

PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 24, 1996

COMMISSIONERS PRESENT

Michael Smith, Vice-Chair
Brian Cosgrove
Tim Havel
Terry LaRocque
Pat Lent
Calvin Walter

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir
Diana Myrvang,
Pub. Inv. Coord.
Shirley Richardson,
Hearings Recorder

COMMISSIONERS ABSENT

Carolyn Tomei

1.0 CALL TO ORDER

Chair Tomei called the meeting to order at 7:33 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- September 10, 1996

Terry LaRocque moved to approve the minutes of the August 27, 1996, as corrected. **Tim Havel** seconded. MOTION CARRIED 5-0.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS -- None.

6.0 WORKSESSIONS -- None.

7.0 DISCUSSION ITEMS

Pat Lent asked Staff to review the legality of starting a public meeting before the noticed time. **Maggie Collins** stated that she would have this information for the Commissioners at the next meeting.

8.0 OLD BUSINESS

8.1 Light Rail Study Update

Maggie Collins reported that the Commissioners will be receiving a mailing on the new proposal for the Light Rail alternatives. A possible new alternative may be added to the alternative designs currently in the DEIS Study.

A Light Rail Working Group has been reconvened and the first meeting will be October 7th, at 6:00 p.m. at the Milwaukie Center. Call Diana for information.

8.2 2040 Study Update -- No Report

8.3 Appointment of Commission Member Representative on Historic Resources Commission

Michael Smith opened discussion on the voting for the appointment of a Commission representative on the Historic Resources Commission.

Calvin Walter moved to nominate Bryan Cosgrove for the Commission representative on the Historic Resources Commission. **Terry LaRocque** seconded. MOTION CARRIED 6-0. Bryan agreed to serve a six-month period.

9.0 OTHER BUSINESS/UPDATES

9.1 **Historic Resources Commission Report** -- **Maggie Collins** reported that the first Historic Resources Commission meeting with its newly-appointed members was held September 23, 1996. The Commission's Work Program was reviewed, with additional work scheduled for the next meeting.

9.2 **Town Center Area Task Force Report** -- **Michael Smith** reported that he has been assigned to the Urban Design Committee.

9.3 **Tree Committee Report** No Report.

9.4 **Community Development Report**

Maggie Collins stated that the End Of Summer Report will be given at the next meeting on October 8, 1996.

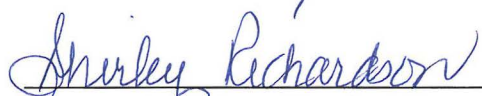
Maggie Collins reported that included in tonight's packet was a report on possible violations of the Sign Ordinance and trespassing on property operated by Thomason Toyota. There is no decision, as the enforcement review process is not completed. She stated that information will be reported at the end of the review process

- 10.0 Next Meeting -- October 8, 1996
- 10.1 S-96-03/VR-96-07/VR-96-07 (Walters)
- 10.2 CSO-96-?/NR-96-? (Furnberg Park) WS
- 10.3 Urban Forestry Program Update
- 10.4 PC Goal Setting
- 10.5 CD Report

Calvin Walter moved to adjourn the meeting of September 24, 1996. **Terry LaRocque** seconded. MOTION PASSED UNANIMOUSLY. The meeting was adjourned at approximately 8:20 p.m.



Carolyn Toméi, Chair



Shirley Richardson, Hearings Reporter

**MILWAUKIE PLANNING COMMISSION
WORKSESSION AGENDA**

**Public Safety Building Community Room, 3200 SE Harrison
Tuesday, September 24, 1996
RIVERFRONT STEERING COMMITTEE - 6:00 pm
PLANNING COMMISSION - 8:00 pm**

**REGIONAL CENTER/RIVERFRONT STEERING COMMITTEE MEETING
(Agenda and materials mailed separately)**

PLANNING COMMISSION MEETING AGENDA ITEMS

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Consent Agenda Planning Commission Minutes: September 10, 1996 City Council Minutes: August 20, 1996 (upon approval by Council)	Motion Needed Information Only
4.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
5.0	Public Hearings - None	
6.0	Worksessions - None	
7.0	Discussion Items	
8.0	Old Business	
8.1	Light Rail Study Update	Information Only
8.2	2040 Study Update	Information Only
9.0	Other Business/Updates	
9.1	Historic Resources Commission Report	Information Only
9.2	Town Center Area Task Force Report	Information Only
9.3	Community Development Report	Review and Comment

10.1	Next Meeting	
10.1	S-96-03/VR-96-07/VR-96-07 (Walters)	
10.2	CSO-96-?/NR-96-? (Furnberg Park) WS	
10.3	Urban Forestry Program Update	
10.4	PC Goal Setting	
10.5	CD Report	

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested persons who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 786-7650.

