

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

**SUBJECT: SIGN VARIANCE AND SIGN PERMIT CASE NO. VAR-SI20-02;
850 STATE STREET - 97301;
AMANDA NO.: 20-107242-SA & 20-108843-SI**

REQUEST

Summary: A request for a Sign Adjustment and Sign Permit to install a 16-foot metal sculpture on a concrete base at Willamette University.

Request: A Sign Adjustment and Sign Permit to install a new freestanding sign at Willamette University, a 16-foot metal sculpture on a concrete base, for property approximately 34.3 acres in size, zoned PE (Public and Private Educational Services), and located at 850 State Street - 97301 (Marion County Assessors Map and Tax lot numbers: 073W26BC / 04500, and 073W27AD / 00400, 00900 and 01000).

OWNER/APPLICANT: Willamette University, Mark Mazurier

RECOMMENDATION

Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer APPROVE the request for a Sign Variance and Sign Permit to install a new freestanding sign, a 16-foot tall metal sculpture on a concrete base, for Willamette University located at 850 State Street.

BACKGROUND

On April 20, 2020, a sign variance application was received by the applicant and property owner, Willamette University, represented by Mark Mazurier, with a request to install one additional freestanding sign along State Street for property zoned PE (Public and Private Health Services). A vicinity map of the property is included as **Attachment A**.

Additional information was requested from the applicant to deem the application complete, including submission of a required sign permit with the sign variance application. Once additional information was received, the applications were deemed complete for processing on June 25, 2020.

The public hearing before the City of Salem Hearings Officer is scheduled for July 22, 2020, at 5:30 p.m. remotely due to social distancing measures put in place to slow the spread of the Covid-19 virus. The Hearings Officer will accept only written testimony. The record will be held open for additional written comments after the hearing. The agenda and hearing notice have information on how to access the meeting. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on July 2, 2020. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant is requesting a sign variance and a sign permit to construct a new freestanding sign, a 16-foot-tall metal sculpture on a concrete base, for Willamette University. The variance is requested because in the PE (Public and Private Educational Service) zone, SRC 900.215(b)(1)(B) allows one freestanding sign for each building frontage limited to five feet in height and no more than 24 square feet of display area, provided that one freestanding sign may be 16 feet in height and 32 square feet in total display surface. Along the State Street frontage, Willamette University currently has two freestanding monument signs, one at the corner of Winter Street SE and State Street, and the other at the corner of State Street and 12th Street SE. The monument signs are less than five feet in height, but have a display area of approximately 32 square feet, exceeding the maximum allowance. The proposal will add a third freestanding sign along State Street approximately 16 feet in height, with a display surface of approximately 91 square feet.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

The applicant's written statement (**Attachment B**) and proposed sign plans (**Attachment C**) are attached and made a part of the staff report.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Community Services - Education." The subject property is within the Urban Growth Boundary and is located inside the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned PE (Public and Private Educational Services).

The zoning and uses of surrounding properties include:

North: Across State Street – PM (Capitol Mall) – Capitol Building
South: Across Bellevue Street SE – CR (Retail Commercial), CO (Commercial Office), PH (Public and Private Health Services) and PE (Public and Private Education Services) – Eating and Drinking, Salem Hospital
East: Across 12th Street SE – MU-I (Mixed Use), CR (Retail Commercial), and CG (General Commercial) – Eating and Drinking, Willamette Heritage Center, State of Oregon
West: Across Winter Street SE – CR (Retail Commercial) and PE (Public and Private Education Services) – Willamette University

3. Site Analysis

The subject property is approximately 34.4 acres in size and has frontage along State Street, 12th Street SE, Winter Street SE and Bellevue Street SE. In the Salem Transportation System Plan (TSP), State Street and 12th Street SE are designated as a Major Arterial streets, Winter Street SE is designated as a local street and Bellevue Street SE is designated as a Parkway. The proposed metal sculpture will be located near the intersection of Winter Street SE and State Street, setback approximately 30 feet from State Street.

4. Neighborhood and Citizen Comments

Notice of the application was sent to the Central Area Neighborhood Development Organization (CANDO), and adjacent neighborhood associations Southeast Salem Neighborhood Association (SESNA) and Northeast Neighbors (NEN). Notice was also provided to all property owners of record and tenants within 250 feet of the subject property. At the time of this staff report, no comments have been received from CANDO, SESNA, NEN, or surrounding property owners.

