



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
Conditional Use Permit
2019-09**

I. REQUEST

The following report reviews a land use application request for a Conditional Use Permit to install a new electronic message freestanding sign of 17.44 square feet located at 930 Chemawa Rd NE. The property contains an existing wall sign which the applicant proposes to decrease in size.

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** City of Keizer
- B. **AGENT:** Chris Eppley, City Manager
- C. **PROPERTY LOCATION:** The subject property is located at 930 Chemawa Rd NE; Marion County Tax Assessor's Map No. 073W02AB tax lot 01600 (Exhibit 1).
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is currently developed with the City of Keizer Civic Center and is served by public facilities.
- E. **ZONING:** The subject property is designated Civic on the Comprehensive Plan and zoned P (Public).
- F. **ADJACENT ZONING/LAND USES:** The property is surrounded by properties that are part of the civic center complex. Properties beyond the complex are developed with residential homes that are zoned RS (Single Family Residential).
- G. **PROPOSAL:** The applicant is requesting approval of a Conditional Use Permit to allow the installation of an electronic message sign measuring 17.44 square feet in area and 5' 3" in height (Exhibit 2).

III. COMMENTS

AGENCY COMMENTS: The City of Keizer Public Works Department submitted comments that are attached as Exhibit 3. The Keizer Police Department responded that they have reviewed the proposal and have no concerns.

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.O *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 930 Chemawa Rd NE which has a zoning designation of P (Public). 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 adversely dominating the visual image of the area.**

FINDINGS: The proposal is to install a new electronic message freestanding sign of 17.44 square feet in area where no sign currently exists. The location, basic design, height and area of the proposed sign 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 requirement (25% reduction) will be addressed more in depth later in this report, but it should be noted that the applicant proposes to reduce their current wall sign to comply with this 25% reduction. Taking into consideration the fact the sign 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. As a condition of approval the applicant's proposed sign must substantially conform to this proposal. 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 install a new electronic message sign where no sign currently exists. Signs can impact many aspects of a community. In this case, this sign can provide a means for informing the public and may become an important community focal point and will contribute to our community's character.

The proposed Electronic message sign will be located along Chemawa Rd which is designated in the City of Keizer's Transportation System Plan as a minor arterial. Minor arterials function to provide access between major arterials and collector roads and can also provide access to community activity centers, such as schools, parks, and in this case, the City of Keizer's Civic Center. Minor arterials function with approximately 7,000 to 20,000 average daily trips. In addition, the sign will be located adjacent to residential uses, however, the adjacent developments are located directly across Chemawa and because of the sign facing east and west will not visually impact those residential uses to the north. Furthermore, the message center element itself will be only 17.44 square feet in area, which is significantly smaller than what could be allowed for the Civic Center by the development code. This reduced size and the position of the sign is acceptable as well as appropriate to adequately mitigate any impact the message sign may have on the surrounding area. As a condition of approval, the sign must substantially conform to the applicant's proposal. Taking into consideration all of these factors, staff finds that this proposal will not adversely impact the surrounding area to a significant degree. Also, the proposed sign is located in a P zone and therefore the criterion relating to mitigation measures and hours of illumination is applicable and will be placed as a conditional of approval. Therefore, this request satisfies this criterion.

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

FINDINGS: The message sign proposed will be limited to display a static message that may change only 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 in that the changing message will not distract drivers since it will not be changed at a high level of frequency 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,

vision clearance, and placement requirements. Therefore, 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 nits 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: The message sign is proposed to be an internally illuminated LED reader board display, which will consist of a multi-color display and is adjustable in brightness and is equipped with a photo sensor to automatically adjust brightness based on ambient light conditions. As a condition of approval, the message sign must comply with all of the applicable provisions of Section 2.308 of the Keizer Development Code. The development code only allows the display to contain a static message that changes once every fifteen (15) seconds at a maximum, and will not flash, rotate, or do anything else prohibited by code. Additionally, as a condition of approval, documentation must be provided indicating the level of brightness is adjustable to offset the level of brightness during day and night. This will allow and ensure the sign can effectively communicate the message while not being so bright as to distract drivers or cause a nuisance. Also, as a condition of approval, the sign may only

display a maximum degree of brightness during the daytime of 7,500 nits and that between sunset and sunrise it will display a maximum degree of brightness of 1,000 nits. This will be placed as a condition of approval to ensure this requirement is followed. 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 as outlined in Section 2.308 of the Development Code. Staff finds with the above mentioned conditions of approval, this request can satisfy this criterion.

