

MILWAUKIE PLANNING COMMISSION
MINUTES
TUESDAY, OCTOBER 13, 1992

COMMISSION PRESENT

Chairman Trotter
Betty Fulmore
Gordon Jones
Bill Johnson
Pat Lent
John Littlehales
Carolyn Tomei

STAFF PRESENT

Maggie Collins,
Community Dev. Dir.
Dave Krogh,
Associate Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

None.

1.0 CALL TO ORDER

Chairman Trotter called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS

Chairman Trotter explained the since there was one member in the audience tonight who stated that she was here for the Sign Ordinance Worksession, that he would dispense with the public hearing procedure review.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES - September 22, 1992

Pat Lent moved to approve the minutes of September 22, 1992 as corrected.
John Littlehales seconded. MOTION CARRIED 7-0.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Hinton Homes, Inc.
Property Owner: MTW Partners
Location: 4481 SE Pennywood Drive
(Tax Lot 705 of Tax Map T2S R2E 6BB)
Proposal: Setback Variance in R-7 (VR-92-08).

Chairman Trotter explained that a letter was received from Schwabe, Williamson, & Wyatt requesting a withdrawal of the application for variance.

Dave Krogh stated that the Planning Commission had acted on a continuation motion before it opened a public hearing on the request. Staff's recommendation is to accept the request for withdrawal and take no further action.

Carolyn Tomei moved to accept the withdrawal of application VR-92-08. **Pat Lent** seconded. MOTION CARRIED 7-0.

Chairman Trotter asked Staff to send a letter of acknowledgement to all who testified in this matter that the application has been withdrawn.

- 5.2 Applicant: Donna and Charles Horton
Property Owner: Donna and Charles Horton
Location: 3739 SE Olsen (Tax Lot 8500 of Tax Map T1S, R1E, 25AD)
Proposal: Community Service Overlay review for a 30-child day-care center and variance reduction from the required 20-foot side and rear yard to 5 feet (CSO-92-05 and VR-92-10)

Chairman Trotter explained that a letter had been received from the Hortons requesting withdrawal of their application.

Pat Lent moved to accept the withdrawal of VR-92-10 and CSO-92-05. **Carolyn Tomei** seconded. MOTION CARRIED 7-0.

Chairman Trotter asked Staff to send a letter of acknowledgement to all who testified in this matter that the application has been withdrawn.

6.0 CONSIDERATION ITEMS - None.

7.0 OLD BUSINESS - None.

8.0 OTHER BUSINESS

8.2 Sign Ordinance Worksession

Chairman Trotter opened the discussion on the Sign Ordinance Workshop.

Dave Krogh reviewed with the Commission his memo dated October 13, 1992, regarding comments received for Sign Ordinance Draft (ZA-92-01). The Sign Ordinance draft was submitted to the City Attorney for review. His comments are reflected in Exhibit #1. The Milwaukie Downtown Development Association comments are reflected in Exhibit #2, and the Fire Marshall's comments are reflected in Exhibit #3.

Krogh stated that the cover memo attached to the draft ordinance basically outlined the changes made. He suggested that the Commission review the document and address any issues that may need to be included.

It was the Commission's consensus to review the document page by page. **Sharon Dixon**, Manager, Milwaukie Downtown Development Association, joined the Commission in the review of the Ordinance. The following comments and suggestions were made:

Section 1.0(37) Free-standing sign, clarify language--too negative.

Section 1.0(42) Consider putting a definite period of time limit. This definition could also cover banners, pennants, anything that is not permanently attached.

Need to address in this section, pole signs vs. monument signs. Also whether a monument sign base is encouraged over pole signs.

Temporary signs should be defined.

Section 2.07(2) There should be a time limit on the signs that are grandfathered in. The sign permit should be based on either a maximum time limit or change of tenency.

"Error or errors on the part of the City," should be reworded to be more positive.

Section 3.01(3) This is worded to imply that it includes sandwich signs. The definition section should include wording for sandwich signs.

Section 3.01(5) Need a definition for bench signs.

Section 3.01(6) The Milwaukie Downtown Association (MDDA) feels that banners need to be included in the Ordinance. Some businesses use banners for decoration, not just advertising. Banners need to be defined.

Section 3.02(2) Add sidewalk as requested by Fire Marshall.

Section 4.01(3) "Signs for uses requiring conditional use or community service use review shall be reviewed by the Planning Commission..." should be put back in administration rather than under a sign district. This is more of an administrative function.

Section 4.01(3)a-e There should be another section for Signs associated with Conditional Use and Community Service Overlay. Also, separate out daily displays.

a-e Is not formatted the same as 4.02(5)(c)(1-6) and 4.03(4)(c)(1-6).

Section 4.01(3)(e) There's a difference between the wording of (e) and number (6) at the bottom of Page 12 regarding liability of the City. The wording in (e) is preferred.

Section 4.03 Repeat the language regarding "only one on-premise sign per business."

Section 4.04 Language should be included that clarifies that the "Commercial zone" includes Limited Commercial, Central Commercial, General Commercial, and Community Shopping Commercial. Consider more than one commercial zone for signage, for example, a downtown commercial zone. These could be considered overlay sign regulations.

Many businesses depend on the daily display signs to direct people to their shops and help with low visibility problems. Some requests have been made from businesses to put remote directional signs on McLoughlin to direct people to their shops that are located off McLoughlin. The MDDA emphasizes that with moderation, these sandwich boards are necessary for the downtown businesses.

Fin signs that identify businesses which are located under a canopy should be considered for the Ordinance. Currently they are disallowed on page 9. Projected signs are permitted. Language needs to be reviewed.

Consideration for marquee signs needs to be addressed.

Section 4.04(2)(c); Section 4.04(5)(d) Consider one sign, with 20 percent of the area. Reworded to preclude a lot of little signs.

Section 4.04(4) Consider the language on Roof signs. The total height, including the roof sign cannot exceed the zoning ordinance for height of the building. Should roof signs project 8 feet above the highest point of the roof? They should be mounted at the eave line and project no higher than 3-4 feet.

Section 4.05 Should include BI zone.

Section 4.05(5) Consider changing language "existing or approved prior to..." More language that "outdoor signs" include billboards.

Section 6 Format change: instead of "effective date of Ordinance 13.10" change to "this ordinance."

Section 6.02 This needs to be coordinated to show whether it is a different nonconforming sign from Section 2.07.

Section 6.04 Conflict of intent between (1. Time Limit) and (2. Notice given). Consider "immediately" versus "seven years".

The Commission asked Staff to redraft the Sign Ordinance taking into consideration the suggestions to be presented for the next scheduled meeting on October 27, 1992.

Recess was taken at 8:30 p.m. The meeting reconvened at 8:45 p.m.

8.1 Metro 2040 Worksession

Maggie Collins passed out a map to go with the Metro tabloid titled, "Region 2040: Shaping the Choices for Growth." Metro is asking the Planning Commission to review this information and provide recommendations and suggestions. The previous worksession was on values; what values are wanted for the future, what things are important now, and what "big picture" of urban design the City would like to see for the region. The results of these values are combined in the three concepts which the Commission will review tonight.

Metro would like the Commission to respond to two questions: Whether the three concepts in the tabloid adequately cover a reasonable range of possible alternatives to the region's future; and are there any modifications the Commission would make?

Maggie Collins then reviewed the tabloid with the Commission. The following suggestions were made:

Page 2

- Forecasting drives a process. What has Metro gone through in the way of forecasting, how good is it, what sort of modeling was used, what assumptions are built in, etc.?
- Is the growth of 500,000 the objective in this model... "controlling" rather than "managing" growth?
- Premise is all important.

