

FOR MEETING OF: FEBRUARY 12, 2020
CASE NO.: VAR-SI20-01

TO: HEARINGS OFFICER

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

**SUBJECT: SIGN VARIANCE AND SIGN PERMIT CASE NO. VAR-SI20-01;
570 WALLACE ROAD NW;
AMANDA NO.: 19-125172-SA, 20-102461-SI, & 20-102462-SI**

REQUEST

Summary: A request for two sign permits and a sign variance to allow construction of two freestanding vehicle viewing signs, each approximately 13.7 square feet in size.

Request: A consolidated request including a Sign Variance and two Sign Permits to allow two vehicle viewing signs permitted under SRC 900.200(c)(2)(D) for use as pre-sell menu boards in the drive-through lanes of an existing eating and drinking establishment. The subject property is approximately 1.02 acres in size, zoned WSCB (West Salem Central Business District) and located at 570 Wallace Road NW (Polk County Assessor map and tax lot number(s): 073W22CB / 02701).

APPLICANT: Archland Property I, LLC (Corporation Service Company and Golden W Investors Business Trust); Pro Enterprises, LLC (David Hilgeman, Jill Seaman-Pollard)

OWNER: Archland Property I, LLC

AGENT: Mark D. Shipman, Saalfeld Griggs PC

RECOMMENDATION

Based on the Facts and Findings presented in this staff report, Staff recommends the Hearings Officer DENY the request for a Sign Variance and Sign Permit to allow two additional vehicle viewing signs for use as pre-sell menu board signs in the drive-through lanes of an existing eating and drinking establishment located at 570 Wallace Road NW.

BACKGROUND

On December 5, 2019, Saalfeld Griggs filed sign variance and sign permit applications on behalf of the applicants, Archland Property I, LLC c/o McDonald's Corporation and Pro Enterprises, LLC, with a request to install two additional pre-menu board signs in the drive-through lane for an existing McDonald's restaurant for property zoned WSCB

(West Salem Central Business District). A vicinity map of the property is included as **Attachment A**.

SRC 900.200(c)(2)(D) allows one vehicle viewing sign with a display surface not exceeding 32 square feet in size, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle. No more than one vehicle viewing sign is allowed per vehicle accessway. The existing eating and drinking use is developed with two drive-through lanes which merge into a single lane after the customer has placed an order. The two existing and permitted menu boards (vehicle viewing signs) are approximately 20 square feet in size, and the existing nonconforming pre-sell menu board (vehicle viewing sign) is approximately 11 square feet in size. The applicant is requesting a sign variance to replace the existing nonconforming pre-menu board with two new electronic display vehicle viewing signs, each approximately 13.7 square feet in size.

In November 2012, City Council directed staff to conduct community outreach and research possible amendments to Salem Revised Code (SRC) Chapter 900 (Sign Code) related to the increased square footage and overall number of vehicle viewing signs, commonly referred to as menu boards and often used by fast food restaurants. The full report is included as **Attachment C**. As a result of this outreach effort, staff proposed a modest increase to the display area of menu board signs from 24 square foot maximum display surface to 32 square feet. This amendment was recommended to reduce the amount of time customers spend in the drive-through lane and to minimize the traffic hazard of vehicles that could extend into areas not designated for a drive-through. The increase in square footage allowed for vehicle viewing signs was amended and approved by City Council in 2014 pursuant to CA14-05. Consideration was also given to increase the number of vehicle viewing signs that could be allowed per drive-through lane, however this was not pursued due to lack of public support.

The public hearing before the City of Salem Hearings Officer is scheduled for February 12, 2020, at 5:30 p.m. in the Council Chambers, Room 240, Civic Center, located at 555 Liberty Street SE. A request for comments was sent to surrounding property owners and residents on January 23, 2020. Public hearing notice was also posted on the property on January 30, 2020, 13 days prior to the hearing, pursuant to SRC requirements.

PROPOSAL

The applicant is requesting a sign variance and two sign permits to allow two vehicle viewing signs approximately 13.7 square feet in size to be constructed in the drive-through lanes for use as pre-sell menu boards. The business has two existing menu board signs permitted under SRC 900.200(c)(2)(D) that would remain in the drive-through lanes. The variance is requested because SRC 900.200(c)(2)(D) allows only one vehicle viewing sign for each drive-through lane.

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 and proposed sign plans are attached and made a part of the staff report (**Attachment B**).

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Central Business District." 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 WSCB (West Salem Central Business District).

The zoning and uses of surrounding properties include:

North:	Across Taggart Drive NW – WSCB (West Salem Central Business District) – La Hacienda Real (eating and drinking establishments)
South:	WSCB (West Salem Central Business District) – Oregon State Credit Union (postal services and retail financial services)
East:	WSCB (West Salem Central Business District) – strip mall-style building with variety of commercial uses
West:	Across Wallace Road NW – CG (General Commercial) and Wallace Road Corridor Overlay zone – various commercial uses

3. Site Analysis

The subject property is approximately 1.02 acres in size. It has frontage along Wallace Road NW, which is designated as a Major Arterial street in the Salem Transportation System Plan (TSP), and along Taggart Drive NW which is designated as a Local street in the TSP. The two drive-through lanes which serve the McDonald's restaurant at the subject property begin as two separate lanes, which merge into a single lane after the users place an order. The signs are proposed to be located near the beginning of the drive-through lanes, to the east of the building.

4. Neighborhood and Citizen Comments

Notice of the application was sent pursuant to SRC requirements, including to the West Salem Neighborhood Association and all property owners and tenants within 250 feet of the subject property. At the time of this staff report, no comments have been received from the neighborhood association. One comment was received from a nearby resident, who indicated concern about the impact of adding additional signs to the drive-through lanes—specifically that it could lead to more traffic in the parking lot and drive aisles located to the east of the McDonald's building. A response to this comment is included within this staff report in Section 7, under Criterion 3.

5. City Department and Public Agency Comments

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Cherriots transit agency reviewed the proposal and indicated that they have no comments.

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.

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 hardship and practical difficulties identified by the applicant relate to the shape of the lot, the busy nature of the strip mall of which the McDonald's restaurant is part of, a comparison between the length of the McDonald's restaurant's drive-through queuing lanes and those of nearby fast food restaurants, as well as discussion related to a McDonald's franchise requirement to have two drive-through lanes and a 2006 Land Use Board of Appeals (LUBA) case.

Staff Finding: The applicant states that the subject property is uniquely narrow; however, the property is virtually rectangular in size—approximately 177 feet wide by 245 feet deep. It is approximately 1.02 acres in size, which is larger than the two parcels which contain Burger King (0.73 acres) and Taco Bell (0.83 acres)—the two restaurants within the same zone identified within the applicant's written statement. The Taco Bell property, located at 450 Wallace Road NW, is approximately 165 feet wide by 192 feet deep. The Burger King property, located at 1120 Wallace Road NW, is approximately 174 feet wide by 188 feet deep. All three properties have street frontage along Wallace Road NW and all three maintain at least one point of access which is shared with neighboring properties.

The applicant's statement indicates that the lot's shape necessitates additional signage on the subject property. The width-to-depth ratio of the subject property is consistent with the shape and size of neighboring properties in the vicinity that are developed with similar uses with the same zone designation. Additionally, the topography of the subject property is relatively flat, with an elevation change of approximately 4 feet across the site. Similarly, the topography of the Taco Bell and Burger King properties are relatively flat, with elevation changes not exceeding 6 feet across either property. Staff does not agree with the applicant's assertion that the subject property has unique physical conditions that would create an unnecessary hardship without the proposed sign variance.

Staff finds that the unusual queuing system used at the subject property is the result of how the property has been developed by its owners and/or developers over the years, and any perceived hardship on the applicant's part is not based on topography, lot shape, nor any other unique or unusual physical conditions of the property. Staff finds that this criterion is not met.

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**. In summary, the applicant states that, due to the relatively short drive-through queuing lanes on the subject property, a sign variance is necessary to permit signage comparable with other properties in the vicinity that are zoned WSCB. The applicant states that pre-sell menu boards have been permitted for both the Taco Bell and Burger King restaurants in the WSCB zone.

Staff Finding: Staff is unable to locate permits for a pre-sell menu board for the Taco Bell property; any existing pre-sell menu board which would have required a sign permit prior to installation would be in violation of SRC Chapter 900. While once permitted, the pre-sell menu board at the Burger King property is considered nonconforming and is subject to the standards of SRC 900.300 (*Nonconforming Signs*). In either case, those restaurants are both limited to a single vehicle viewing sign per drive-through lane under the current sign code. Taco Bell and Burger King each have one drive-through lane. The subject property has two drive-through lanes with two existing permitted menu boards, which amounts to more permitted vehicle viewing signs on the subject property than what would be permitted at Taco Bell or Burger King with their current drive-through configuration.

Staff finds that SRC 900.200 already allows for signage at the subject property which is comparable with other properties in the vicinity that have the same zone designation. The applicant has not adequately demonstrated how the sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation, therefore Staff finds that this criterion is not met.

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 sign variance would lead to a reduction in unnecessary queuing in the vicinity, as well as improving the appearance and function of the subject property, and, by extension, that of the surrounding area.

Staff Finding: As discussed in Section 4 above, one nearby resident voiced concern about the potential impact of additional vehicle viewing signs at the subject property, specifically in regard to vehicle traffic and functionality of the parking lot and driveway which separate the McDonald's restaurant from the strip mall to the east.

The number of menu board signs permitted through SRC Chapter 900 is limited to prevent sign proliferation. The sign code currently allows for a single vehicle viewing sign adjacent to drive-through lanes. Having a large number of signs lining drive-through lanes could lead to added delay and idling time for vehicles. Staff finds that the applicant has not adequately demonstrated how the proposed sign variance would not adversely affect the function or appearance of the development and use of the property and surrounding properties.

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 signs will not impose additional restrictions on adjacent properties.

Staff Finding: The proposed signs are relatively small in size (13.7 square feet each), they would not exceed 6 feet in height when measured from grade to the top of the signs, and would be located entirely within the subject property. If granted, Staff finds that the sign variance to allow construction of two additional vehicle viewing signs would not impose limitations on other properties and signage in the area. Staff finds that this criterion is met.

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 less than 7 feet in height do not require a building permit through the Building and Safety Division. The proposed vehicle viewing signs are approximately 6 feet in height. Building permits and engineering are not a requirement for the proposed signs.

Criterion 2:

The sign is allowed in the zone.

Staff Finding: One vehicle viewing sign per vehicle accessway is permitted in the WSCB zone, pursuant to SRC 900.200(c)(2)(D). The variance request is to increase the number of allowed vehicle viewing signs from one per vehicle accessway to two.

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 signs 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: SRC 900.200(c)(2)(D) allows one vehicle viewing sign for an individual business within a shopping center, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle. The display surface of the vehicle viewing sign shall not exceed 32 square feet. The proposed additional vehicle viewing signs are each approximately 13.7 square feet. The sign variance request would allow the erection of two additional vehicle viewing signs. If approved, the applicant will be required to obtain electrical permits for the proposed digital display signs, as no electrical permits for the proposed signs have been submitted to date. The proposed vehicle viewing signs comply with all other standards of SRC Chapter 900.

RECOMMENDATION

Based on the Facts and Findings presented in this staff report, Staff recommends the Hearings Officer DENY the request for a Sign Variance and Sign Permits to allow two additional vehicle viewing signs permitted under SRC 900.200(c)(2)(D) for use as pre-menu boards in the drive-through lanes of an existing eating and drinking establishment for property approximately 1.02 acres in size, zoned WSCB (West Salem Central Business District) and located at 570 Wallace Road NW (Polk County Assessor map and tax lot number(s): 073W22CB / 02701).

