

CITY OF SELAH STAFF REPORT FOR VARIANCE APPLICATION

HEARING DATE—August 15, 2024

STAFF REPORT—August 8, 2024

FILE NO: VAR-2024-001 — Roadway Fence Sign SMC 10.38.050 (3), Temporary Sign 10.38.100.

PROPONENT: Solarity Credit Union, Sean McEwen

PROPERTY OWNER: City of Selah

LOCATION: Carlon Park N. Wenas Rd. fence

TAX PARCEL NUMBER: 181436-21004

REQUEST: Variance to Selah Municipal Codes 10.38.050 (3) Roadway Fence Sign, and 10.38.130 Temporary Signs to allow a six-foot by eight-foot banner style fabric or canvas sign on the Carlon Park N. Wenas Rd. fence located within the One-Family Residential (R-1) zone.

APPLICATION AUTHORITY--VARIANCES: Selah Municipal Code (SMC), Chapter 10.38.220 (Sign Regulations/Variences) stipulates that the only method for a party to potentially obtain any reduction of the sign standards, restrictions and requirements is for the party to seek and obtain a variance from the City's hearing examiner pursuant to SMC 10.30.30. Variance applications are to be processed under SMC Chapter 10.30.30 which further provides that a variance may be granted when the applicant can demonstrate:

- (1) That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist.
- (2) That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification.
- (3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated.
- (4) That the special circumstances do not result from the actions of the applicant.
- (5) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district and the comprehensive plan.
- (7) That the administrative adjustment or administrative modification provisions of this chapter were either not applicable or were insufficient to provide the relief sought from the standards of this title.

Solarity Credit Union
Sign Variance
Staff Report
VAR-2024-001

LAND USE AND ZONING: The subject parcel is occupied with Carlon Park and contains park related accessory structures and uses. The parcel is zoned Residential, Single-Family (R-1).

SURROUNDING ZONING AND LAND USE:

NORTH: R-1/B-2: The subject properties are occupied predominantly with single-family homes directly to the north and with a coffee stand at the corner of E. Goodlander Rd. and N. Wenas Rd.

SOUTH: R-1/B-2: The subject properties directly to the south are occupied with additional ball fields for Carlon Park and across N. Wenas Rd. are commercial businesses.

EAST: B-2: The subject properties east across N. Wenas Rd. are occupied by commercial businesses.

WEST: R-1: The subject property directly to the west is owned by the Selah School district and is occupied with parking lots, baseball and football fields.

CITY OF SELAH 2017 COMPREHENSIVE PLAN: The City of Selah’s 2017 Comprehensive Plan Future Land Use Plan designates the site as Parks. The property to the North is designated Low Density Residential; to the South Parks; to the West Quasi-Public Open Spaces and Moderate Density Residential; and Commercial to the East across N. Wenas Rd.

ENVIRONMENTAL REVIEW: Categorically exempt.

PUBLIC NOTICE: Public notice for this application was provided in the following manner:

- Notice of Complete Application – July 8, 2024
- Notice of Application, Comment, and Public Hearing to Surrounding Property – July 19, 2024
- Notice of Open Record Public Hearing – July 19, 2024
- Publication of Legal Ad – July 20, 2024
- Posting of subject property – July 22, 2024

PUBLIC COMMENTS: No comments were received during the public comment period.

TRANSPORTATION: The site is served by both E. Goodlander Rd. and N. Wenas Rd. E. Goodlander Rd. is designated as a Collector street with two traffic lanes. N. Wenas Rd. is a designated Minor Arterial road with four traffic lanes.

PUBLIC WORKS COMMENTS/REQUIREMENTS:

- (1) The City of Selah Public Works Department has reviewed the proposed sign size,

location, material, and method of construction/attachment and has found it acceptable provided the following conditions are imposed as described in the attached Agreement Between Solarity Credit Union and City of Selah:

- a) The sign shall be a banner-style sign;
- b) The material shall be made of fabric or canvas (rather than wood or metal);
- c) The construction shall utilize mesh or include wind vents (rather than being solid or ventless);
- d) The sign shall be one sided (rather than two sided);
- e) The sign shall face toward the roadway of North Wenas Road, and be located at or near leftfield of the Softball Field; and
- f) The sign shall be no larger than eight (8) feet wide and six feet tall.

SITING OF EXISTING CODE AND RELIEF SOUGHT:

(1) SMC 10.38.050 Prohibited signs: “The following signs and sign structures are prohibited... (3) Any sign or sign structure attached to any utility, streetlight or traffic-control signal pole or facility, or attached to any fence, structure, building, facility, vehicle or equipment owned by any government or public agency, or placed on any tree or live vegetation (other than grass) owned by any government or public agency.”

(2) SMC 10.38.130 Temporary signs: “No review is required for temporary signs or sign structures. All temporary signs and sign structures shall conform to the following provisions:

(1) No temporary sign or sign structure shall be placed in any roadway, required parking space or driveway, nor shall any sign or sign structure that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads be placed in the clear view triangle of any roadway, driveway or curb cut as established in Section 10.08.030.

