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**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Conditional Use Permit
2024-01**

I. REQUEST

The following report reviews a land use application request for Conditional Use approval to install a new 35 square foot electronic message sign.

II. BACKGROUND

- A. **APPLICANT:** Brothers of Valor, Inc.
- B. **AGENT:** Tim Davis
- C. **OWNER:** Chemawa Garden Apartments, LLC
- D. **PROPERTY LOCATION:** The subject property is located at 441 Chemawa Rd N; Marion County Tax Assessor's Map No. 073W03AATax Lot 01000. (Exhibit 1)
- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing building, formerly The Grange, that will be used for youth mentoring programs. The property is served by public facilities.
- F. **ZONING:** The subject property is designated Medium-High Density Residential on the Comprehensive Plan and zoned Medium Density Residential (RM).
- G. **ADJACENT ZONING/LAND USES:** The property to the west is zoned Single Family Residential (RS) and developed with a single-family dwelling. The property to the east and north are also zoned Medium Density Residential (RM) and is developed with a multi-family development.
- H. **PROPOSAL:** The applicant is requesting approval of a Conditional Use Permit to allow an electronic message sign to be located at 441 Chemawa Rd N. The overall sign area will be 35 square feet. (Exhibit 2)

III. 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 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 (KDC).

- 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 441 Chemawa Rd N, the site of a community building being used as a youth center. Although the property has a zoning designation of RM, a youth center is considered a semi-public 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 that adversely dominate the visual image of the area.**

FINDINGS: The proposal is to install a new 35 square foot monument sign. Currently, there are no other signs at this location. Conditional use permit approval requires the total allowed sign area be reduced by 25%, which helps to mitigate the visual impacts of the sign. In addition, the new display will have an automatic dimmer, limiting the potential for excess brightness and will be positioned in a way to mainly be visible to through street traffic. Taking into consideration the fact the monument sign will comply with all provisions of the KDC, 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: The applicant proposes to install a 35 square foot monument sign. The subject property is located adjacent to a single-family home. In addition to the established tree line between the properties and to further mitigate any impact onto the adjacent property, the semi-public use limits the illumination of the sign between the hours of 6 am and 11pm. The hours of illumination will be placed as a condition of this Conditional Use approval. Taking into consideration all of the factors, and placing a condition of approval for illumination, 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: To ensure a sign does not pose a traffic hazard, the Applicant proposes the electronic message sign be located outside of the public right-of-way and vision clearance triangle. The applicant also states the new electronic element will be a full color digital display and will be equipped with an automatic sensor that will adjust brightness to the lighting conditions outside. In addition, the KDC requires the sign to be a static message that is limited to change once every 15 seconds.

The vision clearance area for the driveway/street intersection is a triangular area at the intersection which are lines extending 10 feet with the third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Vision clearance areas shall contain no planting, fence, wall, structure, or temporary or permanent obstruction or placement of a sign that exceed 30 inches in height.

The limited frequency of the changing message, the lack of scrolling or animated effects, and the location outside of the public right of way and vision clearance area will be placed as a conditional of approval and will ensure the message sign does not pose a potential traffic hazard.

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 will be an internally illuminated LED reader board display, which will consist of a 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 15 seconds, and will not flash, rotate, or do anything else prohibited by code. In addition, the sign is limited to illumination between the hours of 6 am and 11pm. Conditions of approval will be placed to ensure this requirement is followed. Staff finds 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%. The KDC Section 2.308 outlines the requirements for signs in relation to allowed area, height, location, type and size.

The use of the property is of a community youth center, considered a semi-public use in the KDC. Section 2.308.07C allows 64 square feet of total sign area for semi-public uses. If an Electronic Message Sign is desired, the total allowed sign area is reduced by 25% allowing 48 square feet of all signage. Therefore, considering the 25% reduction requirement and the fact the building has no other signage, the proposed 35 square feet sign will be within what is allowed by code.

A sign zoning permit must be obtained prior to the installation of the sign to ensure the total sign allowance does not exceed 35 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 KDC limits the maximum sign height to 6 feet and requires that signs be located on private property and outside of any vision clearance area. Sign details will be reviewed during the sign zoning permit process, however the sign proposed will not exceed 6 feet and is proposed to be located on private property, oriented toward automotive traffic along Chemawa Road, outside of the public right-of-way and outside of the vision clearance area as described above. 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 of this report. 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 Planning Department, 930 Chemawa Road NE, Keizer by 5:00 pm on March 25, 2024.

Unless this decision is appealed it becomes final on March 26, 2024.

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 the KDC Section 2.308.
 2. The sign allowance must conform significantly to the proposal, not to exceed 35 square feet.
 3. The message sign shall comply with all applicable requirements of the Keizer Planning Department including but not limited to sign permit approval. A Sign Permit 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** and **only be illuminated between the hours of 6 am and 11pm.** Violations of this requirement will result in code enforcement action.
- 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 441 Chemawa Rd N. If you have any question about this application or the decision, please contact the Planning Department at (503) 856-3441 or visit the Planning Department at the above address.

REPORT PREPARED BY: Dina Horner, Assistant Planner:

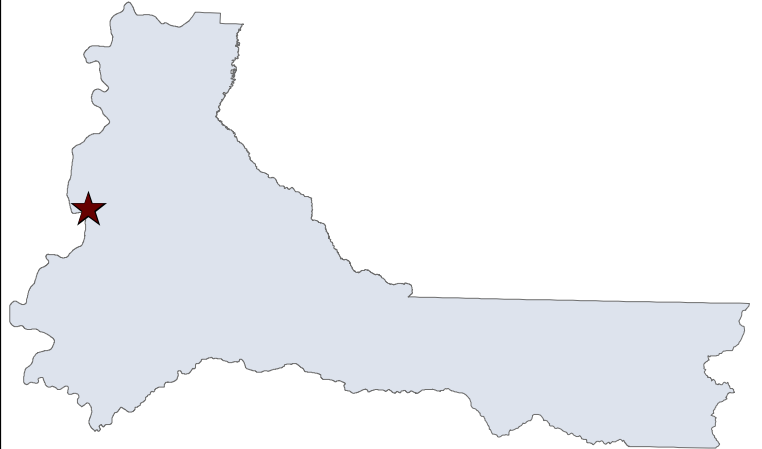
APPROVED BY:


Shane Witham, Planning Director

Dated: March 13, 2024

07 3W 03AA
SEE MAP 063W34DC

07 3W 03AA
KEIZER



MARION COUNTY, OREGON
NE1/4 NE1/4 SEC3 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

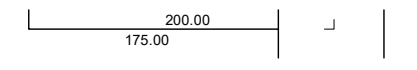
- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
 - Waterline - Non Bndry

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

NUMBERS
Tax Code Number
00 00 0

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

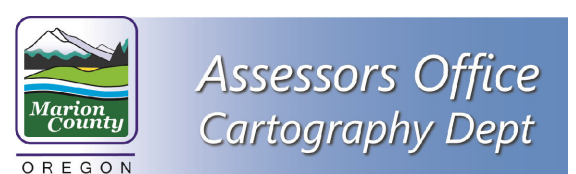
NOTES
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

5400			
6501			

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 11/29/2022

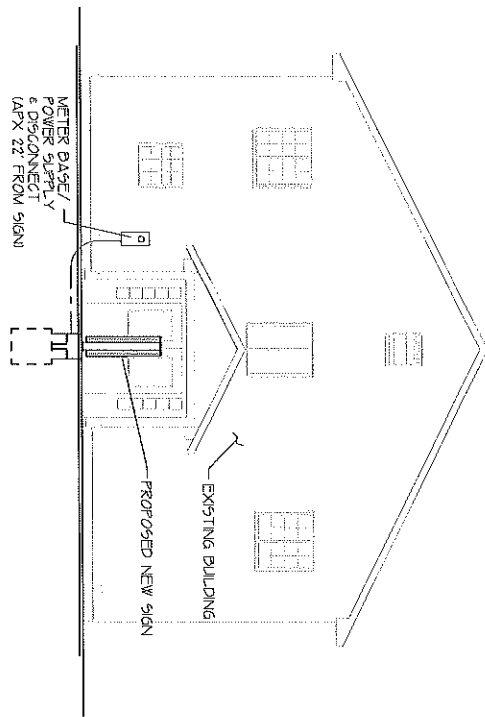
KEIZER
07 3W 03AA



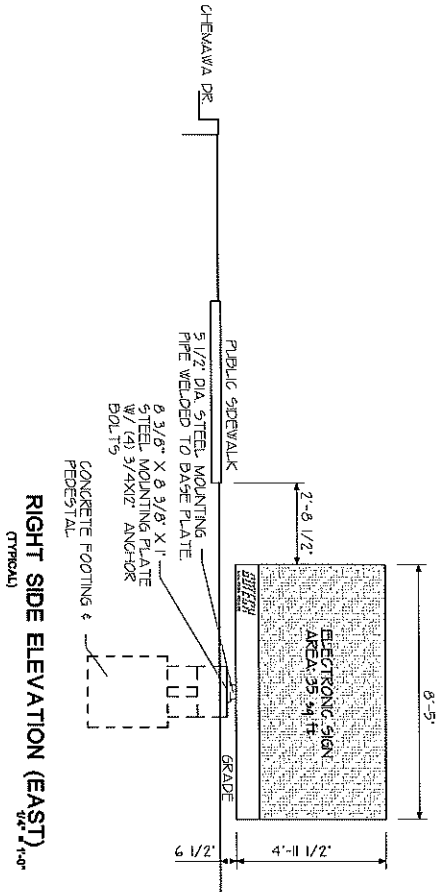
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SEE MAP 073W03AC

SEE MAP 073W02BC

EXHIBIT 2

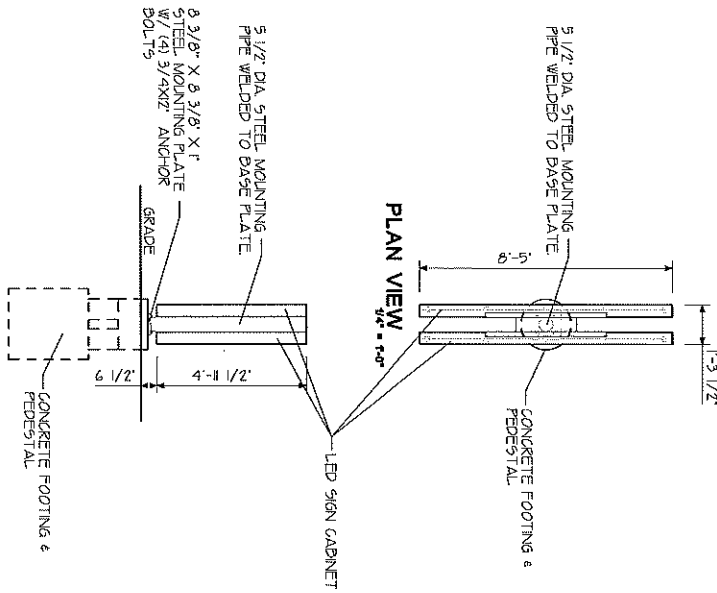


STREET ELEVATION (SOUTH)
1/8" = 1'-0"



RIGHT SIDE ELEVATION (EAST)
1/4" = 1'-0"
(TYPICAL)

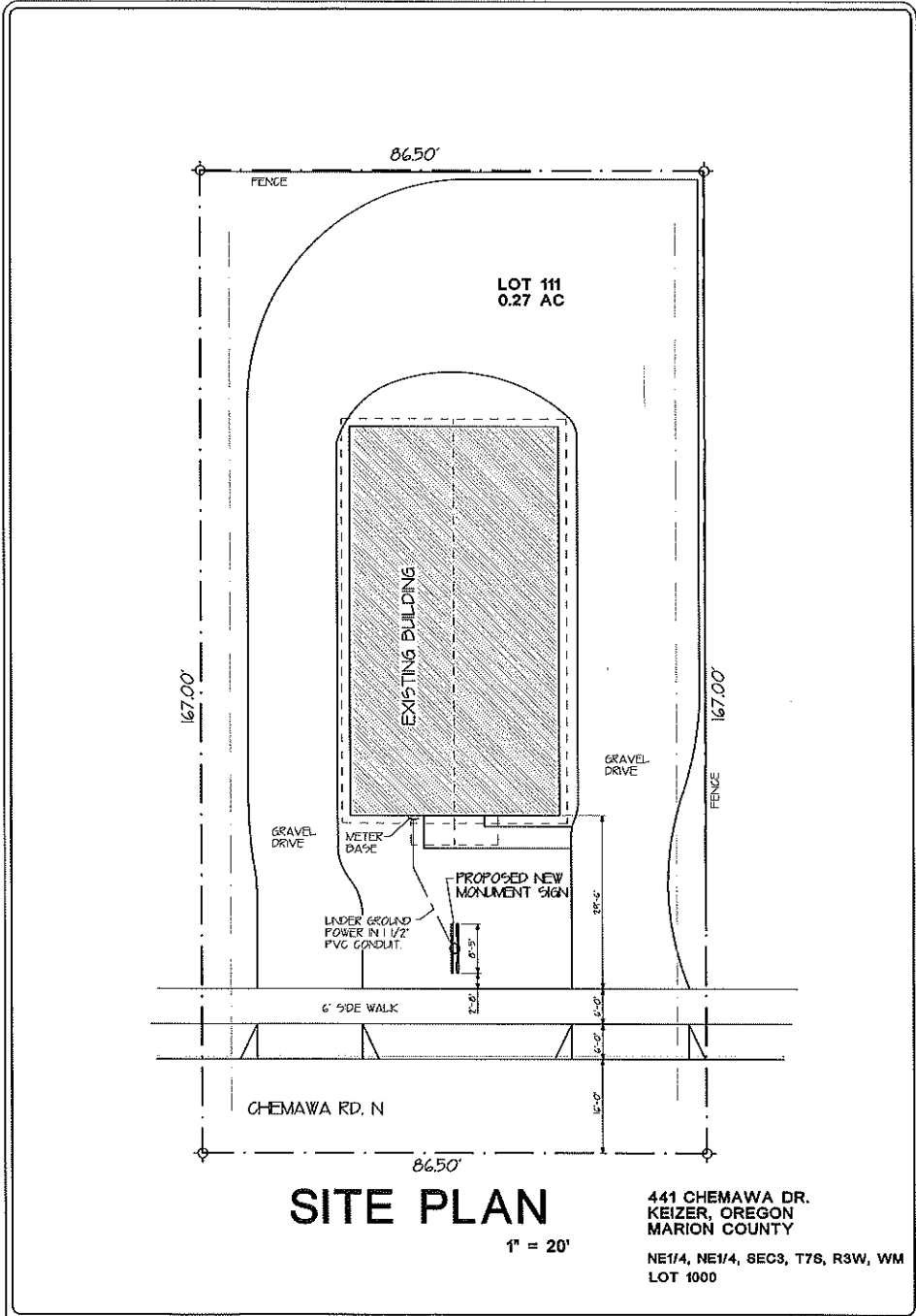
TOTAL SIGN ASSEMBLY AREA: 42 SQ FT
ELECTRONIC SIGN AREA: 35.54 SQ FT
COMBINED SIGN WEIGHT: 350 LBS
TOTAL HEIGHT: 5'-6"



STREET SIDE ELEVATION (SOUTH)
1/4" = 1'-0"

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<p>SHEET No. 1.0</p>	<p>PROJECT: GD DATE: 2-9-24 SCALE: AS SHOWN DRAWN BY: R L H PROJECT: GD</p>	<p>SIGN PERMIT SIGN ELEVATIONS & DETAILS 441 CHEWAWA DR. N KEIZER, OREGON</p>	<p>THE REC : Grange 971-433-9290</p>	<p>GDTECH GLOBAL DYNAMIC TECHNOLOGY Salem, Oregon 503-566-4230</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS	DATE				
REVISIONS	DATE										



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<p>SCALE 1.0</p>	<p>DATE DRAWN BY CHECKED BY</p>	<p>DATE DRAWN BY CHECKED BY</p>	<p>DATE DRAWN BY CHECKED BY</p>	<p>DATE DRAWN BY CHECKED BY</p>	<p>DATE DRAWN BY CHECKED BY</p>						
<p>SIGN PERMIT</p> <p>SITE PLAN</p> <p>441 CHEMAWA DR. N KEIZER, OREGON</p>			<p>THE REC : Grange</p> <p>971-433-9290</p>			<p>GDTECH GLOBAL DYNAMIC TECHNOLOGY Salem, Oregon 503-586-4230</p>			<p>DATE DRAWN BY CHECKED BY</p>		

EXHIBIT 3

TO: DINA HORNER, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: CONDITIONAL USE CASE NO. 2024-01

APPLICANT – BROTHERS OF VALOR, INC
ADDRESS – 441 CHEMAWA ROAD N
ZONE – RM

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The application is for a new digital message sign which will be located on private property outside of setback areas along Chemawa Road.

STREET AND DRAINAGE IMPROVEMENTS:

It does not appear that the proposed sign will have an effect on the required sight distance for this section of Chemawa Road. All proposed new electrical service to the new sign will be required to meet all current City of Keizer code requirements. The applicant shall meet all City of Keizer Street Opening Permit requirements if any are required.

The applicant will be required to locate any easements or utilities on the subject property that could affect the proposed location of the new sign.