Attachments:

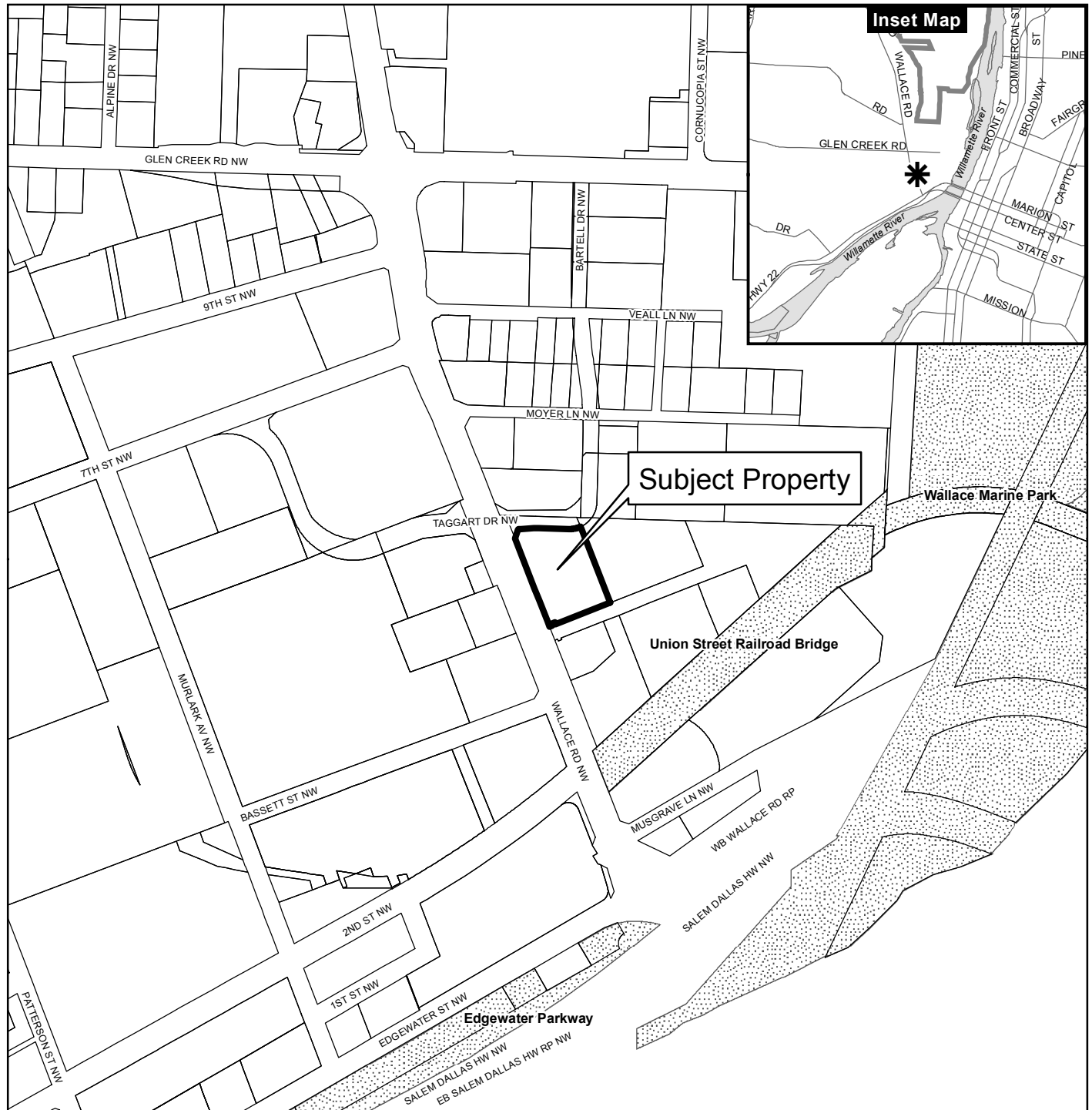
- A. Vicinity Map
- B. Applicant's Written Statement and Plans for Pre-Sell Menu Boards
- C. City Council staff report dated May 27, 2014

Application Deemed Complete Date: January 21, 2020
State Mandated Decision Date: May 20, 2020

Prepared by: Brandon Pike, Planner I

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Vicinity Map 570 Wallace Road NW



Legend

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

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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**SIGN VARIANCE
WRITTEN STATEMENT**

Real Property Owner:

Archland Property I, LLC
c/o McDonald's Corporation
(36-0186)
110 N Carpenter St
Chicago, IL 60607

Restaurant Owner/Applicant:

Pro Enterprises, L. L.C.
2791 19th St SE
Salem, OR 97302

Applicant's Representative:

Mark D. Shipman
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308
503-399-1070



I. SUBJECT PROPERTY INFORMATION:

The subject property is located at 570 Wallace Road NW and on Polk County Assessor's Map 07-3-22CB Tax Lot 2701 depicted in **Exhibit "A,"** attached hereto (herein the "**Subject Property**" or "**Property**"). The Subject Property is owned by Archland Properties I, LLC, a Delaware limited liability company, the vesting deed is attached herein as **Exhibit "B"**. Pro Enterprises, L. L. C. (the "**Applicant**") owns and operates a McDonald's Restaurant (the "**Restaurant**") on the Subject Property. The Subject Property is zoned West Salem Central Business District (WSCB) by the City of Salem (the "**City**") and is used for commercial purposes. The properties to the north, east, and south are also zoned WSCB, and the property to the west is zoned General Commercial (CG).

II. PROPOSAL:

Applicant is proposing to place two (2) pre-sell boards (the "**Signs**") along the drive-thru entrance of the Restaurant on the Subject Property. These Signs will have a height of approximately five feet, eleven and one half inches ($5'11\frac{1}{2}"$), a width of approximately two feet, five and one fourth inches ($2'5\frac{1}{4}"$), and will be mounted to a fabricated steel column sitting approximately one foot, nine and three fourth inches ($1'9\frac{3}{4}"$) off the ground. See **Exhibit "C"**. These Signs will better complement the Subject Property, providing a much-needed update to the aesthetics of the recently remodeled Restaurant. The Signs will be more energy efficient and will increase efficiency of the drive-thru service.

The previous signage consisted of static boards, with the primary menu board measuring almost twice the size as the new menu board, the previous menu board had to be manually rotated throughout the day

requiring the employees to leave the safety of the restaurant building to ensure customers would be able to view the proper menus at the corresponding times of day. A comparison showing the previous sign standard and the new digital signage is attached herein as **Exhibit "D."** The new signage can be adjusted automatically and keep employees within the safety of the building while decreasing the amount of signage on the Property.

III. VARIANCE REQUESTED:

Applicant requests a variance of Salem Revised Code (SRC) 900.200(b)(1), which states in relevant part:

Sec. 900.200. - Permanent signs in Central Business District (CB), West Salem Central Business (WSCB), Retail Commercial (CR), and General Commercial (CG) Zones.

(b) Permanent signs for businesses. Unless the business is located in a shopping center or office complex, a business may have the following signs:

(1) One freestanding sign, one projecting sign, one roof sign, or one wall sign on each building frontage. When the business is located on a corner lot, only one freestanding sign shall be allowed.

(A) Freestanding signs.

(i) Height.

(a) In the CB, CR, and CG zones, the height of a freestanding sign shall not exceed 20 feet for up to the first 100 feet of street front property line, plus an additional one foot in height for each 20 feet of street front property line over 100 feet, with a maximum height not exceeding 30 feet.

(b) In the WSCB zone, freestanding signs shall be limited to a height of ten feet above grade, including structural, framing, and design elements attached to or supporting the sign.

(ii) Area.

(a) In the CB, CR, and CG zones, the display surface of a freestanding sign shall not exceed one square foot per linear foot of street front property line up to the first 100 square feet of display surface, plus an additional one-quarter square foot of display surface for each additional one foot of street front property line over 100 feet, with a maximum display surface not exceeding 150 square feet.

(b) In the WSCB zone, freestanding signs shall be limited to a display surface of 40 square feet, including structural, framing, and design elements attached to or supporting the sign.

Applicant proposes the installation of two (2) freestanding pre-sell browse boards for the dual drive-thru on the Subject Property, and therefore Applicant requests a variance.

IV. VARIANCE CRITERIA:

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

(d) Criteria. An application for a sign variance shall be granted if the following criteria are met:

(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;

Proposed Finding: The Subject Property has a unique lot shape that creates an unnecessary hardship on the Applicant. The width of the lot that the Restaurant sits on is uniquely narrow and is approximately 1.02 acres in size. See **Exhibit "E"** for an aerial view of the Subject Property. In addition, the Property is situated in a busy commercial strip mall, which includes an immediate care facility. The Property's proximity to the primary flow of traffic creates a dangerous queuing situation where there is very little room for cars to queue in the Restaurant's drive-thru. In fact, the first lane located closest to the Restaurant has approximately 65 feet and the second lane has about 75 feet of space before intersecting with the primary traffic flow for the entire strip mall. Without the second lane, the Subject Property has the least amount of space for queuing compared to the neighboring fast food restaurants:

Carl's Jr.	70 feet +/-
Burger King	80 feet +/-
Taco Bell	120 feet +/-
Panda Express	277 feet +/-

See **Exhibits "F"** for multiple aerial views of these neighboring restaurants. Due to franchise requirements, Applicant installed an additional drive-thru lane, now giving the Restaurant two (2) drive-thru lanes. The purpose of the Sign Code is to "minimize adverse impacts on adjacent properties" (SRC 900.001), yet without the dual lanes and proper signage outfitting, the Restaurant's drive-thru customers may cause an adverse impact on the adjacent commercial property owners. In order to properly and uniformly outfit each lane with the signage required, and to alleviate the queuing congestion and traffic safety hazard caused by the Property's layout, a sign variance is needed. The Signs requested under this variance will complete the recent remodel and drive-thru expansion required under franchise standards, a letter from the McDonald's Corporation is attached as **Exhibit "G."**

V. ADDITIONAL ANALYSIS TO CRITERION (1):

Although it is not part of the mandatory approval criteria, Applicant submits this additional analysis for the Hearings Officer's consideration.

Staff's Prior Authorization Cannot Bar Applicant's Later-Discovered Violation as Self-Inflicted. Applicant received approval from the City staff prior to erecting the new menu boards. Although that approval was not in the form of a land use opinion or permit, Applicant did inquire to the City staff as to compliance of its dual-lane signage and received the City's permission. While traditionally, City staff is not considered to be agents for the City, a 2006 LUBA case carves out a pathway for variance applications to be granted when the violation arise out of applicant's reliance on guidance received from municipal employees. In *Doyle v. Coos County*, 51 Or. LUBA 402 (2006), City staff misinformed applicant regarding the required setbacks. After the structure was built, Petitioner reported the structure's code violation. That applicant then filed for a variance, which the county granted, and the Petitioner appealed. LUBA affirmed the "concept of 'accidental violations' certainly could be interpreted to be broad enough to include a violation

based on mistaken advice from county planning staff” such that “misplaced reliance on erroneous advice from a county staff member is not an ‘action of the applicant’ that was ‘self-inflicted.’” *Id.* at *3. Here, Applicant did not create the hardship it now request relief from. Prior to erecting dual pre-sell signs, Applicant sought and received advice and approval from City staff. Following *Doyle*, where the applicant sought the advice of City staff, and, upon receiving approval, erected structures complying with that advice, the City cannot then deny a variance which would allow applicant to lawfully continue to operate in the manner it previously advised the applicant to do.

