



**KEIZER COMMUNITY DEVELOPMENT  
DEPARTMENT  
NOTICE OF DECISION  
Conditional Use Permit  
Case No. 2019-15**

**I. REQUEST**

The following report reviews a land use application request for a Conditional Use Permit to allow the modification of an existing electronic message sign located at 4630 River Rd N. The application is to increase the electronic element of an existing freestanding sign from 52.74 square feet to 75 square feet.

**II. BACKGROUND**

- A. **APPLICANT/AGENT:** Peter Strauhal
- B. **PROPERTY OWNER:** Kingdom Investors LLC – Jeffrey Baker
- C. **PROPERTY LOCATION:** The subject property is located at 4630 River Rd N; Marion County Tax Assessor's Map No. 073W02CA tax lot 04000. (Exhibit 1)
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing chiropractic/medical building. The property is served by public facilities.
- E. **ZONING:** The subject property is designated Commercial on the Comprehensive Plan and zoned CM (Commercial Mixed Use).
- F. **ADJACENT ZONING/LAND USES:** Properties to the north and south of the subject property are zoned CM (Commercial Mixed Use) and contain a restaurant and a dentist's office. Properties across River Rd to the west are zone CO (Commercial Office) and CM and contain a bank and a retail paint store. Properties to the east are zoned RS (Residential Single Family) and contain single family dwellings.
- G. **PROPOSAL:** The applicant is requesting approval of a Conditional Use Permit to allow the modification of a message sign located at 4630 River Rd N. The proposed sign will be 15 feet 4 inches in height and approximately 75 square feet in total area. (Exhibit 2)

**III. COMMENTS**

**AGENCY COMMENTS:**

- A. The Keizer Public Works Department submitted comments (Exhibit 3) regarding the recommendation to relocate the sign.
- B. The Keizer Police Department and the Keizer Fire District reviewed the application and determined they have no comments.

#### IV. FINDINGS AND CONCLUSIONS

The following are findings for the proposed Conditional Use to allow the installation of a freestanding message sign. Message signs are permitted only with conditional use permit approval as outlined in section 2.308 of the Keizer Development Code.

- A. Section 2.308.06.P Electronic Message Signs states that electronic message signs are prohibited, except by a conditional use permit.
- B. The approval or denial of a Conditional Use Permit is based on compliance with decision criteria found in Section 2.308.09.B of the Keizer Development Code. The criteria and staff's findings are listed below:

- 1) ***The proposed sign is located in an EG, P, IBP, CR, CO, MU, CM or a CG zone, or the proposed sign is for a public or semi-public use regardless of the underlying zone.***

**FINDINGS:** The proposed sign is located at 4630 River Rd N which has a zoning designation of Commercial Mixed Use (CM). Therefore, staff finds this request satisfies this criterion.

- 2) ***The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) lead to signs that adversely dominate the visual image of the area.***

**FINDINGS:** The proposal is to modify an existing electronic message sign. The current sign was approved for a sign with an electronic area of 52.74 square feet by Conditional Use in 2011. The applicant is proposing to increase the electronic element of the sign to 75 square feet and increase the height from 12' 4" to 15' 4". The location, basic design, height and area of the proposed sign are consistent with the requirements of the Keizer Development Code. Public Works has submitted comments (Exhibit 3) recommending the existing sign be relocated. That recommendation will be discussed later in this report. Conditional use permit approval requires the total allowed sign area allotted to a business to be reduced by 25%, which helps to mitigate the visual impacts of the sign. This 25% reduction requirement will be addressed more in depth later in this report. Taking into consideration the fact the sign is existing and will comply with all provisions of the development code, staff finds this proposal will not significantly increase or lead to street level sign clutter or dominate the visual image of the area. Staff finds this request satisfies this criterion.

- 3) ***The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. Electronic Message Signs that are proposed to be located adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Electronic Message Signs proposed for a public or semi-public use adjacent to residential areas shall only be illuminated between the hours of 6:00 am and 11:00 pm.***

**FINDINGS:** As was discussed earlier, the applicant proposes to modify an existing freestanding sign that contains an electronic message sign located on River Road, which is the main commercial corridor in Keizer. Electronic message signs are becoming increasingly more common and there are several signs along River Road that currently contain electronic message sign elements, so this proposal is not dissimilar to the surrounding commercial area. Properties to the east contain single family dwellings but will not be impacted visually by this sign. Freestanding signs are allowed up to 20' in height. The proposed sign will be 75 square feet in area and 15'4" in height which is less than would be normally allowed for this business by the Keizer Development Code. This reduced size and height is acceptable as well as appropriate to adequately mitigate any impact the message sign may have on the surrounding area. Taking into consideration all of these factors, including a possible relocation of the sign discussed later, staff finds that this proposal will not adversely impact the surrounding area to a significant degree. The proposed sign is not located in a P zone and therefore the criterion relating to mitigation measures and hours of illumination is not applicable. Therefore, this request satisfies this criterion.