(2) No temporary sign or sign structure may be placed in, on or above any city-owned or city-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a city-owned right-of-way, which are separately addressed by Section 10.38.080(b)), unless the owner or owners obtain in advance a special event permit, temporary use permit or other permission from the city.

(3) Temporary signs and sign structures may be placed on property that is residentially zoned in accordance with the requirements of this chapter and the following:

(A) Only one temporary window sign is allowed per residential unit and it shall not exceed four square feet in total sign area.

(B) Freestanding signs, including post-mounted, stake-mounted and portable signs, are allowed as follows:

(i) In single-family residential zoning districts, temporary freestanding signs that are post-mounted on the ground shall not exceed four square feet in total sign area and five linear feet in height, and temporary freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height.

(ii) In multifamily residential zoning districts, temporary freestanding signs that are post-mounted in the ground shall not exceed six square feet in total sign area and five feet in linear height above ground level, and temporary freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(4) Temporary signs and sign structures may be placed on property that is nonresidentially zoned in accordance with the requirements of this chapter and the following:

(A) The total sign area of any window sign shall not exceed fifty percent of the window area.

(B) Freestanding signs, including those that are post-mounted in the ground, shall not exceed four square feet of total sign area and five feet in linear height above ground level, and temporary signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(5) Surface-mounted signs shall not exceed thirty square feet of total sign area and must be flatly affixed to walls or to on-site fences that face the abutting street or face inward to the subject site.

(6) Temporary signs on a property of more than two surface acres, either residentially zoned or nonresidentially zoned, may be of any type and cumulatively shall not exceed sixty-four square feet of total sign area and individually shall not exceed eight feet of lineal height above ground level. No other or additional temporary signs shall be displayed on such property.

(7) In all circumstances, temporary signs and sign structures shall be promptly removed after the event that they are related to has occurred or ended.”

(3) Applicant Relief Sought: The applicant Solarity Credit Union is specifically seeking relief from the provisions of 10.38.050 (3) prohibiting any signage upon City property/fences. Additionally, they are also requesting relief from the location prohibition and size, place and manner provisions of SMC 10.38.130 for the R-1 zoning district which the park is zoned. Strict

application of these codes would prohibit or severely limit all types and sizes of signs both on City fences/property and upon park structures that are designed to allow for signage.

VARIANCE APPROVAL CRITERIA:

In accordance with the provisions of the City of Selah Municipal Code (SMC) §§ 10.38.220 and 10.30.030 the Hearing Examiner may authorize a variance from the sign standards provided they make finding that the following conditions or circumstances exist and relief should be granted:

*Text within the below Rezone Criteria that are italicized and are preceded with the words “**Staff Response:**” indicate that City staff is either adding additional information to the applicant’s narrative response/discussion, opposing the narrative, or supporting the narrative.*

(1) That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist;

Applicant Narrative: “This property, while zoned residential (R-1), primary consists of recreation facilities and fields with little to no housing. This unusual usage makes the prohibition of off-premise signage as typically applied in residential areas that are inappropriate for this location. The proposed banner placement on the fence, a previously utilized site for similar displays, takes advantage of this unique setting to support community activities and enhance visibility.”

Staff Response: *The City agrees with the applicant’s narrative statement above and further adds that the special circumstances that exist with this property and situation is that the City’s sign code was never intended to regulate City installed park/ballfield related/sponsorship signs. Rather the sign code was originally crafted to regulate commercial advertising/speech. However, with the sweeping changes in state law regarding signage time, place, and manner restrictions, and the City’s amendment to its sign code in 2021 to address these changes, it now comes to the City’s attention that its sign code would effectively prohibit all types of signage that are traditional allowed throughout sporting facilities. At this time the City is not in a position to initiate a code amendment to its sign code to create appropriate time, place, and manner provisions in its code to permit these types of signs. Therefore, the only option for the applicant to get the proposed sign allowed is through the variance provision of the City’s municipal code.*

(2) That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification;

Applicant Narrative: “Strict adherence to the residential zoning’s sign prohibitions would unfairly deprive Solarity Credit Union of similar rights and privileges enjoyed by other properties in similar settings, such as school and recreational fields where banners are commonly displayed. This would inhibit Solarity’s ability to visibly contribute and participate in community enhancement efforts.”

Staff Response: *The City agrees with the applicant's narrative stated above and further finds that strict adherence to the code could result in other historic sponsorship signage being removed that have been allowed in years past, as well as future limiting/prohibition of advertising/sponsorship signs upon other parts of the ballfields (i.e score boards). By supporting this variance request the City is acknowledging a deficiency in its development code which cannot be addressed or amended at this time.*

(3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated;

Applicant Narrative: “The placement of a sponsorship banner would not be materially detrimental to the public welfare nor injurious to nearby properties, given the area is for recreational purposes. The banner is designed with visual appeal and practical considerations, such as wind slits, to prevent any adverse effects on the fence or surrounding area. It aligns with the customary aesthetics of recreational areas which often feature promotional materials.”