Interpreting the “previous owner” component. The general rule in interpreting statutes is to interpret a particular section so as to “give effect to all [of the section].” ORS 174.010. By interpreting the section “the hardship does not result from actions of the applicant, owner, or previous owners of the property” to mean that any previous owner’s actions in historical perpetuity could affect the current applicant’s variance application, would result in an incongruous and illogical effect of the remainder of the section and, therefore, violate the law of statutory interpretation. For example, it would be illogical to deny a 2019 variance on the basis that forty (40) years ago the original developer and “previous owner” partitioned the parcel in an extremely narrow fashion and that, therefore, that historical lot shape is the current applicant’s self-created hardship. The variance code allows modern business trends and signage efficiencies to be utilized while the Salem Revised Code catches up to development trends and emerging technologies. Thus, it would be incongruent with the land use mechanical purpose of the variance tool to apply the actions of a previous property owner from the twentieth century against a twenty-first century developer or business owner to effect a denial of the variance request.

It is more logical to interpret the “previous owner” component of Criteria No. 1 to mean the immediate previous owner of the property, under the assumption that the buyer and now-applicant, would have had some knowledge of the previous owner’s actions. But to extend the “previous owner” dynamic to analyze previous owners in historical perpetuity, does not give effect to the rest of the variance criteria, nor its purpose.

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

Proposed Finding: The sign variance is necessary to permit signage comparable to other properties in the vicinity that are used as fast food restaurants. For example, Burger King and Taco Bell have the same zone designation and provide more drive thru queuing space than the Restaurant, each of these neighboring restaurants have been permitted to install a pre-sell sign, yet they do not provide customers with the same in-vehicle service that is provided on the Subject Property. A variance is necessary to keep the Restaurant competitive with the surrounding businesses.

(3) The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties; and

Proposed Finding: The proposed signage will help to improve the function of the vehicle access ways on the Subject Property, thus reducing unnecessary queuing in the vicinity. These Signs will not be an adverse impact on the function or appearance for the surrounding properties. Further, the Signs will provide a more up to date aesthetic for the Restaurant, improving the appearance of the Subject Property and thus the surrounding area.

(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.

Proposed Finding: The Signs will complete the dual drive-thru expansion on the Subject Property and will not impose additional restrictions on adjacent properties.

VI. CONCLUSION:

Applicant has satisfied the criteria set forth in SRC 900.040(d) and respectfully requests that the Hearings Officer grant the requested sign code variance.

Exhibit List:

Exhibit A - Tax Map

Exhibit B - Vesting Deed

Exhibit C - Proposed Sign Specifications

Exhibit D - Signage Comparison

Exhibit E - Google Earth Aerial of Subject Property

Exhibit F - Aerial Views of Neighboring Restaurants

Exhibit G - Letter from the McDonald's Corporation re: Franchise Standards

EXHIBIT A

TAX MAP 07-3-22CB



SIGN VARIANCE WRITTEN STATEMENT (ARCHLAND PROPERTY I, LLC & PRO ENTERPRISES, L.L.C.)
 30870 12/4/2019 (MDS/HRW:rmg/hst)

LAWYERS TITLE INS. CORP. 88900916006k

7-3-22 CB / 2701

EXHIBIT B

VESTING DEED

(Oregon Deed)

After recording return to:
Doris Murray-Norris
McDonald's Corporation
One McDonald's Plaza
Oak Brook, Illinois 60523

This space reserved for recorder's use.

Until a change is requested, all tax statements shall be sent to Grantee at the following address:

**P.O. Box 66207
A.M.F. O'Hare
Chicago, Illinois 60666**

**RECORDED IN POLK COUNTY
Valerie Unger, County Clerk**

2004-010472



\$41.00

00110929200400104720040041

06/28/2004 01:42:56 PM

GRANTOR: System Capital Real Property Corporation

**REC-WD Cnt=1 Stn=1 C. MILLER
\$20.00 \$10.00 \$11.00**

GRANTEE: Archland Property I, LLC,

STATUTORY SPECIAL WARRANTY DEED

System Capital Real Property Corporation, a Delaware corporation ("Grantor") conveys and specially warrants to Archland Property I, LLC, a Delaware limited partnership ("Grantee") the real property in POLK County, Oregon, more particularly described on attached Exhibit A hereto and by this reference incorporated herein, free of encumbrances created or suffered by the Grantor.

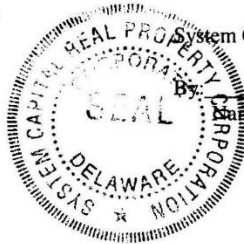
The true consideration for this conveyance in terms is \$0 and no other valuable consideration.

To have and to hold the property, together with all of Grantor's rights, title, interest and obligations as landlord in that certain Amended and Restated Master Ground Lease Agreement by and between Grantor and McDonald's Corporation, dated as of June 1, 2004 and as further defined in the recorded Memorandum of Amended and Restated Lease by and between Grantor and McDonald's Corporation having been recorded immediately prior hereto. Including all easements, rights and appurtenances, but not including any buildings or improvements thereon, if any.

Subject to: current taxes and assessments not yet due and payable from the date hereof and subsequent years, and all covenants, conditions, restrictions, reservations, easements and declarations or other matters of record.

V4

DATED: June 28, 2004.



System Capital Real Property Corporation

By: Nancy Warmoth
Nancy Warmoth, Treasurer

STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

The foregoing instrument was acknowledged before me this 28 day of June, 2004, by Nancy Warmoth, as Treasurer of System Capital Real Property Corporation.

Brenda Imelda Martinez
Notary Public for Illinois
My commission expires: 03/05/2005



THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

[Oregon Special Warranty Deed Mail Merge 062104]

2/4

AFFIDAVIT OF FACTS RELATING TO REAL ESTATE OWNED BY
SYSTEM CAPITAL REAL PROPERTY CORPORATION

STATE OF ILLINOIS)
) SS:
COUNTY OF DUPAGE)

The undersigned, Nancy Warmoth, being first duly cautioned and sworn states as follows:

1. I am a duly authorized officer of System Capital Real Property Corporation, a Delaware corporation, ("SCRPC"), and as such officer have personal knowledge of the facts contained herein.
2. SCRPC is the owner and record titleholder to the property described in Exhibit A, attached hereto (the "Property").
3. The purpose of this Affidavit is to set forth the following facts regarding the transfer of the Property to Archland Property I, L.L.C., a Delaware limited liability company ("Grantee"):
 - a. Grantee is and will be on the date of the conveyance a wholly owned subsidiary of SCRPC; and
 - b. There is no consideration for this conveyance.

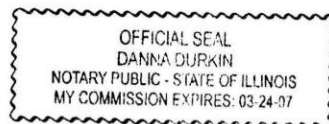
FURTHER AFFIANT SAYETH NOT.

System Capital Real Property Corporation

By: Nancy Warmoth
Its: Secretary/Treasurer
Date: JUN 28 2004

Subscribed and Sworn to
before me this 28th day
of June, 2004.

Danna Durkin
Notary Public



3/4

570 WALLACE RD NW
SALEM, OR
Marion COUNTY
L/C: 0360186, FILE 17960

EXHIBIT "A"

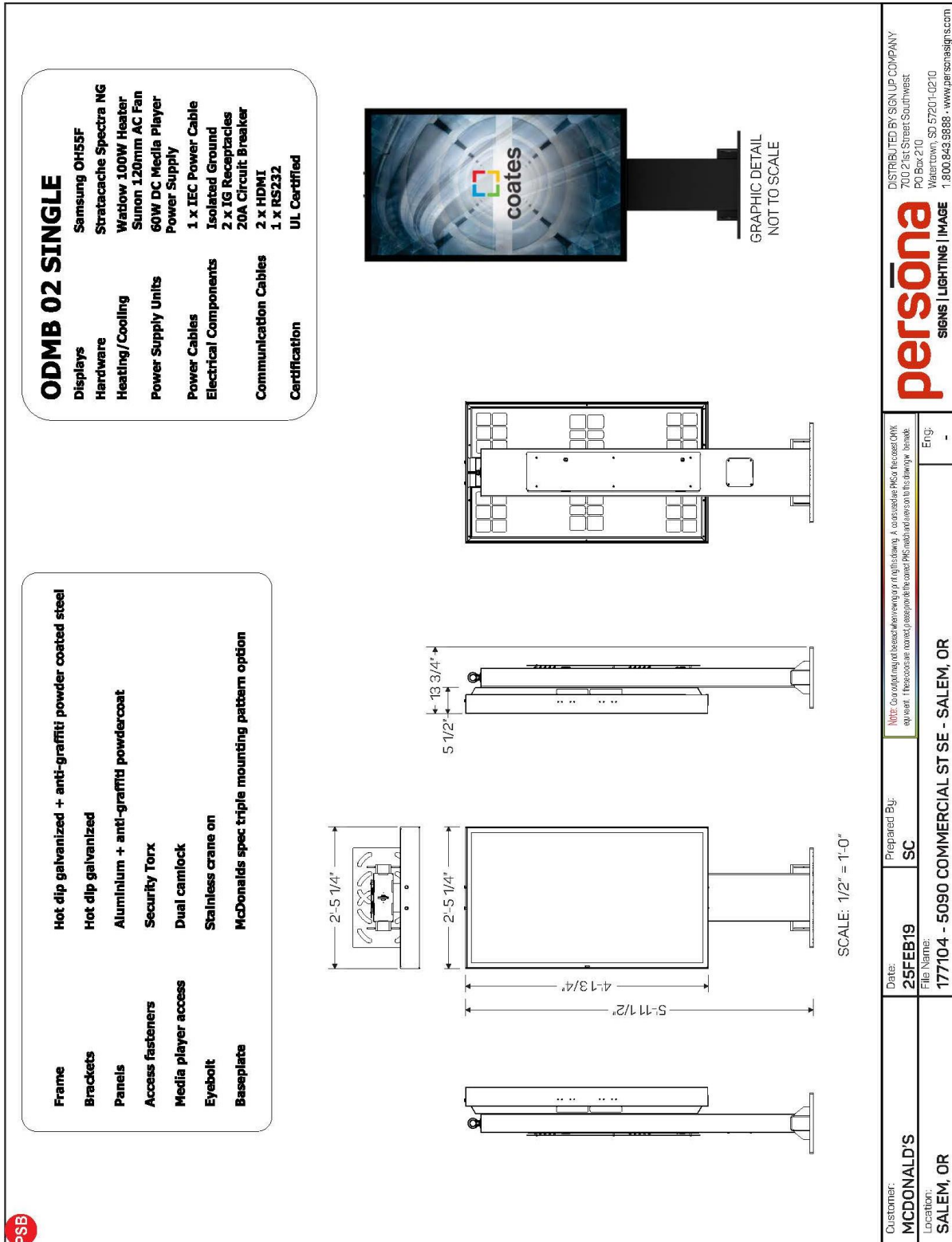
Parcel 1 of Volume 1993, Page 0010, Book of Partition Plats for Polk County, Oregon, recorded March 25, 1993, as Fee No. 370288.

TOGETHER WITH a perpetual, non-exclusive easement for ingress, egress and the installation of utilities in, on, under, over and through those portions of Parcel 3 of Partition Plat No. 1993-0010, shown as Easement "B" and Easement "C" on said plat.

