



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
Conditional Use Permit
Case 2019-21**

I. REQUEST

The following report reviews a land use application request for Conditional Use approval to allow the installation of an electronic message sign on an existing freestanding sign located at 3530 River Rd N.

II. BACKGROUND

- A. **APPLICANT/ OWNER:** Casa of Marion County ATTN: Shaney Starr
- B. **AGENT:** Salem Sign Co., Inc. ATTN: Matt Boyington
- C. **PROPERTY LOCATION:** The subject property is located at 3530 River Rd N; Marion County Tax Assessor's Map 073W11BC tax lot 02500. (Exhibit 1)
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing commercial building housing a non-profit organization. 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 to the north and a gasoline station to the south. Property across River Rd to the west is also zoned CM and contains an auto dealership. The property to the east has a split CM/RM zone and contains a multi family development.
- G. **PROPOSAL:** The applicant is requesting approval of a Conditional Use Permit to allow an electronic message sign to be installed on an existing freestanding sign located at 3530 River Rd N. The overall sign height of 20' will not change and the overall area will be 71.8 square feet. (Exhibit 2)

III. COMMENTS

AGENCY COMMENTS:

The Keizer Police Department, AKS Engineering and the City of Salem 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 3530 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 freestanding sign by adding an electronic message element. The location, basic design, height and area of the proposed sign are not changing and are consistent with the requirements of the Keizer Development Code. 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 freestanding 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 by replacing a portion of the sign that is currently a manual reader board and adding a new electronic message display element. The electronic element of the proposed sign will be 21.8 square feet of the total 71.8

square feet of sign area. The sign will remain 20' in height. This new electronic sign element will not lead to street level sign clutter, or adversely dominate the visual image of the area as it will simply be taking the place of an existing reader board. This new display will also be monochrome, utilizing a black background, limiting the potential for sign clutter and excess brightness. It has become increasingly more common for electronic message signs to be located along River Road, so this proposal is not dissimilar to the surrounding commercial area. The property to the east contains a multi-family development but will not be impacted visually by this sign and the sign is not located in a Public (P) zone, therefore the criterion relating to mitigation measures and hours of illumination is not applicable. Taking into consideration all of the factors, staff finds that this proposal will not adversely impact the surrounding area to a significant degree. Therefore, this request satisfies this criterion.

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

FINDINGS: The electronic message sign proposed will be limited to a static message that is limited to change once every 15 seconds. With this placed as a condition of approval, it will ensure the message sign does not pose a potential traffic hazard. The limited frequency of the changing message will not distract drivers and no scrolling or animated effects will be utilized. Furthermore, the sign is not located in the public right of way, or within any required vision clearance area as defined by the development code. The applicant's written statement confirms the customer is aware of, and intends to comply with, the requirements relating to frequency of message change and that scrolling or animated effects are not allowed. The applicant also states the new electronic element will be monochrome, utilizing a black background, limiting the potential excess brightness and is equipped with a photo sensor to automatically adjust brightness based on ambient light conditions. Staff finds the proposal will not present any additional traffic or safety hazards to motorists or pedestrians in the area. Therefore, 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, which will consist of a monochrome display and is adjustable in brightness and is equipped with a photo sensor to automatically adjust brightness based on ambient light conditions. 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 83 linear feet which allows 124.50 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 25% reduction, the total allowed signage is reduced to 93.38 square feet and within the 93.38 square feet, the freestanding sign is reduced to a maximum of 75 square feet. Therefore, with taking into account the 25% reduction requirement, the proposed sign of 71.8 square feet will be within what is allowed by code. In addition, a secondary allowance would be allowed based on the secondary building frontage. This additional allowance would be regulated through a sign zoning permit.

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. 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 location or height is not proposed to change with the addition of the electronic message display element and is currently located outside of the public right-of-way and outside of the vision clearance area, 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 November 1, 2019.

Unless this decision is appealed it becomes final on November 2, 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. The Conditional Use Permit is approved to allow the installation of an electronic message sign. The new sign must substantially conform to this proposal. The sign shall meet with all other requirements outlined in Keizer Development Code section 2.308.