Page 3

- Preserve existing neighborhoods that are convenient versus develop existing neighborhoods and make them convenient to transportation of the surrounding areas.
- "Country-rural feeling" contradicts urban living - implies residential style outside UGB.
- Except for last bullet, the rest of the bullets are mutually supporting.
- The fourth bullet, "shift some of our transportation investments from highways to transit" is a weak bullet. UGB transit should have a strong emphasis in the future.

Page 4

- Need to shift more of the transportation dollars to public transit

- Current system isn't reliable enough or ubiquitous enough

Pages 6 & 7

- These pictures do not reflect the city we live in...single-family residences look like street of dreams.
- Does not talk about revitalizing the inner-cities, rejuvenating.
- Single-family attached looks like brand new row-houses.
- The old St. Vincent area are new "zillion-dollar" condominiums ...don't look like Milwaukie, North Portland, Southeast Portland, etc.
- The portrayal of residential lifestyle is not accurate. Is the illusion of the pictures the fault of the photographer or Metro's process?
- Commercial is more representative of the region.
- Industrial looks too clean; no debris, no gravel pits, too green. There is a good tie to the river.
- Poor photography on the Public and Open Space. Pictures are deceiving. Not enough water.

The Commission was asked how well did the combination of the four blocks of pictures represent the values as recalled. Five of seven commissioners voted low; two voted medium. It was the consensus of the Commission that the land use categories are correct, but the total of the pictures aren't representative enough.

Pages 8, 9, 10 & 11 (Concepts A, B, C)

- Design on concepts A, B, and C on Page 8 are helpful in explaining concept.

Concept A

- Not good, extends out past UGB
- Urban design with an auto-orientation...not showing transportation system that it would take to accommodate this concept.
- Going by the assumption that the majority of working and shopping trips are taken by car.
- Urban sprawl

Concept B

- Seems most appealing, but is it logical?
- More reflective of Milwaukie's goals, as far as developing within our own borders.
- Best representative, but not necessarily assume that 500,000 more people are to be crammed in...Is our choice only to look like Los Angeles or New York?

Concept C

- This seems to be what will actually happen in the future.
- Is more realistic, based on the premise that 500,000 will be accommodated. Much better to have a controlled growth in the area, than supersaturate a particular piece of real estate.
- If there is 500,000 growth, will only half of these people be working? What does this mean?
- Who says the 500,000 growth is real? If this growth premise is real, we are doomed.

Question #1 Do the three concepts adequately convey the reasonable range of possible alternatives to the region in the future?

- Based on their premise of 500,000, no!
- No, "odd feeling" that people in vacant office towers are projecting this growth.
- There's too much growth projected for the region; on what basis is this being projected? Until the assumptions and criteria of this study are revealed, these alternatives are not feasible.
- Employment centers change, but these concepts show the same locations. No flexibility for change are reflected in any of the concepts.

Questions #2 Are there other modifications to be considered in these concepts?

- No one wants Concept A, the consideration should be between B and C.

8.3 Draft PC Laws

It was the consensus of the Planning Commission to postpone the Draft PC Laws until the next meeting on October 27, 1992.

8.4 Community Development Department Report

Maggie Collins reviewed with the Commission the items on the Community Development Report.

The Commission was invited to attend the Confluence Meeting on Johnson Creek. This meeting was scheduled for October 18th and has been changed to October 25th, at the Mill End Store.

The light-rail map shows different alignments in one corridor, the Milwaukie Corridor. A decision will be made in the future whether the Milwaukie Corridor is preferred over the I-205 Corridor. In addition to local criteria, there are two considerations for the preferred alternative; ridership availability, and cost effectiveness.

8.5 Volunteer Needed for the Historic Review Committee

Chairman Trotter explained to the Commission that because of other commitments, Betty Fulmore can no longer serve on the Historic Review Committee. **Chairman Trotter** asked the Commission to think about being a volunteer to serve as a replacement representative for this Committee.

8.6 Jill and Tracy Clark Variance (MLP-92-03 and VR-92-02)

Pat Lent asked Staff for the status on this variance. Staff will review the variance and report back to the Commission at the next meeting.

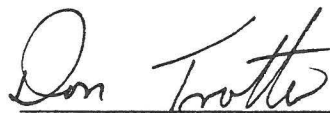
9.0 NEXT MEETING: October 27, 1992

9.1 S-92-03/VR-92-07 (Hassle Public Hearing continuation)


9.2 ZA-92-01 - Public Hearing for Sign Ordinance

9.3 Draft PC Laws

John Littlehales moved to adjourn the meeting of October 13, 1992. **Carolyn Tomei** seconded. MOTION PASSED UNANIMOUSLY 7-0. Meeting adjourned at 10:15 p.m.



Don Trotter,
Chairman



Shirley Richardson,
Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.
Tuesday, October 13, 1992, at 6:30 p.m.

- 1.0 Call to Order
- 2.0 Procedural Questions
- 3.0 Consent Agenda
 - 3.1 Planning Commission Minutes: September 22, 1992
 - 3.2 City Council Minutes: September 15, 1992
- 4.0 Public Comment

This is an opportunity for the public to comment on any item not on the agenda.
- 5.0 Public Hearings (see Public Hearing Procedure on reverse)
 - 5.1 Applicant: Hinton Homes, Inc.
Property Owner: MTW Partners
Location: 4481 SE Pennywood Drive (Tax Lot 705 of Tax Map T2S R2E 6BB)
Proposal: Setback Variance in R-7 (VR-92-08). (Continued from 9/8/92.)
 - 5.2 Applicant: Donna and Charles Horton
Property Owner: Donna and Charles Horton
Location: 3739 SE Olsen (Tax Lot 8500 of Tax Map T1S R1E 25AD)
Proposal: Community Service Overlay review for a 30-child day-care center and variance reduction from the required 20-foot side and rear yard to 5 feet (CSO-9205 and VR-92-10). (Continued from September 22, 1992.)
- 6.0 Consideration Items - None
- 7.0 Old Business - None
- 8.0 Other Business
 - 8.1 Metro 2040 Worksession
 - 8.2 Sign Ordinance Worksession
 - 8.3 Draft PC Bylaws
 - 8.4 Community Development Department Report
- 9.0 Next Meeting:
 - 9.1 S-92-03/VR-92-07 (Hoesly Public Hearing continuation)
 - 9.2 ZA-92-01 - Public Hearing for Sign Ordinance

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

Milwaukie Planning Commission Mission 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 be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 652-4410.

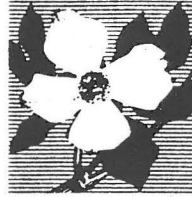
Milwaukie Planning Commissioners:

Don Trotter, Chair
Patricia Lent, Vice Chair
John Littlehales
Betty Fulmore
Carolyn Tomei
Gordon Jones
Bill Johnson

Community Development Department Staff:

Maggie Collins, Community Development Director
Dave Krogh, AICP, Associate Planner
Jim Crumley, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Clerk
Shirley Richardson, Recording Secretary

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD

TELEPHONE: 652-4410

MEMORANDUM

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT

October 13, 1992

TO: Milwaukie Planning Commission
THRU: *MC* Maggie Collins, Community Development Director
FROM: Dave Krogh, AICP, Associate Planner *Dave*
RE: Continuation of VR-92-08

BACKGROUND

VR-92-08 is a request to allow a 12 foot rear setback variance (a 40% variance) for an already constructed deck which results in an 8 foot rear yard where the R-7 Zone standard requires 20 feet. The location of the site is 4481 SE Pennywood Drive within the Pennywood Subdivision.