Milwaukie Planning Commission

Carolyn Tomei, Chair

Michael Smith, Vice Chair

Bryan Cosgrove

Tim Havel

Terry LaRocque

Pat Lent

Calvin Walter

Community Development Department Staff

Maggie Collins, Community Development Director

Stacy Lawson, Assistant Planner

Diana Myrvang, Public Involvement Coordinator

Jane Leeson, Public Involvement Coordinator

Chris Eaton, Planning Consultant

Mike Unger, Planning Consultant

Jeanne Garst, Office Assistant

Marcia Hamley, Office Assistant

Shirley Richardson, Recording Secretary

Milwaukie Community Development Department
September 16, 1996

TO: Milwaukie Planning Commission

FROM:  Maggie Collins, Community Development Director

RE: Community Development Department Report for September 24, 1996 Meeting

- A. Attached is a staff report on investigation and assessment of the Thomason Toyota property on the west side of McLoughlin Blvd. only.
- B. As Chair Tomei will be absent from the Commission for a month, she has requested that the worksession and subsequent scheduling of a public hearing on the ODOT Mitigation Plan be postponed until her return. The worksession on ODOT's proposal has been re-scheduled for October 22nd.

Cc: Dan Bartlett
C.D. Staff

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: September 13, 1996

Subject: Possible Violations of the Sign Ordinance

Location: Thomason Toyota Used Cars
8725 McLoughlin, Milwaukie, OR 97222
Tax Lot: 1R 1E 25BB 2300

Property Owner: Scott Thomason

Recommendation

Abatement procedures to address the issues outlined in this report for the property at 8725 McLoughlin Milwaukie, OR, 97222 (Tax Lot: 1R 1E 25BB 2300), should be initiated.

Background

A recent complaint about possible sign ordinance violations brought this issue to the attention of the Community Development department. The following is a discussion of the existing signage and our recommendations about the complaint regarding Thomason Toyota Used Cars on the west side of McLoughlin. Additional concerns about Thomason Toyota's operations on the east side of McLoughlin will be addressed in a separate document.

The Investigation

Staff conducted a preliminary site investigation on August 30, 1996. During this visit several possible violations of the sign ordinance were noted. Several additional violations were noted, including parking on public property along the Spring Water Corridor and using public right of way for commercial storage. The staff also took photographs during the initial visit. Based on these findings, the staff decided to conduct a full investigation into the situation.

On September 10, 1996 the staff began the investigation by conducting an in-depth sight visit. During this sight visit, the staff noted the number, approximate size, and type of the signs located on the premises. Staff also took pictures of the signs and noted any other types of possible violations. The following is an outline of what the staff found.

Discussion

Thomason Toyota Used Cars is located at 8725 McLoughlin Milwaukie, OR, 97222 (Tax Lot: 1R 1E 25BB 2300). It is the small lot on the west side of McLoughlin, just north of Ochoco street. This section outlines all of the signs and all additional issues that need to be addressed regarding this site. Scott Thomason's entire operation in this area is a pre-existing, non-conforming use within the cities M (manufacturing) zone.

Daily Display Sign

A daily display sign is defined as “. . . a nonpermanent on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved. (14.04.030-33)”. Using this definition as a guideline, eight such signs can be found on this site.

Six (6) of these signs are of the typical sandwich board construction and two others are boards which are leaning against other constructions. All six (6) of the sandwich board signs are approximately 4 ft. by 4 ft., were placed along McLoughlin and were placed six (6) inches to three (3) feet onto public right-of-way (sidewalk). The two remaining signs were approximately the same size and were placed on the private property in question. One was leaning against the wall of the office and the other was leaning against a light pole.