5. City Department and Public Agency Comments

The Building and Safety Division and Public Works Department have reviewed the proposal and indicated no concerns.

The Historic Preservation Office/City Archaeologist has reviewed the proposal and commented that the property is within a High Probability Archaeological Zone. An Inadvertent Discovery Plan is required to be in place prior to any

ground disturbing activity. Please contact Kimberli Fitzgerald for more information.

6. Sign Variance Applicability – SRC Chapter 900

SRC 900.040(a) provides that sign variances may be granted to the height and display surface standards, to increase the number of allowed signs, to allow relocation of a sign, and to allow structural alterations to a sign.

A sign variance shall not provide for any of the following:

- a) To allow a sign prohibited by SRC 900.020 (Prohibited Signs).
- b) To decrease a setback or special setback.
- c) To allow placement of a sign in a vision clearance area.
- d) To allow structural alterations to a non-conforming or non-complying sign.
- e) To authorize a sign not otherwise permitted on the property for which the variance is sought.
- f) To allow any sign other than those specifically allowed by this Chapter.
- g) To modify the display and brightness regulations for electronic display signs established by SRC 900.090.

Staff Response: The applicant is requesting a sign variance to allow an additional freestanding sign along State Street, for a total of three freestanding signs on State Street, where a maximum of one freestanding sign is allowed, and to increase the display surface allowance for the freestanding sign from a maximum of 32 square feet (SRC 900.215(b)(1)(B)) to 91 square feet.

7. Analysis of Sign Variance Criteria – SRC Chapter 900

Pursuant to SRC 900.040(d), an application for a sign variance shall be granted if the following criteria are met:

Criterion 1:

Compliance with the applicable standard would create an unnecessary hardship due to unique or unusual physical conditions of the property over which the applicant has no control, such as topography and lot shape, which are not present on other properties in the vicinity that have the same zone designation; the hardship does not result from actions of the applicant, owner, or previous owners of the property; and the sign variance is limited to the minimum reasonably necessary to alleviate the problem created by the unique or unusual physical conditions.

Applicant's Finding: The complete written statement provided by the applicant is included in this report as **Attachment B**. In summary, the applicant explains that the property is unique in its size and relatively long street frontage along State Street at approximately 1,584 feet. The applicant is proposing to install a

non-illuminated freestanding sculpture, the appearance and function of the sculpture will not adversely affect, or be out of character with other sculptures found in PE zones properties.

Staff Finding: The subject property is approximately 34.3 acres in size and has more than 1,300 feet of frontage along State Street. Willamette University has two freestanding monument signs to identify the university campus at the corners near the intersections of Winter Street SE and State Street, and 12th Street SE and State Street. The proposed freestanding sculpture will not have any identifying markings for Willamette University, however, because the sculpture is designed to attract the attention of the public, it is consistent with the definition of a sign in SRC Chapter 900 (Sign Code) and is regulated as a sign. Willamette University does have other sculptures on the campus, however, because these sculptures are nonilluminated and not visible from the public right-of-way, they are exempt permit requirements and are allowed in addition to any other signs otherwise allowed by Chapter 900 (see SRC 900.030(c)(5)).

The variance requested is due to the unusually large size of the campus and the need to locate the proposed metal sculpture art piece next to the Arts Building in a location that will have minimal impact on existing trees and vegetation. The variance is necessary to allow the reasonable installation of an art piece on the Willamette University campus, while having minimal impact on the physical conditions of the property.

Criterion 2:

The sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation.

Applicant's Finding: The complete written statement provided by the applicant is included in this report as **Attachment B**. The applicant states that the proposed sculpture is similar to other art installations in other Public zoned properties, including the Parade of Animals sculpture located at Willson Park across State Street and the Peace Plaza sculpture at City Hall.

Staff Finding: Salem Hospital owns another large property in the vicinity with the same PE zone. At the intersection of Mission Street SE and Church Street SE there is an archway and interpretive panels that lead to the entrance of the "Let's go play!" adaptive playground, that is similar in size and character as the proposed sculpture.

The Willamette University campus is located adjacent to the Capitol Mall and is near the Salem Downtown Central Business District, although not necessarily sharing the same zoning, outdoor art installations are common throughout the Capitol Mall and downtown area. Art installations include the Parade of Animals, which is located at Willson Park and visible from the public right-of-way, the

polished chrome cube located in the downtown streetscape near 415 State Street, the sculpture garden at the Salem Convention Center at 200 Commercial Street NE, and the Crescent Probe sculpture located at the Peace Plaza between the Library and City Hall. The proposed sculpture is similar to other art installations in the vicinity and is therefore consistent with this approval criterion.

