

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application)	
by Dale Clark Signs for Site Design)	ORDER NO. 117-00
Design Review to Place a 10' x 40')	
billboard sign on Milton Way Near)	FINDINGS AND CONCLUSIONS
Gable Road and Hwy. 30 Intersection)	

WHEREAS, on September 19, 2000, Dale Clark, d/b/a Dale Clark Signs, filed an application for Site Design Review to Place a 10' x 40' two faced "V" structure billboard 45' in height located just off the corner radius of Milton Way near Gable Road and Hwy. 30, on property zoned as Light Industrial (M-2), and having tax account number 4108-011-00100; and

WHEREAS, on September 29, 2000, said Application was deemed complete; and

WHEREAS, on November 6, 2000, the Columbia County Planning Commission held a hearing on the application; and

WHEREAS, after hearing evidence and deliberating, the Columbia County Planning Commission denied the application for Site Design Review; and, on November 20, 2000, Planning Commission Acting Chair, Peter Brewer, signed Final Order DR 01-09, denying said application; and

WHEREAS, on November 27, 2000, Steve Morasch, Attorney for Dale Clark Signs, appealed the Planning Commission's denial of Site Design Review DR 01-09, to the Columbia County Board of County Commissioners; and

WHEREAS, on December 20, 2000, the Board of County Commissioners held a de novo hearing on the application; and

WHEREAS, at the hearing, Glen Higgins, Chief Planner of the Columbia County Land Development Services Department, presented the Department staff report into the record which listed the criteria to be considered and contained the Department's proposed findings, conclusions and recommendations; and

WHEREAS, Steve Morasch, Attorney for Dale Clark Signs, testified in favor of the Application, and Michael Sheehan, citizen, testified in opposition of the application; and

WHEREAS, the following Exhibits were introduced into the record:

- EXHIBIT 1- Legal Counsel's File, including the following:
- 1) Notice of Public Hearing (Publication);

- 2) Notice of Public Hearing (Property Owner Notice);
- 3) Affidavit of Mailing 11/30/00;
- 4) Affidavit of Publication 11/30/00;
- 5) Board Communication from Todd Dugdale dated December 15, 2000, with the following attachments:
 - A) Appeal/Referral filed by Steve Morasch, Attorney for Dale Clark Signs on November 27, 2000;
 - B) Letter from Steve Morasch, Attorney for Dale Clark Signs, dated November 22, 2000;
 - C) Staff Report dated December 15, 2000, to the Board of County Commissioners;
- 6) Minutes of November 6, 2000, Planning Commission Meeting;
- 7) Letter from Steve Morasch, Attorney for Dale Clark Signs dated November 3, 2000;
- 8) Board Communication from Todd Dugdale dated November 28, 2000, with the following attachments:
 - A) List of interested parties to receive notice;
 - B) Hearing Notice of Planning Commission dated October 3, 2000;
 - C) Planning Commission Final Order DR 01-09 dated November 20, 2000;
 - D) Planning Commission Staff Report dated October 24, 2000;
- 9) Appeal information for Final Order DR 01-09;
- 10) Letter from Scappoose-Spitzenberg CPAC dated November 6, 2000;
- 11) Letter from Scappoose-Spitzenberg CPAC dated October 13, 2000;
- 12) Application for Site Design Review submitted by Dale Clark received September 19, 2000;

EXHIBIT 2- Letter from Steve Morasch, Attorney for Dale Clark Signs, dated December 19, 2000;

EXHIBIT 3- Letter from Michael Sheehan dated December 20, 2000; and

WHEREAS, having heard testimony and reviewed the evidence presented, the Board of County Commissions closed the public hearing and deliberated on the matter;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts Findings No. 1, 2, 3, 5, 6, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, and 21 of the Amended Land Development Services Staff Report to the Board of County Commissioners, dated December 15, 2000, which is attached hereto as Attachment "A," and is incorporated herein by this reference.
2. The Board of County Commissioners adopts supplemental findings which are attached hereto in Attachment "B," and are incorporated herein by this reference.
3. The application of Dale Clark Signs for Site Design Review is **APPROVED, subject to the following conditions:**
 - A) All Oregon Department of Transportation specifications for locating signs adjacent

to State Highways shall be followed.