4/4

EXHIBIT C

PROPOSED SIGN SPECIFICATIONS



SIGNAGE COMPARISON

EXHIBIT D
SIGNAGE COMPARISON

New & Proposed Signage Standard

Standard Unit- 71.6" High

Front



Back



Outdoor DMB- Coates 02
27.4 Sq. Ft. Display Area
(2) 55" Screens

Front



Back



Digital Pre-Sell- Coates 02
13.7 Sq. Ft. Display Area
(1) 55" Screen

Previous Signage Standard



Pre-Sell (Static)
11 Sq. Ft.- Display Area



Menu Board (Static)
42 Sq. Ft.- Display Area

EXHIBIT E

AERIAL VIEW OF SUBJECT PROPERTY

(SEE ATTACHED)

McDonald's

570 Wallace Rd NW, Salem

WALLACE RD NW

WALLACE RD NW

MENU
BOARDS

TAGGART DR

TRAFFIC FLOW

Google Earth

© 2018 Google

100 ft

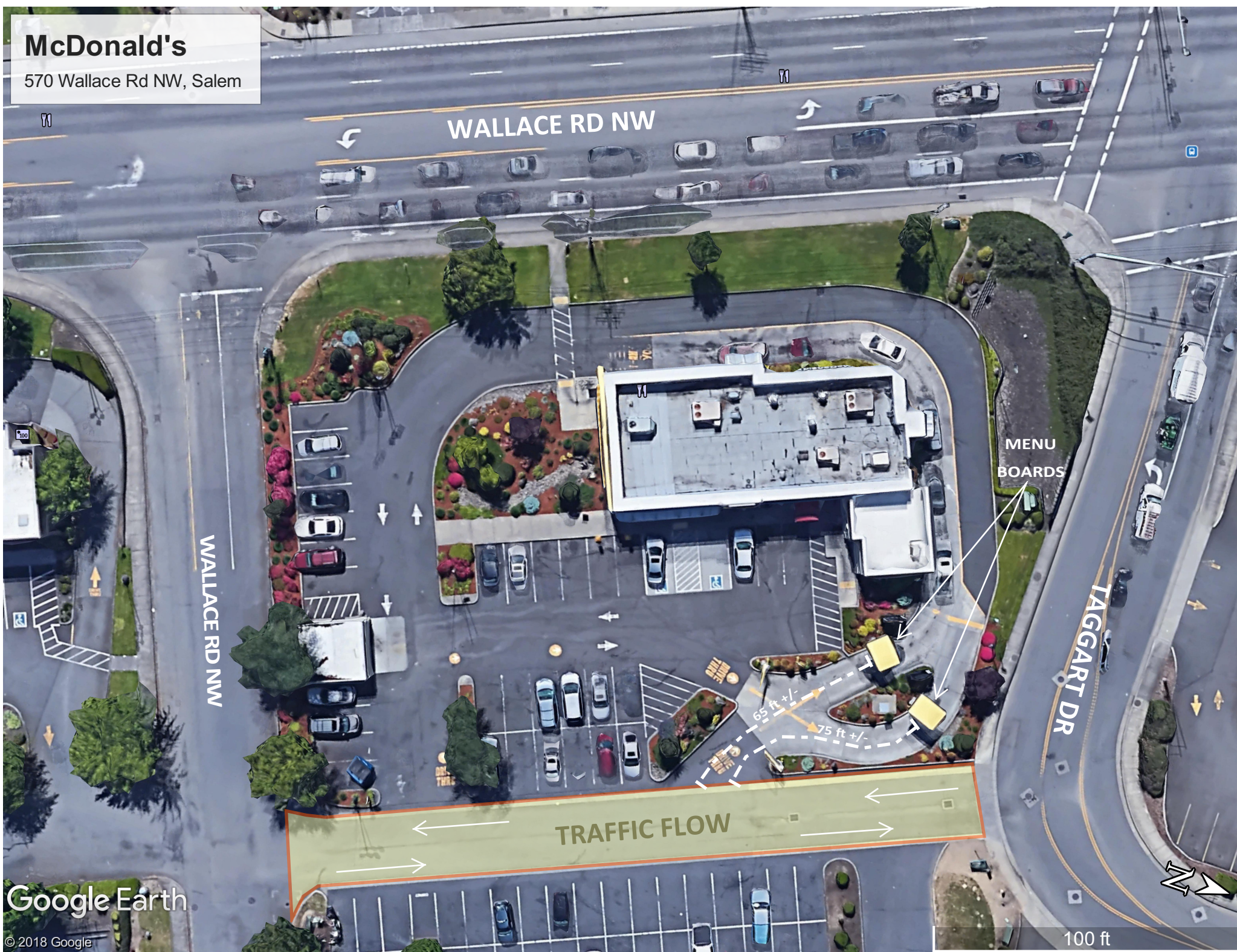


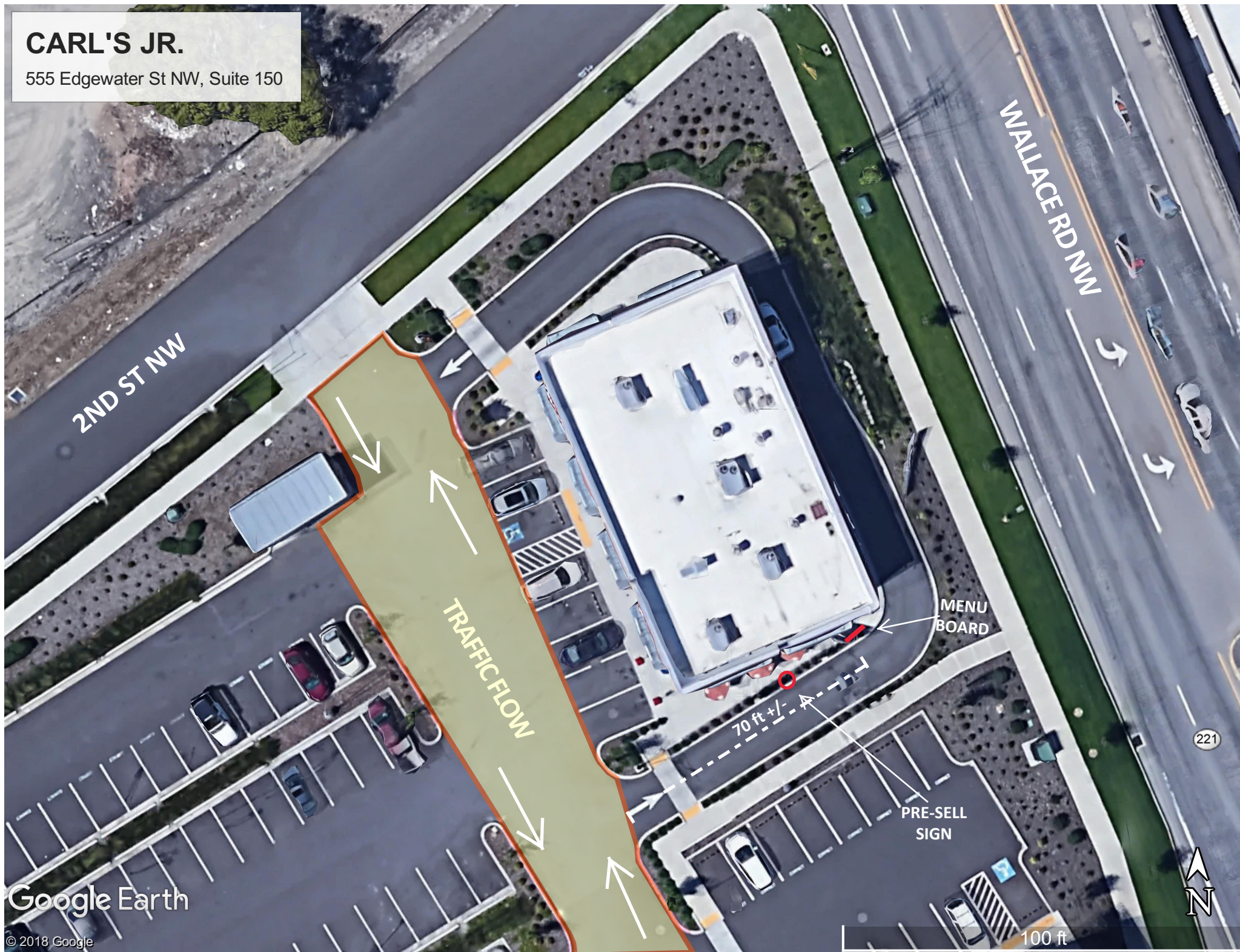
EXHIBIT F

AERIAL VIEWS OF NEIGHBORING RESTAURANTS

(SEE ATTACHED)

CARL'S JR.

555 Edgewater St NW, Suite 150



Google Earth

© 2018 Google

BURGER KING

1120 Wallace Rd NW

WALLACE RD NW

MENU
BOARD

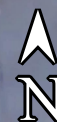
PRE-SELL
SIGN

TRAFFIC FLOW

80ft+/-

Google Earth

© 2018 Google



100 ft

PANDA EXPRESS

505 Taggart Dr

WALLACE RD NW

277 ft +/-

PRE-SELL
SIGN

MENU
BOARD

TAGGART DR

Google Earth

© 2018 Google

100 ft



TACO BELL

450 Wallace Rd NW

WALLACE RD NW

WALLACE RD NW

MENU
BOARD

PRE-SELL
SIGN

120ft ±

TRAFFIC FLOW

TRAFFIC FLOW

Google Earth

© 2018 Google

100 ft



EXHIBIT G

LETTER ADDRESSING FRANCHISE STANDARDS



To Whom It May Concern:

The addition of a Side-By-Side Drive-Thru is a key improvement in delivering restaurant success and enhancing Drive-Thru performance. Outdoor Digital Menu Boards are a new initiative by McDonald's that focus on providing an improved customer experience and add additional drive thru sales. They are required as part of U.S. Standards for all McDonald's Drive-Thrus.

When implemented, a Side-by-Side Drive-Thru (SBS DT) increases restaurant sales and guests served. A SBS DT can typically support 150-180 cars per hour, compared to a Single Lane Drive-Thru that can usually only support 120-150 cars per hour. Additionally, a Side-By-Side Drive-Thru eases queuing by allowing two cars to stack next to each other, decreasing overall wait time and stacking length. The Outdoor Digital Menu Boards (ODMBs) deliver increased readability, a sharper image, and a closer more personalized experience that allows the customer to move through the Drive-Thru quickly and easily. The ODMBs (Pre-Browse and Menu Boards) also provide a reduction in size compared to the old menus. Finally, the ODMBs are intended to increase efficiency and accuracy and to improve the customer's experience from start to finish.

Please do not hesitate to contact me (stephen.mccarthy@us.mcd.com) with any questions or if you'd like additional information regarding SBS DT and ODMB implementation.

Thank you,

A handwritten signature in black ink, appearing to read 'Stephen McCarthy', is placed above the typed name.

Stephen McCarthy, P.E.

Civil Project Engineer, US Restaurant Design Standards

Mobile: +1.773.673.4386 | stephen.mccarthy@us.mcd.com

**STAFF REPORT
ATTACHMENT C**

**FUTURE REPORT:
FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:**

MAY 27, 2014

June 9, 2014

8.1 (a)

July 28, 2014

4 (c)

TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER
FROM: GLENN W. GROSS, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: PROPOSED AMENDMENTS TO SALEM REVISED CODE
CHAPTER 900 (SIGN CODE)

ISSUE:

Should the City Council conduct first reading of Ordinance Bill No. 8-14 amending Salem Revised Code Chapter 900 to increase display surface of a fast food menu board from 24 square feet to 32 square feet, hold a public hearing on the matter, and after such hearing, advance Ordinance Bill No. 8-14 to second reading for enactment?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 8-14 amending SRC Chapters 900 to increase display surface of a fast food menu board from 24 square feet to 32 square feet, hold a public hearing on the matter, and after such hearing, advance Ordinance Bill No. 8-14 to second reading for enactment.