There are four major requirements for daily display signs within this zone (14.16.050.F.). First, the maximum permitted area of a daily display sign shall be 12 square feet per display surface and 24 square feet overall, with a maximum height limit of 6 feet above ground level. Second, there can only be one daily display sign per business. Third, the daily display sign must be located on the premises for which it is located. Fourth, the daily display sign may only be placed in the right-of-way if they have a permit pursuant to section 14.20.040.

The daily display signs on this property violate all of these conditions. All of the signs have a display area of sixteen (16) square feet and the six sandwich board signs have a total display area of thirty-two (32) square feet, both which exceed the outlined limits. There are eight (8) signs located on the property, exceeding the maximum of one (1) per business. Six signs were placed partially within the public right of way and there is no right-of-way permit on file for them to be there.

Conclusion: All of the daily display signs on the property should be removed and the property owner should apply for the appropriate permits.

Balloons and Other Inflated Signs

Presently this site has one large, white inflated sign placed on the McLoughlin side of the building. Balloons have also been affixed to many of the cars for sale on the lot and appear to be advertising devices. Both of these forms of marking are considered to be balloons. Under section 14.12.020, “Such advertising devices such as strings of lights, banners, pennants, and balloons, except as permitted under Section 14.12.010 K . . . “ are “. . . unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of, any sign or advertising structure . . .” of this type.

Conclusion: Both of these types of balloon signs are not legal and should be removed.

Pennant Signs

Pennant signs are defined as “. . . shaped, lightweight sign, made up of plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in a series, and designed to move in the wind (14.04.030.45).” Using this definition, there are many pennants currently being used on this sight. These pennants are long strings of what appears to be a plastic fringe.

Under section 14.12.020. “Such advertising devices such as strings of lights, banners, pennants, and balloons, except as permitted under Section 14.12.010 K . . . “ are “. . . unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of, any sign or

advertising structure . . ." of this type. The only time when pennants are allowed is defined under 14.12.010.E which states ". . . pennants not to exceed a length of 50 feet per site, used on the premises in conjunction with a temporary events and not in place longer then a period of 30 days." The pennants presently on the sight are significantly longer then 50 feet and do not appear to be connected with any temporary event.

Conclusion: All of the pennants are not legal and should be removed from the site. In the future, pennants should only be used when they meet the guidelines within the sign code.

Banner Signs

A banner sign is defined as ". . . a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis (14.04.030.28)." Using this definition as a guideline, there are eleven (11) such signs located on this site.

Ten (10) of the banner signs are approximately 3 ft. by 6 ft. and contain a picture of Mr. Thomason's head on a black background. Eight (8) of these types of flags are attached to separate light poles that are along the property line along McLoughlin. The other two (2) are located on one light pole roughly in the center of the property. The eleventh (11th) banner sign is approximately the same size as the others and is attached to one of the light poles on the property line along McLoughlin, below one of the other banner signs.

There is one primary requirement for all banner signs. The only conditions under which banners are allowed is covered under section 14.12.101. E which states "Banners not exceeding a total display area of 40 square feet per face and . . . used on the premises in conjunction with temporary events and not in place longer then a period of 30 days."

The banners presently located on the property violate both of these conditions. Each of the ten (10) signs has two (2) display surfaces measuring approximately 3 ft. by 6 ft., for a total of 36 square feet of display area per sign. The banners also appear to be of a permanent nature, are not connected with any temporary event, and have been in place for a period of longer then 30 days.

Conclusion: The banner signs located on this site violate these conditions of the sign ordinance and should be removed.

Wall Signs

Wall signs are defined as ". . . any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane or said wall, the angle of said wall not to exceed 30 degrees from the vertical (14.04.030.54)." Signs that are made in a similar way to banner signs but are attached to structures in a similar manner to wall signs are also considered wall signs (14.04.030.28). According to this definition, there are currently five (5) wall signs attached to the primary structure on this sight. There are two signs on the south side of the building, two signs on the east side of the building, and one sign on the north side.

Wall signs in the M zone must follow the following guidelines (14.16.050.B). First, they may not exceed in gross area 10 percent of the face of the building to which the sign is attached or on which the sign is maintained (including signs painted directly on the building surface). Second, the sign may not extend above the roofline at the wall or the top of a parapet wall, whichever is higher. Third, the number of signs is restricted only by the area requirements.