This application was originally intended for a public hearing with the Planning Commission on July 28, 1992, however, the applicant (Hinton Homes, Inc.) requested a continuation to September 8, 1992, in order to provide supplemental written testimony. On September 8, 1992, the applicant subsequently requested and was granted an additional continuation to October 13, 1992.

DISCUSSION

Planning staff met with the applicant following the September 8 meeting regarding this proposal. The applicant had indicated, at the time, an intent to withdraw the variance and reconstruct the deck in a configuration that would meet the R-7 Zone standards. No follow-up contacts with the applicant have occurred and no supplemental information relevant to this application has been received. Any further delay in the processing of this request will necessitate the applicant submitting a waiver to the 120-day processing period requirement of the Zoning Ordinance.

RECOMMENDATION

Since no additional information or requests have been received from the applicant, staff's recommendation and findings for denial from July 28, 1992, are still in effect.

Attachment
DK:jpg

FINDINGS AND RECOMMENDATION FOR VR-92-08 - from July 28, 1992 Staff Report

1. This proposal is for a rear yard setback variance of 8 feet (a 40% variance) to allow an elevated rear deck to have a 12 foot rear setback instead of the 20 foot setback required by the R-7 Zone. This is shown on Exhibit 1.
2. Criteria for variances are those of Section 702.1 of the City Zoning Ordinance. On behalf of the builder, the Applicant has addressed these criteria in Exhibit 2. Staff's findings to address these criteria are as follows.

3. Section 702.1A. requires consideration as to:

Whether the property in question has unique, exceptional or extraordinary conditions which do not apply generally to other properties in the vicinity. Such conditions shall relate to the land or physical characteristics of the development as distinct from uses allowed in the zone, or from the personal conditions or economic circumstances of the Applicant.

The Applicant's narrative (Exhibit 2, item 1) has indicated that lot slope necessitates a raised access out of the rear of the house and that the house design (with a family room to the rear) necessitates a rear deck for purposes of livability. Staff agrees that rear access is required for this house, however, design considerations such as floor plan are not relevant to this variance criterion.

In addition to the above, since this is a new subdivision and all lots created were intentionally configured and graded to their existing states, the slope of this lot is not unique, exceptional or extraordinary in regards to physical conditions. Therefore, this criterion is not met.

4. Section 702.1B. requires consideration as to:

Whether the requested variance is the minimum necessary to permit the Applicant to enjoy the use of his property in a manner substantially the same as others in the same zone, so that the Applicant will not be granted a special privilege.

The elevated deck has already been constructed and, therefore, the minimum variance requested by the Applicant is one which would allow this deck to remain in place. However, if this deck were removed, various reconstruction designs of a lesser variance situation could be considered.

Regarding the issue of granting a special privilege, this is a new subdivision and no examples of legally existing setback intrusions are evident. Such intrusions (such as decks, patio covers, etc.) could not normally occur for any area property owner without first obtaining a variance to zoning standards. Therefore, the issue of special privilege is unresolved.

5. Section 702.1C. requires consideration as to:

Whether there are feasible alternatives which would obviate the need for the variance, or overcome the difficulty with less adverse effects upon other properties.

FINDINGS FOR AND RECOMMENDATION VR-92-08 - from July 28, 1992 Staff Report - Page 2

The Applicant's narrative cites no feasible alternatives to the proposal. Staff, however, has identified alternatives which are discussed as follows. Both alternatives entail removal of the existing deck.

- a. The deck can be removed and a landing/stairs provided which meets Section 408 (Projections from Buildings) of the Zoning Ordinance. This would allow a 5 foot wide landing in place of the existing deck leading to backyard steps. (Note: this landing width is based on the facts that the northeast corner of the house is 22 feet from the rear property line, and Section 408 allows up to a 3 foot projection for landings. The 2 feet excess of the setback standard plus the 3 foot projection allowance yields a 5 foot landing allowance.)
 - b. A landing and steps (as suggested above) could lead down to a ground level deck/patio. As long as a low deck is 18 inches or less in height above average grade, the setback can be reduced to 3 feet from the property line, according to Section 401.1H. of the Zoning Ordinance.
6. Section 702.1D. requires consideration as to:

Whether the variance would have benefits to the Applicant which would outweigh its adverse effects upon other properties or the public welfare.

The Applicant's narrative (Exhibit 2, item 4) indicates the proposal would benefit the property owner by virtue of maintenance of design consistency and aesthetics, may be cost prohibitive to remove, and provides for a specific outdoor need. Regarding adverse effects, none have been identified by the Applicant. Staff agrees with the Applicant's benefit analysis. An implied adverse effect is evident, however, by virtue of the fact the R-7 Zone setbacks are set as they are in order to provide building bulk separation in keeping with the Low Density intent of the Zone. Substantial reductions in those setbacks provide lesser building separation than is typical for Low Density areas.

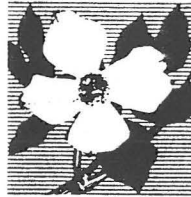
7.

RECOMMENDATION

For denial of VR-92-08 based on findings above and for removal or modification of the existing deck (through alternatives identified) no later than 60 days from the date of decision.

DK:jpg

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.

TELEPHONE 682-4411

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
October 13, 1992

TO: Milwaukie Planning Commission
THRU: *MC* Maggie Collins, Community Development Director
FROM: Jim Crumley, Associate Planner
RE: Donna and Charles Horton Application Withdrawal Request

On October 5, 1992, the Community Development Department received the attached letter from Donna Horton withdrawing the application for a Day Care Center and associated variances.

STAFF RECOMMENDATION

Staff recommends that Planning Commission accept the letter withdrawing applications VR-92-10 and CSO-92-05, for property located at 3739 SE Olsen, and terminate proceedings.

JC:jpg

Attachment

RECEIVED

OCT 05 1992

PLANNING

Planning Committee

Please accept my letter of withdrawal for ~~various~~ for a day care as set back. Due to circumstances beyond my control I cannot continue with these ~~various~~. In this case I would like to request a refund please. As of now I will apply for a day care at a later date. If all goes well maybe re-apply for ~~various~~.

Donna Helton

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 5, 1992

To: *Mc* Milwaukie Planning Commission
From: Maggie Collins, Community Development Director
Re: Region 2040 Study Feedback

Action Requested

For your information.

Discussion

The attached letter from Andy Cotugno of Metro (8/3/92) requested that local planning commissions and city councils take time to review some very preliminary and general concepts about urban form for our region. These general ideas came from the exercise that the Commission did earlier in the year (identifying values).

The brochure for guiding this discussion is attached to this memo. Please bring it to the October 13th Planning Commission meeting. Metro has some specific questions that we are requested to answer. The worksession will also contain some time to ask other questions and make other comments.

cc: C.D. Staff



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

RECEIVED
AUG 06 1992
PLANNING

August 3, 1992

The Honorable Craig Lomnicki
Mayor of Milwaukie
10722 S.E. Main Street
Milwaukie, OR 97222

Dear Mayor Lomnicki:

The Region 2040 project is a planning process to better understand the tradeoffs and alternatives for accommodating the growth expected within the region in the next 50 years.

The first part of Region 2040 Phase 1 was surveying the views and values of the residents of the region about the choices and tradeoffs they would make to accommodate growth. A summary report of the values survey will be sent to you later this month. We have been working to translate these values into four draft growth alternatives for the region.