Criterion 3:

The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties.

Applicant's Finding: The complete written statement provided by the applicant is included in this report as **Attachment B**. In summary, the applicant argues that the proposed sculpture will increase the overall appearance and visibility of the Willamette University campus along State Street, while fostering the arts and a sense of community within the city.

Staff Finding: The variance request is to allow the installation of a 16-foot-tall sculpture next to the arts building, near the intersection of Winter Street SE and State Street. The proposed sculpture is not a typical freestanding sign display in that the sculpture itself does not contain any messaging or logo identifying a place of business or service provided on the property. Rather, the sculpture is intended as a piece of art work promoting a sense of community within the city.

Impacts of the proposed sculpture will also be minimized on surrounding properties because the sculpture will not be illuminated, isn't carrying a message or logo for the campus, and will be setback approximately 30 feet from State Street. Staff finds that the variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties. This criterion is met.

Criterion 4:

The sign variance will not impose limitations on other properties and signage in the area, including signage that would be allowed on adjacent properties.

Applicant's Finding: The applicant's written statement provided as **Attachment B** indicates that the proposed freestanding sculpture not impose limitations on other properties or signage in the area.

Staff Finding: In some cases, such as with outdoor advertising signs, or freestanding signs for shared shopping centers, office complexes or industrial complexes, approval of a sign may create limitations on signage permitted on abutting or nearby properties. In this case, granting the sign variance to allow one additional freestanding sign for the Willamette University campus will not impose limitations on the sign allowance for abutting or nearby properties,

therefore the request complies with this criterion.

8. Analysis of Sign Permit Approval Criteria – SRC Chapter 900

SRC Chapter 900.025(d) provides that an application for a sign permit shall be granted if the following criteria are met:

Criterion 1:

The sign meets the requirements of SRC Chapter 56.

Staff Finding: Freestanding signs greater than 7 feet in height require a building permit to construct. The proposed freestanding sculpture is approximately 16 feet in height and requires a building permit to construct. The applicant has applied for a building permit to install the sculpture (20-104908-BP).

Criterion 2:

The sign is allowed in the zone.

Staff Finding: In the PE (Public and Private Education) zone, a maximum of one freestanding sign is permitted per street frontage. The variance request is to increase the number of freestanding signs on a street frontage above the number of signs permitted under SRC 900.215(b)(1)(B).

Criterion 3:

The sign will not interfere with the use of any public right-of-way, other public easements, or other publicly owned property.

Staff Finding: No evidence has been presented that the sign will interfere with use of the public right-of-way, public easements or other publicly owned property.

Criterion 4:

The sign conforms to all the applicable standards in this Chapter.

Staff Finding: The variance application seeks approval to allow one additional freestanding sign on State Street, and to increase the display area allowance from a maximum of 32 square feet to 91 square feet. The proposed sign complies with the maximum height allowance of 16 feet as well as the minimum three-foot setback standard adjacent to a street. With those exceptions, the sign conforms to the applicable standards for a freestanding sign in the PE zone.