One of the two signs on the south side of the building presently has a permit (95-215). The permitted sign is the one that states "Thomason Toyota Used Cars and Trucks, Enter on Moore Street via Ochoco." This sign is shown to be 128 square feet and the wall has 663 square feet. This is over the 10 percent maximum, but the permit states that this sign is a legal non conforming sign. This means that this sign may remain in its present form, but the additional sign is not allowed because the 10 percent maximum is already exceeded. The second sign needs to be removed.

One of the two signs on the east side also has a permit (95-025). The permitted sign is the large one along the roof line that reads "Thomason Toyota Used Cars and Trucks," with a smaller "Thomason" below the other wording. The permit shows that this sign is 100 square feet and the wall has 1288 square feet. This means that the sign is legal and that additional signs could be applied for that could cover up to 28.8 square feet of this wall. The second sign that is presently hung on this wall does not have a valid permit and would require one to remain in use (14.08.010).

There is one sign on the north side of the building. This sign appears to be within the 10 percent coverage, but it would require a valid permit to remain in use (14.08.010).

Conclusion: Of the five wall signs on the property, only two of them have permits. The three signs without permits should be removed and the appropriate permits applied for.

Projecting Signs

A projecting sign is defined as ". . . any sign which is attached to a building and extends more than 12 inches beyond the line of the building or more than 12 inches beyond the surface of that portion of the building to which it is attached (12.04.030.47). Using this definition, this site has one projecting sign which is located on the small building on the north side of the lot. This sign is approximately 5 ft. by 15 ft. and states "Used Cars".

According to section 14.14.050, only those signs ". . . allowed under section 14.12.010 or as otherwise noted in this section." are allowed. Neither of these sections include projecting signs.

Conclusion: There is a possibility that this sign is a pre-existing, non-conforming use. The property owner needs to apply for a sign permit to have an official determination made. Otherwise, it would need to be removed.

Other Issues

Both of the site visits showed that there were several cars parked along Moore Street, the only road leading to the used car lot on the west side of McLoughlin. During the second visit, the staff noticed that several of the cars along Moore Street were used by Thomason employees. These employees came out from the business and drove away in the vehicles. In addition, one of the cars had a temporary transportation permit typically used by dealers. According to Milwaukie Municipal Code 10.20.060.A.1 "It is illegal for the person in charge of a public parking business or an auto sales or repair business to permit a vehicle to be parked on a public street in excess of any time limits, while that vehicle is in custody of the business for the purpose of being parked, offered for sale or repaired."

Conclusion: Thomason Toyota is violating this code.

Analysis


This site has numerous violations of the Milwaukie Municipal Code, the majority of which violate the Sign Ordinances. The City should require Thomason Toyota to come into compliance by addressing the following issues.

- 1) Daily display signs: The property owner needs to cease using all of the daily display signs. Then the applicant needs to apply for and receive a permit for a daily display sign before they are allowed to have a daily display sign.
- 2) Balloons and Other Inflated Signs: These types of signs are prohibited outright and the property owner should remove all balloons and inflated signs that are presently being used on the property.
- 3) Pennant Signs: These types of signs are also prohibited outright and the property owner should remove all of them.
- 4) Banner Signs: The property owner presently has too many banner signs on the property, they exceed all of the maximum sizes, and none of them are connected with a temporary event. These signs should be removed.
- 5) Wall Signs: Only two of the five wall signs on the property presently have sign permits. The remaining signs should be removed and the necessary permits applied for.
- 6) Projecting Signs: Presently, there is one projecting sign on this site. This type of sign is not allowed within this zone and should be removed.
- 7) Other issues: The current use of a public street for storing vehicles that the property owner is trying to sell is prohibited and this practice should stop.

Recommendation

Abatement procedures to address the issues outlined in this report for the property at 8725 McLoughlin Milwaukie, OR, 97222 (Tax Lot: 1R 1E 25BB 2300), should be initiated.

Respectfully Submitted,


Dieter Jacobs
Graduate Intern

cc: Dan Bartlett, City Manager
Brent Collier, Police Chief
Dave Wheaton, Public Works Director