October and early November have been scheduled for public review of the draft alternatives. We will be asking local governments, interested groups and citizens if we have effectively translated their values into urban forms and if we have considered all of the possible options for accommodating growth. The City of Milwaukie will have an opportunity to comment on the draft alternatives during that time.

If you would like to take this opportunity to have a Council discussion on the draft alternatives, we are developing a discussion exercise that can be facilitated by a member of your staff. We believe the discussion will be meaningful for the City of Milwaukie and help shape the choices for our future.

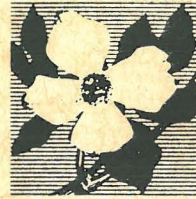
If you are interested in commenting on the draft alternatives, contact Mary Weber at 221-1646 ext. 117.

Sincerely,

Andrew C. Cotugno
Planning Director

ACC/MAW/srs
mayor.ltr

cc: Dan R. Bartlett, City Manager
Planning Director



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
October 2, 1992

TO: Interested Parties

FROM: *DK* Dave Krogh, AICP, Associate Planner

RE: *DK* Draft Revision to City Sign Ordinance

Attached is the first draft to the revision of the City Sign Ordinance. This revision is primarily intended to accomplish the following:

- Eliminate constitutionality conflicts within the Ordinance,
- Provide clear guidance for signs within the public right-of-way,
- Achieve minor corrections of a "house-keeping" nature.

Revision additions to this draft are shown in "bold" print. Primary additions include the following:

- New or modified definitions for daily display sign, fence sign, notice sign, portable sign, window sign, and written message,
- New section for exempted signs,
- Additions to the prohibited signs section,
- Standards for placing daily display signs (i.e. sandwich board signs, etc.) within the public right-of-way,
- New language for outdoor advertising signs (billboards).

The proposed draft language accomplishes the following:

- Imposes content neutral standards to meet constitutionality concerns,
- Creates standards for sandwich board signs,
- Allows flexibility for signage in the right-of-way,
- Provides controls for fence signs,
- Prohibits relocating of billboards,
- Provides standards for window signs,
- Eliminates the need for Planning Commission review of signs as consideration items.

This draft is scheduled for a public worksession with the City Planning Commission on October 13, 1992. Comments from the City Attorney, from the Milwaukie Downtown Development Association, and additional staff comments will be provided at that time.

Memo to Milwaukie Planning Commission
Draft Revisions to City Sign Ordinance - ZA-92-01
October 13, 1992
Page 2

The Planning Commission is tentatively scheduled to hold a public hearing for these revisions on October 27, 1992. A tentative City Council hearing date has been identified as November 17, 1992. This schedule is flexible in case the Commission or Council desires additional review time.

Attachment

DK:jpg

DRAFT 10/92

City of Milwaukie

Sign Ordinance

Revised November 1992?
(Use final City Council adoption date)

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SECTION 1. GENERAL PROVISIONS

Section 1.01. Title. This Ordinance shall be known and may be cited as the "Sign Ordinance of the City of Milwaukie, Oregon."

Section 1.02. Purpose. The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs in order to:

1. Protect the health, safety, property, and welfare of the public.
2. Maintain the neat, clean, orderly, and attractive appearance of the city.
3. Provide for the safe erection and maintenance of signs.
4. Eliminate signs that demand, rather than invite, public attention.
5. Preserve and enhance the unique scenic beauty of Milwaukie.

Section 1.03. Definitions. The following words and phrases where used in this Ordinance shall, for the purposes of this Ordinance, have the meanings respectively ascribed to them in this section.

1. "Area" or "area of a sign" means the area within any perimeter which encloses the limits of any writing, representation, emblem, figure, or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within either a circle, square, rectangle, or triangle. The area of all signs in existence at the time of the enactment of the Ordinance, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three-dimensional or round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.
2. "City" means the City of Milwaukie, Oregon.
3. "Clearance" is measured from the highest point of the grade below the sign to the lowermost point of the sign.
4. "Display surface" means the area made available by the sign structure for the purpose of displaying the message.
5. "Erect" means to build, construct, attach, place, suspend, or affix and shall also include the painting of wall signs.
6. "Face of a building" means all window and wall area of a building in one plane.
7. "Frontage" means the length of the property line of any one premises along each public right-of-way it borders. Each portion of the premises abutting a separate right-of-way shall be considered as a separate frontage.
8. "Height" is measured from the highest point of the grade below the sign to the topmost point of the sign.

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9. "Home occupation" means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
10. "Maintain" means to permit a sign, sign structure, or part thereof to continue; or to repair or refurbish a sign, sign structure, or part thereof.
11. "Manufacturing zones" are the M, Manufacturing, and BI, Business Industrial, Zones as defined in the Zoning Ordinance.
12. "Marquee" means a permanent roof-like structure attached to and supported by a building and projected therefrom.
13. "Neighborhood Commercial Zone" means the C-N, Neighborhood Commercial, Zone as defined in the Zoning Ordinance.
14. "Other commercial zones" means the C-L, Limited Commercial, the C-C, Central Commercial, C-CS, Community Shopping Commercial, and C-G, General Commercial, Zones as defined in the Zoning Ordinance.
15. "Parapet or parapet wall" means that part of any wall above the roofline.
16. "Person" means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a syndicate, branch of government, or any other group or combination acting as a unit.
17. "Premises" means a lot, parcel, or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business or activity is located on the lot, parcel, or tract of land, each separate business shall be considered as a separate premises.
18. "Projection" means the distance by which a sign extends from its supporting structure.
19. "Residential zones" means the R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1 residential zones as defined in the Zoning Ordinance.
20. "Residential-Office-Commercial Zone" means the R-O-C and R-1-B Zones as defined in the Zoning Ordinance.
21. "Sign" means a presentation or representation by words, letters, figures, designs, pictures, or colors displayed out-of-doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, marquees, awnings, canopies, and street clocks, and includes the surface upon which the message is displayed.

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22. Sign, Abandoned. "Abandoned sign" means any sign located on a premises when the business or activity to which it relates is no longer conducted or in existence on the premises.
23. Sign, Changing (automatic). "Changing sign (automatic)" means a sign such as an electronically or electrically controlled public service, time, temperature, and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.
24. Sign, Daily display. "Daily display sign" means 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.
25. Sign, Externally illuminated. "Externally illuminated sign" means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.
26. Sign, Fence. "Fence sign" means a sign attached to the side of a fence on a permanent basis.
27. Sign, Fin. "Fin sign" means a sign which is supported by a pole or poles and partly by a building.
28. Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature, and date signs or electronically controlled message centers are classed as "changing signs," not "flashing signs."
29. Sign, Freestanding. "Freestanding sign" means a sign wholly supported by a sign structure in the ground.
30. Sign, Incidental. "Incidental sign" means an on-premises sign advertising or identifying associated goods, products, services, or facilities available on the premises, including, but not limited to, trading stamps, credit cards accepted, or brand names. Incidental signs may be in the form of sandwich board, pedestal, or similar style signs which remain on display 24 hours a day.
31. Sign, Internally illuminated. "Internally illuminated sign" means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
32. Sign, Noncomplying. "Noncomplying sign" means any sign which is constructed after the effective date of this Ordinance in violation of any of the provisions of the Ordinance.
33. Sign, Nonconforming. "Nonconforming sign" means a sign in existence or under construction on the effective date of the Ordinance which does not conform to the provisions of the Ordinance, but which was or is being constructed, erected, or maintained in compliance with all previous regulations.