4) ***The proposed sign will not present a traffic or safety hazard.***

**FINDINGS:** The Public Works Department has submitted comments stating the existing sign blocks the view to the south for vehicles entering onto River Road from Maine Avenue and does not conform to AASHTO standards for sight distance. AASHTO (American Association of State Highway and Transportation Officials) publishes specifications, quality control protocols and guidelines which are used in highway design and construction throughout the United States. Modifications to the existing structure of the sign, other than the increase to the electronic component of the sign, will require the sign to be relocated back closer to the building, outside of the clear sight triangle or to have an opening for the lower 5 feet of the sign that will allow for an improvement in the sight distance. A new design must be submitted for the sign that is acceptable to the City of Keizer Public Works Department. In lieu of relocating the sign, the applicant may choose to modify only the size of the electronic component to a maximum of 75 square feet in area and the height and base of the sign remain unchanged. The applicant is advised that any liability for lack of conformance to these standards is solely the responsibility of the property owner. The required location will be reviewed at the time of building permit.

Furthermore, the message sign proposed will be limited to display a static message that may change only once every 15 seconds. Since the sign will not be changed at a high level of frequency and no scrolling or animated effects will be utilized, the message sign is not anticipated to pose a potential traffic hazard. With the recommendation by staff to relocate the sign in conformance to the AASHTO standards, and the fact the sign element is not anticipated to distract drivers along River Road, staff finds this request satisfies this criterion.

- 5) *If the application is for the illumination of non-commercial use or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed.*

*Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than fifteen (15) seconds. Further, the level of illumination must be limited in the following ways:*

- a. *An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or low-voltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.*
- b. *No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between sunset and sunrise; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:*
  1. *For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between sunset and sunrise;*
  2. *For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between sunset and sunrise;*
  3. *For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between sunset and sunrise.*

**FINDINGS:** No rotary beacon lights, zip lights, strobe lights, or similar devices are proposed. The applicant's proposal indicates the message sign element of the freestanding sign will be an internally illuminated LED reader board display. The message sign will be required to be programmed to display a static message that will only change once every fifteen (15) seconds, and will not flash, rotate, or do anything else prohibited by code. This will be placed as a condition of approval to ensure this requirement is followed. The applicant has not submitted any information as to what the degree of brightness of the display will be. As a condition of approval, documentation must be provided from the sign manufacturer that the level of brightness will conform to the maximum nits allowable in both daytime brightness and between sunset and sunrise. As a condition of approval, the maximum degree of brightness allowed for a multi-color display is 7,500 nits in the daytime and 1,000 nits between sunset and sunrise. If the applicant chooses to display a message comprised of red, green, or amber only, the appropriate level of nits must be adhered to for both daytime and nighttime levels. Staff finds with the above mentioned conditions of approval, this request can satisfy this criterion.

- 6) **The total allowed sign area shall be reduced by 25% if the application is for an electronic message sign.**

**FINDINGS:** This proposal is for an electronic message sign and therefore the total allowed sign area must be reduced by 25%. Keizer Development Code section 2.308 outlines the requirements for signs in relation to allowed area, height, location, type and size.

The business is located in a non-integrated business center which allows for sign allowance based on both main building frontage and secondary frontage. The main building frontage along River Road is 89.68 linear feet which allows 134.52 of allowed signage for all signs before the 25% reduction is calculated. Within the main building frontage allowance one freestanding sign is allowed up to the maximum of 100 square feet. With the required 25% reduction, this proposed freestanding sign is reduced to a maximum of 75 square feet. Therefore, with taking into account the 25% reduction requirement, the proposed sign will be within what is allowed by code.

In addition, the 59.85 lineal feet of frontage along Maine Avenue is considered the secondary building frontage and allows up to an additional 44.89 square feet of signage that can be used as one wall sign on the secondary wall. There is an existing wall sign of 30.50 square feet on the secondary wall. No other sign is allowed on this wall.

Both a sign zoning permit and building permit must be obtained prior to the installation of the sign to ensure that the freestanding sign does not exceed 75 square feet in area and that the sign conforms with the requirement to relocate the sign or if the sign can remain in the current location as proposed on applicant's site plan. Staff finds the applicant's proposal can comply with these requirements and therefore this request satisfies this criterion.

- 7) **The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.**

**FINDINGS:** The Keizer Development Code limits the maximum sign height to 20 feet and requires that signs be located on private property and outside of any vision clearance area. The proposal appears to comply with these provisions of the development code, but in addition, the Public Works Department has submitted comments stating the proposed new sign does not conform to AASHTO standards for sight distance as previously address in this report. Any change to the existing structure of the sign, to include height or base widening as proposed, will require the sign to be relocated back closer to the building or have an opening for the lower 5 feet of the sign that will allow for an improvement in the sight distance. To ensure that all requirements are met, building permit approval and sign permit approval are required prior to the installation of the sign. This will be placed as a condition of approval and therefore, staff finds this request satisfies this criterion.

## V. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has APPROVED WITH CONDITIONS the proposed Conditional Use Permit subject to certain requirements noted below. Findings in support of the decision can be found in Section IV, Page 2. Any interested person, including the applicant, who disagrees with this decision, may request that the application be appealed to the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee will be refunded if the appeal is upheld. Requests for appeal to the Hearings Officer must be received in writing by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on July 26, 2019.

**Unless this decision is appealed it becomes final on July 27, 2019.**

## VI. CONDITIONS AND REQUIREMENTS

**This decision does not include approval of a building permit or sign zoning permit.**

- A. CONDITIONS: The following conditions must be continually met, as a condition of the particular land use:
1. As proposed, the sign must be relocated. A new design must be submitted for the sign that relocates the free-standing sign outside of the clear sight triangle or provides an opening for the lower 5 feet of the sign that is acceptable to the City of Keizer Public Works Department. In lieu of relocating the sign, the applicant may choose to modify only the size of the electronic element to a maximum of 75 square feet in area and the height and base of the sign remain unchanged. The location, height and base will be reviewed at the time of building permit review. The sign shall meet with all other requirements outlined in Keizer Development Code section 2.308.
  2. The freestanding message sign shall comply with all applicable requirements of the Marion County Building Inspection Division and Keizer Community Development Department including but not limited to building permit approval and sign permit approval. Building permits and Sign permits must be obtained prior to construction/installation of the new sign.
  3. The electronic message sign will be limited to display a static message that may change **only once every 15 seconds**. Violations of this requirement will result in code enforcement action.
  4. Documentation must be provided prior to the issuance of the building permit and sign zoning permit regarding the illumination of the sign. The degree of brightness of the illumination of the sign (for a multi-colored display) must not exceed 7,500 nits in the daytime and 1,000 nits between sunset and sunrise. If the display is comprised of solely red, green, or amber, the appropriate level of nits as outlined in section 2.308, must be complied with.

- B. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.
- C. TRANSFER OF CONDITIONAL USE: This Conditional Use shall automatically transfer to any new owner(s) or occupant(s) subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to future property owner(s) regarding this Conditional Use request and any conditions of approval.

The proposed development meets the purpose and intent of the standards set forth within Section 2.308 Signs of the Keizer Development Code. Therefore, the above request for a Conditional Use Permit to install an electronic message sign is approved for the property located at 4630 River Rd N. If you have any question about this application or the decision, please contact the Community Development Department at (503) 856-3441 or visit the Community Development Department at the above address.

REPORT PREPARED BY: Dina Russell, Assistant Planner:	
APPROVED BY:	
	Date: <u>7/15/19</u>
Nate Brown, Community Development Director	

EXHIBIT 1



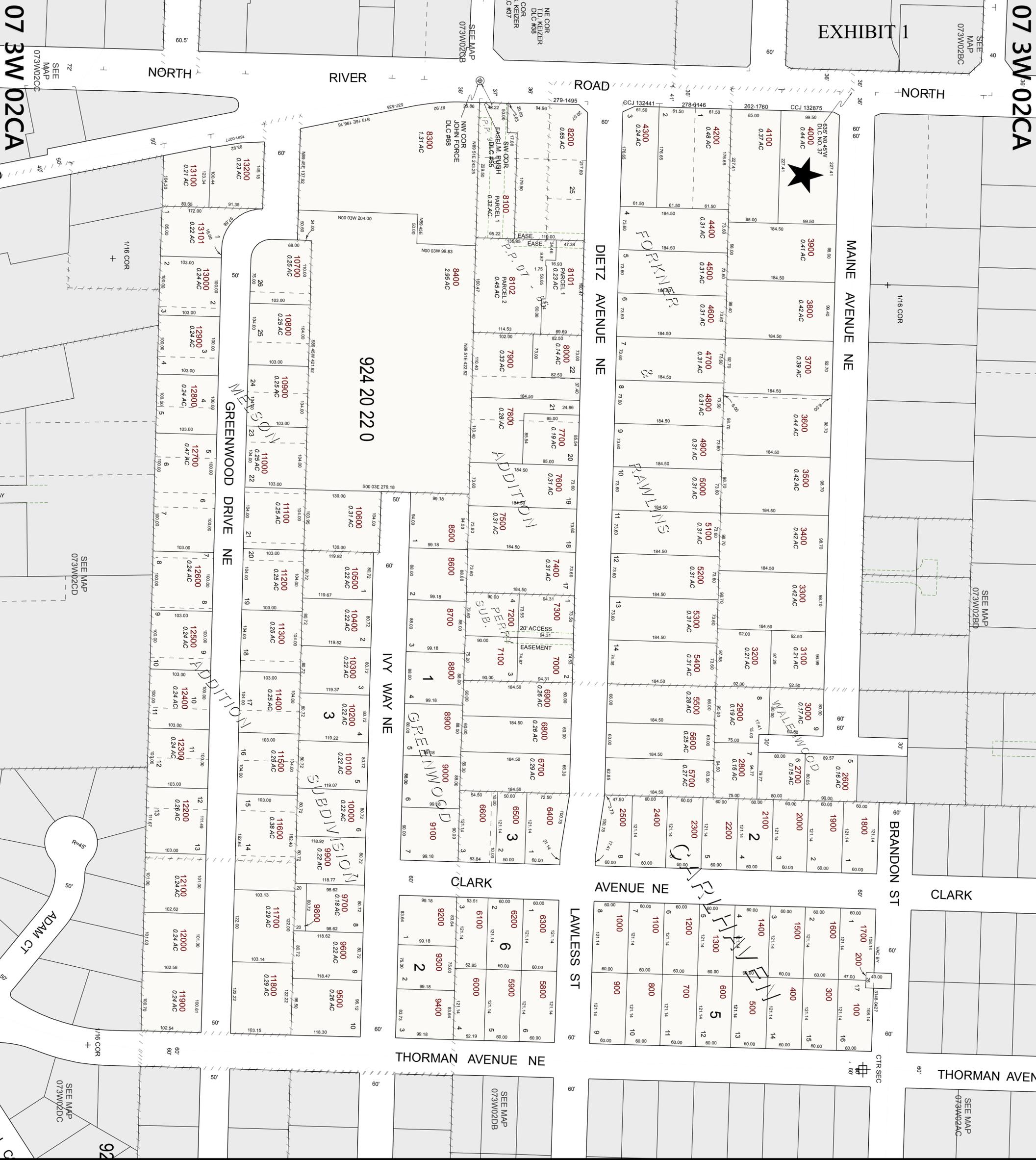
MARION COUNTY, OREGON  
NE1/4 SW1/4 SEC2 T7S R3W W.M.  
SCALE 1" = 100'

LEGEND

- LINE TYPES
  - Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Waterline - Non Bndry
- CORNER TYPES
  - + 1/16th Section Cor.
  - ⊙ DLC Corner
  - ⊕ 1/4 Section Cor.
  - ⊕ Section Corner
- NUMBERS
  - Tax Code Number
  - 000 00 00 0
- NOTES
  - Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

LEGEND

- Historical Boundary
- Easement
- Railroad Centerline
- Taxcode Line
- Map Boundary
- Waterline - Non Bndry