BACKGROUND:

Staff was given direction by Council in November 2012 to conduct community outreach and research possible amendments to Salem Revised Code (SRC) Chapter 900 (Sign Code) related to the increased square footage and overall number of vehicle viewing signs, commonly referred to as menu boards and often used by fast food restaurants. Council further directed staff to return with amendment recommendations.

Staff determined not to pursue the increase in number of menu boards due to lack of support.

Staff researched other jurisdictions' regulations governing vehicle viewing sign:

Jurisdiction	Regulation	Square Footage	Number of signs
Marion Co	Sign must not visible from ROW.	No limit	No limit
Keizer	If over 10 sq ft, must be screened from adjacent street	40	1 per business
Eugene	The sign's main purpose is to communicating to persons on the development site. (Drive Thru Lane)	40	1 sign
Bend	Not intended to be legible from the public ROW	45	No limit
Beaverton	Sign must not visible from ROW.	No limit	No limit
Portland	Sign must not visible from ROW.	No limit	No limit

Standard vehicle viewing signs for businesses in the City of Salem:

Business	Menu Board (sq. ft.)	2nd Menu/Pre-menu*
Arby's	36	none
Burger King	32	8
Carl's Jr	48	none
Dutch Bro	none	none
Jack In the Box	32	32
McDonald's**	32	32 - only at Center Street
Muchas Gracias	24	none
Starbucks	24	8
Subway	16	none
Taco Bell	36	none

* A pre-menu board is usually a menu board without audio capability placed earlier in the drive through queue for the purpose of allowing patrons to view some of the menu items before they order.

** All of the McDonald's restaurants in Salem have 2 drive thru lanes, each with one 32 square foot menu board, except their Center Street location, which has one lane with 2 boards, both of which are 32 square feet in size.

FACTS AND FINDINGS:

Outreach

1. The following summarizes responses received during outreach effort proposing an increase in the display surface of vehicle viewing signs from 24 to 32 square feet and overall number of vehicle viewing signs:

Support: Two citizens, Salem Sign, Security Signs, Foress Signs, Sunnyslope and Northgate Neighborhood Associations, and Salem Area Chamber of Commerce (Chamber). (The Chamber recommends the maximum display surface of these signs be 48 square feet in area.)

Opposed: Three citizens, Grant Neighborhood Association and Northeast Neighbors

2. Staff created an ad-hoc committee consisting of a business that utilizes menu boards, a representative of the Chamber, and two neighborhood representatives to assist staff in developing its recommendation.
3. In January of 2014 staff conducted a second round of outreach and sent a request for input and direction to Neighborhood Association Chairs, other interested parties, and the Chamber.
4. The following summarizes responses received during staff's 2014 outreach effort:

Support: West Salem Neighborhood Association, McDonalds Corporation, and the Chamber (increase to 48 square feet in area)

Opposed: Northeast Neighbors

Procedural Findings

5. Pursuant to SRC 300.1110(a)(3), staff may initiate a legislative land use proceeding by placing an ordinance on the City Council agenda for first reading.
6. ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was mailed on May 20, 2014.

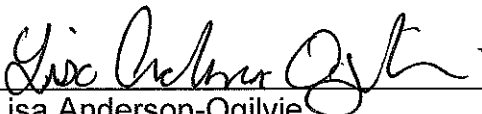
Proposed Code Amendments

7. The Sign Code currently limits vehicle viewing display areas to 24 square feet. The proposed amendment would increase the display area to 32 square feet. By providing this increase, the business may increase the font, pictures, and items listed. Often size of the menu board is dictated by requirements paced on the local restaurant by their franchise agreements with corporation headquarters. McDonald's restaurants have indicated that 70% of their business is conducted from the drive thru. Thus, adequate menu board size is

critical to serving their customers.

ALTERNATIVES:

1. Conduct first reading and schedule the matter for a public hearing before the Council.
2. Take no action.



Lisa Anderson-Ogilvie,
Urban Planning Administrator

Prepared by Amy J. Dixon, Planner II

- | | | |
|-------------|----|---|
| Attachments | 1. | Doug Bates, McDonald's Corporation Email |
| | 2. | Salem Area Chamber of Commerce Email and Letter |
| | 3. | West Salem Neighborhood Association Letter |
| | 4. | Northeast Neighbors Letter |

Amy Dixon - RE: Sign Code Amendment**ATTACHMENT 1**

From: Bates Doug <Doug.Bates@us.mcd.com>
To: Amy Dixon <adixon@cityofsalem.net>
Date: 11/4/2011 5:11 PM
Subject: RE: Sign Code Amendment
Attachments: OPF-1_COL Presell.pdf; OPF-4_COL.pdf; fp43menuboard.pdf; http presell.pdf

Hi Amy and thanks so much for including McDonald's in the amendment process.

The Pre-sell or preview board is internally illuminated. I have attached two versions that we use everywhere USA attached. The one is installed @ Commercial St. The other is a new one we are now using. It is triangular in shape and rotates depending on new menu item for breakfast, lunch or dinner. The overall height and face dimensions are similar. The Viewable area is actually 7.8sf on any single panel. 8sf viewable/panel should be adequate. The one installed at commercial street is the offset version, is slightly larger in overall surface area, but is still under 8sf viewable area.

The Menu board is also internally illumination and is four same size panels side by side. Each panel is 7.8sf viewable area. 8sf viewable per panel should be adequate or 32sf viewable area in total. The physical dimension is what is shown on the attachments. The post is 1'6" tall to bottom of menu board. I have attached both the existing menu board installed @ Commercial St and the newer menu board that we have recently rolled out to compliment the new pre-sell board. The new menu board's four panels are also triangular in shape. Only one face is visible at any time. The overall height of 6'9" works in our case, however some competitors might prefer 7'-0". If you consider the Administrative option of 10% this would cover that.

When a side x side or double DT lane is available we would like one menu board/DT lane or 64sf viewable area.

When we do not have the physical space to install a double or side by side arrangement, we would like the option to install a tandem arrangement. This arrangement would have one pre-sell board twp menu boards (roughly 20' apart). This should be considered as an alternate allowed solution to the side by side or double DT arrangement.

As a future option, we add a topper panel in the horizontal direction that is again no more than 8sf viewable.

For future flexibility, a 10% administrative increased allowance by staff would be a good variable.

Amy, let me know if this helps and is clear enough for you. If not let's discuss further as this is a huge issue for ALL QSR(Quick Service Restaurants). At McDonald's on average nationwide 70% of all of our business is DT. To successfully support our customers this is what we really need.

Again I real appreciate your request to assist in the sign code revisions on this topic.

Thank you,

Doug Bates | Area Construction Manager
12131 113th Ave NE | Suite 103 | Kirkland, WA 98034
Office: 425-821-4970 | Direct: 425-242-2411 | Cell: 425-577-0415 | Fax: 425-242-2498

From: Amy Dixon [adixon@cityofsalem.net]

Sent: Tuesday, October 25, 2011 7:42 AM

To: s-carlson sign; s-cascade sign; s-cascade lisa; s-coastal - billy Bobb; s-metrowestern nick; s-luminite Larry now EDS signs; s-es&a cheri; s-es&a j?; s-es&a tina; s-fastsigns; s-fastsigns Mark Smith; s-garrett sign; s-image king dean; john@martin-bros.com; michelle@martin-bros.com; s-meyer sign bill; s-meyer sign co; s-meyers sign; s- meyers sign - Steve Murphy; s-ramsay rick; s-ramsay TERRY; S-salem sign; s-security signs Joe Platt; s-security sign Melissa Hayden; s-tubeart; Bates Doug; s-campbell; s-Vancouver - Dick Miller; s-vancouver

Subject: Sign Code Amendment

The City of Salem is in the process of finishing up the last of the amendments to the Sign Code. One area that we need assistance is the drive thru menu and preview signs. The current code only allows one sign limited to 5 feet tall and 24 sq ft in area. We understand that this limitation does not fit with the needs of the industry. Therefore we are asking for assistance to determining an adequate size, height and number to accommodate your needs and your customers' needs.

Please let me know by November 7th.

Thanks,
amy

Amy J. Dixon
Associate Planner
City of Salem
Community Development Dept
Planning Division
555 Liberty St SE
Salem, Or 97301
(503) 588-6173, ext 7404
FAX (503) 588-6005

The information contained in this e-mail and any accompanying documents is confidential, may be privileged, and is intended solely for the person and/or entity to whom it is addressed (i.e. those identified in the "To" and "cc" box). They are the property of McDonald's Corporation. Unauthorized review, use, disclosure, or copying of this communication, or any part thereof, is strictly prohibited and may be unlawful. If you have received this e-mail in error, please return the e-mail and attachments to the sender and delete the e-mail and attachments and any copy from your system. McDonald's thanks you for your cooperation.

**SALEM AREA
CHAMBER OF
COMMERCE**

ATTACHMENT 2

President
Ryan Allbritton
U.S. Bank

Chief Executive Officer
Jason Brandt

Executive Committee
Bruce Anderson
NW Natural
Jim Bauer
Willamette University
Brent DeHart
Northwestern Mutual
Barbara Hacke Resch
Morgan Stanley Wealth Management
LeAnn Keim
Columbia Bank
John K. Miller
Courthouse Fitness

Board of Directors
Curt Arthur
Sperry Van Ness Commercial Advisors, LLC
Patricia Callihan-Bowman
Express Employment Professionals
Cort Garrison
Salem Health
Byron Hendricks
Prudential Real Estate Professionals
Abby Heppner
Heppner Chiropractic, LLC
Eric Jamieson
Garrett Hemann Robertson P.C.
Terrence L. Kuenzi, CPA
Kuenzi & Company, LLC
Jim Lewis
Salem Association of Realtors
John Pataccoli
Redhawk Vineyard & Winery
Greggery Peterson
Broadway Café
Selma Moon Pierce, DDS
Mark Shipman
Saalfeld Griggs PC
T.J. Sullivan
Huggins Insurance
Wendy Veliz Buck
Portland General Electric

Salem Area Chamber of Commerce
1110 Commercial Street NE
Salem, Oregon 97301
503-581-1466; Fax 503-581-0972
Salemchamber.org

February 13, 2014

Salem City Council
555 Liberty Street SE
Salem, OR 97301

To: Salem City Council
From: Salem Chamber Executive Committee
Re: Regulations for Vehicle Viewing Signage within the City of Salem

In September of 2012, the Salem Chamber was given the opportunity by City of Salem staff to share our position on sign code amendments being considered at that time by City Council.

One component of those City Council decisions was delayed to allow city staff an opportunity to gather more information and feedback from community stakeholders. The goal was to develop an appropriate recommendation to City Council relating to the size of "vehicle viewing signs" which includes menu boards for franchise restaurants.

Originally, the recommendation of city staff was to allow a maximum display surface of 48 square feet for the type of sign in question which the Salem Chamber continues to advocate for. However, after further community outreach, the city staff recommendation has changed to promote a maximum display surface of 32 square feet.

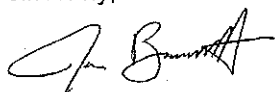
A size standard to allow for a maximum display surface of 48 feet would make all current signage in the City of Salem used by franchise restaurants legal. Some examples of franchise restaurants currently in operation within the city that are over the 32 square feet recommendation but under the 48 square feet Salem Chamber proposal include Arby's, Carl's Jr., and Taco Bell. Although these properties would be grandfathered in according to city staff even if a new 32 square foot standard were adopted, we feel the policy would send the wrong message to franchise owners needing to meet the obligations of franchise signage standards moving forward.

Our vision in cooperation with the City of Salem is to make our community the best place in Oregon to do business and these policy decisions are a great way for us to work together and showcase our city as a place that is open for business.