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34. Sign, Notice. "Notice sign" means a sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices, and similar signs.
35. Sign, Off-premises. "Off-premises sign" means a sign not pertaining to or unrelated to the activity of the premises on which it is located.
36. Sign, On-premises. "On-premises sign" means a sign pertaining to or related to the activity of the premises on which it is located.
37. Sign, Outdoor advertising or billboard. "Outdoor advertising sign or billboard" means a freestanding sign not pertaining to or unrelated to the activity of the premises on which it is located and with display surface or surfaces primarily designed for purposes of painting or posting a message thereon at periodic intervals.
38. Sign, Portable. "Portable sign" means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface.
39. Sign, Projecting. "Projecting sign" means and includes 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.
40. Sign, Public service information. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or traffic control, etc.
41. Sign, Roof. "Roof sign" means a sign erected upon or above a roof or parapet of a building.
42. Sign, Temporary. "Temporary sign" means any sign, regardless of construction material, which is not permanently mounted and/or is intended to be displayed for a limited period of time.
43. Sign, Time and temperature. "Time and temperature sign" means a sign providing only time and/or temperature information.
44. Sign, Under-marquee. "Under-marquee sign" means a sign which is erected or maintained under, and supported or partially supported by, a marquee.
45. Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the City Manager or his duly authorized representative.
46. Sign, Wall. "Wall sign" means 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 of said wall, the angle of said wall not to exceed 30 degrees from the vertical. Wall signs may not project more than 12 inches from the wall to which they are attached.

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47. Sign, Window. "Window sign" means a sign, pictures, symbols, neon tubing, or combination thereof, designed to communicate information, that is placed within a window and directed towards the outside of the window. Window signs may not use materials subject to Section 3.02.1 of this Ordinance.
48. "Structural alteration" means any change in a sign or sign structure other than advertising message or normal maintenance.
49. "Written message" means the lettering, wording, numbers, and/or other symbols on a sign intended to convey a message. Written message does not include notation on the sign identifying the sign installer or artist, provided such identification is less than 1 square foot in area.

Section 1.04. Zoning districts. The regulations regarding signs contained in Section 4 of the Sign Ordinance relate to zoning districts which are defined in the Zoning Ordinance Map, which is part of the Zoning Ordinance of the City.

SECTION 2. ADMINISTRATION AND ENFORCEMENT

Section 2.01. Permit-Required. All signs erected after the effective date of this Ordinance, other than exempt signs, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the City Manager or his duly authorized representative.

Section 2.02. Permit-Fee. A fee as established by resolution of the City Council shall be paid to the City of Milwaukie upon the filing of an application. Such fees shall not be refundable.

Section 2.03. Interpretation. This Ordinance supersedes any provision dealing with signs in any previously adopted ordinance, resolution, or regulation.

Section 2.04. Enforcement authority. The City Manager or the Community Development Director shall have the power and duty to interpret and enforce the provisions of this Ordinance. An appeal from a ruling by the Community Development Director regarding a requirement of this Ordinance may be made only to the Planning Commission, who may hold a public hearing per the provisions of Ordinance 1712, the Zoning Ordinance, Section 1011.3, Minor Quasi-Judicial Review.

Section 2.05. Appeal. Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council per the procedures in Section 1002 of the Zoning Ordinance.

Section 2.06. Permit-Expiration. Every permit issued by the Building Official under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 120 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 1 year.

Section 2.07. Permit-Suspension or revocation.

1. The City Manager or his duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit is issued on the basis of incorrect information supplied, or in violation of any applicable ordinance or regulation or any of the provisions of this Ordinance.
2. If a sign permit is issued as a result of an error or errors on the part of the City, and construction of said sign has been contracted or has commenced prior to determination of the error, then said sign shall be permitted to continue to be constructed and erected and shall thenceforth be dealt with as a nonconforming sign; however, should such error be determined prior to consummation of a contract to construction or prior to the actual commencement of construction, then said permit shall be revoked immediately.

ADMINISTRATION AND ENFORCEMENT

Section 2.08. Inspection of signs. Within 2 years from the date of passage thereof, the City Manager or his duly authorized representative shall inspect the signs of each business. After the inspection is completed, the City Manager or his duly authorized representative shall issue a notice of inspection to each business, listing the signs of the business, and noting those signs which need repair or modification and those signs which do not conform to the provisions of this Ordinance, including the termination date of the grace period for the particular sign. After initial inspection, a periodic review and inspection of signs shall be made as determined necessary and desirable by the City Manager.

SECTION 3. SIGNS PROHIBITED OR EXEMPTED

Section 3.01. Exempted signs. The following signs shall not require a sign permit but shall conform to all other applicable provisions of this Ordinance and shall be permitted in all zones:

1. On-premises signs not exceeding 2 square feet in area, nonilluminated, and placed flat against the side of a building. Such signs may include, but are not limited to, property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional, and similar signs.
2. Temporary signs which are nonilluminated, have an overall face area not exceeding 12 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, construction signs, garage sale, open house, special event, and similar signs.
3. Signs placed for purposes of public direction and safety. Such signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as hospitals, police and fire stations), legal notices, railroad crossing signs, danger signals, and similar signs. Such signs may be placed within the public right-of-way subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code.
4. Temporary signs for annual events sanctioned by the City Council.
5. Bench advertising signs which comply with all regulations in Section 12.20 of the Milwaukie Municipal Code.
6. Banners not exceeding a total display area of 40 square feet per face and pennants not to exceed a length of 50 feet per site, used on premises in conjunction with temporary events and not in place longer than a period of 45 days.
7. Painted wall decorations or embellishments which are not accompanied by a written message.
8. Flags.
9. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, building names, and similar signs.
10. Notice signs.
11. Window signs in commercial and manufacturing zones which occupy a total display area of no more than 50 percent of the window area.

Section 3.02. Prohibited signs. It shall be 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 falling within any of the follow descriptions:

1. Moving signs or flashing signs, or any sign or advertising structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsations or by action of normal wind

SIGNS PROHIBITED OR EXEMPTED

currents; excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at 6 revolutions per minute or less.

2. Signs erected within the right-of-way of any street, along any driveway, or in any other location which do not meet the requirements of Section 3.01.3; or by reason of the location, shape, color, animation, or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists.
3. Such advertising devices as strings of lights, banners, and pennants, except as permitted under Sections 3.01.4 and 3.01.6.
4. Temporary signs, except as permitted under Sections 3.01.2 and 6.
5. Fin signs.
6. No sign shall be erected or maintained which by use of lights, illumination, sequential illumination, or other form of total or partial illumination creates an unduly distracting or hazardous condition to a motorist or pedestrian.
7. Except for time and temperature signs, no reflective type bulb or par spot bulb shall be used for, on, or in a sign, except as herein otherwise provided. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity. On time and temperature signs, such bulb is limited to 33 watts capacity.
8. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.
9. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 9 inches, center to center.
10. Off-premises signs, except as defined elsewhere.
11. No sign or portion thereof shall be erected within future street right-of-way, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the City.
12. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway, or standpipe; interferes with human exit through any window or any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
13. Portable signs, except as defined elsewhere.
14. Fence signs exceeding 1 square foot of sign face per 50 feet of fence length, excepting temporary signs intended for the sale or lease of the property containing the fence.
15. Window signs which obscure more than 50 percent of the window area or are not subject to the provisions of Section 3.01.11.

SECTION 4. SIGN DISTRICTS

Section 4.01. Residential zone.

