



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
Conditional Use Permit
2019-12**

I. REQUEST

The following report reviews a land use application request for a Conditional Use Permit to install a new electronic message wall sign of 23.95 square feet located at 4250 Cherry Av NE. The property contains an existing wall sign which the applicant plans to remove.

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNER:** Keizer Elks Lodge #2472
- B. **AGENT:** Al Ault
- C. **PROPERTY LOCATION:** The subject property is located at 4250 Cherry Av NE; Marion County Tax Assessor's Map No. 073W02CD tax lot 02500 (Exhibit 1).
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is currently developed with the Keizer Elks Lodge and 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:** The property to the east of the subject property is zoned Commercial Mixed Use (CM) and is used as an RV park. The property immediately to the south is zoned CM and is developed with a commercial building currently used for the Lions Organization. The properties to the north are zoned Mixed Use (MU) and developed with commercial and multi-family uses. Properties to the west, across Cherry Av NE, are zoned CM and developed with commercial uses.
- G. **PROPOSAL:** The applicant is requesting approval of a Conditional Use Permit to allow the installation of an electronic message wall sign measuring 23.95 square feet in area (Exhibit 2).

III. COMMENTS

AGENCY COMMENTS: AKS Engineering (City Engineer), the City of Keizer Police Department and the City of Salem 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 electronic message wall 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 4250 Cherry Av NE which has a zoning designation of CM (Commercial Mixed Use). 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 wall sign of 23.95 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. Taking into consideration the fact the sign will comply with all provisions of the development code, be installed on the wall of the building, 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 wall sign where no sign currently exists. The proposed Electronic message sign will be located facing Cherry Av NE which is designated in the City of Keizer's Transportation System Plan as a major arterial. Major arterials function as the supporting framework for the City's roadway network. These roadways are intended to serve higher volumes of traffic and provide the highest level of mobility into, out of, and within the City of Keizer. Approximately 15,000 to 50,000 Average Daily Traffic (ADT) travel on major arterials. The property is located directly across Manbrin Drive NE from a multi family development, however, the sign itself will be oriented towards Cherry Av NE and will not visually impact those residential uses to the north. Semi-public use adjacent to residential areas have limitations on hours of illumination. The Applicant has requested to illuminate the sign 24 hours per day which Staff finds reasonable based on the sign facing commercial uses and will not visually impact the residential uses to the north. It should also be noted, the message center element itself will be only 23.95 square feet in area, which is significantly smaller than what could be allowed 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. 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 comprised of a red only display. 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 3,150 nits and that between sunset and sunrise it will display a maximum degree of brightness of 450 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 a multi-color display 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. As a condition of approval, the new sign must substantially conform to the applicant's proposal. A sign permit and building permit must be obtained prior to the installation of the sign to ensure that the wall sign and message sign element conforms to the applicant's proposal, and that although the existing sign is proposed to be removed, that all signs, proposed or remaining, 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 applicant is proposing an electronic wall sign that will be placed facing Cherry Av NE. By placing the sign towards Cherry Av NE it will not conflict with residential uses on Manbrin St NE and will be facing commercial uses. It will be placed as a condition of approval that the sign conform substantially as proposed 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 31, 2019.

Unless this decision is appealed it becomes final on June 1, 2019

VI. CONDITIONS AND REQUIREMENTS

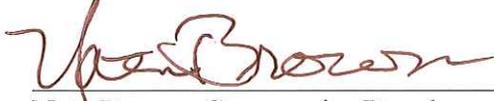
This decision does not include approval of a sign zoning permit.