- B) Illumination of the sign shall be shielded so as not to be hazardous to passing motorists on nearby roads; or offensive to uses on nearby properties.
- C) Advertising copy is allowed only on the face of the sign. Advertising copy is specifically prohibited in the ledger area of the sign, except to the extent that the sign owner's logo or other disclosure is required by law to be placed on the ledger. The two faced "V" structure sign shall be limited to a 10' x 40' 400 square feet surface per side as viewed from one direction or angle. This permit shall be revoked if cutouts or any other advertising copy extends beyond the 10' x' 40 size of the sign as viewed from any single direction.
- D) This permit shall become void 2 years from the date of the final decision if development has not begun on the property. Extensions of time may be granted by the Planning Director if requested in writing before the expiration date and if the applicant was not responsible for the failure to develop.
- E) The applicant shall provide LDS with the location, species and size of existing trees proposed to be removed on the subject property where the sign is proposed to be located prior to the issuance of a building permit.
- F) The applicant shall provide LDS with proof of a legal access easement to cross the railroad tracks from the east or west; or an access easement to cross property to the south before a building permit can be obtained.
- G) The applicant shall apply for a building permit to construct the new sign. Applicant shall provide the Building Official with wind calculations by a registered professional engineer certifying the new sign and post can withstand 80 mile per hour winds if required by the Building Official.
- H) No neon lighting shall be used to illuminate the billboard.

DATED this 10th day of January, 2001.

Approved as to Form

By: Sarah Tyson
Office of the County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John M. Richard
Chair

By: _____
Commissioner

By: Julie Corvino
Commissioner

ATTACHMENT "A"

COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

December 15, 2000

Sign Design Review - On Appeal

FILE NUMBER: DR 01-09

APPLICANT: Dale Clark, DBA Clark Signs
PO Box 1113
St. Helens, Oregon 97051

OWNER: Columbia River PUD
% Rick Lugar
P.O. Box 1193
St. Helens, Oregon 97051

PROPERTY LOCATION: Off corner of Milton Way near Gable Road and Hwy. 30
intersection

REQUEST: Type 2 Sign Design Review to place a 10' x 40' mono pole outdoor
freestanding advertising sign. This sign is considered a billboard.

TAX ACCT. NUMBER: 4108-011-00100

EXISTING ZONING: Light Industrial (M-2)

BACKGROUND:

The applicant requests approval to place a 10' x 40' two faced "V" structure Billboard 45' in height located just off the corner radius of Milton Way which turns to run parallel to Hwy. 30 about ¼ mile or less north of the intersection of Hwy. 30 and Gable Road, and approximately across from the Sykes Road Intersection with Hwy. 30. There are no other existing uses on the vacant subject property.

FINDINGS:

The following sections of the Columbia County Zoning Ordinance are pertinent to this application:

"1550 Site Design Review: The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all Community, Governmental, Institutional, commercial and industrial uses in the county..."

.1 Types of Site Design Review:

Type 1: Projects, developments and building expansions which meet any of the following criteria:

1. are less than 5,000 sq. ft., and are less than 10% of the square footage of an existing structure.
2. Increase the number of dwelling units in a multi-family project.
3. Increase the height of an existing building.

Type 2: Projects, developments and building expansions which meet any of the following criteria:

1. have an area of 5,000 sq. ft. or more, or are 10% or more of the square footage of an existing structure.
2. Change the category of use (e.g., commercial to industrial, etc.).
3. New off-site advertising signs or billboards.
4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

Finding 1: The proposed sign will be reviewed under the provisions for a Type 2 review. Type 2(.3) is for "New off-site advertising signs or billboards." The proposed sign is a "billboard" and will also be reviewed under provisions for billboards.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- .10 Existing Site Plan: The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:
- A. A vicinity map showing location of the property in relation to adjacent properties, roads, pedestrian ways and bikeways, and utility access. Site features, manmade or natural, which cross property boundaries are to be shown.