No sign shall be erected or maintained in an R zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Permanent subdivision or mobile home park signs.
 - a. Area. May have a maximum area of 2 square feet per dwelling unit to a maximum of 32 square feet for each sign and 16 square feet per display surface, and total sign area for all display surfaces shall be no more than 64 square feet.
 - b. Height and/or clearance. No limit, dictated by area requirements.
 - c. Number. Limited to 1 sign per entrance.
2. Permanent apartment or condominium signs. Either 1 freestanding or 1 wall sign per street frontage permitted.
 - a. Freestanding sign.
 - (1) Area. Limited to 2 square feet per dwelling unit to a maximum area of 32 square feet, 16 square feet per display surface.
 - (2) Height and/or clearance. Freestanding signs limited to maximum height of 6 feet above grade.
 - (3) Number. One freestanding sign per street frontage permitted.
 - b. Wall sign.
 - (1) Area. Limited to 2 square feet per dwelling unit to a maximum of 32 square feet.
 - (2) Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
 - (3) Number. One wall sign per street frontage permitted.
3. Signs for uses requiring conditional use or community service use reviews shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use or community service use review. Signs for prior conditional or community service uses that did not include a sign review at the time of Planning Commission approval shall be limited to 1 monument or freestanding sign with a per-face display surface area limit of 16 square feet and a maximum overall height limit of 6 feet above grade, and 1 wall sign not exceeding a display surface area limit of 16 square feet, and 1 daily display sign per street frontage not exceeding 8 square feet in display area. The daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated provided all of the following conditions are met:
 - a. A City right-of-way permit is obtained (which is revocable in case of condition noncompliance).

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- b. The sign is set back a minimum of 10 feet from the nearest street traffic lane.
 - c. The sign is placed so as to allow at least 4 feet of unimpeded pedestrian sidewalk maneuvering space.
 - d. The sign meets clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.
 - e. The applicant signs a document exempting the City from liability for incidents involving the sign.
4. Illumination. Signs in R zones may have external illumination, except as where otherwise noted. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. No sign in such district shall be illuminated between the hours of 12 p.m. and 7 a.m.

Section 4.02. Residential-Office-Commercial Zone.

No sign shall be erected or maintained in an R-O-C or R-1-B zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Permanent subdivision signs.
 - a. Area. May have a maximum area of 2 square feet per dwelling unit to a maximum of 32 square feet for each sign and 16 square feet per display surface, and total sign area for all display surfaces shall be no more than 64 square feet.
 - b. Height and/or clearance. No limit, dictated by area requirements.
 - c. Number. Limited to 1 sign per entrance.
2. Permanent apartment or condominium signs. Message limited to name of apartment or condominium complex only. Either 1 freestanding or 1 wall sign per street frontage permitted.
 - a. Freestanding sign.
 - (1) Area. Limited to 2 square feet per dwelling unit to a maximum area of 32 square feet, 16 square feet per display surface.
 - (2) Height and/or clearance. Freestanding signs limited to maximum height of 6 feet above grade.
 - (3) Number. One freestanding sign per street frontage permitted.
 - b. Wall sign.
 - (1) Area. Limited to 2 square feet per dwelling unit to a maximum of 32 square feet.

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- (2) Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
 - (3) Number. One wall sign per street frontage permitted.
3. Freestanding business sign.
 - a. Area. The maximum permitted area of a freestanding sign shall be 24 square feet per display surface and 48 square feet overall.
 - b. Height and/or clearance. The maximum height of a freestanding sign shall be 12 feet.
 - c. Number. One freestanding sign is permitted in addition to 1 wall sign.
4. Wall business sign.
 - a. Area. The maximum permitted area of a wall sign shall be 10 percent of the building face.
 - b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
 - c. Number. One wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.
5. Daily display sign
 - a. Area. The maximum permitted area of a daily display sign shall be 8 square feet per display surface and 16 square feet overall.
 - b. Number. One daily display sign per street frontage is permitted.
 - c. Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:
 - (1) A City right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.
 - (2) The sign is to be set back a minimum of 10 feet from the edge of the nearest street travel lane.
 - (3) The sign is to be placed so as to allow at least 4 feet of unimpeded pedestrian sidewalk maneuvering space.
 - (4) The sign is to meet clear vision requirements of Chapter 12.20 of the Milwaukie Municipal Code.
 - (5) The sign is properly maintained.
 - (6) The applicant shall assume all liability for incidents involving the sign.

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6. Illumination. Signs in R-O-C or R-1-B zones may have external illumination, except where otherwise noted. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. No sign in such district shall be illuminated between the hours of 12 p.m. and 7 a.m.

Section 4.03. Neighborhood Commercial Zone.

No sign shall be erected or maintained in a C-N zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Freestanding sign.
 - a. Area. The maximum permitted display surface area of a freestanding sign shall be computed on $1\frac{1}{2}$ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 40 square feet per display surface and 80 square feet over all.
 - b. Height and/or clearance. Freestanding signs may not project over the top of a building or 20 feet, whichever is less.
 - c. Number. One freestanding sign is permitted in addition to 1 wall sign.
2. Wall sign.
 - a. Area. The maximum permitted area of a wall sign shall be 20 percent of the building face.
 - b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
 - c. Number. Dictated by area requirements. Wall signs are permitted in addition to 1 freestanding sign.
 - d. Location. Limited to the building surface or surfaces facing the public right-of-way only.
3. Incidental signs.
 - a. Area. Incidental signs are limited to a maximum overall size of 32 square feet total combined surface area.
 - b. Height and/or clearance. Dictated by type of sign.
 - c. Location. Incidental signs must be located on the premises with which associated.
 - d. Number. No limit, dictated by area requirements.

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4. Daily display sign

- a. Area. The maximum permitted area of a daily display sign shall be 8 square feet per display surface and 16 square feet overall.
- b. Number. One daily display sign per street frontage is permitted.
- c. Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:
 - (1) A City right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.
 - (2) The sign is to be set back a minimum of 10 feet from the edge of the nearest street travel lane.
 - (3) The sign is to be placed so as to allow at least 4 feet of unimpeded pedestrian sidewalk maneuvering space.
 - (4) The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.
 - (5) The sign is properly maintained.
 - (6) The applicant shall assume all liability for incidents involving the sign.

5. Illumination. Signs in C-N zones may have external illumination, except where otherwise noted. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. No sign in such district shall be illuminated between the hours of 12 p.m. and 7 a.m.

Section 4.04. Commercial zone.

No sign shall be erected or maintained in other commercial zones, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Freestanding sign.

- a. Area. The maximum permitted display surface area of a freestanding sign shall be computed on $1\frac{1}{2}$ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage, plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 300 square feet of sign area per display surface for each sign, or a total of 1,200 square feet for all display surfaces as authorized in subsection d.
- b. Height and clearance. The maximum height of any portion of a sign or sign structure shall be 25 feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be 14 feet in any driveway or parking area.

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- c. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk, or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed 2 feet.
 - d. Number. One multifaced freestanding sign shall be permitted on a street or highway frontage. Where a frontage exceeds 300 feet in length, 1 additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.
2. Wall sign.
- a. Area. Wall signs shall not exceed in gross area 20 percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.
 - b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
 - c. Number. No limit, dictated by area requirements.
3. Projecting signs.
- a. Area. Projecting signs shall not exceed in gross area 20 percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.
 - b. Height and/or clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in the following table:

Table 1

PROJECTION OF SIGNS INTO PUBLIC RIGHTS-OF-WAY

<u>Clearance</u>	<u>Maximum Projection into Public Right-of-way</u>
Less than 8 feet	Not permitted
8 feet	1 foot
8 to 16 feet	1 foot plus 6 inches for each foot of clearance in excess of 8 feet
Over 16 feet	5 feet

- c. Location. No projecting sign shall be located within 20 feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.