Staff Response: *The City agrees and supports the applicant's statement above. Furthermore, the City Public Works Department has reviewed the proposed sign construction and location and find it acceptable, and no opposition from the surrounding neighborhood was received during the 14-day comment period.*

(4) That special circumstances do not result from the actions of the applicant;

Applicant Narrative: “The need for a variance arises from the property's unique characteristics, such as its location across from the credit union, primary use for recreational facilities, and historical use for similar signage – none of which result from Solarity Credit Union's actions. Although zoned R-1 residential, the area functions as a recreational space, making the prohibition on off-premise signage inappropriate. The fence has a precedent of displaying community banners, supporting the continuation of this practice. The location's visibility and community engagement potential are inherent site features, not influenced by Solarity. The variance supports community needs for improved park facilities, aligning with the public interest.”

Staff Response: *While the City cannot guarantee that special circumstances will not result from the granting of this request. It is the City's position that granting of this request will only allow Solarity Credit Union the right to place their sponsorship-banner sign on the ballfield fence where past community signs have been allowed, and the City can make provisions for ballfield/park/sponsorship signs in its municipal code at a future date.*

(5) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

Applicant Narrative: “The requested variance is the minimal adjustment necessary to allow for effective use of the property within its current context. The size and placement of the banner are tailored to ensure visibility and effectiveness without exceeding what is necessary for the intended purpose.”

Staff Response: *The City agrees with the applicant’s statement that the adjustment/variance is the minimum necessary to allow the sign at its proposed location within the R-1 zone and on the City’s park fence.*

(6) That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district and the comprehensive plan; and

Applicant Narrative: “The need for a variance arises from the property’s unique characteristics, such as its location across from the credit union, primary use for recreational facilities, and its location across from the credit union, primary use for recreational facilities, and historical use for similar signage – none of which result from Solarity Credit Union’s actions. Although zoned R-1 residential, the area functions as a recreational space making the prohibition on off-premise signage inappropriate. The fence has a precedent of displaying community banners, supporting the continuation of this practice. The location’s visibility and community engagement potential are inherent site features, not influenced by Solarity. The variance supports community needs for improved park facilities, aligning with the public interest.”

Staff Response: *It is the position of the City that the subject sign can be considered in harmony with the general purpose and intent of Title 10.38 Signs, the R-1, Single-Family zoning district, and the comprehensive plan for the following reasons:*

- a. *The intent and interpretation provisions of SMC 10.38.010 indicates that the intended purpose of 10.38 Signs is to protect, promote and enhance the overall aesthetic of the City, and also the health, safety, welfare and economic interests of residents, businesses, property owners, workers, consumers, tourists and visitors – each of which constitutes a substantial governmental interest – through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory standards, restrictions, and requirements. By disallowing banner sponsorship signs the City’s sign code is effectively reducing the economic interests of residents, businesses, property owners, consumers, tourists and visitors who frequent the City’s sports complex at Carlon Park throughout the year.*
- b. *The sign can be viewed as being in harmony with the City’s Comprehensive Plan and Single-Family zoning district as the property is designated as park space which allows parks in the Single-Family zoning district as a Class/Type (2) Permitted Use. Furthermore, since the softball fields creation in 2005, the City has allowed various banner-sponsorship signs on all areas of the baseball field fencing, as well as other banner community event signs, and school district sponsored signage. As previously*

stated, due to an update to the City's sign ordinance in 2021, the City has had to curtail signage being placed both in/on the baseball fields.

- c. Finally, the sign request can also be considered in harmony with the surrounding neighborhood as property owners within a 300 ft. radius were provided the opportunity to comment/object to the proposed variance application. During the 14-day public comment period no comments were received for or against the proposal signaling to the City that the surrounding neighborhood feels the proposed sign is compatible.*

(7) That the administrative adjustment or administrative modification provisions of this chapter were either not applicable or were insufficient to provide the relief sought from the standards of this title.

Applicant Narrative: “Although recent amendments to Sections 10.30.0230(a) and (d)(3) now permit administrative adjustments to sign standards, these provisions still may not fully address the unique needs and benefits of placing a sponsorship banner in this specific recreational context. A variance remains the most suitable and necessary means to achieve the desired community and commercial benefits.”

Staff Response: *The City agrees with the applicant's statement that a variance application in accordance with SMC §§ 10.38.220 and 10.30.030 is presently the only method to approve/permit the proposed banner sign without further amending its municipal code.*

CONCLUSION: Approval of the variance, although perhaps not meeting all of the variance criteria, is prudent in light of the City's past practice and use regarding signage in the city parks/ballfields. Approval of the proposed sign should be conditioned in accordance with the above section entitled PUBLIC WORKS COMMENTS/REQUIREMENTS.

RECOMMENDATION: **APPROVAL** based on the above findings.