

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
OCTOBER 17, 2006**

**CALL TO ORDER**

**Mayor Bernard** called the 1992<sup>nd</sup> meeting of the Milwaukie City Council to order at 7:05 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Carlotta Collette	Susan Stone

Staff present:

Mike Swanson, City Manager	Larry Kanzler, Police Chief
Gary Firestone, City Attorney	Katie Mangle, Planning Director
Kenny Asher, Community Development/Public Works Director	Ryan Marquardt, Assistant Planner

Media: David Stroup, *The Clackamas Review*

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**Announcements**

**Mayor Bernard** announced the Three Bridges opening event on October 19. He also announced that the first work session and regular session of November would be on November 9, 2006.

The Council would hold a special meeting on October 19, 2006 at 6 p.m. at City Hall to discuss the Citizen Advisory Council (CAC) recommendation for wastewater treatment.

**Clackamas County Sheriff Craig Roberts** provided information on Measure 3-246 the public safety levy. Passage of the measure would add 19 deputies, open 84 jail beds, and provide a core level of service countywide.

**Councilor Collette** understood him to say this was phase 1 of reducing the number of releases and asked if that implied additional levies.

**Sheriff Roberts** replied the priority was to open these 84 jail beds. He was working with the Board of County Commissioners (BCC) to determine if there were funds to build a section of a new facility. The issue was being attacked on several levels by creating inmate work crews, expanding electronic home detention, and mirroring what Washington County did in creating a facility master plan that included a pod design to facilitate future expansion.

**Councilor Stone** asked the percentage of inmates jailed because of meth use.

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APPROVED MINUTES

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**Sheriff Roberts** estimated about 70% of those incarcerated were there on meth-related arrests. Seventy-three percent came back as repeat offenders.

**Councilor Stone** said meth use was a huge problem that affected everyone. She was interested in how much of the levy would go to an enforcement program to try and conquer the problem.

**Sheriff Roberts** said there were two components. People in the jail were often still high on meth when they were released. Keeping them in jail until they were sober and clean was absolutely essential. The department was looking at dedicating four deputies to enforcement. He wanted to focus on livability and proactively pursue the problem. A major portion of the levy would be dedicated to enforcement.

**Mayor Bernard** asked what services the sheriff provided the cities.

**Sheriff Roberts** responded there were a variety of services including civil process, a forensic artist, major crimes team, SWAT team, a technology department, and 24-hour records service. The funds would provide staffing so the 84 beds could open.

### CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda:

- A. Council Minutes August 15, 2006 Regular Session;
- B. Council Minutes September 5, 2006 Work Session; and
- C. Council Minutes September 5, 2006 Regular Session.

Motion passed unanimously. [5:0]

### AUDIENCE PARTICIPATION

- Ed Zumwalt

**Mr. Zumwalt** reported that several weeks ago Ann Hupp's garage door was tagged, and Historic Milwaukie Neighborhood District Association (NDA) resident Mike Shepard repainted it for her.

- Les Poole

**Mr. Poole** read a prepared statement regarding land use issues which was his specialty. He appreciated Sheriff Roberts's comments. The meth situation was horrible, and unlike any other drug it grabbed hold of these people so quickly. Not far from his home in a nice residential neighborhood there were some unnerving issues. He saw people going downhill quickly. Where did they get money for gas? The only money they had was for their meth and the gas to go pick it up. None of them had a job, so he knew where they got their money. He was strongly in favor of the bond measure, and he wished it could be for more money. It was getting people to pay for what they needed.

He made some comments regarding the community and the region and specific situations in Milwaukie. Numerous land use decisions regarding transportation, planning, and redevelopment of the downtown core have resulted in unintended consequences during the past several years. In addition to costly delays, the pattern has repeatedly damaged the City's reputation with potential investors and of course with its regional partners. He understood that the cost of providing services and quality of life depended on a vibrant downtown, and he supported change. Most citizens were not aware that in order to facilitate that change it took a tremendous amount of money. That money came from Metro. Metro controls TriMet and was a driving force for transit

development and specifically light rail. Unfortunately, when millions of dollars are on the line the local environment was at stake. The neighborhoods were often pitted against each other. Overzealous ideas such as the plan to convert Kellogg Lake Park into a transit center and the initial plan for the ballfields North Clackamas Park (NCP) were typical examples. Recently the intergovernmental agreement (IGA) with Metro for redeveloping the Olson Bros. Texaco and City shared lot has joined the list. Some issues before the City Council were matters of opinion or politics. Property law was finite and not subject to random opinions. Land use designations were often subject to unchangeable conditions and permanent conditions especially regarding the honoring of deeds. With reference to NCP the attempt to ignore the deed restriction to preserve the equestrian horse arena added a major roadblock to an already controversial situation.

Regarding Option 2.5 at Kellogg Lake he addressed some excerpts from the IGA signed in 1991. It clearly stated that six properties at Kellogg Lake, the riverfront, and numerous other locations were all paid for with park money. Some of the property was donated by his family and Dena Swanson formerly Dena Kronberg. The portion of the park obtained from Ms. Swanson contained a restriction that required all of her property be preserved as a park and named in the honor of her late husband. After over a decade passed with no progress Ms. Swanson contacted the City wondering why the agreement had not been honored. During that same month the transit center issue came before the Council when Howard Dietrich revealed plans for Wal-Mart on his property at Tacoma Street. In response to Ms. Swanson request about the park or lack thereof the city manager located a letter that clearly spelled out the legal obligation to preserve all of the property as a park. During a heated Council meeting on November 1, 2005 the letter and its ramifications were deliberated. Councilor Stone and Councilor Loomis along with Mayor Bernard voted to honor the agreement. Councilor Barnes and Councilor Collette continued to push for the transit center as though their political lives depended upon it. During that time frame Councilor Barnes and Councilor Collette in concert with other individuals conducted some exclusive meetings and a very questionable e-mail campaign without the knowledge of others.

**Mayor Bernard** reminded Mr. Poole that his time was up.

**Mr. Poole** said he would be back. Enclosed in the report was a request that in the future we honor the agreement fully that was made with Dena Swanson. That was simply that all of her property be annexed into Kellogg Lake Park and that Kellogg Lake Park be ultimately renamed Kronberg Park. There were five and one-half acres, and we have yet to honor the agreement. Ms. Swanson was trying to avoid taking legal action as was Mr. Poole.

- **Jamie Wilson**

**Ms. Wilson** read her statement. It was an e-mail from Mayor Bernard that was sent to a few select recipients so that it might become public record. "Friends, some of you I only recently added to this list, so you may not have gotten all the facts. It is unfortunate some people are using something I know is very dear to us for political reasons. It is also unfortunate that a few are manufacturing fear among the community in an effort to stop change and allow Milwaukie to reach its full potential. I would like to briefly give you a sample of calls I've gotten and state that manufacturing fear is unethical. Those same people who support one candidate for City Council have been meeting to attack Council on ethical grounds right before election with total disregard for Milwaukie, the Farmers' Market, and the citizens who have worked for years to turn this community around. Some even claim they live in Milwaukie and in fact live in unincorporated Clackamas County and Happy Valley. I get calls from people who ask why you are closing the Farmers' Market. I asked who told them that, and their answer was a lady at the Market handing out flyers. I assured them that isn't true. The

Farmers' Market is supported by City Council and staff and will not be closing. The other day a young boy called and said, "I thought Potter was the Mayor." I assured him I was the Mayor. He asked why the Farmers' Market was closing. I assured him it was not true. I told him I was the business manager and co-founder of the Farmers' Market and that it was very dear to my heart. I asked where he heard this, and he said a man handed him a flyer and told him that. A transition team was being created by the City that will help plan for the move that will take place in 2008. The Farmers' Market is not part of the City. It is funded by Celebrate Milwaukie, Inc., a non-profit 501C23 of which I am the treasurer and co-founder. I co-founded the Farmers' Market when I was president of the Milwaukie Downtown Development Association. I ask you to get the facts and know the Milwaukie City Council has always stood for ethical government. Don't be a part of this Chicken Little mentality. The sky is not falling. If you are unsure of my commitment to the community and that of my family my name is listed below. Feel free to contact me at this e-mail address or call me at 503.544.2418. Jim Bernard." Then he lists his associations and accomplishments. Ms. Wilson made her comments. She did not appreciate the 'us against them' sentiment this e-mail suggested. Mayor Bernard, if you know the individuals that have a problem with you, you ought to talk with them, myself included, directly. At the last Council meeting Les Poole made a long statement about his residency in unincorporated Milwaukie that was addressed by Councilor Loomis. Councilor Loomis stated in effect that the Council's attitude was one of inclusion. Clearly from the e-mail not all of the Council was like-minded on the matter. To her knowledge none of the group urging the citizens to act to keep the Farmers' Market where it was has stated the Market was closing. They were stating it would no longer be in the Texaco lot where people have come to appreciate it over the past 8 years. As you can see this has caused great concern among the employers – the citizens of Milwaukie. No one with whom she met in regard to the controlled development of the Texaco lot is anti-change or anti-development. They were pro-information and pro-Milwaukie who wanted what was best for the citizens and not what Metro dictated was best. They wanted the citizens to have a meaningful voice in the development of downtown. She knew there was a committee made up of citizens who would review the development plans. She had attended that open meeting – inconvenient as the time was – and came to understand these citizens were hand-picked by the City after interviews she imagined were determined on the citizens' amiability toward such development before placing them on said committee. If there was a problem with the dissemination of information she had chosen she expected to be addressed personally and not gossiped about behind her back. She would be willing to meet with the Mayor any convenient time to address the matter. The Council should be grateful it had a constituency that cared about the future of the City rather than belittling the opinions and hard work of those who truly cared.

**Mayor Bernard** intended to meet with Ms. French to discuss the situation.

- **Jeff Klein**

**Mr. Klein** said unlike Ms. Brinkman he did not intend to buy a bag today. He had plans to come and speak after going home and reading some e-mails. The people that came forward and volunteered for positions did an incredible job as did the staff. This also included the people who came forward to be members of boards and commissions and well as the Mayor and Councilors. It was important to realize that everyone was a volunteer. He read an editorial in *The Clackamas Review* by a previous Councilor. One of the things that stood out for Mr. Klein was that the Council was choosing like-minded people. It reminded him of the time he came before the City Council to interview for the Planning Commission. It had a number of positions that were open for a very long time, and the City had been waiting for people to step forward. It was important to realize that. It was not a matter of like-minded people being chosen but the people who came

to find out information and get involved and got wrapped up in this for the love of the City. That was what made them come forward to help. If there was a like-minded view it was the fact that people did love the City and had cares and wants for its future. Those who come forward should be thanked. They spend a lot of hours mulling through things. Milwaukie had a very good process on how things were accomplished. People may throw rocks once the process happened, but during the process it was an amazing things. People come together to pull vastly different ideas together to come to one common goal. Sometimes he was frustrated at the end when the goal was there because it might not be something he felt was good for Milwaukie, but that was the process. That was how the City moved forward. There was a group of people entrusted to make the decisions and pass on their recommendation. He thanked everyone who volunteered in their positions and that helped staff. Mr. Klein announced the Lewelling Neighborhood Park dedication on Saturday, October 21. In his mind this Park defined what made Milwaukie a great place. The conception through the completion was one of those fantastic processes. The plan was a goal, and the goal was not a plan. The goal was the park, and kids are playing there daily. He was pleased he could play a small role. He was proud it was in the neighborhood and in the City of Milwaukie. Do not forget sidewalks on Logus Road.

- **Sharon Sugarman**

**Ms. Sugarman** was excited to hear about the park development and the speaker's excitement. Citizen involvement was people doing things together to get what they truly wanted. She spoke about the Texaco site. When she first went to the Farmers' Market and the City's booth she was concerned about condos and a tall building. She asked how citizens could be involved in the planning process. It seemed like a good idea to do development down there and bring people down to the City. Those were good goals. A nice community meeting place like the Farmers' Market only year-round and all days of the week. Mr. Asher told her it would be open to citizen involvement. There was this great procedure to involve people. There was a citizens committee, and they would start meeting in the fall. She kept asking how average people got involved. He told her there would be open meetings where people could come and speak. She has been to those meetings. They had an opportunity to say what they liked or did not like about it and what they would like to see there. Her concern was the existing IGA. Mr. Swanson said because it was already outlined it was already limiting. It did not seem that the citizens committee could do much outside of it. One of the committee members asked if some trees could be saved if the development was not sidewalk-to-sidewalk. The response was that the City would have to renegotiate with Metro. She heard a lot of people talk not just at the Farmers' Market but at these meetings. Nobody wanted a five-story building. Everyone was concerned about parking and traffic, the lack of green space, the blocking off from the river, and moving the Farmers' Market. These were all real concerns. People had some really good ideas. They talked about making a year-round Farmers' Market. People were very creative. They have seen other places Milwaukie might consider modeling. But with the existing IGA it did not seem Milwaukie had that opportunity. It was already something that was set. Maybe the City could choose the color of the bricks, but she did not know the people could choose a whole lot else from what she understood of the agreement. She asked why the Council could do away with the IGA so there could be true citizen involvement. Now there were meetings in place. There was a committee. There was a forum where people could say what they liked and did not like, but it was limited by this IGA. It seemed to her in order to really have citizen involvement the City needed to get rid of the IGA and begin again. She asked the Council to consider getting rid of the IGA so there could be a truly creative process that involved citizens.

**Mayor Bernard** said at the work session Council talked about letting the committee work through the process and review any potential proposals. The Council decided the committee should continue to talk about it during the process. It was not known at this point what height building would be proposed. The Council would support an open process that allowed for imagination and potential. None of the Council members leaned toward a five- or six-story building and wanted to see a building that fit with the character of the City and produced the outcome everyone hoped for. He did not think the IGA said the development had to be sidewalk-to-sidewalk.

**Councilor Collette** said by most standards it was very flexible. It was a 1:1 ratio that meant it had to be a 40,000 square foot building, but that did not necessarily mean that had to be the footprint. It could be a two-story, 20,000 square foot building or some other combination.

**Ms. Sugarman** said it did speak to one parking space per condo. The City agreed to exert best efforts to make it a minimum five-story building. There was some very specific language about what this building would look like. She was at the meeting where one of the people on the committee asked about not making it a 1:1. Mr. Swanson said then the City would have to renegotiate with Metro. That may not be a big deal.