- 6) ***The total allowed sign area for a business 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% of what is allowed for the site. Keizer Development Code section 2.308 outlines the requirements for signs in relation to allowed area, height, location, type and size. Public and semi-public uses are allowed 64 square feet of sign area. Therefore, taking into account the 25% reduction requirement, a total of 48 square feet of sign area is allowed. The existing wall sign of 47.125 square feet will be reduced to no more than 30.56 square feet. As a condition of approval, the new sign must substantially conform to the applicant's proposal and the existing wall sign will be required to be reduced to no more than 30.56 square feet. A sign permit and building permit must be obtained prior to the installation of the sign to ensure that the freestanding sign and message sign element conforms to the applicant's proposal, and that all other signs proposed or existing do not exceed a total of 48 square feet of sign area. Staff finds the applicant's proposal demonstrates compliance 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 for Public uses to 6 feet and requires that signs be located on private property. The proposed sign is proposed to be 5' 3" in height and is located outside of the public right-of-way, behind the sidewalk in the landscaped area in front of City Hall. 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 May 6, 2019.

Unless this decision is appealed it becomes final on May 7, 2019

VI. CONDITIONS AND REQUIREMENTS

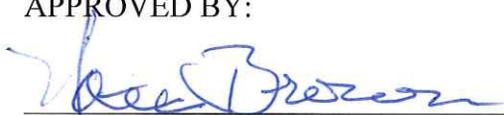
This decision does not include approval of a building permit or sign zoning permit.

- 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 panel on the proposed freestanding sign structure. 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 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 (if required) 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 that may include the issuance of an infractions summons.
 4. 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. Documentation must be provided prior to the issuance of the building permit and sign zoning permit regarding the illumination of the sign.
 5. The existing wall sign of 47.125 square feet will be required to be reduced to no more than 30.56 square feet. A sign permit and building permit must be obtained prior to the installation of the sign to ensure that the freestanding sign and message sign element conforms to the applicant's proposal, and that all other signs proposed or existing do not exceed a total of 48 square feet of sign area.
- 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 930 Chemawa Rd NE. 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>4/25/19</u>
Nate Brown, Community Development Director	

07 3W 02AB

07 3W 02AB

KEIZER



MARION COUNTY, OREGON
NW1/4 NE1/4 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
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary

- CORNER TYPES**
- + 1/16th Section Cor.
 - ⊕ 1/4 Section Cor.
 - ⊙ DLC Corner
 - ⊕ 16.15 Section Corner
 - ⊕ 21.22 Section Corner

NUMBERS
Tax Code Number
000 00 00 0

Area All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs
0.25 AC

NOTES

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



CANCELLED NUMBERS

300	1700
1700	1800
1800	1900
1900	1901
1901	2001
2001	2002
2002	2101
2101	2201
2201	2202
2202	2501
2501	2502
2502	2701
2701	3800