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- d. Number. Only 1 projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign or roof sign.
4. Roof signs.
 - a. Area. Total sign area for roof signs shall not exceed 1 square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.
 - b. Height and/or clearance. The maximum height of a roof sign shall not exceed 8 feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.
 - c. Location. No roof sign shall be erected unless and until approved by the Fire Marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.
 - d. Number. Roof signs are permitted instead of, but not in addition to, projecting signs or freestanding signs.
 5. Incidental signs.
 - a. Area. Incidental signs are limited to a maximum overall size of 32 square feet total combined surface area.
 - b. Height and/or clearance. Dictated by type of sign.
 - c. Location. Incidental signs must be located on the premises with which associated.
 - d. Number. No limit, dictated by area requirements.
 6. Under-marquee signs.
 - a. Area. Under-marquee signs shall not exceed 6 square feet per display surface or 12 square feet in overall sign area.
 - b. Height and/or clearance. Under-marquee signs must have 8 feet of clearance below the lowest portion of the sign and the ground below.
 - c. Location. Under-marquee signs shall not project within 2 feet of the curb.
 - d. Number. No limit, dictated by area requirements.
 7. Outdoor advertising signs. Outdoor advertising signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.

SIGN DISTRICTS

8. Daily display sign

- a. Area. The maximum permitted area of a daily display sign shall be 8 square feet per display surface and 16 square feet overall.
- b. Number. One daily display sign per street frontage is permitted.
- c. Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:
 - (1) A City right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.
 - (2) The sign is to be set back a minimum of 10 feet from the edge of the nearest street travel lane.
 - (3) The sign is to be placed so as to allow at least 4 feet of unimpeded pedestrian sidewalk maneuvering space.
 - (4) The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.
 - (5) The sign is properly maintained.
 - (6) The applicant shall assume all liability for incidents involving the sign.

9. Illumination. Signs in commercial zones may be illuminated, except where otherwise noted. Within 500 feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 7 inches, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.

Section 4.05. Manufacturing zone.

No sign shall be erected or maintained in an M zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Freestanding sign.

- a. Area. The maximum permitted area of a freestanding sign shall be computed on $1\frac{1}{2}$ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

SIGN DISTRICTS

- b. Height and/or clearance. The maximum height of any portion of a sign or sign structure shall be 25 feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be 14 feet in any driveway or parking area.
 - c. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk, or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed 2 feet.
 - d. Number. One multifaced freestanding sign designating the principal goods, products, facilities, or services available on the premises shall be permitted on a street or highway frontage. Where a frontage exceeds 300 feet in length, 1 additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.
2. Wall sign.
- a. Area. Wall signs shall 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. This includes signs painted directly on the building surface.
 - b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
 - c. Number. No limit, dictated by area requirements.
3. Roof signs.
- a. Area. Total sign area for roof signs shall not exceed 1 square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.
 - b. Height and/or clearance. The maximum height of a roof sign shall not exceed 8 feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.
 - c. Location. No roof sign shall be erected unless and until approved by the Fire Marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.
 - d. Number. Roof signs are permitted instead of, but not in addition to, freestanding signs.
4. Incidental signs.
- a. Area. Incidental signs are limited to a maximum overall size of 32 square feet total combined surface area.

SIGN DISTRICTS

- b. Height and/or clearance. Dictated by type of sign.
 - c. Location. Incidental signs must be located on the premises with which associated.
 - d. Number. No limit, dictated by area requirements.
5. Outdoor advertising signs. Outdoor advertising signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.
6. Daily display sign
- a. Area. The maximum permitted area of a daily display sign shall be 8 square feet per display surface and 16 square feet overall.
 - b. Number. One daily display sign per street frontage is permitted.
 - c. Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:
 - (1) A City right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.
 - (2) The sign is to be set back a minimum of 10 feet from the edge of the nearest street travel lane.
 - (3) The sign is to be placed so as to allow at least 4 feet of unimpeded pedestrian sidewalk maneuvering space.
 - (4) The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.
 - (5) The sign is properly maintained.
 - (6) The applicant shall assume all liability for incidents involving the sign.
7. Illumination. Signs in manufacturing zones may be illuminated, except where otherwise noted. Within 800 feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 7 inches, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property.

SECTION 5. SIGN CONSTRUCTION AND MAINTENANCE

Section 5.01. Construction and maintenance requirements.

1. Except as otherwise provided in this Ordinance, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code.
2. All signs shall be maintained at all times in a state of good repair and no person shall maintain, or permit to be maintained on any premises owned or controlled by him, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.
3. Each sign for which a sign permit is required shall specify the name of sign erector, date of erection, electrical power consumption in amperes, and Underwriters Laboratory label, if applicable. Such information shall be in sufficient size and contrast to be readable upon inspection.

SECTION 6. REMOVAL OF SIGNS IN VIOLATION

Section 6.01. Abandoned sign.

1. Time limit. Abandoned signs and their supporting structures shall be removed within 60 days by the owner or lessee when the business which it advertises is no longer conducted on the premises.
2. Notice given. If the owner or lessee fails to remove it, the City Manager or his duly authorized representative shall give the owner 15 days' written notice to remove it.

Section 6.02. Nonconforming sign.

1. Time limit.
 - a. Nonconforming signs may be continued for a period of 7 years from the effective date of Ordinance 1310.
 - b. Signs located on premises annexed into the city after the effective date of this Ordinance, and which signs do not comply with the provisions of this Ordinance, shall be brought into compliance with this Ordinance within a period of 7 years after the effective date of the annexation.
 - c. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all of the provisions of this Ordinance.
 - d. Signs in existence on the effective date of this Ordinance which do not comply with provisions regulating flashing signs, use of par spot lights or revolving beacons, revolving signs, or flags, banners, or streamers or strings of lights, temporary or incidental signs, shall be made to conform within 90 days from the effective date of this Ordinance.
2. Notice given. The City Manager or his duly authorized representative shall give 30 days' written notice to the owner or lessee of the sign to remove the sign and its supporting structures or to bring it into compliance with this Ordinance.

Section 6.03. Unsafe sign.

1. Time limit. The City Manager or his duly authorized representative may cause any sign and/or sign support structure which they determine to be an immediate peril to persons or property by reason of it or its support structure being or becoming of unsound and unsafe condition; i.e., weakened or broken support, broken parts, including tubing, wiring, plastic, etc.—to be removed summarily.
2. Notice given. None required.

Section 6.04. Noncomplying sign.

1. Time limit. Noncomplying signs shall be removed or brought into compliance immediately.

REMOVAL OF SIGNS IN VIOLATION

2. Notice given. The City Manager or his duly authorized representative shall give 30 days' written notice, except that noncomplying signs which create a traffic or other safety hazard may be removed by the City Manager or his or her representative without notice.

Section 6.05. Administrative procedures for notification of violation.

1. If the City Manager or his duly authorized representative shall find that any sign or sign structure regulated has been constructed or erected, or is being constructed or maintained, in violation of the provisions of this Ordinance, he shall give written notice to the permittee thereof, or, if unknown, to the owner or occupant of the building or premises upon which the sign is located.
2. If the permittee fails to remove or alter the structure so as to comply with the standards set forth within 30 days after such notice, such sign or sign structure is declared a nuisance and may be removed or altered to comply at the expense of the permittee, occupant, or owner of the property upon which it is located.
3. Such costs may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

SECTION 7. VARIANCES

Section 7.01. Authorization to grant or deny variance. The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission, in addition to the time limitations of Section 7.04, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this Ordinance.