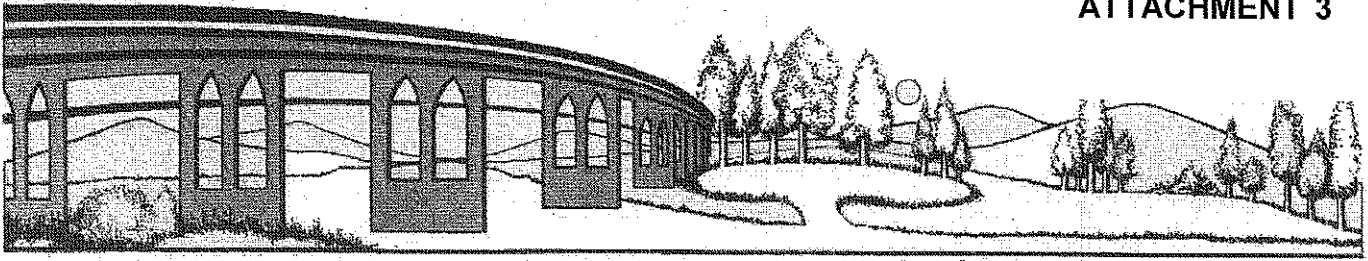
Franchise standards can be very strict as it relates to signage specifications and our hope is that the final decision made by City Council does not impede or over regulate the ability of local franchise owners to meet the obligations they must adhere to relating to sign standards.

We greatly appreciate all you continue to do as wonderful volunteers for our great city. Please feel free to reach out to me or any member of the Salem Chamber Executive Committee with any questions.

Sincerely,



Jason Brandt
Chief Executive Officer
Salem Area Chamber of Commerce



West Salem Neighborhood Association

555 Liberty Street SE Room 305 Salem, Oregon 97301 • 503-588-6207

To: Amy J. Dixon, Planner II
 From: West Salem Neighborhood Association ("WSNA")
 Date: February 7, 2014
 Subject: Proposed Change to the Rules for Electronic Signs Located in Residential Zones

Recommendation: WSNA has no issue as to the increase in the "menu board signs" in residential zones as long as this change has no effect upon the "freestanding sign exception" pertaining to non-profits etc..

Discussion: The above matter was discussed as new business during the WSNA's February 3, 2014 meeting.

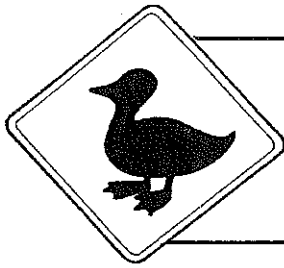
During the discussion it was determined that the specific matter regarding the increase from twenty-four square feet (24 sq. ft.) to thirty-two square feet (32 sq. ft.) in the display area of "menu board signs" was brought up before on or about March 4, 2013. Although at the time, the main focus was the proposed exception to the ban on freestanding internally illuminated signs in residential zones, the matter regarding "menu board sign" square footage was also addressed. At that time, there was no issue on this matter and we supported staff's recommendation.

The final City Council decision was to limit the "menu board sign" to twenty-four square feet.

As stated there was discussion and deliberation on February 3, 2014 regarding your request for informal comments on the second effort to increase the menu boards by eight square feet (8 sq. ft.) for a total of thirty-two (32 sq. ft.) from twenty-four square feet (24 sq. ft.). The end result was: there was again no issue to this matter, leaving our position the same as it was previously.

However, we do want to clarify that this "no issue position" to the proposed increase relates to "menu board signs" **only**. We do not intend that this code change will have any effect upon, or change to, the current requirements for the freestanding signs now allowed in the exception for non-profit membership assemble, recreational and cultural community services, religious assembly, or basic education use in residential zones. **That exception should remain as is with no change to square footage.**

Joshlene Pollock, Land Use Chair on behalf of West Salem Neighborhood Association
joshpollock@comcast.net (714) 504-8979

**NEN**

NORTHEAST NEIGHBORS
555 Liberty Street SE, Rm 305
Salem, OREGON 97301

(503) 588-6207
www.salemneneighbors.org

NEN Comments on Proposed Code Change Relating to Menu Sign Boards

At its meeting on January 21, the NEN Board voted unanimously to **oppose** any increase in the size or number of menu board signs. Our reasons remain much the same as in our previous letter on amendments to the vehicle viewing sign code: the impact on neighboring properties and the increase in "sign clutter."

Our comments are submitted for the Staff Report and future City Council Hearing.

ORDINANCE BILL NO. 8-14

AN ORDINANCE RELATING TO SIGN CODE, AMENDING SRC 900.200 AND 900.210

The City of Salem ordains as follows:

Section 1. SRC 900.200 is amended to read as follows:

900.200. Permanent Signs in Central Business District (CB), Retail Commercial (CR), and General Commercial (CG) Zones. The following permanent signs are allowed in the Central Business District (CB), Retail Commercial (CR), and General Commercial (CG) zones.

(a) **Dwellings.** Single family dwellings and dwelling units in duplexes are allowed either one wall sign or one freestanding sign. A wall sign shall be limited to a display surface not exceeding one square foot. A freestanding sign shall be limited to a display surface not exceeding one square foot and to a height not exceeding thirty inches.

(b) **Permanent Signs for Businesses.** Unless the business is located in a shopping center or office complex, a business may have the following signs:

(1) One freestanding sign, one projecting sign, one roof sign, or one wall sign on each building frontage. When the business is located on a corner lot, only one freestanding sign shall be allowed.

(A) **Freestanding Signs.**

(i) **Height.** The height of a freestanding sign shall not exceed twenty feet for up to the first one hundred feet of street front property line, plus an additional one foot in height for each twenty feet of street front property line over one hundred feet, with a maximum height not exceeding thirty feet.

(ii) **Area.** The display surface of a freestanding sign shall not exceed one square foot per lineal foot of street front property line up to the first one hundred square feet of display surface, plus an additional one-quarter square foot of display surface for each additional one foot of street front property line over one hundred feet, with a maximum display surface not exceeding one hundred fifty square feet.

1 **(B) Wall Signs.**

2 (i) For CR and CG zones, the display surface for a wall sign shall not
3 exceed one hundred twenty-five square feet. Notwithstanding the size
4 of the display surface authorized by this subparagraph, wall signs that
5 are located on a marquee shall not extend below the lower edge of the
6 marquee and shall be limited to a height not exceeding thirty inches.

7 (ii) For CB zones, the display surface for a wall sign shall not exceed
8 that allowed by Table 900-9.

9
10 **Table 900-9**
11 **Wall Signs in CB Zones**

Gross face area of the face of the building to which the sign is attached in square feet	Permitted sign area is the greater of the following:
0 to 450	150 square feet or 33-1/3 percent of the gross face area
451 to 800	200 square feet or 25 percent of the gross face area
801 to 1250	250 square feet or 20 percent of the gross face area
1251 and over	15 percent of the gross face area

12
13
14
15
16
17
18
19
20
21 **(C) Projecting Sign Standards.** Projecting signs shall conform with SRC
22 900.140.

23 **(D) Roof Sign Standards.** Roof signs shall conform with SRC 900.145.

24 **(2)** Any number of additional wall signs on each building, provided the total
25 display surface of all wall signs allowed under this paragraph does not exceed
26 the maximum display surface set forth in Table 900-10.

27
28 ////

29 ////

30 ////

Table 900-10
Wall Signs in CB, CR, and CG Zones

Gross face area of building frontage in square feet	Display surface is limited to the greater of the following:
0 to 500	50 square feet or 15 percent of the gross face area
500 to 1000	75 square feet or 12 percent of the gross face area
1001 to 2000	120 square feet or 10 percent of the gross face area
2001 to 4000	200 square feet or 8 percent of the gross face area
4001 to 6000	320 square feet or 6 percent of the gross face area
6001 and over	360 square feet or 5 percent of the gross face area

(3) One hanging sign on each building frontage and each building face.

(4) One wall sign located on the wall abutting an alley adjacent to the building in which the business is located. The wall sign shall be limited to a display surface not exceeding six square feet.

(5) **Vehicle Directional Signs.** One freestanding sign or one wall sign located at each motor vehicle entrance to or exit from the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding eight square feet and to a height not exceeding four feet.

(6) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle. The display surface shall not exceed ~~twenty-four~~ thirty-two square feet.

(7) **Vehicle Service or Loading Directional Sign.** In lieu of the sign allowed in SRC 900.200(b)(5), one freestanding sign or one wall sign located at each service or loading entrance onto the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be

1 limited to a display surface not exceeding twenty-two square feet and to a height
2 not exceeding fifteen feet.

3 **(c) Permanent Signs for Shopping Centers.** A shopping center and individual
4 businesses in the shopping center are allowed the following signs:

5 **(1) Shopping Center.**

6 **(A)** One sign shall be allowed on each building frontage on a designated
7 arterial or designated collector as follows:

8 **(i)** For CR or CG zones, one freestanding sign or one wall sign.

9 However, when the shopping center is located on a corner lot where the
10 two intersecting streets are either designated arterials or designated
11 collectors, only one freestanding sign shall be allowed.

12 **(a) Freestanding Sign.**

13 **(1) Height.** The freestanding sign shall be limited to a height
14 not exceeding twenty feet for the first one hundred feet of street
15 frontage, plus an additional one foot for each twenty feet of street
16 front property line over one hundred feet, up to a maximum
17 height not exceeding thirty feet.

18 **(2) Area.** The freestanding sign shall be limited to a display
19 surface not exceeding one square foot per lineal foot of street
20 front property line for the first one hundred feet of street front
21 property line, plus one quarter additional square foot for each
22 foot of street front property line over one hundred feet, up to a
23 maximum display surface of one hundred and fifty square feet.

24 **(b)** The wall sign shall be limited to a display surface not exceeding
25 one hundred twenty-five square feet; provided, however, when the
26 wall sign is located on a marquee, the wall sign not extend below the
27 lower edge of the marquee, and shall be limited to a height not
28 exceeding thirty inches.

29 **(ii)** For CB zones, one freestanding sign, projecting sign, or one
30 wall sign. However, when the shopping center is located on a

corner lot where the two intersecting streets are either designated arterials or designated collectors, only one freestanding sign shall be allowed.

(a) Freestanding Sign.

(1) Height. The freestanding sign shall be limited to a height not exceeding twenty feet for the first one hundred feet of street frontage, plus an additional one foot for each twenty feet of street front property line over one hundred feet, up to a maximum height not exceeding thirty feet.

(2) Area. The freestanding sign shall be limited to a display surface not exceeding one square foot per lineal foot of street front property line for the first one hundred feet of street front property line, plus one quarter additional square foot for each foot of street front property line over one hundred feet, up to a maximum display surface of one hundred fifty square feet.

(b) The display surface for a wall sign shall not exceed that allowed by Table 900-11.

**Table 900-11
Wall Signs in CB Zones**

Gross face area of the face of the building to which the sign is attached in square feet	Permitted sign area is the greater of the following:
0 to 450	150 square feet or 33-1/3 percent of the gross face area
451 to 800	200 square feet or 25 percent of the gross face area
801 to 1250	250 square feet or 20 percent of the gross face area
1251 and over	15 percent of the gross face area

1 (c) Notwithstanding the size of the display surface authorized by
2 this subparagraph, wall signs that are located on a marquee shall not
3 extend below the lower edge of the marquee and shall be limited to a
4 height not exceeding thirty inches.

5 (d) Projecting signs shall conform with SRC 900.140.

6 **(B) Vehicle Directional Signs.** One freestanding sign or one wall sign
7 located at each motor vehicle entrance to or exit from the shopping center.
8 A wall sign shall be limited to a display surface not exceeding eight square
9 feet. A freestanding sign shall be limited to a display surface not exceeding
10 eight square feet and to a height not exceeding four feet.