**Mr. Firestone** said the City would use its best efforts to amend its zoning and development codes to allow that type of development. It did not require that the design be that way or commit the committee to any particular approach. It just said the City would use best efforts to amend the zoning code. "Best efforts" language was used when there was a recognition between the parties that the party committing to do something could not be forced to take the final action. In this case it would take City Council action to amend the Zoning Ordinance. The City did not commit to the Council's taking action. Essentially what this said was that staff would work toward allowing a type of development that Metro would like to see to be permitted. Best efforts was limited to what could be legally be done. The Council could say not to do it. It was not an absolute commitment to doing those things. Unless otherwise directed by Council there was a commitment by the City in order for Metro to participate in the project and give the City an interest in the property. Best efforts was a level of commitment that said staff would cooperate toward that end unless directed otherwise by Council. There was no commitment on the Council to take action to amend the zoning code. All those things listed were things that Metro at that time would like to see that were not allowed in the zoning code. The language recognized that it may not happen, but Metro wanted the City at the appropriate time to amend the zoning code. It was the City's way of agreeing without committing to amending the code. There was no obligation whatsoever to design a building that was a minimum of five stories or had floor area ratio. That was not part of the agreement. The only part of the agreement was that staff would until directed otherwise by Council cooperate with Metro's efforts to have a zoning change.

**Ms. Sugarman** understood it was up to the Council to redirect.

**Mayor Bernard** said it had to go through the Planning Commission first.

**Councilor Stone** thought Ms. Sugarman brought up a good point that the Council had not talked about in the work session and that was the issue of parking. She asked Mr. Firestone since this IGA was flexible on certain points was parking one of them. It allocated not more than one space per unit. That would be an issue. North Main has not opened so it remains to be seen what would happen.

**Mr. Firestone** explained again it was the best efforts language. In his interpretation and in Metro's that staff would work toward that end unless directed otherwise by Council,

and there was no commitment for the Council. It would be a matter of changing the parking ratio, but it was not an absolute agreement. The committee recommendation did not have to do that. If the Committee came up with a recommendation that did not work for Metro, then it might all go away. On the other hand if the committee came up with something that was totally unacceptable to the Council, then it would not happen anyway. The Council could ultimately decide what could be approved on the site. If the proposal was currently in accord with existing zoning, then the Council would have to approve that. If the proposal was for something that was not consistent with the current zoning, then the ultimate decision would be the Council's.

## **PUBLIC HEARING**

### **Milwaukie Municipal Code Amendments ZA-06-02 – Ordinance**

**Mayor Bernard** called the public hearing on the legislative zoning ordinance amendment initiated by the City of Milwaukie to order at 7:53 p.m.

The purpose of the hearing was to consider an ordinance to adopt proposed amendments to the Zoning Ordinance including Title 14 – sign ordinance text amendments; Title 12 – street, sidewalks, and public places ordinance text amendments; Title 17 – land division ordinance text amendments; and Title 19 – zoning.

This was a legislative decision by the Council and would be based on standards found in the statewide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions of implementing ordinances. He reviewed the order of business.

The City Council decision will be the final decision of the City. All testimony and evidence must be directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precludes an appeal based on that criterion or issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals.

**Councilor Barnes** announced her husband was a registered business owner in Milwaukie, and his primary business was sign making.

**Mr. Firestone** said one question was conflict of interest and if it was possible the spouse might financially benefit from the regulations. He thought it was reasonable to say the decision would not affect his business. This was not an actual conflict of interest for her spouse, and he did not believe there was anything in this that would definitely lead to his financial benefit. There could arguably be a possible conflict of interest in some situations if one type of sign were favored over another. Councilor Barnes could announce that potential and continue to participate or chose not to participate.

**Councilor Barnes** announced the potential for conflict and she would like to continue to participate.

There were no challenges to any Council member's ability to participate in the decision.

**Mayor Bernard** called for a brief recess while counsel reviewed the statutes.

**Mr. Firestone** reviewed the statutes and confirmed that Councilor Barnes could participate after announcing a potential and not actual conflict of interest. It was worthwhile to mention in this situation the potential was remote, and it was unclear how anything would affect her husband's financial interests. In those situations it was appropriate. Councilor Barnes may participate because it was a potential conflict and not actual.

No member of the audience made any challenges to any Council member's ability to participate in the decision.

Correspondence: The Council received a fax from Daryl Winand, Portland Metropolitan Association of Realtors that supported the Planning Commission's recommendation but expressed concerns about subsection 14.28.020(B) – Notice.

Staff Report: **Ms. Mangle** reported that signs do affect character of place as well as communication. This was a public hearing on proposed amendments to several sections of the Milwaukie Municipal Code (MMC). A majority of the amendments had to do with Title 14 plus minor amendments to Titles 12, 19, and 17. She introduced Assistant Planner Ryan Marquardt.

The main focus was on the sign code. Signs were regulated in the City as were buildings and land. The process for regulation was similar to other types of objects in the environment. The difference was that there were freedom of speech concerns as well as aesthetics, safety, and appropriateness. Article 1, Section 8 of the Oregon State Constitution addressed additional freedom of speech concerns. Milwaukie's sign code was written in 1975, and the text regulations had not changed much since then. In 1981 the City first prohibited signs in the right-of-way, and in 2000 the entire downtown zone and the related sign code were adopted. The focus of the amendments was not to change those regulations. The intent was to address the Oregon Supreme Court's March 2006 new decision on how cities could regulate signs. There were regulations related to freestanding signs, wall signs, and illuminated signs that varied between zones. For example, regulations in residential zones were more restrictive than in commercial zones.

The proposed sign amendments would eliminate the content-based provisions of the City's sign code. In 2006 the Court of Appeals found that a separate regulation of on-premises and off-premises signs was a content-based regulation. It was concluded that governments may impose content-neutral, time, place, and manner restrictions of speech so long as those restrictions left adequate means for expression. There was still language in the Milwaukie code that could be interpreted as being based on content. The effort of this project was to eliminate that.

**Ms. Mangle** provided examples of content. A mural, for example, cannot be looked at as being different from advertising. They were both wall signs. The code needed to address the shape of the sign and not content. She provided examples of on-premises and off-premises signs. The recent Oregon Supreme Court decision was that cities could no longer discriminate between the two. The intent of the project was to remove all of the content-based regulations and purely regulating on time, place, and manner; protecting the City against challenges to the decision-making process for signs; and making the code easier to use.

Along the way some minor policy changes came up. Ninety-five percent of the amendments in the staff report were technical corrections and solutions to the content-based issue. The other 5% were issues. Many of the technical issues came from staff and the city attorney. The minor policy changes came from the community including the Design and Landmarks Committee (DLC) and the Planning Commission. She reviewed the proposed solution. The City must now consider murals as wall signs which meant they were subject to wall sign standards in each zone. In the downtown zone, wall signs may only be 16 square feet. The Planning Commission directed staff to pursue other options in order to be more creative in the future with something like wall easements. That was put off to a future project.

Internally illuminated cabinet signs were another issue. The downtown design guidelines discouraged internally illuminated cabinet signs. The word "discouraged"

was not very clear, and though the code would require someone wanting to install an internally illuminated cabinet sign to go through the DLC and the Planning Commission, there was no approval criteria. There have been a number of frustrated applicants who did not know what they were up against. The Planning Commission and DLC did not feel they had clear guidance in making their decisions. In talking with both of those groups and in the spirit of implementing the downtown design guidelines the related minor change in the proposal was to prohibit internally illuminated cabinet sign in the downtown district. The existing signs would be required to be turned off in five years. In 2010 all of the signs in the downtown would have to come into compliance with the regulations that were imposed in 2000 with the rest of the downtown plan.

**Mayor Bernard** declared an actual conflict of interest because he had such signs on his buildings in the downtown and handed the gavel to Council President Barnes. He left the dais.

**Councilor Collette** referred to the slide and asked if the "Seattle's Best" sign was neon.

**Ms. Mangle** said the code described it as an internally illuminated cabinet sign that was not square. The Dark Horse sign was considered 20 separate internally illuminated cabinet signs. The Wonderland sign, for example, was externally illuminated because the business did not receive Planning Commission permission for an internally illuminated sign. The sign was visible both at night and during the day. She felt the design guidelines were looking for signs designed in concert with the architecture and contributed to the character of the downtown. This was only in the downtown zone and did not affect the sign zones in other areas.

**Councilor Stone** asked Ms. Mangle to clarify for the audience the boundaries of the downtown area.

**Ms. Mangle** replied all the downtown zones were roughly between McLoughlin Boulevard and 21<sup>st</sup> Avenue and between Hwy 224 and Lake Road. It was the downtown grid. She did review these with North Main developer Tom Kemper, and the sign guidelines he had for his tenants were much more restrictive than those in the downtown design guidelines.

**Councilor Stone** asked if the "Regina Celeste" sign on the slide was an internally illuminated cabinet sign.

**Ms. Mangle** replied it was called a halo sign. The lighting was not coming through plastic. The letters were opaque, and the lighting formed a halo around the letters. The Planning Commission and DLC did not like the internally illuminated cabinet signs because the light was coming through plastic, and there was a lot of glare and did not have a pedestrian-friendly character. The idea was for a sign to have a little more articulation and design. Some of the DLC members suggested if the regulations were being made a little more conservative in the downtown, then the Council should also consider allowing more flexibility in the guidelines. An adjustment process was included that provided special consideration in unique circumstances. There were already adjustment processes, but some criteria were added specifically for flexibility in the downtown. Those would allow for special consideration of a sign if it did not meet the exact letter of the code as long as it met the downtown design guidelines in terms of being pedestrian oriented, serving the character of the City, and those types of things. It was also with the idea that some signs would meet the guidelines and would not meet the code but might serve to protect a historic landmark or a tree or character. These would go through the Planning Commission.

Another minor policy change was under community service and community use signs. Right now a limited number of signs were allowed outright. Community service uses were churches, schools, government buildings, playing fields, recreation sites, and things of that nature. Conditional uses would be for small businesses in a neighborhood or small offices. A limited number of small signs were allowed, or they were allowed the signs in the underlying zone. In a commercial or industrial zone, they could pretty much do whatever those uses could do. A lot of school and churches were in residential zones with limited sign allowances. This was an effort to give a little more. Larger signs would require Planning Commission approval. The current code language governing those signs was very vague, and there were not standards related to area, size, or height. There were no approval criteria when the Planning Commission had to make a decision, and the city attorney strongly recommended that approval criteria be added. The change the Planning Commission recommended was that small signs of 16 square feet or less and up to 6 feet be reviewed by staff. Signs larger than that would need Commission review. She provided examples of these types of signs and discussed how signs were measured. The code proposal included that the Planning Commission needed to consider the proximity of the sign to residential areas, the functional classification of the street, and the scale of surrounding development in its review.

Another issue the Planning Commission identified as a problem was that temporary banner signs proliferated and seemed permanent. There were a lot of banner signs that were not permitted, and only temporary banner signs were exempted from permits. If they stayed up for years, then they were not temporary. They were being used in a way that was not upholding the purpose of the sign code that was not only about safety but also making the City a clean, attractive place. The proposed change was that banner signs greater than 16 square feet would be allowed without a permit only at community service properties, and they may remain there for six months. That meant a banner of less than 16 square feet could be put up as temporary which meant the duration of the activity or for a reasonable amount of time. If it was over 16-feet, then a permit would be required unless it was a community service property like a church, government, park, or something of that nature.

**Councilor Barnes** asked about the sponsor signs at Milwaukie High School that were up all year long.

**Ms. Mangle** replied there was a comment from a citizen who testified at the Planning Commission. The length of time was extended to six months in response to concerns. The banners up at the playing fields were for sponsorship of the teams during the season. The citizen who commented thought that was a reasonable approach because the signs would likely rotate with each playing season. The sign code regulated signs visible from the public right-of-way or other properties. Many of the signs in playing fields were focused internally so were not subject to the sign code.

**Councilor Collette** asked if the Ardenwald Neighborhood would need a permit for its summer concert series banner which she believed was larger than 16 square feet.

**Ms. Mangle** said the park was a community service use so the sign was all right. She thought the Planning Commission trying to balance the true community benefit of being able to communicate community events and still having a little more control over banners. A business or a residence may get a permit for a banner and treat it as a wall sign. Sign permits were \$95 so it did not limit anyone's ability to have a banner. The hope was that there was enough of a hurdle that it would not just be a freebie to have signs in ways they would not otherwise be allowed to.

**Councilor Stone** understood they could be in place for up to six months.

**Ms. Mangle** replied if they were greater than 16 square feet they could stay up for six months on community service use property. What was currently the practice and would continue to be the practice was that banners less than 16 square feet were temporary signs such as real estate signs could be up during the duration of the activity.

**Councilor Stone** asked how the regulations would affect the signs across roadway like the neighborhood speed watch banners.

**Ms. Mangle** replied the City was allowed to put signs in the right-of-way. There was a minor policy change regarding billboard signs as a direct result of the courts ruling. Billboard signs had been prohibited in Milwaukie since 1979. They were prohibited because they were defined as off-premises signs advertising something that was not on the premises. Signs whether they were on- or off-premises were treated as freestanding signs. The Planning Commission proposed changing the limit for freestanding signs to 250 square feet. This was something that only affected commercially zoned properties. The limit for industrial properties was already 250 square feet. Letters were sent to all the commercial property owners just as letters were sent to all the downtown property owners about the internally illuminated cabinet signs. One change that Chief Kanzler requested that was similar to comments from the neighborhood leaders had to do with sign spam. The neighborhood was concerned that there were a lot of illegal signs going up. The current code required 30-days notice before removing a non-hazardous illegal sign. A lot of signs were in the right-of-way or caused a nuisance or spam. The proposed policy change was that the City be allowed to immediately remove illegal signs. It allowed the City to impose a fee up to \$100 per day. The City may give notice. It also listed several things the City needed to consider when removing, moving, citing, or demanding removal of a sign. It needed to be considered whether the sign created traffic or safety hazards; the impacts of the sign on the community; and whether the violation was curable. Removing a sign and charging \$100 per day was not the first course of action. It would allow the City to take action without the 30-day notice requirement. It would apply to spam signs as well as others that were illegally placed in the right-of-way.