- B. A site description map at a suitable scale (i.e. 1"=100'; 1"=50'; or 1"=20') showing parcel boundaries and gross area, including the following elements, when applicable:
1. Contour lines at the following minimum intervals:
 - a. 2 foot intervals for slopes 0-20%;
 - b. 5 or 10 foot intervals for slopes exceeding 20%;
 - c. Identification of areas exceeding 35% slope.
 2. In special areas, a detailed slope analysis may be required. Sources for slope analysis include maps located at the U.S. Natural Resources Conservation Service office.
 3. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, and drainage ways. An engineering geologic study may be required.
 4. Wetland areas, springs, wildlife habitat areas, wooded areas, and surface features such as mounds and large rock outcroppings.
 5. Streams and stream corridors.
 6. Location, species and size of existing trees proposed to be removed.
 7. Significant noise sources.
 8. Existing structures, improvements, utilities, easements and other development.
 9. Adjacent property structures and/or uses.

Finding 2: A site visit to the subject property by staff indicated the site is flat with some trees. A slope analysis will not be required. There are power lines running through the middle of the property and to the north of the proposed billboard sign. The existing site plan is not to scale, does not include contours, and does not give a distance from the proposed sign to the "Overhead Electrical Transmission Lines" as noted on the plan. There is a railroad spur on the eastern boundary of the property as well as a railroad mainline on the western boundary of the property. There are no streams or apparent wetlands on the subject property. A condition of approval shall be that the applicant provide LDS with the location, species and size of existing trees proposed to be removed. The applicant has not indicated how the property will be legally

accessed for sign construction and maintenance. A condition of approval shall be that the applicant provide LDS with proof of legal access easement to cross the railroad tracks from the east or west; or an access easement to cross property to the south.

Continuing with Section 1550.11 D. Signs:

1. Freestanding sign:
 - a. Location of sign on site plan;
 - b. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, means of illumination).

Finding 3: The proposed sign will be a freestanding sign. The location of the sign is shown on the site plan. The elevation of the sign is 45 feet from the ground to its highest extent. The sign measures 10' x 40' with the bottom of the sign 35' off the ground. The sign has a black background with white lettering. Illumination will be from three 400 watt metal halide halophane fixtures on each side.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- .12 Landscaping: Buffering, Screening and Fencing:
 - A. General Provisions:
 1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
 2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.
 - B. Buffering Requirements:
 1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
 2. A buffer consists of an area within a required setback adjacent to a

property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.

3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.
4. The minimum improvements within a buffer area shall include:
 - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.
 - b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
 - c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

1. Where screening is required, the following standards shall apply in addition to those required for buffering:
 - a. A hedge of evergreen shrubs shall be planted which will form a four-foot high continuous screen within two years of planting; or,
 - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or,
 - c. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used

in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.

2. When the new use is downhill from the adjoining zone or use being protected, the prescribed heights of required fences, walls, or landscape screening along the common property line shall be measured from the actual grade of the adjoining property at the common property line. This requirement may be waived by the adjacent property owner.
3. If four or more off-street parking spaces are required, off-street parking adjacent to a public road shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least 4 feet in total height at maturity. Additionally, one tree shall be provided for each 50 lineal feet of street frontage or fraction thereof.
4. Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.
5. Loading areas, outside storage, and service facilities must be screened from adjoining properties.

D. Fences and Walls:

1. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.
2. The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
3. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick,

or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.

- E. Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.

Finding 4: The applicant has not included any landscaping, buffering or screening as part of this project. Typically, outdoor advertising signs in Columbia County are not required to install additional landscaping or vegetation. Existing trees and vegetation should be maintained to the greatest extent possible; the applicant shall submit a detailed map showing existing vegetation, including trees to be removed. Buffering or screening is not required because adjacent uses are either railroad tracks or other light industrial uses.