11 **(C) Vehicle Service or Loading Directional Sign.** In lieu of the sign
12 allowed in SRC 900.200(c)(1)(B), one freestanding sign or one wall sign
13 located at each service or loading entrance onto the premises. A wall sign
14 shall be limited to a display surface not exceeding eight square feet. A
15 freestanding sign shall be limited to a display surface not exceeding twenty-
16 two square feet and to a height not exceeding fifteen feet.

17 **(D)** One wall sign to be used as a building directory. The wall sign shall be
18 limited to a display surface not exceeding one square foot per occupancy in
19 the complex.

20 **(E)** When a street front property line of the shopping center is greater than
21 three hundred feet, the shopping center may have one additional
22 freestanding sign. The freestanding sign shall be located along the street
23 front property line exceeding such length. The freestanding sign shall be
24 limited to a display surface not exceeding fifty square feet and to a height
25 not exceeding twenty feet. When the shopping center has two freestanding
26 signs located along the same street front property line, there shall be a
27 minimum distance of one hundred feet between the signs.

28 **(2) Individual Businesses.**

29 **(A)** One sign for each building frontage or building face; provided,
30 however, that no such sign shall be allowed on a building face where the

sign would be directed towards an abutting residential area.

(i) In the CR or CG zones, one wall sign or one roof sign for each building frontage or building face; provided, however, that no such sign shall be allowed on a building face where the sign would be directed towards an abutting residential area.

(a) The wall sign shall have a display surface not exceeding the square footage set forth in Table 900-12; provided, however, that, where there is more than one business housed in the same building, only the gross face area of the building frontage or building face occupied by the business shall be used in determining the display surface of the wall sign.

Table 900-12
Wall Signs in CR and CG Zones

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

(b) **Roof Sign Standards.** Roof signs shall conform with SRC 900.145.

(ii) In the CB zones, one wall sign, one projecting sign, or one roof sign for each building frontage or building face; provided, however, that no such sign shall be allowed on a building face where the sign

would be directed towards an abutting residential area.

(a) The wall sign shall have a display surface not exceeding the square footage set forth in Table 900-13; provided, however, that, where there is more than one business housed in the same building, only the gross face area of the building frontage or building face occupied by the business shall be used in determining the display surface of the wall sign.

**Table 900-13
Wall Signs in CB Zones**

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

(b) **Roof Sign Standards.** Roof signs shall conform with SRC 900.145.

(c) **Projecting Sign Standards.** Projecting signs shall conform with SRC 900.140.

(B) One wall sign on each building frontage or building face; provided, however, that no sign shall be allowed on a building face where the sign would be directed towards an abutting residential area. The wall sign shall have a display surface not exceeding eight square feet; provided, however, that the display surface may be increased by forgoing part of the display

1 surface authorized by SRC 900.200(c)(2)(A), and adding such display
2 surface to the wall sign.

3 (C) One hanging sign on each building frontage and each building face.

4 (D) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle
5 accessway adjacent to a building or on the building, and intended to be seen
6 by a person doing business from the vehicle accessway while the person is
7 within the person's motor vehicle. The display surface shall not exceed
8 ~~twenty-four~~ thirty-two square feet

9 (E) When the individual business does not have a building frontage or
10 building face, the principal occupant of the building in which the business is
11 located may execute a written assignment of a portion of that occupant's
12 display surface allowed under subsection (b)(1) of this section, for use by
13 such interior business for a wall sign.

14 (d) **Permanent Signs for Office Complexes.** An office complex and individual
15 businesses in the office complex are allowed the following signs:

16 (1) **Office Complex.**

17 (A) One sign shall be allowed on each building frontage on a designated
18 arterial or designated collector as follows:

19 (i) For CR or CG zones, one freestanding sign or one wall sign.

20 However, when the office complex is located on a corner lot where the
21 two intersecting streets are either designated arterials or designated
22 collectors, only one freestanding sign shall be allowed.

23 (a) **Freestanding Sign**

24 (1) **Height.** The freestanding sign shall be limited to a height
25 not exceeding twenty feet for the first one hundred feet of street
26 frontage, plus an additional one foot for each twenty feet of street
27 front property line over one hundred feet, up to a maximum
28 height not exceeding thirty feet.

29 (2) **Area.** The freestanding sign shall be limited to a display
30 surface not exceeding one square foot per lineal foot of street

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front property line for the first one hundred feet of street front property line, plus one quarter additional square foot for each foot of street front property line over one hundred feet, up to a maximum display surface of one hundred fifty square feet.

(b) The wall sign shall be limited to a display surface not exceeding one hundred twenty-five square feet; provided, however, that, when the wall sign is located on a marquee, the wall sign not extend below the lower edge of the marquee, and shall be limited to a height not exceeding thirty inches.

(ii) For CB zones, one freestanding sign, projecting sign, or wall sign. However, when the office complex is located on a corner lot where the two intersecting streets are either designated arterials or designated collectors, only one freestanding sign shall be allowed.

(a) Freestanding Sign.

(1) **Height.** The freestanding sign shall be limited to a height not exceeding twenty feet for the first one hundred feet of street frontage, plus an additional one foot for each twenty feet of street front property line over one hundred feet, up to a maximum height not exceeding thirty feet.

(2) **Area.** The freestanding sign shall be limited to a display surface not exceeding one square foot per lineal foot of street front property line for the first one hundred feet of street front property line, plus one quarter additional square foot for each foot of street front property line over one hundred feet, up to a maximum display surface of one hundred fifty square feet.

(b) The display surface for a wall sign shall not exceed that allowed by Table 900-14.

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Table 900-14
Wall Signs in CB Zones

Gross face area of the face of the building to which the sign is attached in square feet	Permitted sign area is the greater of the following
0 to 450	150 square feet or 33-1/3 percent of the gross face area
451 to 800	200 square feet or 25 percent of the gross face area
801 to 1250	250 square feet or 20 percent of the gross face area
1251 and over	15 percent of the gross face area

(c) Notwithstanding the size of the display surface authorized by this subparagraph, wall signs that are located on a marquee shall not extend below the lower edge of the marquee and shall be limited to a height not exceeding thirty inches.

(d) Projecting signs shall conform with SRC 900.140.

(B) When a street front property line for the office complex exceeds three hundred feet, the office complex may have one additional freestanding sign. The freestanding sign shall be located along the street front property line exceeding such length. The freestanding sign shall be limited to a display surface not exceeding fifty square feet and to a height not exceeding twenty feet. When the office complex has two freestanding signs located along the same street front property line, there shall be a minimum distance of one hundred feet between such signs.

(C) **Vehicle Directional Signs.** One freestanding sign or one wall sign located at each motor vehicle entrance to or exit from the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding eight square feet and to a height not exceeding four feet.

1 **(2) Individual Businesses.**

2 **(A)** One sign for each building frontage or building face; provided,
3 however, that no such sign shall be allowed on a building face where the
4 sign would be directed towards an abutting residential area

5 **(i) For CR or CG zones,** the sign may be a wall sign or roof sign.

6 **(a)** The wall sign shall be limited to a display surface not exceeding
7 the square footage set forth in Table 900-15; provided, however,
8 that, where there is more than one business housed in the same
9 building, only the gross face area of the building frontage or building
10 face occupied by the business shall be used in determining the
11 display surface of the wall sign.

12
13 **Table 900-15**
14 **Wall Signs in CR and CG Zones**

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

25
26 **(b) Roof Sign Standards.** Roof signs shall conform with SRC
27 900.145.

28 **(ii) In the CB zones,** the sign may be one wall sign, projecting sign, or
29 roof sign.

30 **(a)** The wall sign shall be limited to a display surface not exceeding

the square footage set forth in Table 900-16; provided, however, that, where there is more than one business housed in the same building, only the gross face area of the building frontage or building face occupied by the business shall be used in determining the display surface of the wall sign.

**Table 900-16
Wall Signs in CB Zones**

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

(b) Roof Sign Standards. Roof signs shall conform with SRC 900.145.

(c) Projecting Sign Standards. Projecting signs shall conform with SRC 900.140.

(B) One wall sign on each building frontage or building face; provided, however, that no sign shall be allowed on a building face where the sign would be directed towards an abutting residential area. The wall sign shall have a display surface not exceeding eight square feet.

(C) One hanging sign on each building frontage and each building face.

(D) Vehicle Viewing Sign. One vehicle viewing sign, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen

1 by a person doing business from the vehicle accessway while the person is
2 within the person's motor vehicle. The display surface shall not exceed
3 ~~twenty-four~~ thirty-two square feet

4 (E) When the individual business does not have a building frontage or
5 building face, the principal occupant of the building in which the business is
6 located may execute a written assignment of a portion of that occupant's
7 display surface allowed by SRC 900.200(d)(2)(A), for use by such interior
8 business for a wall sign.

9 (e) **Outdoor Advertising Signs.** Outdoor advertising signs that comply with this
10 Chapter are allowed.

11 **Section 2.** SRC 900.210 is amended to read as follows:

12 **900.210. Permanent Signs in Industrial Business Campus (IBC), Industrial**
13 **Commercial (IC), Industrial Park (IP), General Industrial (IG), Intensive Industrial**
14 **(II), and Employment Center (EC) Zones.** The following permanent signs are permitted in
15 the Industrial Business Campus (IBC), Industrial Commercial (IC), Industrial Park (IP),
16 General Industrial (IG), Intensive Industrial (II), and Employment Center (EC) zones:

17 (a) **Dwellings.** Single family dwellings and dwelling units in duplexes are allowed
18 either one wall sign or one freestanding sign. A wall sign shall be limited to a
19 display surface not exceeding one square foot. A freestanding shall be limited to a
20 display surface not exceeding one square foot and to a height not exceeding thirty
21 inches.

22 (b) **Permanent Signs for Business.** Unless the business is located in an industrial
23 complex or is classified as flexible space use, a business may have the following
24 signs:

25 (1) One freestanding sign, one projecting sign, one roof sign, or one wall sign,
26 for each building frontage; provided, however, that, when the business is
27 located on a corner lot, only one freestanding sign shall be allowed.

28 (A) **Wall Signs.** The display surface for a wall sign shall not exceed one
29 hundred twenty-five square feet.
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1 (3) One hanging sign on each building frontage and each building face.

2 (4) One wall sign located on the wall abutting an alley adjacent to the building
3 in which the business is located. The wall sign shall be limited to a display
4 surface not exceeding six square feet.

5 (5) **Vehicle Directional Signs.** One freestanding sign or one wall sign located
6 at each motor vehicle entrance to or exit from the premises. A wall sign shall be
7 limited to a display surface not exceeding eight square feet. A freestanding sign
8 shall be limited to a display surface not exceeding eight square feet and to a
9 height not exceeding four feet.

10 (6) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle
11 accessway adjacent to a building or on the building, and intended to be seen by
12 a person doing business from the vehicle accessway while the person is within
13 the person's motor vehicle. The display surface shall not exceed ~~twenty-four~~
14 thirty-two square feet

15 (7) **Vehicle Service or Loading Directional Sign.** In lieu of the sign allowed
16 in SRC 900.210(b)(5), one freestanding sign or one wall sign located at each
17 service or loading entrance onto the premises. A wall sign shall be limited to a
18 display surface not exceeding eight square feet. A freestanding sign shall be
19 limited to a display surface not exceeding twenty-two square feet and to a height
20 not exceeding fifteen feet.