Staff made a concerted effort to provide information to those affected by these changes. Information was sent to the Neighborhood District Associations, the land use chairs, Portland realtors, various agencies, and posted on the City's website. There were some inquiries about the freestanding signs and the internally illuminated cabinet sign change. None of the people had no real concerns once they understood the magnitude of the change. Ms. Mangle addressed the comment from Daryl Winand who represented the Portland Metropolitan Association of Realtors. He had several concerns and comments that were worked through, but she believed he still had one outstanding. Just as with buildings and lots, something became non-conforming if it was legally created and then the regulations changed. It would not be allowed to be built under current regulations. There were a lot of houses, lots, and signs out there that were nonconforming. The code allows buildings to keep going, but they cannot be re-built. With nonconforming signs the code requires that they be brought into conformance within 10 years of the policy change. The most notable example of this was when the downtown sign zones were created to implement the downtown design guidelines in 2000. That meant that wholesale changes were made that would affect most of the properties in the downtown. In 2010 all of the properties would need to bring their signs into conformance. For many that will mean just turning off the light in the internally illuminated cabinet signs. City staff will likely send out a letter and work with those property owners to bring things into compliance. How will the City alert sign owners of pending deadlines to bring signs into conformance? Mr. Winand submitted proposed language he felt would address his concern. That was to require the City to give notice to property owners one or two years before the 10 years deadline. Although she

understood his concern, Ms. Mangle did not believe that was a reasonable expectation. There was no inventory of the signs or when they were permitted. It was easy to imagine that the City would begin contacting property owners in 2009 to make sure people knew about the change. Outside of downtown staff typically finds out about nonconforming signs by complaints by neighbors or people coming in for a building permit. The philosophy of the City was to work with property owners to solve the problem and not penalize them on the spot for something of which they may not have been aware.

**Councilor Stone** asked why 10 years was chosen.

**Ms. Mangle** said it had originally been 7 years, and that time came around. The code was changed to 10 years in 2000 because of the staff time involved in notifying the property owners and to work toward conformance. Staff did not currently have a list of nonconforming signs, so it was difficult to have a wholesale project to notify people of the changes.

**Councilor Stone** asked how would people know their signs were not conforming and needed to be fixed in 10 years. She asked why it was in there if it could not be enforced.

**Ms. Mangle** replied it made the most sense in the downtown because of the wholesale remodeling of the downtown with one vision. It made more sense downtown also because there were a lot of signs that would change as properties turned over. The idea was that in order to move toward conformance and that vision there needed to be a deadline for getting people to remodel their signs.

**Councilor Stone** asked if there could be a provision that says under new ownership the sign must conform within six months of new ownership with a clause that brought it into compliance earlier than the 10 years.

**Mr. Firestone** was not sure about the change in ownership. Some jurisdictions have tried various triggers for requiring something to come into compliance. His concern had to do with providing equal treatment. Did the City have a rational basis for treating a new owner differently than an old owner? One of the reasons it was 10 years was because depending on the type of sign, some of them were expensive. If people just put in a new sign and the City changed the code, then they had a reasonable expectation to get out the value they put into it. Seven to ten years was the time frame established because of that concern. Apart from the changes in the downtown area, the only other major change he was aware of was the limitation of the very, very large signs. There were not that many of them out there. As with all enforcement if something is brought to the City's attention and it has been ten years, then the City can enforce. There was no inventory, and it would be expensive to do one. He was not sure there would be much benefit in doing an inventory.

**Ms. Mangle** thought if someone came in and wanted to make improvements to their sign which was common with a new property owner they were allowed to change just the face of the sign as long as they did not change the structure or the size. They were allowed to do that by right, but once they started making structural changes or wanted to move the sign, they were required to come into conformance with the current code.

**Councilor Collette** understood someone could buy the business, change the face of the internally illuminated cabinet sign, and keep it.

**Ms. Mangle** said that was correct.

**Councilor Stone** did not think that was smart.

**Ms. Mangle** replied that had happened recently and people had been told that in 2010 they would be required to bring the sign into conformance with the code. People had just changed the plastic face with the new logo, and that was legitimate right now.

**Councilor Collette** asked if there had been an effort to get the new design guidelines out to downtown businesses so they were aware that changes were coming and that those guidelines would have to be met at some time. She wanted to ensure people aware that the new guidelines were in place.

**Ms. Mangle** understood there was a widespread discussion of the downtown guidelines. Measure 56 required the City to send out notices when there were zone changes that would place more limitations on someone's property, and it was required on the action currently before the Council for consideration. When the zone changes occurred in 2000 in the downtown a brochure was mailed to property and business owners. She addressed the proposed amendments to Title 12 – sidewalk benches which was being amended for the same reasons. It currently discussed content and location, so it was the same type of thing. None of the policies were changed. It was getting the content-based language out and focusing on benches in the right-of-way that needed to be permitted. There were minor changes to Titles 17 and 19 that were housekeeping amendments. They did not change the policies but made corrections or added missing words.

The proposed amendments were recommended unanimously by the Planning Commission that held a public hearing and found the amendments met the criteria for approval. The City Council was the decision-making body for legislative amendments to the code. There were three key issues for adoption of legislative amendment: (1) did they meet the approval criteria; (2) do the proposed amendments affirm and clarify existing policy regarding signs, land use, and land division, making the code more effective; and (3) whether the amendments implemented to purpose of the sign code which was to promote the "neat, clean, orderly, and attractive appearance" to the City.

In regard to the approval criteria, the Planning Commission and the City Council held public hearings. The Planning Commission recommended that the City Council approve the amendments. The amendments also met the approval criteria of being consistent with the Comprehensive Plan and other parts of the code and state and Metro regulations. The main purpose of this project was to ensure the municipal code complied with state regulations.

In addition to some content-based amendments, criteria was added to describe decision-making and allow the City to more defensibly implement the Title. Some tables and graphics would be added to make the regulations easier to understand for applicants and staff. Criteria were being added to make the code more objective and therefore more defensible. Some mistakes were corrected to make the regulations more understandable.

Do the minor policy changes meet the purpose of the sign code? The Planning Commission found that they did because they supported the downtown design guidelines that were already adopted and approved by the community. The criteria for review of signs for community services uses and conditional uses focused on compatibility with the surrounding residential area that was further emphasizing and supporting what was in the Comprehensive Plan and zoning code. The practice of limiting the size of freestanding signs which was also a tradition in Milwaukie would continue. The growing number of temporary signs would be limited to further address the neat, clean, orderly, and attractive appearance of the City.

This was a proposed legislative amendment to the sign code, and the Planning Commission recommended approval. The options were to approve the proposed

amendments and adopt the ordinance; approve the amendments with modifications; or take no action.

Correspondence: Noted at the beginning of the hearing.

Public Testimony in Support: None.

Neutral Testimony: None.

Public Testimony in Opposition:

- **Ed Parecki, SE McLoughlin Boulevard**

**Mr. Parecki** brought out some points based on the presentation. Part of the remodel and beautification of the downtown zone was getting permission and going through the approval process for an internally illuminated cabinet sign which he received about a year ago. His sign was conforming however at this time it was not illuminated. He paid over \$10,000 for the sign based on the proposal. In this proposal there was a 2011 deadline in five years, but his sign was currently conforming. That meant that until it was nonconforming he had ten years from the time it became nonconforming. There was a discrepancy in the verbiage. Technically he should have 10 years from the date it became nonconforming. This ordinance stated it was 2011, so he had a problem with the way that was worded. He pointed out on McLoughlin Boulevard there were numerous national businesses that had internally lit signs such as gas stations and the US Postal Service. Mayor Bernard's business had an internally lit sign, as did Starbuck's. Based on this proposal come 2011 all of the signs would need to be turned off. He found it hard to believe these businesses would just sit back and allow that to happen and particularly the national chains that invested a lot of money in their signage. It was difficult to attract tenants if one did not offer something like an internally lit sign on a major thoroughfare like McLoughlin Boulevard. His building which as of yesterday was 100% leased. He thought part of the success was the fact that he had an internally lit sign to offer the tenants a little more exposure during the evening hours when there was still a lot of traffic. People still whizzed by but they could catch a glimpse of a sign that was very nicely done and approved by the planning department. His sign met all the design guidelines of the current plan and the proposed plan. In 2000 it met everything. Now he was hearing that in five years he had to turn it off. He put a lot of money into the building and did not like to hear he would have to turn it off. One of his questions was if there was any mitigation from the City if he had to turn off the sign and potentially lose tenants and potentially lose the attraction of that building based on a code that was being changed. He was only opposing the one section of the proposed ordinance. He went through a lot of hoops to get this approved in 2005, and he was very concerned to hear that if the Council put the gavel down then the sign would have to go off in five years when though he should really have 10 years.

**Mr. Firestone** said Mr. Parecki was correct that there was an inconsistency in his reading between the general 10-year standard and a specific standards relating to internally illuminated cabinet signs. It would be possible to amend the proposed language relating to the internally illuminated cabinet signs. The Council could provide an exemption. There was a deadline of December 31, 2001 for internally illuminated cabinet signs in the downtown zones. The City Council could choose to provide a different deadline or that the regular 10 years would apply to those signs that received a City approval after the downtown design code was established. As written there was a specific deadline for internally illuminated cabinet signs in the downtown zone that was shorter than the general 10-year standard.

**Mr. Parecki** said the changes to the code did not clarify it but rather made it more complicated.

**Mr. Firestone** said technically it was not inconsistent. The shorter deadline of 2011 would apply because the general 10-year standard did not apply to internally illuminated cabinet sign in the downtown zone. The Council could amend that if it chose.

**Councilor Loomis** asked Mr. Parecki when he went through the hoops to remodel the building if there was an understanding that he would have to the sign down.

**Mr. Parecki** said there was none given whatsoever. The only question had to do with being an illuminated sign, and the code read it was discretionary as to whether or not it had to be accepted. He did not recall the exact language, but it was in the packet. He was able to show staff the sign, and it was not ugly and was actually beautiful. Staff agreed to make an exception in this case and allow it to be internally illuminated. He was not under the impression he would have to remove it at anytime otherwise he would not have invested as much as he did.

**Councilor Collette** asked if it was extended to 10 years from now would it give Mr. Parecki enough time to light it externally or do whatever was needed to comply in 10 years. Would that be less onerous?

**Mr. Parecki** replied it would be less onerous. He could see a 10-year amortization of the sign versus 5 years. He could live with it. He could illuminate it externally any time, but it would be a waste of the money he put into it. He was concerned about holding up his end of the lease agreement. The terms were three to five years with options to renew.

**Councilor Stone** understood the issue was that it was internally lit and not that the City did not want the sign to be illuminated. Obviously that was needed to draw business, as do many other businesses. Could there be a provision to look at individual signs that came before the City to determine whether or not they were acceptable.

**Mr. Parecki** replied that was what was in the code now, and the point was not whether it was internally or externally lit. He created a cabinet and went to the extra expense of making it internally lit. That was the point.

**Councilor Collette** explained the current code discouraged internally illuminated cabinet signs, but Mr. Parecki was given an approval.

**Councilor Stone** asked if there was any provision the City Council could make. This was a new sign; it was approved by the City; and it was a nice sign. Could it be grandfathered in? That was all she was asking. If it was a sign that was approved and it was conforming, then that would be her question.

**Councilor Collette** understood Mr. Parecki was given special approval. Were there a lot of internally illuminated cabinet signs in the downtown that were unattractive that this amendment would eliminate.

**Ms. Mangle** replied that was the intention. They were not pedestrian friendly and emitted a lot of glare. It was possible that one could have a sign that was pedestrian friendly and aesthetically pleasing and supported the downtown design guidelines. The external illumination was strongly preferred fundamentally in the downtown design guidelines. There were lists of recommended sign lighting and lists of lighting that were not recommended. Internally illuminated cabinet signs were on the "not recommended" list which translated into being discouraged in the code.

**Councilor Loomis** asked what would happen to Mr. Parecki's sign under the existing code.

**Ms. Mangle** said it was permitted under the existing code. It was conforming and legal, so this would be a policy change.

**Councilor Loomis** understood the downtown design guidelines discouraged this type of sign.

**Ms. Mangle** assumed Mr. Parecki had to go through the Planning Commission and Design and Landmarks Committee to get approval for his sign.

**Councilor Loomis** understood all signs that were conforming to date that were downtown could be there forever unless the code was amended.

**Ms. Mangle** replied if they were conforming that was correct.

**Mr. Firestone** said currently there was at least one sign that received the approval. The earlier ordinance was written in a way that discouraged internally illuminated cabinet signs in the downtown area and allowed them only with Planning Commission approval. All of the existing signs became non-conforming unless the owner chose to seek Planning Commission approval. Some later people have come in and sought approval. There was at least one granted. That sign was legal and was not contrary to anything currently. All the other signs downtown pre-dated the downtown design guidelines and regulations. They were currently nonconforming and would have to go even under the existing code. For this particular sign, it was currently legal and could probably stay there forever. It was probably unique among internally illuminated cabinet signs in the downtown. Most of them were there before 2000. They were nonconforming and did not get Planning Commission approval. This was a different situation, and he thought there was a valid point made. The Council could deal with it by saying if the property owner got Planning Commission approval, then the sign could be kept. It could say if the property owner got Planning Commission approval, then the 2011 deadline did not apply, but the regular 10-year amortization period did making the sign nonconforming after that period.

**Councilor Loomis** was concerned there were businesses such as Mayor Bernard's for example. What happened to his sign under the current code?

**Ms. Mangle** replied that sign was in place prior to 2000. In 2010 if it did not comply with current policy then it would be nonconforming and subject to that section which said it should either be removed or brought into compliance on or before 10 years plus one day of the date it became nonconforming. The existing code said nonconforming signs may be continued for a period of 10 years from the effective date of the ordinance codified in this chapter. The policy was not changing but rather being clarified for all the properties downtown.

**Councilor Collette** understood all of them were nonconforming if they were put in before 2000, and they were within that 10 year period of nonconformance. At the end of the 10-year period the signs and other design things that were in place before the downtown design guidelines were adopted in 2000.

**Mr. Firestone** said there were code provisions and there were guidelines. There were code provisions that contained clear standards. If they were inconsistent with any code criteria then they were nonconforming. Inconsistency with the guidelines did not make them nonconforming because they did not have to get an approval at that time.

**Ms. Mangle** said it was the illumination of the cabinet signs that was under discussion. For example, the Wonderland sign was not approved by the Planning Commission for internally illuminated cabinet sign. Once denied internal illumination, the owners decided to externally illuminate the sign with gooseneck lamps. She understood Mr. Parecki's point regarding buying a sign for a certain function and no longer allowed to do so. It could still be illuminated externally and function as a sign.