The Light Industrial (M-2) Zone, Section 922, Permitted Uses states as follows:

- .17 Signs subject to the provisions outlined in Section 1300.

Finding 5: The proposed sign is a permitted use in the Light Industrial (M-2) zone where it is located and is subject to the provisions of Section 1300 of the Columbia County Zoning Ordinance.

Continuing with SIGNS, Section 1300 of the Zoning Ordinance:

1302.2 Setbacks: All signs shall be situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions. Unless otherwise specified, all signs shall observe the yard setback requirements of the districts in which they are located.

... and following with the setback standards of the Light Industrial (M-2) Zone:

923 Standards:

- .1 Setbacks:

- A. Front yard setback shall have a minimum of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the

setbacks of the main structures on abutting lots or parcels on either side if both lots or parcels are occupied. If one lot or parcel is occupied and the other vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or parcels or tracts are occupied by a structure, the setback shall be 20 feet.

- B. Side yard setback shall be a minimum of 10 feet.
- C. Rear yard setback: None.
- D. If any use in this district abuts or faces any residential or apartment district, a setback of 50 feet on the side abutting or facing the residential or apartment district shall be required.
- E. Setbacks for insufficient rights-of-way. Setbacks shall be established when a lot or parcel abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way widths and the setback requirements in such cases.

923.2 Height Limitations: The maximum height for any structure shall be 45 feet or 3 stories, whichever is less. The Planning Commission may determine that a greater height is in keeping with the general character of the district and surrounding area.

Finding 6: The proposed sign will be setback approximately 100 feet in front, and approximately 10' from the south side property line with no apparent setback distance for the rear setback. These setbacks meet the criteria for setbacks in the M-2 zone. The sign's elevation of 45' at this maximum height should have no impact on safety or corner vision on either Milton way or Hwy. 30 and meet the requirements for sign height.

Continuing with SIGNS, Section 1300 of the Zoning Ordinance:

1302.4 Illuminated Signs: Signs shall be non-flashing and non-revolving. Artificially illuminated signs, or lights used to indirectly illuminate signs, shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

Finding 7: The proposed v-shaped sign will be illuminated with three 400 watt metal halide halophane fixtures on each side and shall meet the requirements above for illuminated signs.

Continuing with SIGNS, Section 1300 of the Zoning Ordinance:

1302.6 Sign Clearance: A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.

Finding 8: The proposed sign will be 35' above ground surface and shall meet these requirements.

Continuing with the Signs Ordinance, Section 1315 of the Zoning Ordinance which states:

1315 New Off-Site Advertising Signs or Billboards: New off-site advertising signs may be erected only on land which is zoned M-3, M-2, M-1, C-3, C-5 or EC. All other appropriate provisions of this ordinance shall apply. The maximum area of each face of the sign shall not exceed 400 square feet.

Finding 9: The subject property is zoned (M-2) Light Industrial. The proposed 10' x 40' "V" shaped sign is considered a billboard. The applicant indicates on the drawing of the billboard that the sign will be 10' x 40' with a "Cutout" projecting above the 10' x 40' surface of the sign making the sign larger than 400 square feet. The 400 square foot sign as viewed from each side does not meet the size provisions of the sign ordinance. Any "cut-out" projecting further than the 10' x 40' are strictly prohibited. The maximum square footage of the sign shall be 400 square feet.

...and following with section 1550 of the Zoning Ordinance:

.13 Standards for Approval:

The Planning Commission or Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

A. Flood Hazard Areas: See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.

Finding 10: Flood Hazard areas are not material to this application. The sign footing is not in a flood hazard area as determined from the FIRM Map # 41009C0452, dated 8/16/88.

Continuing with section 1550.13 Standards of Approval of the Zoning Ordinance:

- B. Wetlands and Riparian Areas: Alteration of wetlands and riparian areas shall be in compliance with State and Federal laws.

Finding 11: There are no wetlands or riparian areas on the subject property.

Continuing with section 1550.13 Standards of Approval of the Zoning Ordinance:

- C. Natural Areas and Features: To the greatest practical extent possible, natural areas and features of the site shall be preserved.

Finding 12: There are no outstanding natural features on the site.

Continuing with section 1550.13 Standards of Approval of the Zoning Ordinance:

- D. Historic and Cultural sites and structures: All historic and culturally significant sites and structures identified in the Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.

Finding 13: There are no significant sites or structures on the site.

Continuing with section 1550.13 Standards of Approval of the Zoning Ordinance:

- E. Lighting: All outdoor lights shall be shielded so as to not shine directly on adjacent properties and roads.

Finding 14: Any lighting must be shielded so as to not shine on adjacent property or roads.

Continuing with section 1550.13 Standards of Approval of the Zoning Ordinance:

- F. Energy Conservation: Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.

Finding 15: This criteria is not really material to this application for a sign.

Continuing with section 1550.13 Standards of Approval of the Zoning Ordinance:

- G. Transportation Facilities: Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.

Finding 16: The proposed sign will have maintenance access from Milton way to the site.

and following with Section 1550 of the Zoning Ordinance:

- .14 Final Site Plan Approval: If the Planning Director or Planning Commission approves a preliminary site plan, the applicant shall finalize all the site drawings and submit them to the Director for review. If the Director finds the final site plan conforms with the preliminary site plan, as approved by the Director or Planning Commission, the Director shall give approval to the final site plan. Minor differences between the preliminary site plan and the final site plan may be approved by the Director. These plans shall be attached to the building permit application and shall become a part of that permit.

Finding 17: The preliminary site plan, if approved, shall become part of the building permit.

... and following with the Urban Growth Management Agreement (UGMA) between the City of St. Helens and Columbia County which states in part:

“...This management agreement is intended to facilitate the orderly and efficient transition from urbanizable to urban land uses within the City of St. Helens Urban Growth Area, ... This agreement is also intended to reflect the mutual interests the City and the County have regarding the development and use of lands within the Urban Growth Area.”

The UGMA goes on to say that:

“In the event two or more definitions are provided for a word or phrase, the most restrictive definition shall be utilized in construing this Management Agreement.

... and following with 1. COMPREHENSIVE PLAN PROVISIONS

- A. To promote an orderly and efficient transition from urbanizable to urban land within the Urban Growth Boundary and retention of land for non-urban uses outside of the Urban Growth Boundary, the comprehensive plans of the City of St. Helens and Columbia County shall not conflict.

- B. Columbia County and the City of St. Helens recognize the need to coordinate their plans and ordinances.
- C. Furthermore, it is a policy of the City of St. Helens and Columbia County to maintain ongoing planning processes that will facilitate development of mutually compatible plans and implementing ordinances.
- D. Columbia County and the City of St. Helens will share the responsibility of land use planning and regulation for the land within the Urban Growth Area, as shown in Section II. County responsibility for enforcement of any land use ordinance or prosecution thereof will be relinquished over any land within this area upon its annexation to the City.
- E. The County has designated the area within the Urban Growth Area as “UGB” in its Comprehensive Plan. The effect of this designation is to mirror the City’s Comprehensive Plan designation. All County Zoning Map designations shall thus conform to the provisions of both the County’s and the City’s Comprehensive Plans.

Finding 18: The City of St. Helens Planning Commission states that,

“The St. Helens Planning Commission met on October 10 in a regular session and reviewed the above mentioned referral and has the following recommendations: Clark Signs has applied to the County to site a freestanding sign in the Industrial area as shown on the St. Helens Comprehensive Plan map. Since this property is east of the Railroad and is on Milton Way the requested sign complies with the City’s sign rules not to exceed 350 square feet per side plus one square foot increase for each foot set back from the front property line and not over 20% increase. This site is approximately 100 feet from the front property line, thus 100 square feet additional or 20% of 350, which ever is less. The sign area per side as requested is 400 square feet. The height is 45 feet which is the max allowed in this location. Based upon the facts that the proposed sign meets the St. Helens Development Code standards and thus the St. Helens Planning Commission finds no problems with this application.”

The proposed billboard meets Columbia County’s and City of St. Helens’ sign ordinance code and are therefore in agreement.

Following with Oregon Revised Statute:

ORS 197.015 Definitions; states:

- (12) “Limited land use decision” is a decision or determination made by a local

government pertaining to a site within an urban growth boundary which concerns:

(b) The approval or denial of a application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

Continuing with Oregon revised Statutes:

ORS 197.195 Limited land use decision; procedures.

(1) A "limited land use decision" shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

Finding 19: The County did not amend by incorporating all Comprehensive Plan standards in our zoning ordinance within 2 years of September 29, 1991; and, is not allowed to use Comprehensive Plan provisions or Urban Growth Management provisions to base a decision for a limited land use action because they have not been adopted as part of the zoning ordinance. Staff included Urban Growth Management language only as a coordinating function.

Continuing with Oregon Revised Statutes:

ORS 197.195 Limited Land Use; procedures.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

Finding 20: The County shall base its decision on the criteria and standards considered relevant and set out in this report. A brief statement justifying that decision shall be incorporated in the Final Order.

COMMENTS:

1. The County Building Official has reviewed the application and has no objection to its approval as submitted, but states, "Need wind loading calculations on the sign."

Finding 21: The applicant will be required to supply wind loading calculations to the County Building Department before a building permit will be issued.

2. The County Sanitarian has reviewed the application and has no objection to its approval as submitted.
3. The St. Helens CPAC is opposed to the visual blight inherent in billboard advertising, and feels that for both aesthetic and traffic safety reasons, billboards are distracting and detracting and should not be allowed in Columbia County.
4. The St. Helens Fire District has reviewed the application and has no objection to its approval as submitted.
5. The City of St. Helens Planning Commission states that, "... the proposed sign meets the St. Helens Development Code standards and thus the St. Helens Planning Commission finds no problems with this application."
6. The Brian C. Puncocher family commented by letter dated October 16, 2000 to the Columbia River PUD, and stated that they are not in support of the billboard.

No other comments have been received from adjacent and nearby property owners or government agencies as of October 26, 2000.

CONCLUSION AND RECOMMENDATION:

Based on the above findings 1-6, and testimony received, planning staff recommend **approval** the proposed 10' x 40' billboard sign located off Milton Way with the following conditions:

1. All Oregon Department of Transportation specifications for locating signs adjacent to state highways shall be followed.
2. Illumination of the sign shall be shielded so as to not be hazardous to passing motorists on nearby roads; or offensive to uses on nearby properties.

3. Advertising copy is allowed only on the face of the sign. Advertising copy is specifically prohibited in the ledger area of the sign. The two faced "V" structure sign shall be limited to an 10' x 40' 400 sq. ft. surface per side as viewed from one direction or angle. This permit shall be revoked if cutouts or any other advertising copy extends beyond the 10' x 40' size of the sign as viewed from any single direction.
4. This permit shall become void 2 years from the date of the final decision if development has not begun on the property. Extensions of time may be granted by the Planning Director if requested in writing before the expiration date and if the applicant was not responsible for the failure to develop.
5. The applicant provide LDS with the location, species and size of existing trees proposed to be removed on the subject property where the sign is proposed to be located.
6. The applicant shall provide LDS with proof of a legal access easement to cross the railroad tracks from the east or west; or an access easement to cross property to the south before a building permit can be obtained.
7. The applicant shall apply for a building permit to construct the new sign. This may require wind calculations by a registered professional engineer certifying the new sign and post can withstand 80 mile per hour winds.

ATTACHMENT "B"
SUPPLEMENTAL FINDINGS

1. Columbia County Zoning Ordinance §1302.4 states, "Illuminated Signs: Signs shall be non-flashing and non-revolving. Artificially illuminated signs, or lights used to indirectly illuminate signs, shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.." Substantial evidence has been presented that there are no Oregon Electric Sign Association Standards currently in existence. Therefore, the Board of County Commissioners finds that Applicant shall not be required to follow such standards, but shall be required to follow industry standards for lighting, in addition to the requirements set forth in the Columbia County Zoning Ordinance, Building Code, and this Order.