21 (c) **Permanent Signs for Industrial Complexes.** An industrial complex and
22 individual businesses in the industrial complex are allowed the following signs:

23 (1) **Industrial Complex.**

24 (A) One freestanding sign for each building frontage on a designated
25 arterial or designated collector; provided, however, that, when the industrial
26 complex is located on a corner lot with two such arterials or collectors, only
27 one freestanding sign shall be allowed.

28 (i) **Height.** The freestanding sign shall be limited to a height not
29 exceeding twenty feet for the first one hundred feet of street front
30 property line, plus an additional one foot for each twenty feet of street

front property line over one hundred feet, up to a maximum height not exceeding thirty-five feet.

(ii) Area. The freestanding sign shall be limited to a display surface not exceeding one square foot per lineal foot of street front property line for the first one hundred square feet of street front property line, plus one-quarter additional square foot for each additional foot of street front property line over one hundred feet, up to a maximum display surface not exceeding two hundred fifty square feet.

(B) Vehicle Directional Signs. One freestanding sign or one wall sign located at each motor vehicle entrance to or exit from the complex. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding eight square feet and to a height not exceeding four feet.

(C) One wall sign to be used as a building directory. The wall sign shall be limited to a display surface not exceeding one square foot per occupancy in the complex.

(D) If a street front property line of the industrial complex is greater than three hundred feet, the industrial complex may have one additional freestanding sign. The freestanding sign shall be located along each street front property line exceeding such length. The freestanding sign shall be limited to a display surface not exceeding fifty square feet and to a height not exceeding twenty feet. If the shopping center has two freestanding signs on the same street front property line, there shall be a minimum distance of one hundred feet between the signs.

(E) Vehicle Service or Loading Directional Sign. In lieu of the sign allowed in SRC 900.210(c)(1)(B), one freestanding sign or one wall sign located at each service or loading entrance onto the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding twenty-two square feet and to a height not exceeding fifteen feet.

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(A) One wall sign or one roof sign for each building frontage or building face; provided, however, that no sign shall be allowed on a building face when the sign would be directed towards a residential area.

(i) The wall sign shall have display surface not exceeding the square footage set forth in Table 900-20; provided, however, that, where there is more than one business housed in the same building, only the gross face area of the building frontage or building face occupied by the business shall be used in determining the display surface for the wall sign.

Table 900-20
Wall Signs in Industrial Zones and EC Zone

Gross face area of building frontage or building face, in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

(ii) Roof Sign Standards. Roof signs shall conform with SRC 900.145.

(B) One wall sign on each building frontage or building face; provided, however, that no sign shall be allowed on a building face where the sign would be directed towards an abutting residential area. The wall sign shall have a display surface not exceeding eight square feet; provided, however,

1 that the display surface may be increased by forgoing part of the display
2 surface authorized by SRC 900.210(c)(2)(A), and adding such display
3 surface to the wall sign.

4 (C) One hanging sign on each building frontage and each building face.

5 (D) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle
6 accessway adjacent to a building or on the building, and intended to be seen
7 by a person doing business from the vehicle accessway while the person is
8 within the person's motor vehicle. The display surface shall not exceed
9 ~~twenty-four~~ thirty-two square feet

10 (E) If the individual business does not have building frontage or a building
11 face, an occupant of the building in which the business is located may
12 execute a written assignment of a portion of that occupant's display surface
13 allowed by SRC 900.210(c)(2)(A), as a wall sign for use by such interior
14 business.

15 (d) **Permanent Signs for Flexible Space Use.** A flexible space business may have
16 the following signs:

17 (1) Two signs per business shall be permitted on a building; one such sign, not
18 greater than six feet in area, for each business on the glass frontage, and a
19 second wall or parapet sign, not greater than fifteen square feet in area, for each
20 business.

21 (2) One freestanding building directory sign per street frontage shall be
22 permitted with each tenant, limited to one square foot of area; such sign shall be
23 located within seventy-five feet of both a flexible space building and the
24 principal entry drive to the area.

25 (e) **Outdoor Advertising Signs.** Outdoor advertising signs that comply with this
26 Chapter are allowed in the Industrial Business Campus (IBC), Industrial
27 Commercial (IC), Industrial Park (IP), General Industrial (IG), and Intensive
28 Industrial (II) zones.

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1 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the City
2 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
3 limitations, may:

- 4 (a) Renumber sections and parts of sections of the ordinance;
- 5 (b) Rearrange sections;
- 6 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 7 (d) Delete references to repealed sections;
- 8 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 9 (f) Change capitalization and spelling for the purpose of uniformity;
- 10 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 11 (h) Correct manifest clerical, grammatical or typographical errors.

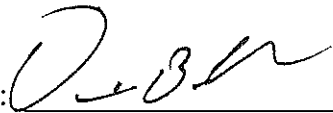
12 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and
13 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
14 this ordinance shall remain in full force and effect.

15 PASSED by the City Council this _____ day of _____, 2014 .

16 ATTEST:

17
18 City Recorder

19 Approved by City Attorney:



20 Checked by: A. Dixon

21 g:\group\legal\council\2014\052714 amending sign code ord 8-14.docx

West SALEM

NEIGHBORHOOD ASSOCIATION

Chair

Kenji Sugahara
kenji@obra.org

Co-Chair

Heather Swanson
Heather97304@gmail.com

Vice Chair

Vacant

Edgewater District

Janet Noakes

Land Use

Josh Pollock

Parks

Carl Goodwin

Safety and Preparedness

Josh Pollock, Interim

Schools

Herm Boes

Transit

Steve Evans

Transportation

Nick Fortey

Walker Pool

Jan Schmitt

Watershed Council

EM Easterly

July 10, 2014

DOCUMENT FILED

JUL 10 2014

CITY OF SALEM
CITY RECORDER

Mayor Anna Peterson and City Council
555 Liberty Street SE, Room 305
Salem, Oregon 97301

Re: Proposed Amendments to Salem Revised Code Chapter 900 (Sign Code) to Increase the Display Surface of a Fast Food Menu Board from 24 Square Feet to 32 Square Feet (CA 14-05)

Honorable Mayor and Council Members:

On July 7, 2014, the above referenced matter came before the West Salem Neighborhood Association (WSNA) membership as a published agenda item.

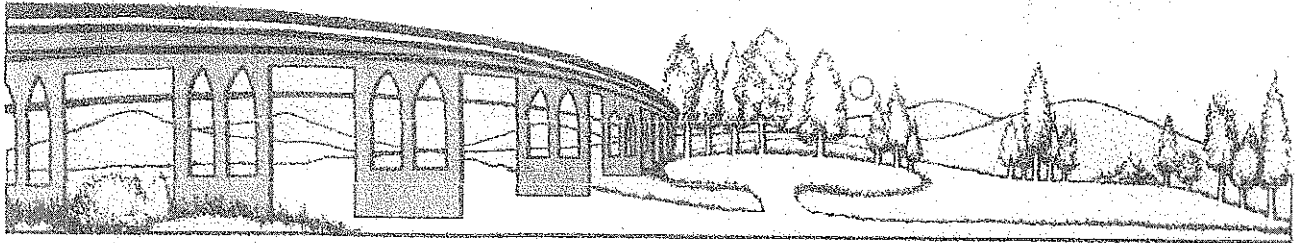
It was determined that on February 7, 2014, we submitted a letter indicating that the membership, present at that time, had "no issue" with the proposed increase in menu sign.

Currently, as a published agenda item, the vote was to unanimously accept our prior position and have attached our previous letter specifying the perimeters of our "no issue" position.

Respectfully submitted on behalf of the West Salem Neighborhood Association,



Joshlene Pollock, Land Use Chair
joshpollock@comcast.net
(714) 504-8979



West Salem Neighborhood Association

555 Liberty Street SE Room 305 Salem, Oregon 97301 • 503-588-6207

To: Amy J. Dixon, Planner II
From: West Salem Neighborhood Association ("WSNA")
Date: February 7, 2014
Subject: Proposed Change to the Rules for Electronic Signs Located in Residential Zones

Recommendation: WSNA has no issue as to the increase in the "menu board signs" in residential zones as long as this change has no effect upon the "freestanding sign exception" pertaining to non-profits etc..

Discussion: The above matter was discussed as new business during the WSNA's February 3, 2014 meeting.

During the discussion it was determined that the specific matter regarding the increase from twenty-four square feet (24 sq. ft.) to thirty-two square feet (32 sq. ft.) in the display area of "menu board signs" was brought up before on or about March 4, 2013. Although at the time, the main focus was the proposed exception to the ban on freestanding internally illuminated signs in residential zones, the matter regarding "menu board sign" square footage was also addressed. At that time, there was no issue on this matter and we supported staff's recommendation.

The final City Council decision was to limit the "menu board sign" to twenty-four square feet.

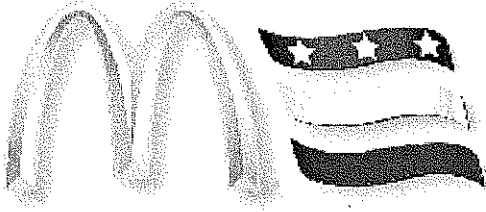
As stated there was discussion and deliberation on February 3, 2014 regarding your request for informal comments on the second effort to increase the menu boards by eight square feet (8 sq. ft.) for a total of thirty-two (32 sq. ft.) from twenty-four square feet (24 sq. ft.). The end result was: there was again no issue to this matter, leaving our position the same as it was previously.

However, we do want to clarify that this "no issue position" to the proposed increase relates to "menu board signs" **only**. We do not intend that this code change will have any effect upon, or change to, the current requirements for the freestanding signs now allowed in the exception for non-profit membership assembly, recreational and cultural community services, religious assembly, or basic education use in residential zones.

That exception should remain as is with no change to square footage.

Joshlene Pollock, Land Use Chair on behalf of West Salem Neighborhood Association
joshpollock@comcast.net (714) 504-8979

July 28, 2014
4 (c)



July 18, 2014

DOCUMENT FILED

JUL 21 2014

CITY OF SALEM
CITY RECORDER

McDonald's USA, LLC
12131 - 113th Ave. NE, Suite #103
Kirkland, WA 98034
Phone: 425-821-4970
Fax: 425-242-2498

Support for City Code change to increase DT menu boards from 24sf to 32sf in the City of Salem

To whom it concerns please accept this letter of support letter for the above menu board sf increase.

Background: 2 years ago McDonald's local operators undertook a very aggressive remodel program to a number of its existing Salem restaurants. 5 of the 6 restaurants remodeled only had one 32sf menu board. On average nationally 70% of our customers go through the DT. To optimize the DT's on these projects all 6 were fitted with 2-32sf menu boards. During this process the City raised the issue of whether the 32sf menu boards met the code. By interpretation it was determined that the 4 panel menu board's actual viewable area was less than 32 sf in total. That interpretation allowed for 32sf menu boards to be installed and meet the current code. It was only after these projects had been completed that the City had internal discussions about how they were interpreted and recommended a code change to actually state that 32sf signage would be allowed.

All other installed McDonald's menu boards located in the City of Salem are currently 32 sf. The importance to maintain this standard for the above restaurants' is the ease for our customers to find the order menu identical which makes for quicker and more accurate order taking, easier, and most efficient for both the customer and the restaurant staff.

Again at all other current locations in the City of Salem all of the existing McDonald's menu boards are currently 32 sf.

This action to reduce our menu boards from 32sf to 24sf is a hardship out of our control.
Please note that staff does support this code change.

We would appreciate a favorable ruling for the 32sf menu boards and will continue to support and follow the City staff's attempt to have City Council make this a permanent code change.

Thank you,

Doug Bates

***Email to doug.bates@us.mcd.com**

Sincerely,

Doug Bates

McDonald's USA, LLC
Area Construction Manager
425.242.2411