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 2/20/2019

KEIZER

07 3W 02AB

07 3W 02AB

07 3W 02AB



SEE MAP 063W35DC

SEE MAP 063W35DD

SEE MAP 063W35CD

SEE MAP 073W02BA

SEE MAP 073W02AA

SEE MAP 073W02AD

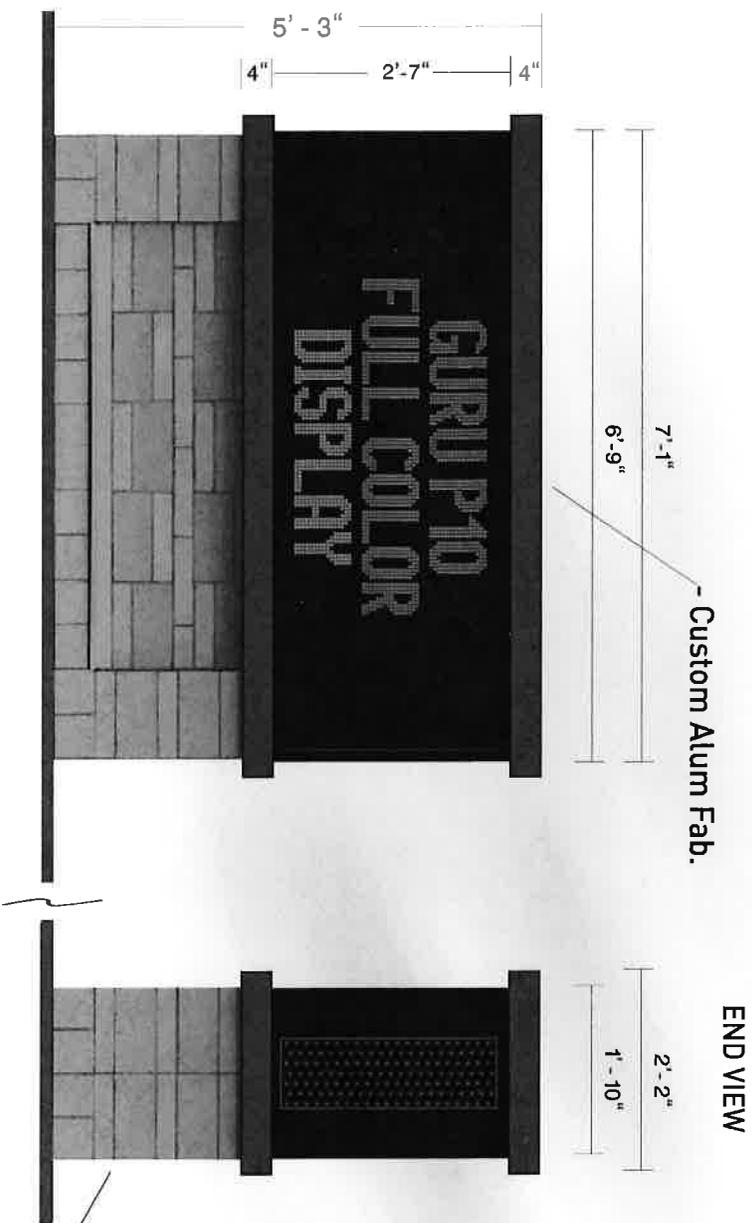
SEE MAP 073W02AC

SEE MAP 073W02BD

SEE MAP 073W02BA



Internally Illuminated Double Face Display w/ Digital EMC



Proposed Sign Location
 Note: Sign in Photo is Approximate Scale

Note: Brick By Others (to match building)

SPECIFICATIONS

*** CABINET**
 - Custom Alum Fab.
 (Paint to Match Bldg.)

*** DIGITAL DISPLAY**
 - 10 mm RGB
 64 x 192 matrix



Salem Sign Co., Inc.
 1825 FRONT ST. N.E.
 SALEM, OR 97301
503-371-6362
 FAX 503-371-0901
 e-mail signs@salemsign.com
 CCB # 65297



THIS DRAWING IS THE PROPERTY OF SALEM SIGN CO., INC.

JOB TITLE:	Keizer City Hall	LOCATION:	930 Chemawa Rd N, Keizer, OR	DATE:	9-3-18	DRAWN BY:	CZ	SALES:	Brad Spady	APPROVED BY:	
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SK # 20473-19

Exhibit 3

TO: DINA RUSSELL, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: CONDITIONAL USE CASE NO. 2019-09

APPLICANT – CITY OF KEIZER
ADDRESS – 930 CHEMAWA ROAD NE

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 Chemawa 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.