Section 7.02. Variance procedure. The following procedures shall be followed in applying for and acting on a variance:

1. A property owner may initiate a request for a variance by filing an application with the City Manager, using forms required by the City Manager or his duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be varied and the dimensions and arrangement of the proposed sign, support structure, buildings, and real property. The Planning Commission may request other drawings or material essential to an understanding of the variance request.
2. The Planning Commission shall hold a public hearing per the provisions of Ordinance 1712, the Zoning Ordinance, Section 1011.3, Minor Quasi-Judicial Review for any variance request which is 25 percent or more of the required standard. Variance requests of less than 25 percent from the standard required shall be reviewed by the Community Development Director per the provisions outlined in Section 1011.2, Administrative Type II Review, of Ordinance 1712, the Zoning Ordinance. Within 5 days after a decision has been rendered with reference to a request for a variance, the City Manager or his duly authorized representative shall provide the applicant with notice of the decision of the Planning Commission.

Section 7.03. Circumstances for granting variance. A variance may be granted only in the event that all of the following circumstances exist:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

VARIANCES

Section 7.04. Time limit. Authorization of a variance shall be void if the building or work approved by such variance is not commenced within 120 days of the date of approval.

DRAFT

DRAFT--Milwaukie Planning Commission By-Laws

ARTICLE I Mission 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.

ARTICLE II Membership

1. (Municipal Code 2.16.020) The commission shall consist of seven members appointed by the Mayor, with the consent of the Council. No more than two members may be nonresidents. No more than two members may engage principally in the buying, selling, or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade, or profession and all members shall serve without compensation. Members shall hold office for four years. No person may serve more than two consecutive full four-year terms; provided, that the City Council may waive this limitation if it is in the best interest of the City to do so. Any vacancy shall be filled by the Mayor, with the consent of the Council, for the unexpired portion of the term. A member may be removed from office by the Council, after a hearing, for misconduct or nonperformance of duty.

2. If a member misses three meetings in a row or more than half of the meetings in a six month period, the membership in the Planning Commission shall be reviewed by the Planning Commission for referral to the City Council for reassessment of the appointment.

ARTICLE III Elections and Officers

1. The full Planning Commission (seven members) shall elect a Chair and a Vice-Chair annually in April.
2. The term of office shall be one year with a limit of two terms.
3. In the event that an officer cannot complete the specified term, an emergency election shall be held for the completion of the term.
4. In the event the Chair cannot attend a scheduled meeting, the Vice-Chair shall act as presiding officer.

ARTICLE IV Duties of Officers

1. The Chair shall preserve the order and decorum of the meeting.
 - A. In order to give the appearance of equal treatment to all who come before the Planning Commission, members are encouraged to address all those by last name only, and common title, (i.e. Mr., Mrs., Miss., Ms.) not Dr., Prof., or first name.

- B. Those testifying in favor, in opposition, or neutrally, shall be limited to three minutes. Applicant and staff shall be given any time necessary for each presentation and for rebuttal.
 - C. The Chair will be pivotal in keeping testimony to the criteria, also reminding Commissioners to keep to the criteria.
 - D. The Chair will limit all testimony not addressing the criteria to one minute.
 - E. The Chair will summarize the hearing results.
2. The Chair will ask for response and opinion from the quieter members of the Commission.
 3. The Chair may delegate projects, and mentor the Vice-Chair.
 4. The Chair may appoint sub-committees.
 5. The Chair or appointee shall confer with the Community Development Department at least once per month outside regular meetings concerning the direction each expects of the Commission.
 6. The Chair, or the Vice-Chair if the Chair is absent, shall preside over the meetings, generally following the procedure outlined in the City of Milwaukie's Public Hearing Format Chairman's Guide.

ARTICLE VI Duties of the Commission

1. (Municipal Code 2.16.060) The powers and duties of the Planning Commission include, but are not limited to the following:
 - A. To keep current the Comprehensive Plan and implementing ordinances for the City and urban growth boundary, as applicable;
 - B. To prepare as necessary legislation that will implement the purposes of the Comprehensive Plan;
 - C. To recommend to the Council and other public authorities plans for regulating the future, growth, development and beautification of the City, and to review and recommend on regional issues and concerns;
 - D. To recommend and make suggestions to the council and to other public authorities concerning:
 1. The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, and relief of traffic congestion;
 2. Betterment of housing and sanitation conditions;
 3. Establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development;

4. Protection and assurance of access to incident solar radiation; and
 5. Protection and assurance of access to wind for potential future electrical generation or mechanical application;
 - E. To recommend to the Council and other public authorities plans for promotion, development and regulation of industrial and economic needs of the Community in respect to industrial pursuits;
 - F. To study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, conveniences and welfare of the City and of an area within six miles thereof;
 - G. To consider and conduct public hearings on Comprehensive Plans and Zoning Ordinances and similar matters which may include, but are not limited to, zone changes, conditional uses, variances, nonconforming uses, subdivisions, and partitions; and
 - H. To do and perform all other acts and things necessary to properly carry out the provisions of ORS Chapter 227 that are not specifically addressed by local ordinances and procedures.
2. (Definition of ex parte contact and conflict of interest)

ARTICLE V Meetings and Public Hearings

1. The Commission shall meet at least twice a month, on the second and fourth Tuesdays at 6:30 P.M. at a place agreed upon by the majority of the Commission with the assistance of the Planning Department.
2. The above meetings may be set aside upon agreement of a majority of the Planning Commission.
3. (Municipal Code 2.16.050) Special meetings may be called at any time by the Chair or by three members by written notice to each member at least twenty-four hours before the time set for the meeting.
4. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting will be cancelled by the majority approval of the members present.

ARTICLE VII Amendment of By-Laws

1. By-Laws shall be reviewed once a year in April by the Commission for changes, upgrades, and deletions.
2. By-Laws may be amended, repealed or altered by a majority vote at two consecutive Planning Commission meetings and after approval by the City Council.

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 5, 1992

To: Milwaukie Planning Commission
From: Maggie Collins, Community Development Director
Re: Community Development Department Report

Action Requested

For your information.

Discussion

1. Staff is busy assisting in inviting the property owners along the Confluence segment of Johnson Creek ("termed the "Confluence" by the Johnson Creek Corridor Committee) to an input meeting on Sunday, October 18, 1992, from 2 to 4 p.m. at Howard Dietrich's Mill End Store. The Confluence is defined from the Willamette River east to approximately Eastmoreland Racquet Club on Johnson Creek Boulevard. This meeting will be co-sponsored by the City of Milwaukie and the Johnson Creek Corridor Committee. Commissioners are invited to attend.

Speaking of Johnson Creek, the staff and clients at the Clackamas County Corrections Center are involved in a voluntary effort to clean up the segment of Johnson Creek that runs by that facility. They have promised to take pictures of the stuff they find.

2. Attached is a copy of the preliminary corridors that the Light Rail Study will examine in Milwaukie proper. Note that we are not looking at specific design so much as the most effective and ridership-generating routes. While progress on the Study's technical details is proceeding pretty slowly, generalized problem statements (What is the transportation problem in this Corridor? How would light rail help solve it?) are being developed.
3. The Feb zone change request is tentatively scheduled for a City Council hearing on November 3, 1992.
4. The Meadowbrook Block Party sponsored by the City on Saturday, September 26th, went well. Several neighbors chatted together and asked questions about the various pieces of equipment and demonstrations that were available.

cc: C.D. Staff

CITY OF MILWAUKIE ALTERNATIVE LIGHT RAIL ALIGNMENTS