RECOMMENDATION

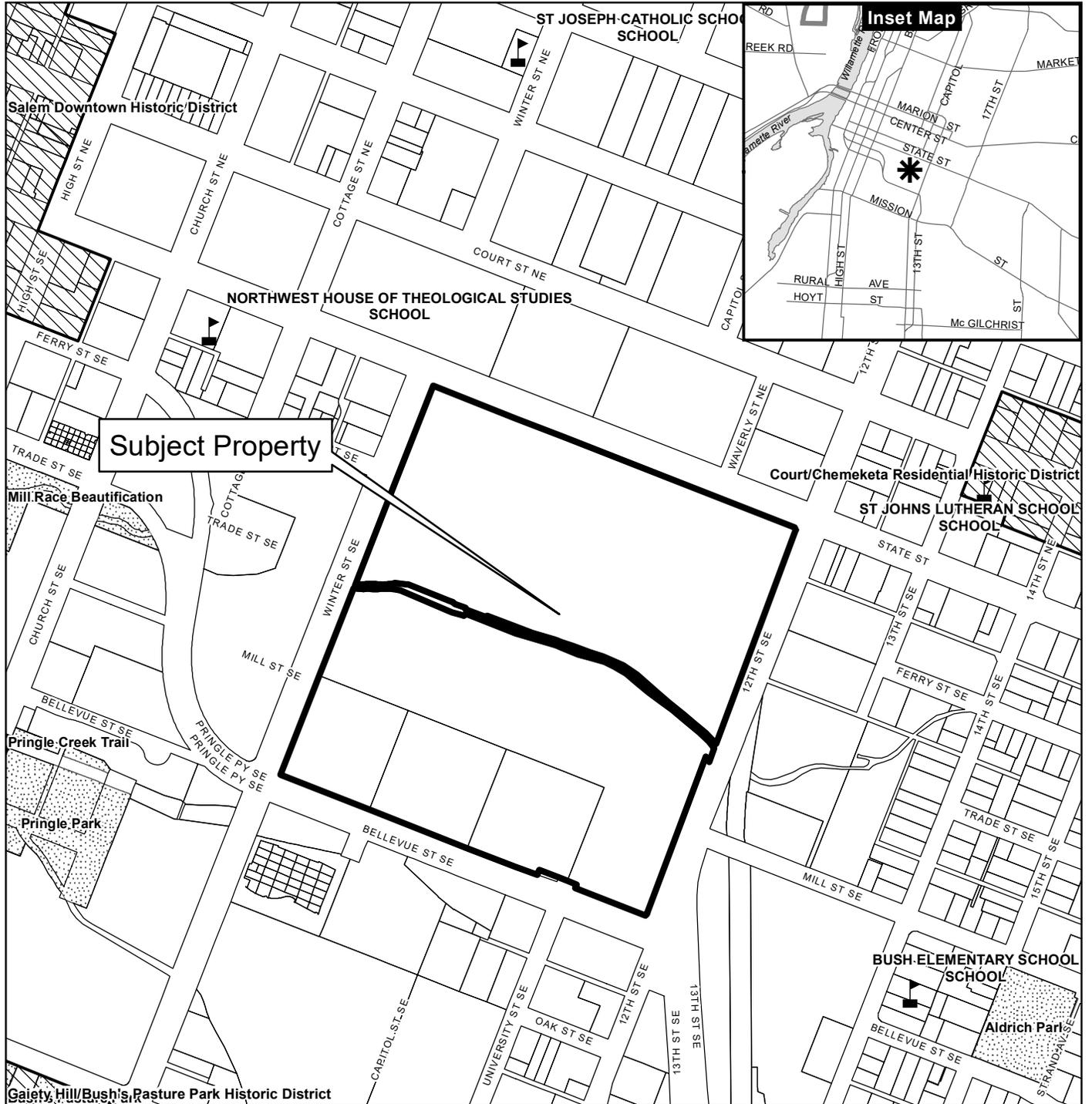
Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer APPROVE the request for a Sign Variance and Sign Permit to install a 16-foot metal sculpture on a concrete base at Willamette University for property approximately 34.3 acres in size, zoned PE (Public and Private Educational Services) and located at 850 State Street – 97301.

Attachments: A. Vicinity Map
 B. Applicant's Statement
 C. Development Plans

Application Deemed Complete Date: June 25, 2020
State Mandated Decision Date: October 23, 2020

Prepared by: Aaron Panko, Planner III

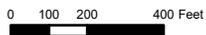
Vicinity Map 850 State Street



Subject Property

Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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Sign Variance Written Statement

April 03, 2020

Willamette University Sculpture
850 State Street
Salem, OR
Zoned PE

The proposed project includes the installation of a free-standing steel sculpture, approximately 15'-2" H x 6'-0" W x 6'-8" L with 91 SF of signage. The 44.55 ac site currently has 5 existing free-standing vehicular directional signs, one posted at each entry into the campus, as well as one free-standing sculpture in the heart of the campus. The 5 existing signs are non-illuminated, constructed of aluminum and are composed of two different sizes, 4'-0"H x 8'-0"L for 32 SF of signage and 3'-0"H x 9'-0" for 27 SF of signage. Outlined below is how the proposed project addresses all applicable approval criteria for a Sign Variance.