**Councilor Collette** asked if one form was more energy efficient than another.

**Ms. Mangle** did not know.

**Mr. Firestone** understood the main purpose of the regulation was aesthetics.

**Councilor Collette** said it would be nice to have efficiency be a criterion at some point.

**Councilor Loomis** understood the service stations on McLoughlin Boulevard would have to turn their lights off in four years and illuminate them some way. That was the code right now.

**Ms. Mangle** said right now internally illuminated cabinet signs were only discouraged; not prohibited. The proposed code would prohibit them. However, if they had pole signs, for example, those were prohibited in downtown Milwaukie. There were a lot of old pole signs in the downtown such as the Kellogg Bowl sign.

**Councilor Loomis** asked if these signs would be grandfathered if nothing was changed. He had an issue with people who had a sign – have always had a sign and followed what the City asked them to do. It was there, and it was in working order. The City should leave them alone. When it was not in working order, then the City should tell them to get it out. Or when a new business came in. He was fine with that. He was not comfortable with telling people who met all previous regulations and stipulations and followed the rules, and now the City was telling them aesthetically it did not like the way it looked. He was not comfortable with that and would not support it if that was the proposal.

**Ms. Mangle** the answer to the internally illuminated cabinet sign was that right now those were allowed and would not have to go away in four years. Pole signs were also addressed in 2000, even if the amendments were not adopted today, would be nonconforming in the downtown in 2010. That was already in the code. There were already a number of limitations oriented toward design and creating a unified, high quality, pedestrian-oriented environment in the downtown. That was already in the code. The nonconforming section was already in the code that required nonconforming signs to come into compliance in 10 years. The one change was adding internally illuminated cabinet signs to that list.

**Councilor Stone** asked Ms. Mangle to point to a city that was currently operating under these kinds of regulations with these types of sign codes in place so the City Council could have an idea of where it was going with this. She shared the same sentiments with Councilor Loomis as to what this did to businesses. She did not want to discourage businesses from coming here especially if they were in compliance and got staff approval for their signs.

**Ms. Mangle** replied the City of Lake Oswego's downtown zone was the aesthetic model for what the Planning Commission discussed.

**Mr. Firestone** added Lake Oswego was extreme in rooting out all nonconforming signs. There was a limited period of time, and the city was aggressive. They have won in court their ability to make businesses or any sign order to remove their nonconforming signs after a period of time.

**Councilor Stone** asked if there were other cities in the region besides Lake Oswego that was doing similar things in terms of sign regulations.

**Ms. Mangle** believed any of the design districts in Portland had those types of restrictions on size, height, and manner. In addition to Lake Oswego, staff looked at Sellwood and Westmoreland for lighting alternatives.

**Councilor Loomis** had more questions on the Milwaukie High and church banner issues. He asked if the signs on the outside of the fence were conforming or nonconforming. They were not inside the football arena.

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**Ms. Mangle** replied they could be up for six months, and then they would have to be changed. Banners were a flimsy material and were not intended to be a permanent sign, so it needed to be maintained in that manner.

**Councilor Loomis** said to him it showed there were people in that high school that cared finally and who were out hitting streets and businesses were supporting them. He saw a community and school that was involved. His concern was just because there were banners up there the whole time did not mean they were the same banners. How will the City regulate. It will be sponsors that will say they want to do it again and again. Can they do that? It was a mechanism of fundraising and spirit and community. It did not bother him. It was pedestrian friendly to him.

**Ms. Mangle** said that was discussed at the Planning Commission. Tim Salyers talked about it in his role as a coach and the importance of fundraising and community building. That was why the timeline was extended to six months to make sure that use and those types of signs were not precluded at community spaces like schools and fields. The intent was to capture and allow those types of signs while acknowledging they were banners and temporary. Six months would probably be sufficient to rotate them out. The change was made from 30 days to six months in response to that concern.

**Councilor Barnes** had the same concerns as Councilor Loomis. Those banners go up at the football season, and the track was used later in the year. It was a much longer period than six months. She felt banners should be up for the entire school year rather than six months. She was concerned that the six months would not work for the high school. Those banners cost between \$250 and \$500 which became expensive if it had to be replaced every six months. This was a donation to the school and athletic department.

**Ms. Mangle** said the current code only allowed banners to be used in conjunction with temporary events and not in place for a period longer than of 30 days. They can be permitted as real signs otherwise. The proposal was an effort to address the need for community service signs and the use of banners in this and other ways. The proposal allowed for a longer period of time than what was in the current code. Staff could look at other options if the Council did not feel this addressed it. Permitting the signs was another option.

**Councilor Barnes** would prefer that the City's code enforcement officers did not go to Milwaukie High School and say the signs needed to be taken down. That was not good public relations for the City, and that concerned her a great deal.

**Councilor Collette** thought the City had better things to do.

**Councilor Loomis** was comfortable having them up during the school year. Take them down at the end of the school year and put them back up in the fall.

**Mr. Firestone** said generally the regulations applied to all community services uses. It would be difficult to craft something for schools. The Council could simply change it to one year. The understanding would be that a single banner for one year, and in the next year a different banner would go up on community use service sites. That was one possibility. On that particular issue there were size restrictions that the Council should also consider with a limitation of 40 square feet per site.

**Councilor Barnes** recommended that the Council look at this further. She was not comfortable voting on this one way or another because she had a lot of questions. She felt the Council needed more time to review and suggested more people be included in the conversation before making any decision. She recommended the hearing be continued.

**Ms. Mangle** said the primary motivation was to make the code more defensible and eliminate what might be interpreted as unconstitutional content-based language. She read the language suggested by the city attorney. "The City has attempted to have a sign code that regulates the size, structure, and location of signs, but not their content. The City recognizes that the Oregon Supreme Court in *Outdoor Media Dimensions, Inc. v. Dept. of Transportation*, has recently clarified the law as to content-based restrictions on signs. One effect of that decision was to classify restrictions as being content-based that were not considered content-based under previous decision of the Oregon Court of Appeals. Under *Outdoor Media Dimensions*, some provisions of the City's sign code may be interpreted as being content-based. The City Council interprets the code as being content-neutral. Any provision of the sign code that allows a sign of a certain physical type (e.g. monument sign or wall sign) and size is interpreted as allowing any sign of the same physical type, size, and location, regardless of content. In considering sign permit applications, sign approvals as part of land use applications, and enforcement actions, the City will ignore the content of the sign and make decisions solely on other grounds, such as they physical type of sign, size, and location."

**Mr. Firestone** asked the City Council to move to adopt that interpretation of the code in the event the City might face any challenges to its existing regulations.

**Councilor Collette** understood all that was saying was that the code was considered content neutral.

**Mr. Firestone** replied it said the existing code was content neutral until there was an opportunity to amend the code.

**Councilor Collette** understood the other changes would not be adopted.

**Ms. Mangle** said this was what staff was having to do all the time because of the content references as well as on- and off-premises signs. The staff must act in a constitutional manner and interpret the code to be content neutral. Mr. Firestone was proposing an official statement from the City that that was the policy. Hopefully that would protect the City until the code was amended.

**Councilor Stone** asked if there was some reason the City needed to do that. Was there something on the horizon?

**Mr. Firestone** said one reason was that various entities have challenged and have occasionally been successful in challenging sign code sections that were unconstitutional making the entire code unconstitutional. That has happened successfully, so he recommended avoiding that situation. While the chances may not be great, one did not want to lose sign code litigation. It was expensive and miserable to go through.

**Councilor Stone** understood this would protect the current code.

**Mr. Firestone** said that was correct. The intent was to say the City would interpret the current code in a content-neutral manner. That would give the City another defense against constitutional challenges to any sign regulation.

**Councilor Collette** said that made sense, and she had no problem with the piece.

**It was moved by Councilor Stone and seconded by Councilor Collette to adopt the policy statement as drafted by the City attorney as a resolution statement for adoption with alternatives 3 or 4 in regards to constitutionality of the sign code. Motion passed 4:0 with the following vote: Council President Barnes and Councilors Collette, Loomis, and Stone voting 'aye.' Mayor Bernard had recused himself.**

It was moved by Councilor Collette seconded by Councilor Stone to continue the public hearing to a date certain December 5, 2006. Motion passed 4:0 with the following vote: Council President Barnes and Councilors Collette, Loomis, and Stone voting 'aye.' Mayor Bernard had recused himself.

## OTHER BUSINESS

### A. Kellogg Plant Zoning Amendments, Continuance

Mr. Swanson said approximately six months ago there was a package of amendment to the code and Comprehensive Plan. The code amendments dealt with two broad issues. One was changing the community service overlay provisions to community service use and several amendments to the municipal code that dealt with declaring the Kellogg Treatment Plant as a nonconforming use and requiring its removal no later than December 31, 2015 followed with penalties. At the same time the City Council did approve changes to the Comprehensive Plan that had to do with major utilities. Those amendments occurred while the Citizen Advisory Council (CAC) was in the middle of its process, so it was thought best to continue the actual adoption of the zoning amendments that would require the closure of the Kellogg Treatment Plant as of 2015. Those were continued to August 15, 2006, and at that time the hearing was continued to this date. He suggested since the CAC process was still underway that the code amendments would not be conducive to settling that. He proposed continuing consideration of the adoption of the Kellogg Treatment Plant zoning amendments to February 20, 2007. That date was chosen based on the Land Use Board of Appeal (LUBA) appeal of the Council's action on the Comprehensive Plan amendments. The paperwork had been filed, but the record was not certified. The LUBA appeal was being continued until there was some kind of resolution on the actual wastewater treatment strategic plan decision.

It was moved by Councilor Barnes and seconded by Councilor Collette to continue the Kellogg Plant Zoning Amendments to February 20, 2007. Motion passed unanimously. [5:0]

Mr. Firestone suggested the four Councilmembers provide any comments to Ms. Mangle by November 5 regarding the proposed sign code amendments, so the department might be prepared with alternate language.

Councilor Collette would like the minutes of the Planning Commission meetings.

Councilor Barnes asked that they also be posted on the City website.

### B. Council Reports

Councilor Stone attended the beaded swale tour that provided a visual of what Kellogg Lake could look like with the dams removed and treatments to Kronberg Park. She attended the Get Motivated seminar through the Chamber. She planned to attend the Lewelling Park and 3 Bridges dedication ceremonies and the Farmers' Market meeting.

Councilor Barnes' students were editing the Milwaukie Candidates' Forum, and she thanked Mr. Stroup for moderating. She would attend the Lewelling Park Dedication and the Young Leaders luncheon at the Chamber.

Mayor Bernard attended the Pacific Program. He would attend the Farmers' Market meeting and the special Council meeting with the CAC.

Mayor Bernard announced the Council would meet in executive session pursuant to ORS 192.660(2)(h) to discuss pending litigation with legal counsel.

## ADJOURNMENT

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It was moved by Councilor Barnes and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 9:39 p.m.

*Pat DuVal*

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Pat DuVal, Recorder

# AGENDA

## MILWAUKIE CITY COUNCIL OCTOBER 17, 2006

MILWAUKIE CITY HALL  
10722 SE Main Street

1992<sup>nd</sup> MEETING

### REGULAR SESSION – 7:00 p.m.

- I. **CALL TO ORDER**  
**Pledge of Allegiance**
  
2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
  
3. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
  - A. **Council Minutes August 15, 2006 Regular Meeting**
  - B. **Council Minutes September 5, 2006 Work Session**
  - C. **Council Minutes September 5, 2006 Regular Session**
  
4. **AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*
  
5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

**Milwaukie Municipal Code Amendments ZA-06-02 – Ordinance  
Removes content-based sign regulations and makes housekeeping  
revisions to Title 14 - Signs, Title 12.20 – Sidewalk Benches, Title 17 - Land  
Division, and Title 19 – Zoning (Katie Mangle)**

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

A. **Kellogg Plant Zoning Amendments, Continuance**

B. **Council Reports**

7. **INFORMATION**

**Public Safety Advisory Committee Meeting Minutes, September 28, 2006**

8. **ADJOURNMENT**

**Public Information**

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
AUGUST 15, 2006**

**CALL TO ORDER**

**Mayor Bernard** called the 1988<sup>th</sup> meeting of the Milwaukie City Council to order at 7:03 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Carlotta Collette	Susan Stone

Staff present:

Mike Swanson, City Manager	JoAnn Herrigel, Community Services Director
Gary Firestone, City Attorney	Katie Mangle, Planning Director
Kenny Asher, Community Development/Public Works Director	Alex Campbell, Resource & Economic Development Specialist

**PLEDGE OF ALLEGIANCE**

**Mr. Swanson** reported the Council convened in executive session during the work session. It was now formally out of executive session, and the work session was adjourned.

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**Announcements**

**Mr. Asher** introduced **Gavin Hales**, Transportation Liaison, who would spend time in the community talking about transportation issues from traffic to light rail to bus.

**Mayor Bernard** recognized **Margaret Sandberg** on her 100<sup>th</sup> birthday and congratulated **Evan Drake** of Troop 376 and **Nathan Enos** and **Benjamin Novak** of Troop 144 on attaining the rank of Eagle Scout.

**Mayor Bernard** presented Ms. Herrigel with \$1,000 checks from Celebrate Milwaukie, Inc. and Bernard's Garage for the Riverfront Park. **Mr. Zumwalt** expressed his appreciation to the Riverfest volunteers and particularly recognized City employees Beth Ragel, Willie Miller, and Mike Clark.

**Downtown Parking Implementation Update**

**Ms. Mangle** updated the Council on downtown parking issues and asked that it consider adopting the Downtown Parking and Traffic Management Plan (the Plan) at a future meeting. A consultant team with a lot of downtown business and neighborhood involvement led the effort. The work was a combination of data collection and some analysis of the traffic and parking situations at the time. It resulted in a set of guiding and operating principles for traffic management and a strategy for managing parking as the downtown changed over time. It followed in the footsteps of the Downtown and

**CITY COUNCIL REGULAR SESSION – AUGUST 15, 2006**

**DRAFT MINUTES**

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Riverfront Land Use Plan, so the current growth was anticipated. In October 2005, Council directed staff to implement the Plan and approved one of the guiding principles, which was that downtown employees and visitors should be prioritized over park-and-ride users.