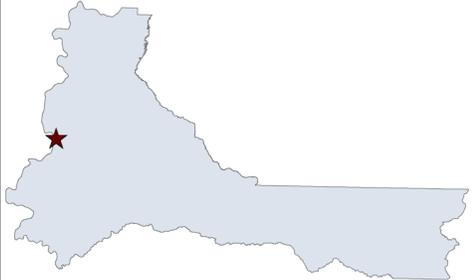
2. The freestanding message sign shall comply with all applicable requirements of the Marion County Building Inspection Division and Keizer Community Development Department including but not limited to building permit approval and sign permit approval. Building permits and Sign permits must be obtained prior to construction/installation of the new sign.
 2. 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.
 3. 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 3530 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>10/21/19</u>
Nate Brown, Community Development Director	

07 3W 11BC

07 3W 11BC
KEIZER



MARION COUNTY, OREGON
SW1/4 NW1/4 SEC11 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
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
 - 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
- Acres
0.25 AC
- All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

500		
600		
1100		
1200		
1300		
2600		
2700		
2800		
5900		
6301		
6302		
6401		
6500B1		
7700		

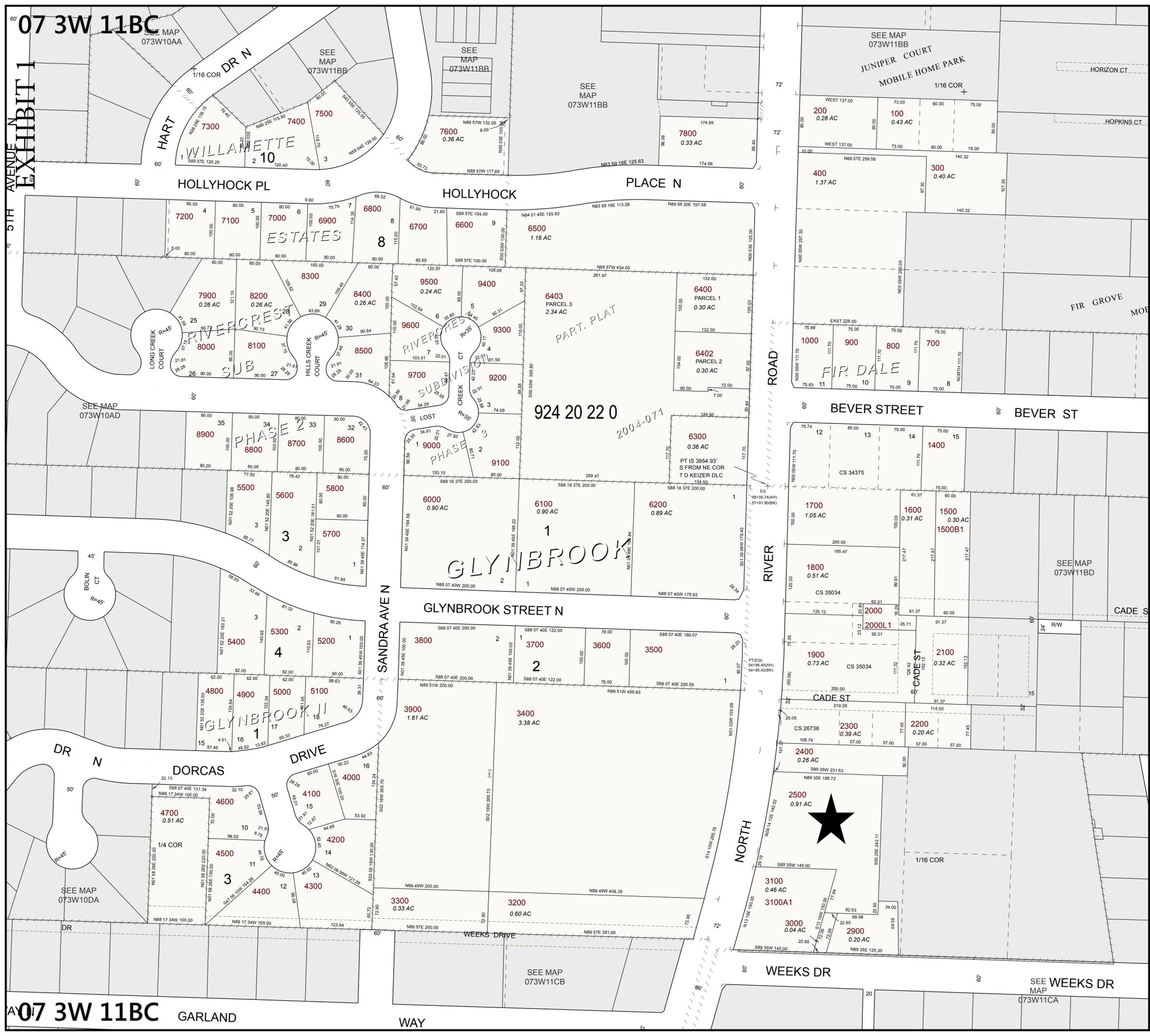
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 2/20/2019