Sign Variance design criteria:

- Compliance with the applicable standard would create an unnecessary hardship due to unique of unusual physical conditions of the property over which the applicant has no control, such as topography and lot shape, which are not present on other properties in the vicinity that have the same zone designation; the hardship does not result from actions of the applicant, owner, or previous owners of the property; and the sign variance is limited to the minimum reasonably necessary to alleviate the problem create by the unique or unusual physical conditions
 - o The Willamette University property is unique in its size and depth, as well as its density in relation to other PE (Public/Private Education) zoned properties in the downtown area. The 4.5 ac site has approximately 1584'-0" linear feet of frontage along State street with only two existing vehicular directional signs (32 SF of signage), each flanking this frontage. The proposed free-standing sculpture will be located along this frontage, adjacent to the Universities Art Building and across the street from the State Capitol. The appearance and function of the proposed sculpture will not adversely affect, or be out of character with, other sculptures used in PE properties in the downtown area.
- The sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation
 - o While there are not many examples of free-standing sculptures on other PE locations in the downtown area, the proposed sculpture is comparable in size to an existing sculpture located in the heart of the campus. In relation to other sculptures located in the downtown area on properties zoned other than PE, such as the Parade of Animals Sculpture located

across the street on State Street or the Peace Plaza Sculpture located on Commercial and Liberty, the proposed sculpture is similar in scale and function.

- The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties
 - o The proposed free-standing sculpture will not adversely affect the function or the appearance of the development. The proposed sculpture will increase the overall appearance and visibility of the development along State Street, while fostering the arts and a sense of community within the city as a whole.

- The sign variance will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties
 - o The sign variance for the proposed free-standing sculpture will not limit allowed signage for other buildings on the same property or the allowed signage for adjacent properties.

We believe that through the findings above, the proposed project meets all applicable approval criteria for a Sign Variance.

Sincerely,



Matt Johnson
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503-390-6500

ATTACHMENT C

SITE PLAN NOTES:

- LOCATION OF PROPERTY LINES ARE APPROXIMATE LOCATIONS AND USED FOR REFERENCE FOR INSTALLATION OF NEW SCULPTURE

SITE PLAN INFO:

TAX LOTS:

• R27619	1,121,234.4 sf	= 25.74 ac
• R95091	126,759.6 sf	= 2.91 ac
• R95093	129,373.2 sf	= 2.97 ac
• R95116	117,176.4 sf	= 2.69 ac
• R95130	312,325.2 sf	= 7.17 ac
• R89487	108,900 sf	= 2.50 ac
• R95117	24,829.2 sf	= 0.57 ac

TOTAL 1,940,598 sf = 44.55 ac

ZONING: PE, RM2, CB, & CR

SITE CODE NOTES:

- EXISTING ALUMINUM SIGN. NON-ILLUMINATING. TEXT HEIGHT VARIES, 3" - 9". SIZE: 4'-0" H x 8'-0" W FOR 32 SF OF SIGNAGE. SEE IMAGE 01 FOR TYPICAL ELEVATION
- EXISTING ALUMINUM SIGN. NON-ILLUMINATING. TEXT HEIGHT VARIES, 3" - 9". SIZE: 3'-0" H x 9'-0" W FOR 27 SF OF SIGNAGE. SEE IMAGE 02 FOR TYPICAL ELEVATION
- EXISTING HATFIELD FOUNTAIN, CONSTRUCTED ON CONCRETE AND STANDS APPROXIMATELY 13'-0" TALL. SEE IMAGE 03 FOR REFERENCE
- PROPOSED FREE STANDING SCULPTURE. CONSTRUCTED OF STAINLESS STEEL. SIZE: 15'-2" H x 6'-0"W x 6'-8" L FOR 91 SF OF SIGNAGE. SEE IMAGE 04 FOR REFERENCE



IMAGE 01



IMAGE 02



IMAGE 03

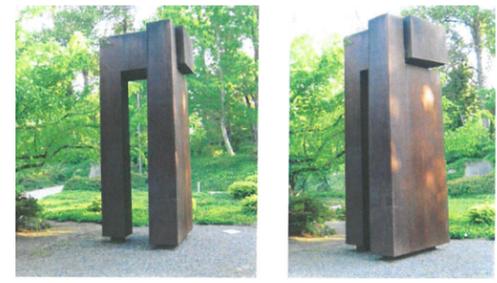


IMAGE 04



1 OVERALL SITE PLAN

WILLAMETTE UNIVERSITY
SCULPTURE ADDITION
850 STATE STREET SALEM, OR

SIGN
ADJUSTMENT
APPLICATION

SHEET:
A1.01