The guiding principles were the values that were brought to the process, and Ms. Mangle outlined what she felt were the most important. #1 -- The most convenient parking should be reserved for visitors to City Hall and downtown businesses. #5 was about developing and promoting access by many modes as was being done with the 3 Bridges Project for bike connections and not just focusing on autos. #7 was to provide sufficient employee parking to promote a healthy downtown. #10 was minimizing parking and traffic impacts to the neighborhoods. #12 was to remove the park-and-ride and bus staging from City streets. There were other guiding principles, but she thought these showed a concerted effort by the City to take a balanced approach to understand development impacts and ensure there was parking to support the development.

**Ms. Mangle** discussed the 85% full standard, which was a trigger to manage parking. When 85% of the parking spaces downtown were occupied during peak periods an assessment would be triggered. Over time the City should be able to strategically manage the existing parking supply.

The third element of the Plan was the Central Business District (CBD) Parking District that was essentially between Scott Street and Lake Road. It defined the core where the demand for parking would occur. Adopting that District would allow the City to focus its more stringent parking policies in that area acknowledging that it was different from the downtown neighborhood and the area to the north.

Overall this was about a management strategy and the values stated in the guiding principles. Though there were some specific ideas about changing the parking zones and permitting system, it was important that the Plan did not contain all the answers. As the downtown evolved the City would have to make choices, and it was good to know that the guiding principles were a shared value when those choices were made. She concluded that adoption of those three elements of the Plan would help staff be effective in implementing the Plan.

Staff was taking steps to address parking issues by reviewing the parking issues to better understand the problem. There was not enough parking for downtown employees and visitors. At the beginning there was not really an understanding of how many spaces were available and how many permits were held by people commuting to Portland and as a result taking up spaces that could be used by downtown employees. Projects would continue to have an impact on parking supply, so those were issues that needed to be addressed in the short term.

An interdepartmental group was formed to develop and implement solutions to some of these problems. For example, when the City decided to convert the old Texaco site to a parking lot, that group worked to make it happen. It would continue to identify other changes such as re-stripping parking lots or changing signs.

The group then tackled the problem of having the correct data. The departments now had a map identifying the spaces, the length of parking allowed, and private parking lots. There was now a better understanding of the amount of public and private parking, and the data can be used as change is discussed.

Staff conducted a utilization study by counting cars to determine which spaces were being used and provides information for the 85% full threshold. The study showed it was generally full near City Hall and the Library, and the findings will be used to determine how parking might be distributed to meet people's needs. The team developed a list of downtown employers and people who would be affected by changes

to improve communication. The City was also finally able to identify which permit holders were commuting to downtown Portland. That information could be used in different ways to adjust pricing and things of that nature.

In summary the current work was focused on doing a better job managing the supply. In the near term staff was prepared to make some changes based on what was learned from the utilization study and how parking was allocated to address some of the issues in not just the whole downtown but in by subareas. For the near term, the City needed to get the most out of its limited supply, and the team had ideas for doing that. In the longer term, the City needs to understand what would support the growing downtown. It would help staff to know that there was a backbone of guiding principles supported by the Council.

**Councilor Stone** was curious based on map what the capacity was of private parking and full capacity available versus street parking versus City-owned lot parking.

**Ms. Mangle** responded that approximately 1,462 spaces had been identified with 672 in private lots.

**Councilor Stone** referred to the guiding principles and the discussions about relocating the TriMet staging area behind City Hall. She would like to commit to a timeline in the Plan. It would be nice to have a goal.

**Ms. Mangle** replied a lot of this was near term, and the City was behind in other areas. The Safeway lot was already closed, and some things recommended in the Plan had not been accomplished. Timelines could be something to consider.

**Councilor Stone** commented on employee parking in #8. It said that if the 85% full standard were exceeded, then employee parking must be eliminated/phased out first. That sounded harsh to her. She did not want the message to go out that people would be displaced. She did not want the message to come across in a negative way. Some one reading this might get a little excitable.

**Councilor Barnes** thought it might be a good time to discuss the Library parking situation.

**Ms. Mangle** reported the City was expanding the Library parking lot to the north and east to add 15 – 20 new parking spaces. It was not touching the park land. Some trees would be removed or relocated, but in the end there would be more trees than there were today. The new parking lot would be developed to current City standards.

**Mr. Shirey** reported it was designed and some of the work was being done on the perimeter sidewalks. He thought the project would be completed in a matter of weeks.

**Councilor Barnes** thanked Mr. Shirey for his update. She had brought it up so people would hear that the current Library parking problem was being rectified. The parking lot plan would be displayed at the Farmers' Market community booth.

**Councilor Collette** asked Ms. Mangle if it had been determined in the utilization study how many spaces in the private lots were used on a regular basis.

**Ms. Mangle** did not have the full results, but in generally looking at the whole downtown about 50% of the parking spaces were occupied at mid-day.

**Councilor Collette** thought there might be some flexibility with the private lots.

**Ms. Mangle** replied there was not one single answer, and there were tools at the City's disposal such as shared parking, permit costs, and angled parking versus parallel.

**Mayor Bernard** commented on liability associated with private parking lots, and most private parking lots were taken except at the north end by Pietro's and the bowling alley.

Reliable Credit employees for example were beginning to purchase permits. He thought there could be an education component. He discussed how time consuming it was for employees to move their cars every two hours. Parking was one of the most frequent comments at the Market, and he felt strategic parking management was the key. Once TriMet was through the Land Use Board of Appeal (LUBA) process, the Southgate park-and-ride would open up a lot of opportunities.

### **Transportation Discussion – Are We Meeting Our Goals**

Lake Oswego Councilor **Lynn Peterson** was a representative on the Joint Policy Advisory Committee on Transportation (JPACT), which was the regional decision-making body that allocated money for projects under the Regional Transportation Investment Program using federal gas tax money. Some of those projects included sidewalks, Lake Road improvements, and the continuation of the Environmental Impact Study (EIS) on light rail. Transportation Oriented Development (TOD) funds were also part of the program.

The region, state, and federal governments were all short on transportation money to carry out traffic calming projects, maintenance, transit, and highway construction. Transportation projects were not simply laying down asphalt to move cars but to create communities. They were done to create economic development opportunities, to improve the environment, and recreate and build up community. Regional travel delay has gone up 70% from 1992 to 2002, and a lot of that had to do with population growth in the region. Congestion has decreased a bit in the past three to four years due to the recession, and there have been few air quality issues since 1989. The capacity of the roadway system has been maintained by putting money into transit and alternative modes, so only about 10 highway lane miles were added to downtown Portland.

Ms. Peterson reviewed the Oregon Transportation Plan. Most of the system was in good condition. With the Port, the region was able to connect to the world economy, and ODOT and TriMet have been using innovative technology. Sustainable fuel options were in place and being used. Population needs would change as the percentage of seniors increased. The number of miles driven per person per day has stabilized in the Portland area and would likely only increase by about 1.5%. Transit demand was increased in major metropolitan areas as well as small cities. She reviewed a graph showing the vehicle miles traveled per person. Because Portland remained a compact urban area with transportation options, people did not have to spend so much time in their cars. She compared miles traveled in Portland with those of San Antonio, Kansas City, and others. This was a good region for transit. The average weekday ridership over the past 10 years has grown by about 65% with the population growing about 27%. The number of TriMet boardings was similar to Seattle and Baltimore although the service area was much smaller.

The Oregon budget funded three basic functions with about 85% going to health care, schools, and public safety. Only about 7% of the state budget went to transportation. Ms. Peterson addressed the gas tax issue. Between inflations and fuel efficiency in 1970 the gas tax was about 2.6¢, and now it was about 1.3¢. The gas tax was currently 23.5¢ per gallon. If the transportation system is not maintained at a certain level, then it will cost more in the future to rebuild the roadbed. Systems need to be maintained at a high level in order to be efficient in the future. Some jurisdictions have had to go to a transportation utility fee in order to maintain their roads. The state predicts \$50 million will be needed just to maintain the roads. Right now there was \$26.5 million for the entire state. The Hwy. 217 policy advisory committee recommended adding a third lane in each direction and re-do the interchanges. Those projects were estimated to cost \$500 million for seven miles. That project would be complete in 2089 with current funding levels. The package of needed improvements in the state was \$8.6 billion. The

JPACT finance committee asked staff how much portions of five major highway projects would cost, and those were estimated to \$3.6 billion which equaled a state wide gas tax increase of \$0.34 per gallon.

In order to build the transportation system to an acceptable level of service it would cost about \$4.7 billion, but the anticipated revenue to 2015 was \$2.9 billion with an assumed gas tax increase. At this point there was little to bond against. Over the next 25 years spending power will be reduced by 40 – 50%, and there will be only enough money for maintenance and some safety improvements. There was a lot of talk about toll roads, and three projects were being discussed: Dundee/Newberg bypass, Sunrise from Rock Creek to I-205, and an additional lane on I-205 south between Oregon City and I-5. The four-mile Sunrise piece would not likely pay for itself, so it was not really an option. They were also looking at tolling all of I-205, but there were many ways to get around it. The Newberg/Dundee option would probably move forward the fastest. The state could bond against future increased gas taxes, or there could be a similar effort on the local level. She was concerned about the move away from funding state, regional, and local programs to just funding short lengths of highway. There were a lot of neighborhood projects that people wanted including sidewalks, traffic calming, and safe routes to school projects that cannot be done because the transportation program was withering on the vine. Cities also had the ability to look at system development charges (SDC), but many cities in Clackamas County were built out. For new cities like Damascus, SDCs will be a good tool.

Milwaukie did well in the last round of MTIP funding because Milwaukie was ready and the region was ready to help. Now the region needed to look for the next city that needed the economic push. It was important that Clackamas County worked as a whole because the resources were so limited. Mayor Bernard was a great partner at JPACT. The highway trust fund looked like it would be running out of money in 2009, so the federal and state governments would not be there as partners.

## **CONSENT AGENDA**

**It was moved by Councilor Barnes and seconded by Councilor Stone to approve the Consent Agenda:**

### **A. City Council Minutes:**

- 1. June 6, 2006 Regular Session**
- 2. June 20, 2006 Work Session**
- 3. June 20, 2006 Regular Session**
- 4. July 6, 2006 Work Session**

**B. Resolution No. 37-2006: A Resolution of the City Council of the City of Milwaukie Amending an Intergovernmental Agreement (IGA) with the Metropolitan Area Communications Commission (MACC) to Decrease the Rate of Franchise Fee Revenue that the City Pays MACC for Comcast Contract Administration from 28% to 23%, Extending the Term of the Agreement to December 31, 2009, and Authorizing the City Manager to Sign the Agreement;**

**C. Authorize the City Manager to sign an Intergovernmental Agreement with Clackamas County for Pedestrian Improvements at 37<sup>th</sup> Avenue and Oak Street; and**

**D. Railroad Crossing Improvements on 37<sup>th</sup> Avenue and Oak Street, Intergovernmental Agreement with Clackamas County.**

**Motion passed unanimously. [5:0]**

## AUDIENCE PARTICIPATION

None.

## PUBLIC HEARING

### Solid Waste Rate Increase – Resolution

**Mayor Bernard** called the public hearing on the proposed garbage rate increase to order at 7:58 p.m. The purpose of the hearing was to consider public comment on the proposed increase.

**Ms. Herrigel** requested that the Council adopt a resolution increasing residential garbage rates by \$1.16 per can per month and modifying the Milwaukie's garbage rate schedule for drop box service. The City receives annual financial data from each of its haulers on the cost of providing service and revenues generated. These were consolidated, and the rate of return was calculated. The two applicable criteria were that to the greatest extent the rate in the City of Milwaukie should be based on cost of service, and the rate of return should be within a range of 8% to 12%. The consolidated rate of return for 2005 was 6.99% which was lower than the 10% target outside the 8% to 12% range. When one looked at each of the sectors – residential, commercial, and drop box – the lowest rate of return was drop box at 1.28% followed by residential at 7.74%. The commercial return was healthy at 9.26%. In addition staff compared the rates with neighboring jurisdictions. The proposal she forwarded to Council from the haulers was to increase residential garbage rates by \$1.16 per can per month and \$0.27 for on-call and monthly customers and allow the haulers to pass through the 5% franchise fee for drop box service and 10% rate of return to their customers effective September 1, 2006. At last minute decided she had not given enough thought to discuss drop box fees, so the haulers agreed to give her one more month to come up with an additional proposal. The last increase in the City was 2.79% across the board in 2004. She provided a sheet comparing current and proposed rates. The intent was to keep the increase as low as possible without jeopardizing next year's rate of return in 2006 considering variable such as fuel, insurance, and disposal costs.

**Mayor Bernard** suggested spreading the costs evenly across residential and business and continuing the hearing to a date certain so this matter could be considered more fully.

**Ms. Herrigel** said the proposal was to adopt the \$1.16 residential increase at this meeting effective September 1 and to consider drop box rates at the next meeting. The costs for residential and commercial were established so that one did not subsidize the other. This increase reflected a need specifically for residential rates. Since this did address cost of service, she recommended adopting the residential rate and considering the drop box rate in a month.

**Councilor Stone** asked if the potential drop box rate would reduce the residential rate.

**Ms. Herrigel** reviewed the process of renting a drop box. The customer is billed for the drop box plus a the disposal costs for the material. The franchise fee seemed to affect the actual rate of return for the haulers about which she would provide more information.

**Councilor Collette** asked what rate of return the haulers could anticipate with the \$1.16 increase.

**Ms. Herrigel** replied the projected results for 2006 was 10.68%. Rate changes were not typically based on projections but rather rate of return.

**Councilor Stone** asked if high fuel costs had the greatest impact on the rate of return.

**Ms. Herrigel** said the cost of fuel one element along with disposal and insurance costs.

**Councilor Stone** referred to the monthly and on-call residential customers and asked why their increase was only \$0.27. She did not think that seemed fair.

**Ms. Herrigel** replied the financial consultant attempted to distribute it across all the rates in order to recoup the rate of return. It was more equitable yet somewhat arbitrary. The \$0.27 per call was proportional to one can, yard debris, and recycling picked up four times per month.

**Councilor Stone** understood the last increase was in 2004, and she was surprised that there needed to be an increase just two years later.

**Ms. Herrigel** replied that increases came about every two years.

**Councilor Loomis** asked Ms. Herrigel to explain once a month and on-call service because people might not know they could take advantage of that type of service.