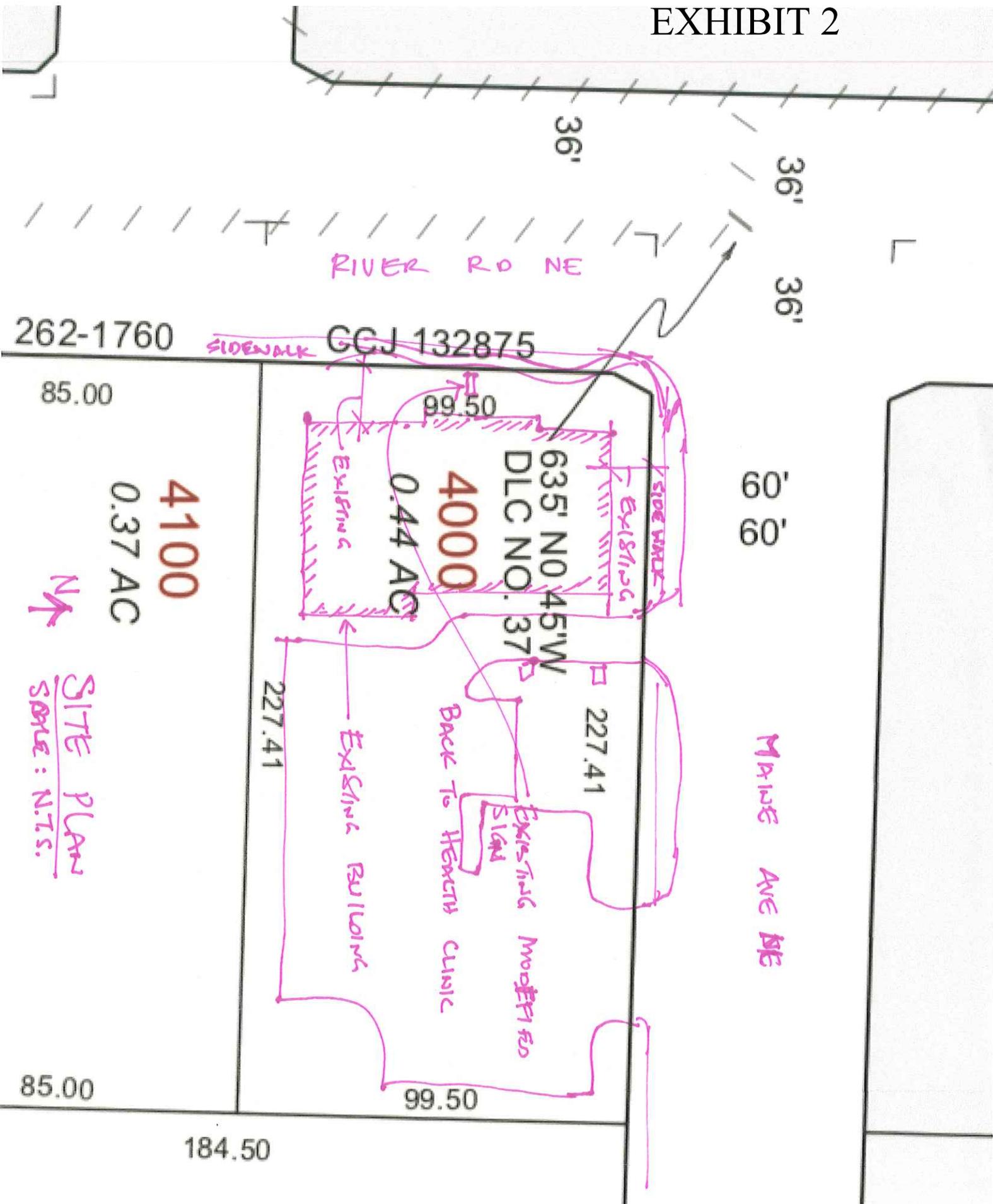
CANCELLED NUMBERS

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



Assessors Office  
Cartography Dept  
PLOT DATE: 2/21/2019  
KEIZER  
07 3W 02CA

EXHIBIT 2



262-1760

SIDEWALK GCJ 132875

85.00

4100  
0.37 AC



SITE PLAN  
SCALE: N.T.S.

85.00

184.50

36'

36'

36'

RIVER RD NE

99.50

EXISTING

0.44 AC

4000

635' NO 45' W  
DLC NO. 37

EXISTING

227.41

EXISTING MODIFIED SIGN  
Back to Henry's Clinic

EXISTING BUILDING

227.41

99.50

50 50

MAIN ST AVE

# Exhibit 3

TO: DINA RUSSELL, ASSISTANT PLANNER  
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT  
SUBJECT: CONDITIONAL USE CASE NO. 2019-15

APPLICANT – PETER STRAUHAL  
ADDRESS – 4630 RIVER ROAD N

## PUBLIC WORKS DEPARTMENT REQUIREMENTS

The application is for installation of a free standing electronic message sign.

- a) Street opening permits are required for any work within the City Right of Way.
- b) Construction shall not be within the existing River Road Right of Way. Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.
- c) No construction shall be located within any existing utility easements without authorization by the Public Works Department.
- d) The existing sign currently blocks the view to the south for vehicles entering onto River Road from Maine Avenue. The City of Keizer Public Works Department Design Standards include by reference “A Policy on the Geometric Design of Highways and Streets”, American Association of State Transportation and Highway Officials (AASHTO). The policy includes Section 9.5.2 Sight Triangles.
- e) It is recommended that a design be submitted for the new proposed sign that relocates the free-standing sign outside of the clear sight triangle to meet AASHTO guidelines or provides an opening for the lower 5 feet of the sign that will allow for an improvement in the sight distance that currently exists at the current location and meets the conditions of AASHTO.