- 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 wall 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 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 red only display) must not exceed 3,150 nits in the daytime and 450 nits between sunset and sunrise. If the display is comprised of multi-color, 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. A sign permit must be obtained prior to the installation of the sign to ensure that the 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: 5/20/19

Nate Brown, Community Development Director



MARION COUNTY, OREGON
SE1/4 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
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ Section Corner
 - ⊕ Section Corner
- NUMBERS**
- Tax Code Number
 - 000 00 00 0
- NOTES**
- All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs



CANCELLED NUMBERS

2001
2101
2200
2300
3500
3600
3800
7200
7700
7800
8800
8900
9400

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 3/7/2019

KEIZER

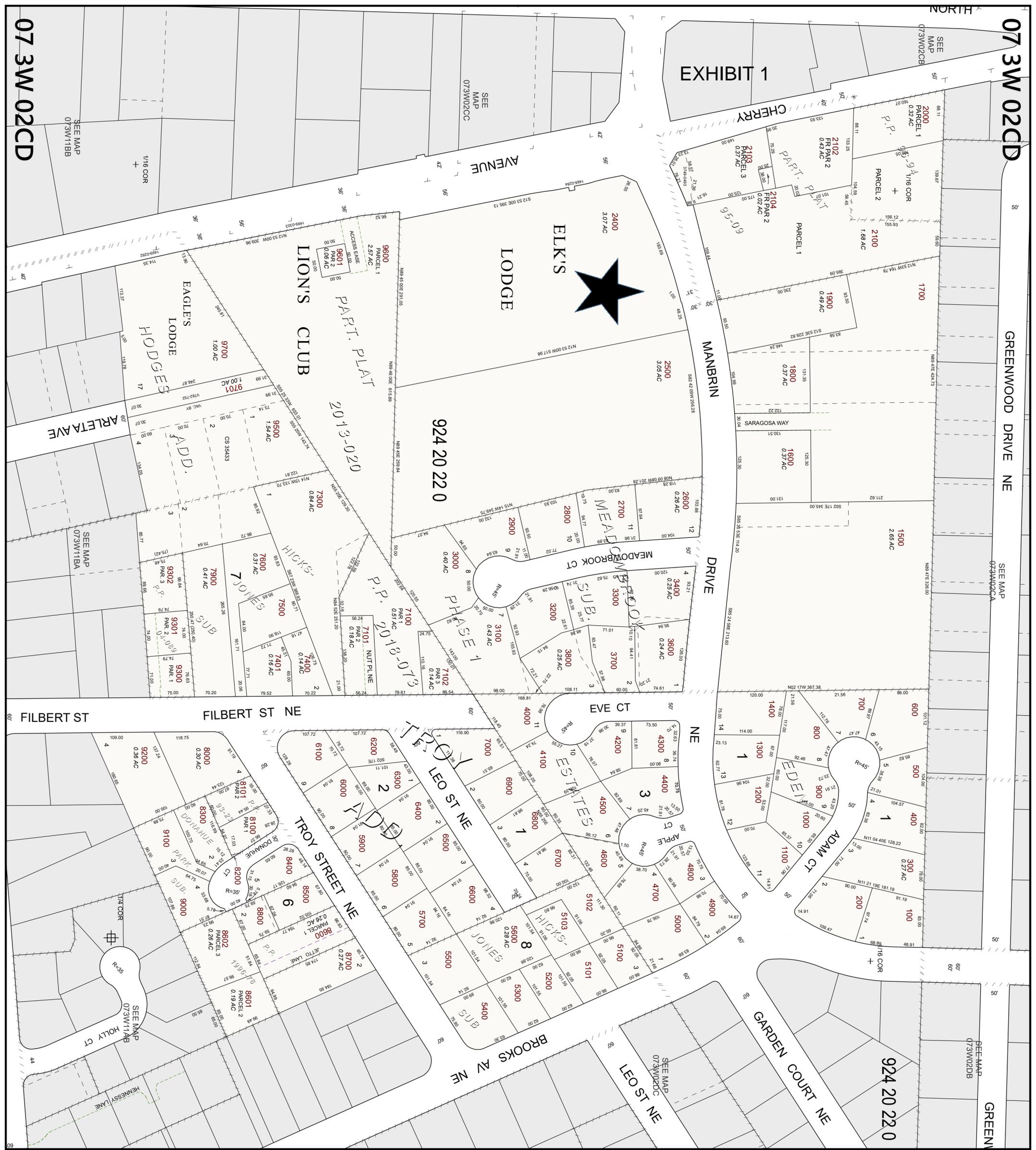
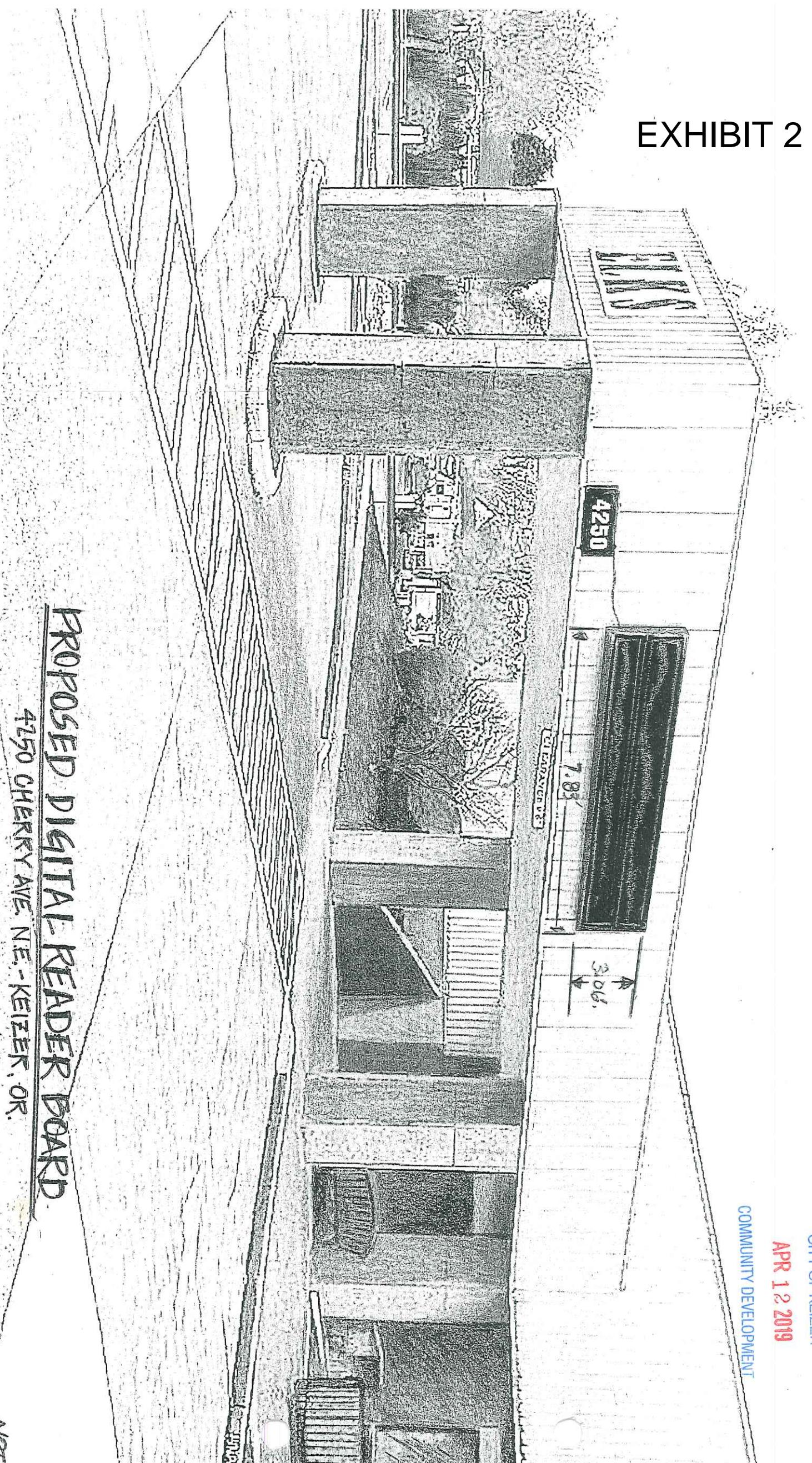


EXHIBIT 2



PROPOSED DIGITAL READER BOARD

4250 CHERRY AVE. N.E. - KEIZER, OR.

RECEIVED
CITY OF KEIZER
APR 12 2019
COMMUNITY DEVELOPMENT

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