**Ms. Herrigel** replied residential collection could be once a week, once a month which was \$7, or on-call. Generating less waste was encouraged, but if one simply wanted to save money while generating the same amount of garbage there could be code enforcement issues. There could also be a problem if the garbage was being so compacted that it was difficult to get out of the can.

**Councilor Stone** asked how Milwaukie's rates compared to other jurisdictions.

**Ms. Herrigel** replied that Milwaukie's rates were the same or a bit lower.

There was no correspondence received on this matter, and there was no public testimony.

**Mayor Bernard** closed the public comment portion of the hearing at 8:18 p.m.

**Mr. Firestone** recommended changing the title of the resolution by deleting 'rescinding Resolution #26-2004 and...."

**It was moved by Councilor Stone and seconded by Councilor Collette to approve the resolution adopting new rates for garbage service in the City effective September 1, 2006. Motion passed unanimously.**

**RESOLUTION NO. 38-2006:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE ADOPTING NEW RATES FOR GARBAGE SERVICE IN THE CITY EFFECTIVE SEPTEMBER 1, 2006.**

**OTHER BUSINESS**

**A. PCC Structurals Enterprise Zone Application -- Resolution**

**Mr. Campbell** reported enterprise zone program was established in the mid-1980's to encourage industrial development and employment. In 1997 the Cities of Portland and Milwaukie and Clackamas County jointly sponsored the Milwaukie/North Clackamas Enterprise Zone which was expanded in 2005. The enterprise zone was located in what is known as the North Industrial Area and along Johnson Creek Boulevard. The five-year exemption on new investment required a wage of 150% of the county median for the new employment. With the 10% employment increase the authorization was provided by statute. The statute allowed that if an investment was worth \$25 million or more, then the local jurisdictions could waive that 10% employment increase. In this case the applicant requested and staff supported that waiver. PCC Structurals has

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2,000 employees in the enterprise zone, and it would be difficult to project what form the hiring would take.

**Mr. Taramura** said PCC Structural manufactures airline engines and supplied product to Boeing and Lockheed Martin. The company was in a significant growth period, and it was adding buildings and facilities in the Milwaukie area. Space was leased in the Mailwell district because of its proximity to the existing plant. Last year 350 people were added, and this year PCC Structural will likely add another 150-200 people. The new airplanes were requiring more fuel-efficient engines, and these were helping fuel PCC's growth. The important thing now was to ensure there was a facility in place and people to hire. Most employees did not come from out of state, and the company was pulling technical people from other industries like Intel. He saw continued growth over the next five years and encouraged Council support.

**Councilor Barnes** thought it was important that the annual salary was \$54,000 because that was a good sign when talking about 400 new jobs. This was part of the City's economic development that meant good things not only for PCC Structural but also for people to have good jobs with good wages. That helped the City strengthen its tax base. This was a good scenario for Milwaukie, and the company was a strong economic partner.

**Councilor Stone** understood with the establishment of the zone and the investment in this project that the tax benefits to the City would not be recovered for five years.

**Mr. Campbell** said that was correct. The application was for a five-year abatement. As Councilor Barnes mentioned the wages fulfilled the statutory requirements and intent of the program.

**Councilor Stone** asked what the tax revenue would be at the end of the five years.

**Renate Mengelberg**, Clackamas County Business and Economic Development, got preliminary information from the County tax assessor's office indicating the impact was \$434,388 over a five-year period. That was the total abatement the company would receive over the five-year period.

**Mr. Swanson** reminded the Council this was only a partial abatement, and PCC Structural would still be contributing tax revenues.

**Ms. Mengelberg** added the enterprise zone only affected the equipment and improvements to the existing building. The City would still receive tax revenues from the land and existing structures and machinery.

**Mr. Campbell** added that the investments would be made at multiple locations within the enterprise zone.

**It was moved by Councilor Barnes and seconded Mayor Bernard to adopt the resolution supporting the enterprise zone application by PCC Structural. Motion passed unanimously. [5:0]**

**RESOLUTION NO. 39-2006:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING AN ENTERPRISE ZONE APPLICATION BY PCC STRUCTURALS, INC., WAIVING THE STATUTORY REQUIREMENT TO INCREASE EMPLOYMENT BY 10 PERCENT.**

**B. Council approval of Motion Continuing Consideration of Amendment to Milwaukie Municipal Code**

**Mr. Swanson** reported this was an action subsequent to an action taken on June 20, 2006 when the Council considered a number of proposed amendments to the Milwaukie Municipal Code (MMC) and Comprehensive Plan. Several of those were housekeeping and others had to do with major utility siting such as wastewater treatment facilities. Two of the proposed sections dealt with the issue of the Kellogg Creek Wastewater Treatment Plant. They proposed that the plant be declared nonconforming use and established a deadline for its removal. The Planning Commission recommended the action on May 23, 2006. Mr. Swanson recommended at the June 20 meeting that adoption of those two provisions be deferred in light of the fact that the Citizen Advisory Council (CAC) was midway in its process of developing a strategic plan for wastewater treatment. Adoption at the time would not have been appropriate, so the consideration of those two code amendments was continued. The CAC process was still under way and would be completed by September 30, so he recommended consideration of the amendments to MMC Sections 19.321.7 and 19.321.3 be deferred until October 17, 2006. This can be done by a motion to continue consideration to a date certain, a second, and majority vote of the City Council. Right after the Comprehensive Plan action on June 20 the Service District to preserve their rights should things not work out. The LUBA appeal was stipulated by both parties that it was on hold until October. The recommended Council action would be consistent with the LUBA appeal

**It was moved by Councilor Collette and seconded by Councilor Loomis to continue consideration of the Planning Commission recommendation to amend MMC Sections 19.321.7 and 19.321.3 to October 17, 2006. Motion passed unanimously. [5:0]**

**Mr. Firestone** clarified for the record that the Council had gone into executive session pursuant to ORS 192.660.2(h) for the purpose of discussing litigation with counsel.

**B. Council Reports**

**Councilor Barnes** would attend the State of the Schools address on August 23 at the Chamber. She had been invited by the Department of Education to participate as a representative of professional and technical teachers in addressing the State Board of Education. She would attend the Lewelling Neighborhood District Association picnic.

**Councilor Collette** was compiling notes from the meeting of a group of people interested in forming an Arts Commission and would share those with the Council. She announced the Ardenwald summer concert series.

**Mayor Bernard** announced the Clackamas County Fair, Wednesday Scott Park concerts, and the Sunday Farmers' Market. He discussed his concept for an Unsung Hero Award for future Council discussion.

**ADJOURNMENT**

**It was moved by Councilor Barnes and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]**

**Mayor Bernard** adjourned the regular session at 8:43 p.m.

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Pat DuVal, Recorder

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION September 5, 2006

**Mayor Bernard** called the work session to order at 5:34 p.m. in the City Hall Conference Room.

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson and City Attorney Gary Firestone.

#### **City Manager Matters**

**Mr. Swanson** had provided e-mail copies of the judge's decision regarding Emmert Industrial v. City of Milwaukie made some changes but still granted the three motions for summary judgment.

- **Contract for Municipal Judge**

**Mr. Swanson** reported that the Council had met with Judge Ron Gray at its previous work session, and the current six-month contract will expire at the end of December. This position was directly hired and evaluated by the Council, so the question was whether the Council wished to extend the contract or pursue a request for proposals (RFP).

**It was Council consensus to direct staff to prepare a contract extension for two years.**

**Councilor Stone** asked if the contract payment amount had been consistent over the years.

**Mr. Swanson** replied it had, and \$1,800 per month was not a great deal. Once the City extended its jurisdiction to include misdemeanors more time and subsequently the payment amount would need to be reviewed.

**Mayor Bernard** understood the number of people coming to court had increased to about 300, and the judge had mentioned there might be a need to add a day.

**Mr. Swanson** said could be negotiated in the new contract if necessary. The judge also has the power under the City Charter to appoint a pro-tem judge if he perceived the need. With both traffic enforcement officers on the road there was clearly an increase in the number of citations issued.

- **LOC Voting Delegate and Alternate**

**Mayor Bernard** and **Councilor Barnes** would be the voting delegate and alternate respectively. **Mr. Swanson** would provide any resolutions that would be considered at the general business meeting.

- **Draft February Retreat Design**

**Mr. Swanson** reviewed preliminary material for the retreat in order to make final arrangements. The Saturday retreat would be with the Council, and there would be a session with staff on Friday. He felt Dr. Grace had a depth of background and could cover a number of issues.

- **Wastewater Treatment Plan**

**Mr. Swanson** discussed an alternative that would site a new plant in the North Industrial area by using the outfall on the Willamette that currently served Kellogg and shutting down and removing Kellogg from the riverfront. He had not looked at the HDR report to determine if that was financially feasible. Some of the Citizen Advisory Council (CAC) members showed interest. Mr. Swanson thought new technology could minimize the visual impacts. Decommissioning Kellogg and opening up the riverfront has been a Council goal for some time, and there was some interest on the part of the CAC. He did not suspect the CAC would support a Clearwater-like option. The Board of County Commissioners (BOC) could always choose a Clearwater-like option, but he believed they would be back to last January with a petition and a vote.

**Councilor Loomis** said the difference was that there would be data.

**Councilor Stone** agreed that was relevant.

**Mr. Swanson** thought the CAC members had some influence in that area and were trusted. No decisions have been made to this point, and the rate numbers would be discussed on September 11. This was merely a potential. If it did not have legs, then he would put a stop to it now. This has come about quickly, and he would be asked if there was any interest on the City's part of pursuing that option.

**Mayor Bernard** agreed it was important to have information out to the public, but it was difficult to communicate it to enough people. At the Farmers' Market a visitor said they had never heard about everything going on until they came to the booth. There have been articles in the newspapers and the City newsletter. That was similar to the issues related to notification in the North Industrial Area. One of his assignments was to look at the treatment plant being built in Albany, and the price tag was \$55 million. Let the ratepayers make the decision after they got the information. This may or may not be the way to go, and a Clearwater-like option might be a good decision. He felt the City had to be open to possibilities with the understanding that the treatment plant on the river went away. He felt the goal should be to walk up with the CAC with a shared recommendation. He thought the City should consider the new alternative. The BOC would not allow the CAC to delay the process, but quick figures could be developed. He and a member of the CAC, the new Water Environment Services (WES) Executive Director Mike Kuenzi, and Mr. Swanson had a chance to look at some new plants in the Seattle area. The new plant in Edmonds looked like an office complex, and there was no odor.

**Councilor Barnes** thought Milwaukie had been extremely cooperative through this process. Staff and Council attended the meetings. She was not in favor of putting another treatment plant in Milwaukie because the City had paid more than its fair share for many years. It was time for an alternative other than Milwaukie.

**Councilor Collette** saw the advantage of doing this for the ratepayers of the region. She agreed with Councilor Barnes that Milwaukie had for so long tried to live down the reputation of being the home of the sewage treatment plant. She thought that Milwaukie might be the home of all of it coming down the hill – the community has worked hard to change its reputation from the stinky town where the sewage treatment plant is. She would have to see some really good numbers to be convinced that it would be worth it to the community to take on that reputation again and particularly after the work done to build the relationship in the North Industrial area. None of them had any idea this was surfacing. She

felt the City owned North Industrial a lot of sit-down time if this option was going to be considered. As much as it could go right, she saw 100 different ways it might go wrong. She would like to see how the ratepayers of the entire region felt about it before she would sign up Milwaukie to take the downstream side of all that sewage.

**Councilor Stone** advocated for a plant that would give the biggest bang for the buck, so it had to be economically feasible and environmentally state of the art and best practices in sewage disposal. She felt they needed to decide between the options on the table. She was hesitant about throwing out this latest idea about putting it in the North Main Industrial area. It felt almost like the Kellogg decision. At the last minute let's site the transit center there, and it turned out not to be a good idea. She did not want to do anything knee jerk just to get them to make a decision. She wanted them to come to a conclusion based on the information they had. She did not want to see any rush job to put the numbers together to see if this at the eleventh hour was a feasible idea. Down the road it might be. Her number one concern was that it made sense economically and environmentally. She had never really thought of Milwaukie as being a stinky town. The treatment plant was there, but a lot of cities had them. She did not think it was a matter of the City's reputation being at stake. She thought the City should be particularly concerned about the environmental impacts and what a new plant would do and positioning that so everyone in the County benefited – not just Milwaukie to be more economically feasible to have it in a different location if that was what was decided. That was what Clearwater said.

**Councilor Loomis** agreed with Councilors Collette and Stone. He did not think it was the right time to throw something out there. There was a process to go through. He supported their right to go out and petition. He supported the process, and they had invested money in it this time to come to a decision. He did not know why Milwaukie would throw something out there to muddy it up. They needed to make a decision. That was what they were asked to do. This might be an option down the road, but this was not the proper time. As far as people showing up at the Farmers' Market and not knowing what was going on was normal. People are very busy. They expect elected people to do this. This was the County Commissioner's assignment. It was their decision. People were elected to make the right decisions for the voters. This was the Commissioners' decision to make, and they needed to make it. They gave the CAC the time and money, so let's see where it ends up.

**Councilor Collette** was not sure the Council was saying that option should never be on the table. She understood Councilors were saying it was the wrong time to throw it into the process. If they voted to recommend a new plant, then they would need to start a whole new siting process. At that time, the community could be engaged to talk about environmental, business, and neighborhood impacts to make sure everyone was on board and informed. This idea should not be thrown in so near the end of the process.

**Mayor Bernard** did not believe it would be a snap decision. The decision to build Kellogg a long time ago was a mistake, but that might have been the technology available at the time. Making the offer of the City's looking at other alternatives – because they were looking at a plant on I-205. The ratepayers would have to pay to have the sewage pumped to the treatment plant and back to the Willamette River. What would that figure come to? Maybe the CAC needed to find an alternative that the ratepayers would support. His personal opinion was that Clearwater was the way to go, but he did not believe they would get there.

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**Councilor Loomis** recommended that Mr. Swanson tell the CAC that the City respected its position, and they needed to make a decision.

- **League of Oregon Cities Metro Area Tour Update**

**Mr. Campbell** briefly reviewed the draft itinerary for the Milwaukie walking tour on September 28 during the annual conference. This was an opportunity to say thank you to all of Milwaukie's partners in a public forum. The reception and wine tasting, sponsored by Shiels, Obletz, KemperCo, and Celebrate Milwaukie, Inc. would be in one of the North Main storefronts. Mayor Bernard would donate bags from the Sunday Farmers' Market for gifts.

- **Joint Session with North Clackamas School District #12 Board**

School Board Chair Joan Smith and Directors Rein Varga and Vivian Scott and Superintendent.

**Mr. Naso** said the intent of the joint session was to discuss areas of common interest. Milwaukie was one of five communities making up the North Clackamas District, and he hoped this discussion would reveal ways the two entities could work together. He addressed five common areas.

1. Redevelopment of the City of Milwaukie. Milwaukie's schools were among the oldest in the District, and the bond issue was the District's long-term plan to significantly improve or replace those buildings. Milwaukie High School would continue to serve the City, and some improvements were made using 1998 bond money. Ardenwald would be replaced and Linwood would get an addition. The fourth big project would be an expansion of Rowe Middle School. There was a common interest in making Milwaukie schools attractive to those moving into the community.
2. Youth and adult recreation. This makes for a vibrant community, and the District represented a lot of greenspace and gymnasium inventory for a community. The District has worked to expand the amount of space available over the years. Right now there was a new soccer field being built for youth groups at Lot Whitcomb. The new all weather surface was installed at Aldercreek and would be available for youth and adult community groups. The construction of a new school at Ardenwald would have the standard elementary school package with a gym. The addition at Rowe would expand the indoor recreation facilities.
3. Road improvements. Lake Road was important because many students walked to the two schools located on that street. There common interests for other streets as they impacted the schools.
4. Regional arts consortium. There was an interest in a greater arts presence in the Milwaukie area and particularly into the schools. This was a common interest in building community.
5. Administrative center. Earlier this year the District was courted by a developer about moving the administrative center to the east. The District was in critical need of a building that could house the services. The Board made it clear it wanted to stay in the Milwaukie area if possible, so the District was in the process of sorting through that issue and considering the building on Freeman Road. There was also an option of building on the current 3-acre property. The third possibility was at the current Sabin Center where there was property to build. He noted the District had purchased a house adjacent to the east of Rowe on Shell Lane that would become a parking lot.

**Mayor Bernard** discussed the possible location for a light rail station and hoped the District would participate in the siting process. He looked forward to partnering with the District on park land purchase and the Lake Road improvement project.

**Councilor Barnes** hoped the City and District would work together in looking at expanding opportunities for youth involvement and perhaps develop a clearinghouse.

**Councilor Collette** suggested providing more information on how people might access school grounds so they could be used as parks.

**Mr. Naso** hoped that utilization of facilities after hours would one day be in the hands of a central coordinating effort. He discussed field scheduling and the District's strong position that youth in the community had first access at a minimal fee and worked up to commercial leagues. Most of the criticism came from that end because they did not feel they could get to the facilities because the youth programs were so massive.

**Councilor Collette** commented the Ardenwald school grounds seemed underutilized during the summer and that it and the small park across the street could be promoted. She thought the school grounds could be a huge service during the summer if people knew whom to contact.

**Mr. Naso** referred to Mayor Bernard's comments on light rail. The principal had not spoken as a representative of the Board. He had been very concerned about siting a station that close to the high school and creating what school administrators refer to as unwanted traffic. The District and City would have to work together on the issue to find some common ground.

**Councilor Collette** thought it would be key to having the District help plan a facility that was more like a plaza or public square where people interacted on a community level. Security features would be key.

**Mr. Naso** had never sensed that the District Board was adverse to a light rail station in Milwaukie. That would be a piece in the ultimate development of the community.

**Ms. Smith** would want the District to be an integral part in the discussions because security was a huge issue, and transit centers had a certain reputation.

**Mayor Bernard** suggested issues with transit centers might be in the design.

**Ms. Smith** works across the street from the Oregon City transit center and no one really hangs out. The building and surrounding area was kept clean.

**Councilor Stone** cautioned that Clackamas County and the City of Milwaukie said "no" to spending the money on light rail, but now the conversations are coming up again. Every precinct in Milwaukie voted "no." She asked if the house purchased next to Rowe would be for student or staff parking.

**Mr. Naso** replied parking at Milwaukie High School was expanded for students.

**Councilor Stone** asked if there was any way to entice students to take public transportation. When she was in high school it was unusual for students to have cars. It makes a huge impact on traffic congestion. She commuted all the way through high school, college, and beyond.

**Mr. Naso** said Rowe was on a very limited piece of property. The bus turnaround actually reduced the amount of parking which resulted in horrendous

problems. The expanded parking would be mostly to accommodate normal community use.

**Councilor Stone** asked what percentage of youth were volunteering their time to community projects. She agreed with Councilor Barnes that the City needed to involve students in community activities and projects.

**Mr. Naso** replied the senior project provided a good avenue and there were a number of service clubs that helped specific organizations such as the Annie Ross House. He believed youth were more civic minded than they were given credit.

**Ms. Smith** suggested looking at a youth council program to find out how students perceived their community involvement.

**Councilor Stone** commented the Traffic Safety Board had a student representative for many years.

**Ms. Scott** said there were leadership opportunities for students for things like public outreach. She encouraged the City to contact the high school and include students in projects of interest. Some might be interested in the transit center discussions.

**Mayor Bernard** suggested looking into the Chamber leadership program.

#### **Advisory Board Interviews**

The Council interviewed Andrew Tull for a vacant position on the Design and Landmarks Committee; Ed Brown for the Planning Commission; and Mary Weaver for the Hector Campbell Neighborhood Association representative to the Public Safety Advisory Committee.

Mayor Bernard adjourned the work session at 6:57 p.m.

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
SEPTEMBER 5, 2006**

**CALL TO ORDER**

**Mayor Bernard** called the 1989<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Carlotta Collette	Susan Stone

Staff present:

Bill Monahan, City Attorney	George MacGregor, Civil Engineer
Tim Salyers, Code Compliance Coordinator	Paul Shirey, Engineering Directors
Don Simenson, Water Quality Coordinator	

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**Announcements**

**Mayor Bernard** announced that Mr. Swanson was excused from the regular session.

**Mayor Bernard** congratulated Sara Bernert of Milwaukie for receiving the Girl Scout Gold Award.

**Mayor Bernard** read a proclamation recognizing September 20, 2006 as *Annie Ross House Day* and encouraged citizens to attend the 20<sup>th</sup> Anniversary Open House.

**Councilor Barnes** read a proclamation naming September 17 – 23, 2006 as *Constitution Week*.

**CONSENT AGENDA**

It was moved by Councilor Barnes and seconded by Councilor Collette to approve consent agenda items 3.A.1 – City Council Minutes July 6, 2006 Regular Session and 3.A.2 – July 11, 2006 Work Session. Motion passed unanimously [5:0]

It was moved by Councilor Barnes and seconded by Councilor Collette to approve consent agenda items 3.A.3 – City Council Minutes July 18, 2006 Work Session and 3.A.4 – City Council Minutes July 18, 2006. Motion passed 4:0 with the following vote: Mayor Bernard and Councilors Barnes, Collette, and Loomis ‘aye’ and no ‘nays.’ Councilor Stone had been excused from those meetings.

It was moved by Councilor Collette and seconded by Councilor Barnes to approve consent agenda item 3.A.5 – City Council minutes August 1, 2006 Regular Session. Motion passed unanimously. [5:0]

It was moved by Councilor Collette and seconded by Councilor Barnes to approve the following consent agenda items:

**3.B Resolution No. 40-2006: A Resolution of the City Council of the City of Milwaukie, Oregon Approving a Transfer of Appropriations; and**

**3.C OLCC Application for Save-A-Lot, 6100 SE King Road (new outlet)**

Motion passed unanimously. [5:0]

**AUDIENCE PARTICIPATION -- None**

**PUBLIC HEARING -- None scheduled.**

## **OTHER BUSINESS**

**A. Amend Milwaukie Municipal Code Title 13 Relating to Water shut Off – Ordinance**

**Mr. Salyers** reported the City's current practice for non-payment of water bills was to shut off the water after several other attempts to encourage payment had failed. Those attempts included mailing a final notice and a door hanger. If someone tampered with the shutoff or turned his/her water on without permission, then the City could fine the customer. The current fine of not less than \$10 nor more than \$50 was found in Milwaukie Municipal Code (MMC) §13.04.070C. This code language was about 60 years old, and the amount was lower than most other assessed fines for similar violations. A significant amount of staff time and equipment was used for water shutoff, and staff recommended the current fine be increased to meet the costs incurred. Currently all other violations of §13.04 carried a penalty set in MMC §13.04.180. The maximum possible was \$500, which was consistent with other code sections. By removing §13.04.070C that maximum fine would be applicable to the water turn off violations as well as all other violations in that section. The city attorney, water department, and code enforcement concurred on the recommended amendment.

**Mayor Bernard** asked how many customers had their water shut off and how many turned it back on themselves.

**Mr. Simenson** replied there were usually 20 to 30 shut offs each month, and two or three customers may turn the water back on themselves. With increased fees related to turnoff and turn on charges, the numbers have gone down. Damaged equipment can be very costly to repair, and there was nothing in the code that would allow a fine greater than \$10.

**Councilor Collette** understood the fine being discussed had to do with tampering.

**Councilor Stone** understood the fees had increased in the past year or two.

**Mr. Simenson** said previously there was only a \$5 fee for shutoff, and now it costs \$40 to \$80 to have the water turned on again. The notice itself was \$25.

**Councilor Stone** was surprised there were that many shutoffs each month.

**Mr. Simenson** said there used to be about 100 shutoffs. Shutoff notices are received on Tuesdays and water is shutoff on Thursdays. People were automatically assessed another \$25. They did not want to pay another \$40 to \$80 to have the water turned on again. On Tuesdays between 150 and 200 notices were sent out, and that was a lot of manpower.

**Councilor Stone** asked if that was typical for a city of Milwaukie's size.

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**Mr. Simenson** believed that was about average.

**Councilor Stone** had a question about the ordinance in terms of the fee. There was a broad range between \$25 and \$500. It seemed to her that might be too broad. Maybe there should be a flat fee.

**Mr. Salyers** said as departmental policy, code enforcement always cites for the highest amount, and the judge can reduce it.

**Councilor Stone** asked if that was enough deterrent to keep people from tampering and wondered if the fee schedule should be raised.

**Mr. Salyers** said as a policy he fined \$500.

**Councilor Loomis** understood the judge had the ability to lower that amount if there were extenuating circumstances.

**It was moved by Councilor Barnes and seconded by Councilor Collette for the first and second readings by title only and the adoption of the ordinance amending Title 13 by repealing §13.04.070C.**

**Mr. Monahan** read the ordinance for the first and second times by title only.

**The city recorder polled the Council with Mayor Bernard and Councilors Collette, Barnes, Stone and Loomis voting ‘aye.’ Motion passed unanimously. [5:0]**

**ORDINANCE NO. 1963:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE BY REPEALING SECTION 14.04.070C.**

**B. Amend Intergovernmental Agreement with North Clackamas Parks and Recreation District Relating to Advisory Board Membership**

**Ms. Herrigel** requested that the Council approve a resolution amending the intergovernmental agreement (IGA) between the City and the North Clackamas Parks and Recreation District (NCPRD) by replacing section E(2). Milwaukie signed an IGA with NCPRD in 1992. The agreement guides how the City and District work together and how the District was to function in general. This document was now 14 years old and in great need of updating. To that end the Milwaukie Park and Recreation Board (PARB) was working on developing a list of modifications for Council consideration. With Happy Valley’s joining the District there was an emergency need to amend the District Advisory Board (DAB) membership. The amendment would expand the number of members from 9 to 11, and the recruitment for the DAB would be easier since the geographic areas would be less restrictive. Happy Valley would have a formal representative on the Board. In two years the number of Board members would go back down to 9 as terms expired. The change did not affect the City’s representation. PARB considered this matter and supported the IGA amendment.

**It was moved by Councilor Loomis and seconded by Councilor Stone to adopt the resolution amending the IGA with the North Clackamas Parks and Recreation District. Motion passed unanimously. [5:0]**

**RESOLUTION NO. 41-2006:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY AND THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT (NCPRD) BY**

## REPLACING SECTION E(2) AND AUTHORIZING THE MAYOR TO SIGN THIS AGREEMENT.

### C. Water Supply Study

**Mr. Shirey** reported Well #8 experienced a fire and was shut down over a year ago. At the time the matter was viewed rather narrowly, and study was broadened to consider a wider array of supply-related issues.

**Councilor Barnes** was concerned that the City had entered into such a restrictive agreement.

**Mr. MacGregor** said it was vital to keep in mind the vision which was to serve the citizens of Milwaukie with drinking water that was safe, affordable, dependable, and sustainable. The 1998 document stated the City was to have a 25% reserve capacity and would meet peak demand if the largest single-source went off line. There needed to be some redundancy in the system in the event there was an emergency. The City has the 25% reserve, but there was a potential shortage if Well #7 were out of service. There were some water quality problems with the Clackamas River Water (CRW)/Milwaukie blending zone having to do with taste, odor, corrosion, and disinfection byproducts from the CRW system. Experts attributed corrosion and the premature failure of the Well #8 casing to the blending of those waters.

In 1997 the IGA was created to supply the City with up to .5 million gallons per day (mgd) of surplus water from the CRW system. This was surplus water, and there was no guarantee the City would receive it. Well #8 started to suffer after the implementation of the IGA and construction of the intertie. With the fire at Well #8, the City capacity was reduced by 1.9 mgd. The City declared an emergency to evaluate alternatives to remedy the situation. In December 2005 Murray Smith & Associates completed a study and recommended a solution.

There were two proposed resolutions before the Council for adoption. One was to solicit proposals for Well #8 design services, and the second was to renegotiate the IGA and use that water on an emergency basis and pay only for the water needed. The City was currently paying a flat rate whether water was used or not. There were several months when the City did not use any water from CRW at all but still sent them a check.

**Mr. MacGregor** reviewed supply and demand data for the past 15 years. The average daily demand has remained relatively constant and was dropping off a bit over the past few years due to conservation efforts. The 2.0 mgd per day is deceptive in that the system needs to be designed for peak demand. In 2005 the peaks were July and August, and that was where one determined the peak demand figures. There seemed to be a trend that the average daily demand was going down slightly, but the peak day demand was increasing. The average daily demand was proportional to the revenue, and the peak day demand was proportional to the amount of the investment in the system. It looked as if revenue was declining with decreasing demand, so it was important to manage the assets carefully. The target capacity was about 6.0 mgd.

