston OR 97838

Current Zoning Designation: RESIDENTIAL

Variance Requested: INCREASE School Sign/Readerboard
From 32 Sq. Feet to UNDER 50 Sq. Ft.

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.)

SEE #2

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 property although in a residential area is basically commercial property due to the fact that it encompasses a school. A school is utilized by the general public and could be categorized as commercial. Commercial signs can be up to 150 sq. ft per face. We are merely requesting an 18 sq. ft. variance.
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. According to the ordinance, we would be allowed to install (2) 32 sq. ft. signs (minimum) at the proposed locations for a total of 64 sq. ft. As opposed to mounting (2) signs totaling 64 sq. ft. we are requesting to mount (1) sign totaling under 50 sq. ft. We firmly believe this sign would have less of an impact on the neighborhood with beneficial aesthetics.
4. Explain why it is impossible to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure? A single 32 sq. ft. sign/readerboard would be too small to satisfy the sign/readerboard. As the school utilizes the sign/readerboard to notify the public of upcoming events and school activities, a "readable" readerboard is essential to the school.

- j. Explain why the variance requested in the minimum variance from the provisions and standards of this chapter which will alleviate the hardship. AGAIN, THE FACT THAT (2) 32 sq. FT. SIGNS COULD BE INSTALLED AT THIS LOCATION, WE BELIEVE THAT AESTHETICALLY THE (1) SLIGHTLY LARGER SIGN WOULD HAVE LESS IMPACT ON THE NEIGHBORHOOD AND ALSO SERVE THE DESIRED PURPOSE.

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 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

I am the ___ owner/ X owner's authorized representative.
If authorized representative, please attach letter signed by owner.

[Signature]
Signature of Applicant

6/14/01
Date

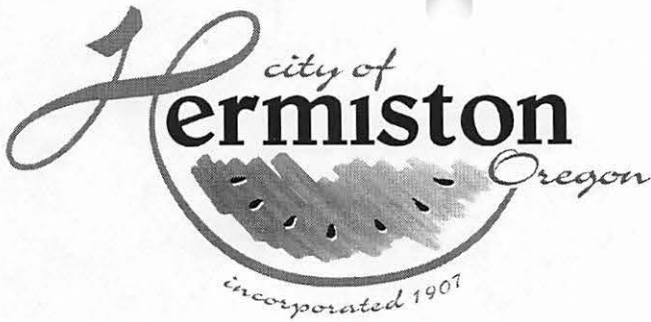
OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COST WILL BE BILLED LATER

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.

Office Use Only

Date Filed: _____ Received By: _____ Meeting Date: _____

Fee: \$275.00 Date Paid: _____ Receipt No: _____



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

June 26, 2001

Dear Property Owner:

The City of Hermiston Planning Commission will hold a public hearing on Wednesday, July 11, 2001, at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request for a variance from §155.35(B) of the Hermiston Code of Ordinances which establishes that uses permitted conditionally in a residential zone may be allowed to erect one 32 square foot sign per street frontage. The applicant requests to erect a 50 square foot sign. Hermiston School District 8R, the applicant, has requested the variance prior to erecting a free standing sign at the Desert View Elementary School, which is under construction at 1225 SW 9th Street.

The planning commission may authorize variances from the code of ordinances where it can be shown that, owing to special and unusual circumstances, strict application of the sign ordinance would cause an undue or unnecessary hardship. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood. The planning commission will not take action until the hearing is complete and adjacent property owner concerns are heard.

The specific criteria relied upon by the planning commission are contained in §155.50(A) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate the following:

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 the lot size, 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 is 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 purpose of this ordinance, be injurious to the 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.
4. The variance requested is the minimum variance from the provisions and standards of this chapter which will alleviate the hardship.

Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue

Hermiston School District Variance Request
Property Owner Letter
Page 2

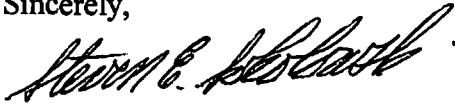
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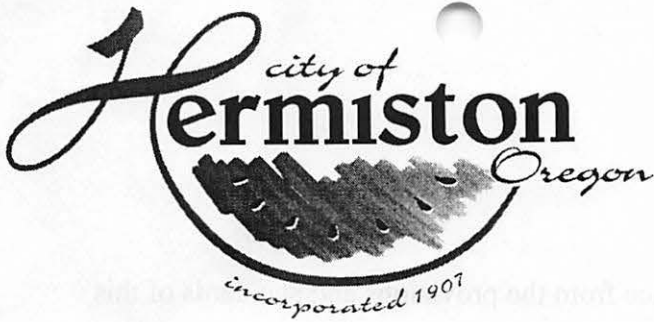
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If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,



Steven E. Sokolowski
City Planner



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

June 26, 2001

Barb Hill
Bureau of Reclamation
32871 Diagonal Road
Hermiston, OR 97838

Dear Ms. Hill:

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The planning commission may authorize variances from the code of ordinances where it can be shown that, owing to special and unusual circumstances, strict application of the sign ordinance would cause an undue or unnecessary hardship. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood. The planning commission will not take action until the hearing is complete and adjacent property owner concerns are heard.

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Hermiston School District Variance Request
Property Owner Letter
Page 2

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180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

June 26, 2001

Manfred Jaehnig
Cultural Resources Protection Program
Confederated Tribes of Umatilla
PO Box 638
Pendleton, OR 97801

Dear Mr. Jaehnig:

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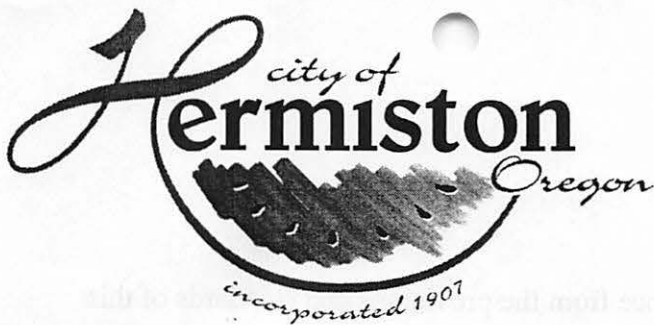
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Sincerely,



Steven E. Sokolowski
City Planner



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180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

June 26, 2001

Hal Phillips
Umatilla County Road Dept
3920 Westgate
Pendleton, OR 97801

Dear Hal:

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Hermiston School District Variance Request
Property Owner Letter
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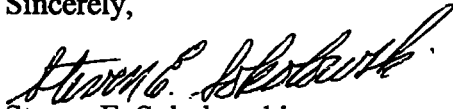
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E-mail: planning@hermiston.or.us

June 26, 2001

George Ruby
ODOT
1327 SE 3rd St
Pendleton, OR 97801

Dear George:

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Hermiston School District Variance Request
Property Owner Letter
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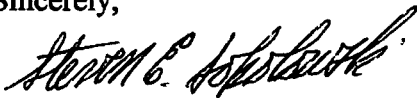
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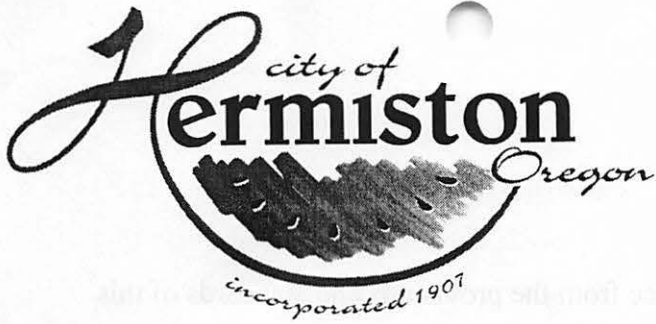
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Steven E. Sokolowski
City Planner



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180 N.E. 2nd Street
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Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

June 26, 2001

Chuck Wilcox
Hermiston Irrigation District
366 E Hurlburt Ave
Hermiston, OR 97838

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Hermiston School District Variance Request
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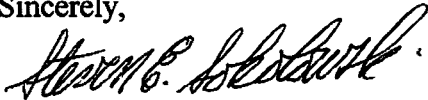
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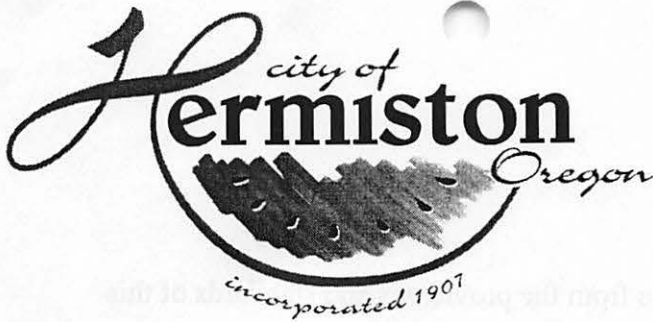
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City Planner



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180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

June 26, 2001

Bob Perry
Umatilla County Planning Dept
216 SE 4th St
Pendleton, OR 97801

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Hermiston School District Variance Request
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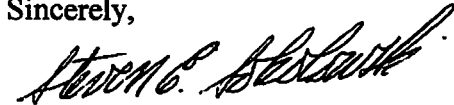
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Sincerely,



Steven E. Sokolowski
City Planner

Mailing List for Desert View Variance

Mailed 6/26/01

<u>Name</u>	<u>Address</u>	<u>Tax Lot</u>
Cleatus & Helen Ward	895 W Division Ave Hermiston, OR 97838	15BA 1900
Willis & Chriss Leep	885 W Division Ave Hermiston, OR 97838	15BA 1901
Merle & Betty Williams	855 W Division Ave Hermiston, OR 97838	15BA 1902
Andrew & Linda Bakker	845 W Division Ave Hermiston, OR 97838	15BA 2000
Charles Rohrman	835 W Division Ave Hermiston, OR 97838	15BA 2004
Diana Jamison	815 W Division Ave Hermiston, OR 97838	15BA 2003
Dewey & Donna Primmer	1100 SW 8th St Hermiston, OR 97838	15BA 2001
Jack Lewellyn	825 W Division Ave Hermiston, OR 97838	15BA 2002
Ralph Werner	880 W Johns Ave Hermiston, OR 97838	15BA 2202
Gregory Turner	860 W Johns Ave Hermiston, OR 97838	15BA 2200
Tricia Betz Thomas Fenley	850 W Johns Ave Hermiston, OR 97838	15BA 2201
Bernard & Cynthia Falconer	840 W Johns Ave Hermiston, OR 97838	15BA 2203
Marvin & Joyce Long	830 W Johns Ave Hermiston, OR 97838	15BA 2100
James Rogers	820 W Johns Ave Hermiston, OR 97838	15BA 2100
Kymerli Cazier	810 W Johns Ave Hermiston, OR 97838	15BA 2101

Scott & Pamela Hughs	1110 SW 8th St Hermiston, OR 97838	15BA 2104
Kathleen Duncanson	765 W Division Ave Hermiston, OR 97838	15BA 2800
Larry & Deanne Malmberg	785 W Division Ave Hermiston, OR 97838	15BA 3000
Daniel & Janet Rowe	795 W Division Ave Hermiston, OR 97838	15BA 3100
Ronald & Georgia Engretson	790 W Johns Ave Hermiston, OR 97838	15BA 3200
Gilbert Williams	4693 SE 17th Ct Gresham, OR 97080	15BA 3300
Lillian Chrones	770 W Johns Ave Hermiston, OR 97838	15BA 3400
Darce & Terry Driskel	760 W Johns Ave Hermiston, OR 97838	15BA 3500
Larry & Maxine Carrick	793 Diagonal Road Hermiston, OR 97838	15BB 4600
Bryan & Leslie Frutchey	1035 SW 9th Pl Hermiston, OR 97838	15BB 10100
Gary & Tracy Gammell	1050 SW 9th St Hermiston, OR 97838	15BB 10900 15BB 10901
Paul & Delores Jakobson	7290 SW Lakeside Lp Wilsonville, OR 97070	15BC 100
Larry Phillips	PO Box 135 Meacham, OR 97859	15BC 500
Hermiston School Dist	341 NE 3rd St Hermiston, OR 97838	28A 4500
Prancing Horse LLC	PO Box 131 West Linn, OR 97068	28A 4504
George Ruby	ODOT 1327 SE 3rd St Pendleton, OR 97801	---

Chuck Wilcox	Hermiston Irrigation Dist. PO Box 208 Hermiston, OR 97838	---
Bob Perry	Umatilla County Planning Dept 216 SE 4th St Pendleton, OR 97801	---
Hal Phillips	Umatilla County Road Dept 3920 Westgate Pendleton, OR 97801	---
Manfred Jaehnig	Principal Investigator Confederated Tribes of Umatilla Indian Res PO Box 638 Pendleton, OR 97801	---
Barb Hill	Realty Specialist Bureau of Reclamation PN Region 32871 Diagonal Road Hermiston, OR 97838	---

AFFIDAVIT OF PUBLICATION

State of Oregon)
) ss.
County of Umatilla)

843.73

I, Claudia Stewart, being first duly sworn depose and say that I am the publisher of The Hermiston Herald, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, printed and published at Hermiston in the aforesaid county and state; that the

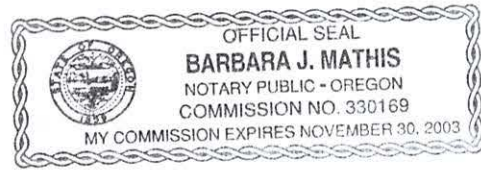
Legal #2641, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for One successive and consecutive weeks in following issues:
June 26, 2001

[Handwritten Signature]

Subscribed and sworn to before me this 28th day of June, 2001

[Handwritten Signature: Barbara Mathis]
Notary Public for Oregon

My commission expires 11-30-2003



NOTICE OF PUBLIC HEARING

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50 square foot sign.
The applicant is the Hermiston School District 8R. The property is described as 4N 28A Tax Lot 4500. If the variance is granted, the applicant proposes to erect an identification sign and reader board for the Desert View Elementary School.
All interested persons are encouraged to attend. Questions, comments or correspondence should be addressed to the City of Hermiston Planning Department, 180 N.E. 2nd Street, Hermiston, OR 97838. The phone number is (541) 567-5521.
/s/ Robert D. Irby,
City Recorder
Published: June 26, 2001.
#2641.

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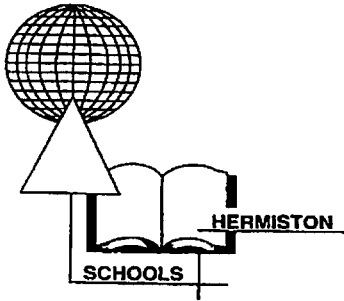
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 (Robert D. Irby)
City Recorder

Publish: June 26, 2001





SCHOOL DISTRICT NO. 8R

OFFICE OF THE SUPERINTENDENT
341 N.E. THIRD STREET
HERMISTON, OREGON 97838-1890
PHONE (541) 667-6000
FAX (541) 667-6050

June 15, 2001

TO: City of Hermiston
FROM: Charles A. Rhoads; Business Manager
RE: Request for Variance for sign

Mr. Brian Romeike is and will continue to act on the behalf of Hermiston School District for any and all issues that are related to the construction of Desert View Elementary School, and the remodels of the four elementary schools and Armand Larivie Middle School.

This letter is to authorize Mr. Romeike to take the appropriate actions necessary to fulfill the wishes of the Board of Education in the remodels and construction projects that he is the Project Manager for.

If there are any questions, please call the Business Office of the Hermiston School District #8R.

Sincerely,

Charles A. Rhoads
Business Manager

HERMISTON SCHOOL DISTRICT NO. 8R

341 N.E. THIRD ST.
HERMISTON, OREGON 97838
1-(541) 667-6000 • Fax (541) 667-6050

INCLUDE PURCHASE ORDER NUMBER ON ALL INVOICES

PURCHASE ORDER

B-9929

DATE

6-12-01

V
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R

City of Hermiston

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HERMISTON SCHOOL DISTRICT RECEIVING DEPT.

505 South First Street

Hermiston, OR 97838

MARK:

ATTN:

BUDGET ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
		Uaivance Permit - Sign		275.00

MSDS INFO SHEETS REQUIRED ON ALL APPLICABLE MATERIAL.

SEND ORIGINAL AND TWO COPIES OF INVOICE TO:

HERMISTON SCHOOL DISTRICT NO. 8R
341 N.E. THIRD STREET
HERMISTON, OREGON 97838

BUILDING ADMINISTRATOR

DISTRICT OFFICE ADMINISTRATOR

WHITE - VENDOR

YELLOW - DISTRICT OFFICE

PINK - RECEIVING

GREEN - DEPARTMENT

TWP.	RGE. E.	SEC.	1/4	1/16	TAX LOT NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER
4N	28	A			4500			8-1
MAP NUMBER					ACCOUNT NUMBER			

OFFICIAL RECORD OF DESCRIPTION OF REAL PROPERTY
UMATILLA COUNTY ASSESSOR'S OFFICE 117727

SECTION	TOWNSHIP	RANGE E.
	4N	28

LOT NO.	BLOCK NO.	ADDITION	CITY

INDENT EACH NEW COURSE TO THIS POINT	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE	FORMERLY PART OF T. L. NO.	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
				VOL.	PG.	
	Sec. 15 SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$					80.00
	Except: O.W.R. & N. R.R.	Cont. 6.43 Ac.		187	407	73.57
	Except: T.L. 4501	Cont. 1.90 Ac.	1-70	C.C. J. 461	J. 49	71.67
			N.C. 7-75	347	639	
Also cancelled T.L. 4502 desc. as follows:						
A parcel of land ly in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 15, T4N, R28, EWM, Umatilla Co. Oregon and being that ppty acquired by the State of Oregon by and through its State Hwy Commission in that certain judgment dated June 16, 1961, entered as Circuit Court Case No. L-8124, Umatilla County Oregon, containing 1.9 acres.						
	Ord. No. 1535	code change				
	EXCEPT: T.L. 4503	Cont. 1.35 Ac.				
	Acreage Correction (-0.91 Ac.)					
	EXCEPT: T.L. 4504	Cont. 38.93 Ac.				
	EXCEPT: T.L. 4505	Cont. 12.38 Ac.				
			10-76	R10	855	
				R10	857	73.57
			10-84	R117	1398	
			11-94	R261	950	72.22
			4-00	Part. Plat		71.31
				2000-14		
			4-00	Part. Plat		31.38
			4-00	2000-14		20.00
			4-00	Part. Plat		20.00
				2000-14		

REVISED

REVISED

REVISED

SEE NEW LEGAL BELOW:
Parce. 1, Partition Plat No. 2000-14

OFFICIAL RECEIPT
CITY OF HERMISTON
 180 N.E. 2ND STREET
 HERMISTON, OREGON 97838
 (541) 567-5521

ACCT. NO. 19100 DATE 6-15-01
 REC'D. FROM BRIAN ROMIK

CASH	CHECK	OTHER	AMOUNT
	0485		\$ 275.00

VARIANCE APP

PAID BY _____

	TOTAL	275 00
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27819 REC'D. BY clj

HERMISTON SCHOOL DISTRICT 8R
 341 NE 3RD ST
 HERMISTON, OREGON 97838

DATE June 13, 2001 24-22/1230 3242

PAY TO THE ORDER OF City of Hermiston \$ 275.00

Two Hundred Seventy Five and No/100'S

usbank.
 Anytime, Anywhere Access
 1-800-US BANKS
 usbank.com

FOR PO # B-9929

123000220115389095932210485

Brian Romik

0485

MP