KEIZER
07 3W 11BC



07 3W 11BC

GARLAND WAY

SEE WEEKS DR MAP 073W11CA



New Digital EMC for Existing Double Face Pylon

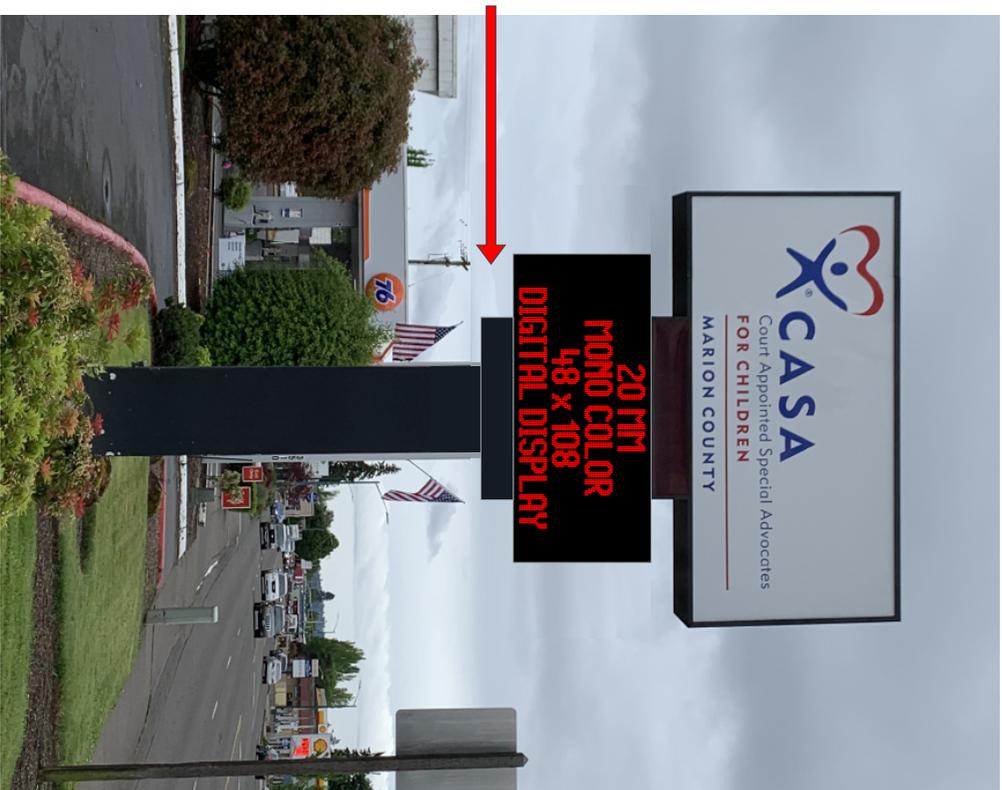
EXHIBIT 2

Note: Remove Existing Manual Reader Board



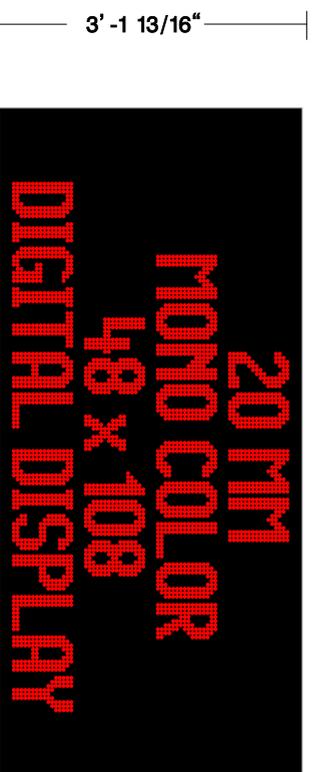
Existing

Note: Manufacture New Collar



Proposed

Note: Sign in Photo is Approximate Scale



7' -1 1/16"



SPECIFICATIONS

* **COLLAR**
- Aluminum Fabricated

* **DIGITAL DISPLAY**
- 20 mm Red (mono)
48 x 108 matrix



Salem Sign Co., Inc.

1825 FRONT ST. N.E.
SALEM, OR 97301
503.371.6362
FAX 503.371.0901
e-mail signs@salemnsign.com
CCB# 65297



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SK # 20937-19

JOB TITLE:

Casa Keizer

LOCATION:

Keizer, OR

DATE:

05-20-19

DRAWN BY:

CZ

SALES:

Corey Spady

APPROVED BY: