

Conditional Use Permit Staff Report for Planning Commission Public Hearing on May 17, 2022 Case File CUP 2022-03 Taft 7-12 High School Electronic Display Center

Date: May 11, 2022

Case File: CUP 2022-03 Taft 7-12 High School Electronic Display Center

Property Owner: Lincoln County School District
PO Box 1110
Newport, OR 97365

Situs Address: 3780 SE Spyglass Ridge Dr

Location: Southeast corner of SE Spyglass Ridge Dr/SE High School Dr intersection

Tax Map and Lot: 07-11-27-AC-00500-00, 07-11-27-AC-00400-00, 07-11-27-A0-00305-00, 07-11-27-A0-00307-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Family Residential (R-1-7.5) Zone

Site Size: 24.90 acres

Proposal: Request for a conditional use permit for an electronic display center

Surrounding Land Uses and Zones:
North: Houses; R-1-7.5
South: Taft Elementary School, houses; R-1-7.5
East: Open space; OS
West: Open space; OS

Authority: Section 17.76.160 of the Lincoln City Municipal Code (LCMC) gives the Planning Commission the authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of LCMC Chapter 17.77.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on April 25, 2022. The *News Guard* published the public hearing notice on May 3, 2022.



Applicable	LCMC Chapter 17.32 General Commercial (GC) Zone
Substantive	LCMC Chapter 17.44 Marine Waterway (M-W) Zone
Criteria:	LCMC Section 17.77.060 Conditional Uses

BACKGROUND

The subject property (site) is addressed as 3780 SE Spyglass Ridge Dr and comprises four tax lots. The site contains a public high school building for grades 7 through 12, along with a sports field and parking. The site is bordered by a residential subdivision to the north, an elementary school and residential subdivision to the south, open space to the east, and SE Spyglass Ridge Dr and SE High School Dr to the west, with open space to the west of SE Spyglass Ridge Dr.

The site does not contain any bluff hazard erosion zones, aesthetic resource, floodway, or flood hazard areas. The easternmost portion of the site in the north corner contains a small area of natural resource overlay zone.

The property owner has made a request for conditional use permit approval to install an electronic display center at the site. The electronic display center will be part of a freestanding sign that will be 16 feet tall. The entire sign area will be 65 square feet, with 30% of the sign face containing the electronic display center.

COMMENTS

No comments were received.

ANALYSIS

*Chapter 17.16 Single-Family Residential (R-1) Zone
17.16.040 Conditional uses*

B. Public or private schools (kindergarten through 12th grade, educational institutions, nursery schools and day care centers)

Chapter 17.72 Signs

17.72.090 Permanent signs in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, VR, and NP-NCR zones

C. Changeable copy signs, electronic message centers, and signs that are internally illuminated are prohibited, except that changeable copy signs, electronic message centers, and signs that are internally illuminated may be approved with conditional use approval, and as accessory to a conditional use allowed in the zone, under LCMC 17.77.060, and subject to the following:

Finding: The proposed electronic message center will be accessory to the existing high school. A high school is a conditional use allowed in the R-1-7.5 zone (LCMC 17.16.040.B).

- 1. Compliance with provisions of LCMC 17.72.110*

Finding: Compliance with LCMC 17.72.110 is addressed in detail later in the staff report.

- 2. Compliance with provisions of LCMC 17.72.120;*

Finding: Compliance with provisions of LCMC 17.72.120 is addressed in detail later in the staff report.

- 3. Compliance with all required building and electrical code permitting;*

Finding: The building plans examiner will review the sign permit plans for compliance with the building and electrical codes as part of the structural and electrical permitting process once conditional use permit approval has been received and the structural and electrical permits have been requested. This requirement is met as far as it can be with the conditional use permit request, and approval shall be conditioned upon compliance with all required building and electrical code permitting.

4. *Animation is prohibited;*

Finding: The submitted materials show that no animation is being proposed. The submitted narrative states that animation is prohibited. This requirement is met.

5. *Light colors such as white and cream are prohibited. Lettering shall be on a black background. Red lettering is recommended.*

Finding: The submitted narrative states that white and cream colors are prohibited and that lettering shall be on a black background. The submitted plans show that the portion of the sign that contains the electronic messaging center will have a black background with red letters. The electronic messaging center does not show any white or cream colors or any other light colors. This requirement is met.

17.72.110 Illumination – General restrictions

A. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.

Finding: The lighting shall be reviewed as part of the structural and electrical permitting process.

B. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian, or the general public.

Finding: The proposed sign will have internal LED lighting. No external lighting is proposed. The lighting must meet the standards of LCMC 17.72.120, and these standards are in place to ensure no light source is unduly distracting or hazardous. This shall be reviewed for continued compliance as part of the structural permitting process.

C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.

Finding: The project does not proposed any external light sources for the sign.

D. The illumination of signs shall comply with the following:

1. Neon, LED, or incandescent illumination is allowed, subject to these standards.

Finding: The project proposes LED illumination.

2. Illumination is allowed either internally, externally, directly, or indirectly, subject to these standards.

Finding: The project proposes internal illumination.

3. No exposed reflective type bulb, par spot, nor incandescent lamp, which incandescent lamp exceeds 25 watts, shall be exposed to direct view from a travel way, but may be used for indirect light illumination of the display surface of a sign.

Finding: The project does not propose any exposed reflective bulb, par spot, or incandescent lamp. This shall be reviewed for continued compliance during the structural permitting process.

4. When neon tubing is employed for illumination, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for nay colored tubing.

Finding: The project does not propose the use of neon tubing.

5. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubing behind a sign face spaced at least nine inches, center to center.

Finding: This shall be reviewed for compliance as part of the structural permitting process.

17.72.120 Electronic display centers and changeable copy signs

A. All electronic display centers shall come equipped with automatic dimming controls that automatically adjust the display brightness based on ambient light conditions such as from day to night or on a cloudy day.

Finding: This shall be reviewed for compliance as part of the structural permitting process.

B. No electronic display center shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle (LUX meter at a present distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred.

Finding: This shall be reviewed for compliance as part of the structural permitting process.

C. One electronic display center or changeable copy sign is allowed per legal lot of record provided the legal lot of record has at least 40 lineal feet of street frontage.

Finding: The project proposes one electronic display center for the site. The site has over 40 lineal feet of street frontage. This requirement is met.

D. The display in the electronic display center may not change or move more often than once every hour.

Finding: This shall be reviewed for compliance as part of the structural permitting process and ongoing compliance throughout the life of the electronic display center.

E. The images and messages displayed must be static, and the transition from on static display to another must be instantaneous without any special effects.

Finding: This shall be reviewed for compliance as part of the structural permitting process and ongoing compliance throughout the life of the electronic display center.

F. The electronic display center must be designed and equipped to freeze the element's display in one position if a malfunction occurs.

Finding: This is a requirement of issuance of the structural permit and is reviewed during the structural permitting process.

G. Sign area of the display portion of the electronic display center or changeable copy sign may not exceed 30 percent of the provided sign face.

Finding: The submitted materials show that the LED portion of the freestanding sign uses 1/3 of the sign face with the non-illuminated portion using the remaining 2/3 of the sign face. This requirement is met.

H. The electronic display center or changeable copy sign must be part of an attached sign or freestanding sign, is not allowed as a separate sign, and is included in the calculation of allowed attached or freestanding sign face area.

Finding: The submitted materials show that the electronic display center is part of a freestanding sign. This requirement is met.

I. Incorporation of electronic display centers and changeable copy signs:

1. Electronic display centers may be incorporated into either attached or freestanding signs, but not roof signs.

Finding: The proposed electronic display center is part of the proposed freestanding sign. This requirement is met.

2. Changeable copy signs may be incorporated into either attached or freestanding signs, but not roof signs.

Finding: This is not a request for a changeable copy sign.

3. Electronic display centers and changeable copy signs are only allowed as part of permanent attached or freestanding signs and may not be utilized as stand-alone permanent signs.

Finding: The proposed electronic display center is part of the proposed permanent freestanding sign. This requirement is met.

4. Electronic display centers and changeable copy signs are subject to the provisions of LCMC 17.72.110 and this section.

Finding: Compliance with the provisions of LCMC 17.72.110 will take place as part of the structural permitting process, and the structural and electrical permits will only be issued with submittal of compliant plans.

17.77.060 Conditional Uses

In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The proposal is in compliance with the comprehensive plan;

Finding: The property owner requests conditional use permit approval for an electronic display center. As detailed earlier in this report, the submitted materials show compliance with LCMC Chapter 17.72. The zoning code enacts the comprehensive plan, so with compliance with LCMC Chapter 17.72 there is compliance with the comprehensive plan.

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to

take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed is in accordance with applicable zoning ordinance provisions. Accordingly, the request is in conformance with the planning goal.

The city has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and review of the request by the Planning Commission (a citizen board) establishes conformance with the citizen involvement goals. The public services and utilities goal, urbanization goal, natural hazard goal, housing goal, economy goal, transportation goal, energy goal, overall environmental goal, and ocean resources goal are not applicable to the request. By adhering to the requirements of LCMC 17.72 for sign size, dimensions, and display colors, the project is in keeping with the aesthetic goal. Staff finds that the request is consistent with the comprehensive plan.

2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, wall and fences, parking, loading, landscaping and other features required by this title;

Finding: LCMC 17.72.100 provides the size requirements for permanent signage. One freestanding sign is allowed per legal lot of record, provided the lot has 50 or more lineal feet of street frontage. The allowed area of a freestanding sign is one square foot of sign area per one lineal foot of street frontage, up to a maximum area of 100 square feet. The freestanding sign must be located outside of any clear-vision areas, may not be within 100 linear feet of another freestanding sign on the same legal lot of record, and may not exceed 20 feet in height. LCMC 17.72.120 provides the size requirements for the electronic display center. One electronic display center is allowed per legal lot of record provided the legal lot of record has at least 40 lineal feet of street frontage, the sign area of the display portion of the center may not exceed 30% of the provided sign face, and the center must be part of a freestanding sign.

The project proposes a 16-foot tall freestanding sign with a sign face of 65 square feet. 30% of the 65 square feet shall contain the electronic display center. The placement of the sign will be outside of the clear-vision areas on the site. The site has approximately 1,100 lineal feet of street frontage on SE Spyglass Ridge Rd and SE High School Rd. The site does not contain any other freestanding signs. Accordingly, the site is more than adequate to accommodate the requested electronic display center as part of the freestanding sign. This criterion is satisfied.

3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;

Finding: The project proposes installation of an electronic display center in a freestanding sign. The project will not generate any traffic over and above the traffic from the existing school. This criterion is satisfied.

4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;

Finding: The placement of the freestanding sign will be on private property and outside of any clear-vision areas. The proposed sign height is less than the maximum 20 feet of height that is allowed with a proposed 16 feet. The proposed sign is less than the maximum 100 square feet of sign area that is allowed with a proposed 65 square feet. No exterior lighting of the sign is proposed. The proposed interior illumination must meet the

standards of LCMC 17.72 for illumination and electronic display centers, as discussed earlier in this report, and compliance for most of those standards is reviewed as part of the structural and electrical permitting process. The standards of LCMC 17.72 were developed and adopted by the city to ensure minimum adverse impact from illuminated signs to adjoining properties. Compliance with the standards, then, equates to the proposal having minimal adverse impact on the adjoining properties. Additionally, the immediately adjacent properties are undeveloped or developed with uses that won't be impacted. For example, immediately west of the site is the street and west of that is open space. East of the site is open space. South of the site is the elementary school. North of the site is a developed residential subdivision; however, the sign will be located approximately 540 feet south of the nearest house to the north.

The submitted narrative states: "There are no homes within sight of our proposed sign. The nearest homes are on the north side of the Taft High School property and not visible from our proposed sign. There is a church and the Oregon Coast Community College on High School Drive to the west of where the sign will be placed, but neither structures are visible from the sign location due to dense trees and shrubs. There will be minimal to no adverse impact on adjoining properties, and our sign is following all of the requirements of the Lincoln City sign code. Therefore, our proposed sign meets this requirement."

Staff notes that, at the writing of the staff report, no written comments had been submitted by the public, no phone calls had been received regarding the request, and no one had visited the department regarding the request. The structural and electrical permit applications will be reviewed for compliance prior to issuance of permits, and continued compliance with the standards of LCMC 17.72 is inherent to installation of a structure. Staff concludes that this criterion is met.

5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.

Finding: The site does not have any historic, scenic, or cultural attributes, so this requirement is not applicable.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing on the proposed conditional use request, take public testimony, close the public hearing, deliberate, and determine whether the request complies with the criteria for granting approval of the request, complies with the criteria with conditions, or doesn't comply with the criteria.

Should the Planning Commission determine that the request complies with the criteria with conditions, staff suggests the following condition of approval:

1. Installation and continued operation of the electronic display center shall comply with all applicable city, state, and federal codes, rules, regulations, and permitting processes, including compliance with LCMC 17.72 and applicable building and electrical code requirements.