2. Substantial evidence has been presented that the illumination of signs can cause serious safety issues in Columbia County for passing vehicles. Substantial evidence has been presented that Columbia County residents are concerned that illuminated signs cause safety problems for fast moving cars on and around Highway 30, due to the distraction of such lights. Substantial evidence has also been presented to show that the brighter the light illuminating the sign, the more distracting the sign is to drivers. The Board of County Commissioners finds that Applicant has proposed to use 3 400 watt metal halide halophane fixtures on each side of the sign, and that it is prudent to limit the light levels on the proposed sign to 400 watts per fixture. The Board of County Commissioners further finds that neon lights tend to shine directly onto roads and into the visual path of drivers, creating a traffic safety problem. Therefore, the Board of County Commissioners, finds that it is in the public's best interest to prohibit Neon lights on the proposed sign altogether. The Board of County Commissioners further finds that although in some areas, the existence of night-time illuminated signs around residences can substantially interfere with sleeping habits, and in such cases, it may be prudent and in the public interest to limit the illumination of such signs during sleeping hours, the Board of County Commissioners finds that there is substantial evidence to show that the proposed sign will not be placed near residences, but on an empty lot in a light industrial (M-2) zone. The Board of County Commissioners finds that it is therefore, not necessary for the public interest to limit the hours of illumination of the proposed sign.

3. Columbia County Zoning Ordinance § 1315 states, "New Off-Site Advertising Signs or Billboards: New off-site advertising signs may be erected only on land which is zoned M-3, M-2, M-1, C-3, C-5 or EC. All other appropriate provisions of this ordinance shall apply. The maximum area of each face of the sign shall not exceed 400 square feet." The Board of County Commissioners interprets this provision as permitting 400 square feet maximum area on each side of the proposed sign. The Board of County Commissioners finds that § 1315 clearly permits a two-faced sign, such as the proposed "V" sign, to have 400 square feet maximum area on each face, with a maximum total for both faces not to exceed 800 square

feet. The Board of County Commissioners further interprets the 400 square feet maximum per face limitation such that no "cutouts," or other copy shall be permitted outside of the 400 square feet maximum area. The Board of County Commissioners finds that in calculating the square footage of a sign, the width shall be measured at the widest part of the sign, including any cutouts, and the length shall be measured at the longest part of the sign, including any cutouts. For example, the Applicant submitted a sketch of a sample sign which had a cutout sun rising from the sign. The height of such a sign shall be calculated from the tip of the cutout sun to the bottom of the sign, which, when multiplied by the width of the sign, causes the sign face to exceed 400 square feet. The Board of County Commissioners finds that according to Columbia County Zoning Ordinance §1315, such a sign would be non-conforming. The Board of County Commissioners finds, however, that the Applicant does not plan to have any cutouts on the proposed sign. The Board of County Commissioners finds that the proposed sign is 40' x 10' feet, totaling 400 square feet per face and will have no cutouts, and is, therefore, compliance with the current Columbia County Zoning Ordinance.

4. ORS 197.195 states, "Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth." The Board of County Commissioners finds that it must approve Applicant's application for Site Design Review subject to the specified conditions because by complying with said conditions, the proposed sign will meet the applicable standards and criteria as set forth in the Staff Report and this Final Order.
5. Columbia County Zoning Ordinance § 1550.10 states that the degree of detail in a site plan for site design review shall be appropriate to the scale of the proposal, or to special site features requiring careful design, and that the location, species and size of existing trees proposed to be removed shall be required unless that information is determined to be inapplicable or unnecessary to determine compliance with County and State standards. The Board of County Commissioners finds that information regarding the location, species and size of existing trees proposed to be removed is not necessary to determine compliance with County and State standards for the placement of a billboard in the M-2 zone.