The City's water supply sources were 88% from City wells, 12% from CRW, and an emergency intertie with Portland which was rarely used. Milwaukie well water costs approximately \$0.17 per ccf, CRW \$0.30 per ccf, and Portland \$1.10 per ccf. If the City did not use water from CRW, then unit cost went to \$0.71 per ccf. That was the case in 2004/2005 because Milwaukie did not need the water from that source. The purpose of the IGA amendment would be for Milwaukie to purchase only the water it needed. The options were to increase the City's capacity by bringing Well #8 back on line and using CRW for emergencies only. There was already infrastructure on the site that was not being used. If the City needed water, it could purchase more from CRW, but staff did not believe that was the way to go because of the extra costs. Last year the City was

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able to meet its peak day demands. The maximum production available was 6 mgd, so the City could produce enough water for a reserve. If Well #7 were out of commission, the City would fall behind its peak demand curve, and the Portland emergency intertie could be activated immediately. This represented an unsatisfactory condition because the City needed to have more capacity. Bringing Well #8 back on line would keep the City well above peak day demands and the 25% reserve target. It also illustrated that the CRW contribution was above and beyond what the City needed to operate.

The recommendation was to eliminate CRW as a regular source and use it for emergency backup only. If Well #7 were to fail the City could still meet its peak day demand with Well #8 on line and with activation of emergency interties. It will cost about \$300,000 for design and construction that included a new well casing, pump, and motor. About 8 years into the project Well #8 would pay for itself. The recommended action was that Council adopt resolutions to pursue design and construction services for Well #8 and pursue negotiations with CRW to amend the IGA such that the City would buy water only when needed.

**Councilor Collette** asked if CRW had been approached about renegotiating the IGA.

**Mr. MacGregor** replied that Mr. Asher had begun the process by talking with CRW.

**Councilor Barnes** thought the proposal made common sense.

**Councilor Stone** asked Mr. MacGregor if he anticipated any other costs.

**Mr. MacGregor** replied there was a provision whereby the IGA could be amended to meet changing needs. He saw no penalty for early withdrawal.

**Councilor Stone** said there were two emergency backups, and Portland was the most expensive. Did it cost anything with Portland?

**Mr. MacGregor** replied it did not cost anything to have the intertie with Portland other than some maintenance. Portland's IGA did not guarantee that Milwaukie would get water, but it would literally be a drop in the bucket compared to the larger city's demand. The intertie could supply the entire City if necessary. Milwaukie currently used about half of its allotment with CRW. He thought it was important to maintain the existing infrastructure, and the supply might be better than what Milwaukie could get from Portland.

**It was moved by Councilor Collette and seconded by Mayor Bernard to adopt the resolution approving the renegotiation of the IGA with Clackamas River Water. Motion passed unanimously. [5:0]**

**RESOLUTION NO. 43-2006:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE RE-NEGOTIATION OF THE INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS RIVER WATER FOR THE PURPOSE OF REVISING THE TERMS TO REFLECT THE CURRENT DRINKING WATER SUPPLY NEEDS OF THE CITY.**

**It was moved by Councilor Collette and seconded by Councilor Stone to adopt the resolution approving the reconstruction of City Well #8. Motion passed unanimously. [5:0]**

**RESOLUTION NO. 42-2006:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE RECONSTRUCTION OF CITY WELL NO. 8 FOR THE PURPOSE OF INCREASING THE CITY'S WATER SUPPLY.**

## **Council Reports**

**Councilor Collette** reported on the Ardenwald Summer Concert series and read a letter of thanks from Hector Campbell residents. She thanked Mayor Bernard for his help in setting up tables and the community both each week. She would represent the City at the Water Providers Consortium. She discussed the possibility of using the City-owned house on 37<sup>th</sup> Avenue as a home for the Arts Commission and New Century Players. She attended Arts Alliance Workshop on grant writing and helped with a meeting between Clackamas Community College and Dark Horse. She attended the Kronberg Park meeting and worked at the Farmers' Market community booth.

**Councilor Barnes** extended everyone's best wishes to Art and Donna Ball. She thanked the people who stopped to help her dog after it was hit on Linwood Avenue.

**Mayor Bernard** thanked the Ardenwald Neighborhood Association for its summer concert series. He spoke at the Kiwanis Club regarding City projects, would attend the Oregon Downtown Development Association summer conference, and the Get Centered! event in Vancouver, B.C.

**Councilor Stone** thanked Councilor Collette and Cheryl Ausmann-Moreno for their work in the summer concert series. She attended the Kronberg Park meeting and things were progressing with a lot of good input. Ms. Swanson was at the meeting and seemed encouraged. She attended the recent Citizens Advisory Council (CAC).

**Councilor Loomis** commented on the Kronberg Park meeting and was pleased that Ms. Swanson attended.

## **ADJOURNMENT**

**It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously.**

**Mayor Bernard** adjourned the regular session at 7:57 p.m.

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Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager  
Kenny Asher, Community Development and Public Works Director

From: Katie Mangle, Planning Director

**Subject: Milwaukie Municipal Code Amendments ZA-06-02**  
Removes content-based sign regulations and makes housekeeping revisions to Title 14 - Signs, Title 12.20 – Sidewalk Benches, Title 17 - Land Division, and Title 19 – Zoning.

Date: **October 3, 2006 for October 17, 2006 Hearing**

Action Requested

Adopt the proposed amendments to remove content-based language from the Sign Code and make housekeeping and minor policy changes to Titles 14, 12, 17, and 19 of the Milwaukie Municipal Code.

Background

The Planning Commission has recommended that Council approve amendments to the Milwaukie Municipal Code (MMC) that revise Title 14, the City's Sign Code, Section 12.20, regulations for Sidewalk Benches, and miscellaneous subsections of the Zoning and Land Division chapters of the Code.

In March 2006, the Oregon Supreme Court deemed content-based sign regulations, including discrimination between "on-premises" and "off-premises" signs, to be unconstitutional. The Milwaukie Sign Code contains several provisions that could be subject to constitutional challenge. Most of the proposed amendments are essential for the City to maintain a defensible Sign Code. Other amendments correct and clarify the Code to improve its administration without changing basic policy or intent. The amendments do, however, include a few minor policy changes (see Table 1 on page 3).

### *Public Review Process*

Over the past three months, staff has made a concerted effort to adequately notify affected parties about the proposed code changes. These steps include:

- Holding a public hearing on September 26, 2006 on the proposed amendments.
- Discussing the proposed amendments in detail at public work sessions during three Planning Commission meetings and two Design and Landmarks Committee meetings between June and August, 2006.
- Distributing the final draft amendments to all NDA chairs and land use chairs, as well as five commercial/industrial property owners.
- Posting the proposed revisions and staff reports on the City website.
- Notifying property owners and occupants of proposed restrictions to signs in Commercial and Downtown zones.
- Notifying other agencies, including TriMet, DLCDC, and Metro, of proposed changes.
- Responding to comments submitted in writing and in person, as requested.

### *Amendments to Title 14 - Sign Code*

The Milwaukie Sign Code was first drafted in 1975, and its structure and level of regulation have not changed much since. The only significant amendments to the Sign Code were to: prohibit signs in the right-of-way in 1981; add an Enforcement section in 1987; remove of some content-based language in 1993; and create standards for signs in Downtown in 2000. The Planning Department administers the Sign Code, which has a review process and standards similar to those for land development. Signs, however, as a form of speech, are entitled to protection under the First Amendment and the Oregon Constitution.

An Oregon Supreme Court decision in March 2006 clarified that a distinction in treatment of signs that provide information relating to the premises on which the sign is hung (on-premises signs), and signs that provide information unrelated to the premises (off-premises signs) is a content-based distinction and therefore presumptively unconstitutional. The decision, while expected, changed the law because the Oregon Court of Appeals had previously held that a distinction between on-premises and off-premises signs was not content based. In addition, the Supreme Court established a rule that governments may impose content-neutral “time, place and manner” restrictions on speech, so long as those restrictions leave adequate means for expression.

The proposed amendments to Title 14 achieve the following:

- Amend regulations that could be interpreted as content-based so the code is clearly content-neutral.
- Protect against possible legal challenges to the City’s review process.
- Make the code clearer and easier to use for applicants and staff.
- Implement minor policy changes.

The proposed text amendments (see Attachment 1, Exhibit B) eliminate content-based language throughout Title 14, add decision-making criteria where none exist, remove inconsistencies, and simplify the regulations where possible. Though most of the amendments do not affect the actual standards the City has for size, location, or illumination of signs, the amendments include the following minor policy changes:

**Table 1 – Summary of Minor Policy Changes**

Issue	Problem to Address	Minor Policy Change
Murals	Used to be exempt from permit requirements. The City cannot regulate content, and must now treat murals as “wall signs.”	Murals are no longer exempted from sign permit requirements. (See 14.12.010.F)
Internally illuminated cabinet signs in Downtown	By implementing the <i>Downtown Design Guidelines</i> , the sign Code “discourages” them and requires Planning Commission approval, but doesn’t provide criteria for approval. This has confused applicants and frustrated reviewers.	Prohibit internally illuminated cabinet signs in Downtown zones. Existing signs must be turned off in five years. (See 14.16.060.G)
Increased restrictions on signs in Downtown	Signs could meet the intent of the Downtown Design Guidelines, but not the specific standards in Title 14.	New criteria for Adjustments would provide more flexibility for special consideration of signs in the Downtown zones. (See 14.32.010.B)
Community Service and Conditional Use Signs	Signs that are added to CUs and CSUs following land use approval require new Planning Commission approval, but the Code doesn’t provide criteria for approval.	New approval process allows staff to approve small signs, directs Planning Commission to review larger signs, sets a maximum size for signs, and adds criteria for approval. (See 14.08.090)
Temporary Banner Signs	“Temporary” banner signs have been proliferating in the city, and often stay up permanently.	Banner signs larger than 16 square feet would be allowed without a permit only at community service use properties. (See 14.12.010.E)
Billboard Signs	Since 1975, these have been prohibited as “off-premises signs.” The City must now consider billboards to be “freestanding signs.”	Limit the allowed area of freestanding signs in Commercial zones to 250 square feet per display surface. (See 14.16.040 note 2)
Enforcement	City is required to give 30 days’ notice prior to removal of an illegal sign unless sign is hazardous. This does not allow officers to remove signs in the right-of-way or nuisances.	Allow City to enforce against any illegal sign without notice. Providing notice is optional. (See 14.28.040)

*Amendments to Section 12.20 – Sidewalk Benches*

Revisions to the code section that addresses sidewalk benches and bench signs removes content-based language from the regulation, per the March 2006 Oregon Supreme Court decision (see Attachment 1, Exhibit C).

*Amendments to Titles 17 and 19*

Several proposed amendments to subsections of Title 17 – Land Division and Title 19 - Zoning are not related to the Oregon Supreme Court decision, but are included in this proposal as staff's on-going code maintenance effort. These amendments change incorrect section references, add missing words to incomplete sentences, and eliminate conflict with other regulations (see Attachment 1, Exhibits F and H). These amendments do not change existing policy, but will make the existing regulations more effective.

*Commentary on Revisions*

To ensure that the proposed amendments and their intent are clear to those reviewing the proposal, staff developed a Commentary document that explains the proposed revisions, including any resulting minor policy changes (see Attachment 2). Staff designed this document to be reviewed side-by-side with the underline/strikeout documents included as Attachment 3, Exhibits B, D, F, and H.

*Key Issues for Adoption of Legislative Amendments*

Key Issue 1: Do the proposed amendments meet the approval criteria?

Zoning Code amendments are subject to approval criteria found in MMC 19.904.1 – Requirements for Zoning Text Amendments and MMC 19.905 - Approval criteria for all amendments. All amendments must be consistent with unamended portions of the Comprehensive Plan and with the statewide planning goals. As shown in Attachment 2, Zoning and Comprehensive Plan Amendment Criteria Checklist, the proposed amendments meet the approval criteria.

Key Issue 2: Do the proposed amendments affirm and clarify existing policy regarding Signs, Land Use and Land Division, making the Milwaukie Municipal Code more effective?

The proposed revisions will improve the effectiveness of Code in several ways:

- Removing language that could be interpreted as content-based regulations will allow the City to defensibly implement and enforce the Sign Code.

- Reformatting the Sign Code to display most sign requirements in tables should make the regulations easier to follow and understand.
- Adding graphics will illustrate several of the definitions that are complex or not intuitive.
- Where sign regulations currently have subjective standards for approval, modifying the regulation or adding objective criteria will ensure that the City's regulations are defensible.
- Correcting mistakes and clarifying existing policy in Title 17 – Land Division and Title 19 – Zoning will make these regulations easier to understand for both staff and applicants.

Key Issue 3: Will the proposed minor policy changes implement the purpose of the Sign Code to promote the “neat, clean, orderly and attractive appearance” of the City?

The amendments that will result in minor policy changes will implement the Sign code in a manner that is consistent with the purpose of Title 14 and with other City policy. Specifically,

- Prohibiting internally illuminated cabinet signs in Downtown zones is in keeping with the Downtown Design Guidelines which states, “sign lighting should be designed as an integral component of the building and sign composition,” and favors indirect lighting at a pedestrian scale.
- The criteria for Planning Commission's review of signs for CSU/CUs focus on compatibility of signs with the surrounding residential area.
- Limiting the size of freestanding signs will continue Milwaukie's longstanding restrictions on large freestanding signs.
- Requiring most property owners to obtain a permit for a large banner will limit the growing number of temporary banner signs.

#### Concurrence

The Planning Commission unanimously voted to recommend that City Council approve the proposed amendments. The Design and Landmarks Committee concurs with revisions related to signs in the Downtown zones. The Engineering Director concurs with revisions related to signs in the public right-of-way and sidewalk benches. TriMet concurs with revisions related to TriMet signs in the public right-of-way. The Chief of Police and the Code Compliance Officer concur with revisions related to enforcement of sign code violations. The City Attorney concurs with the proposed ordinance for legal sufficiency.

#### Fiscal Impact

The requested action will have negligible fiscal impact. Removing content-based language from the Sign Code will significantly reduce the City's risk of a legal challenge against City sign policy.

### Work Load Impacts

The City cannot enforce unconstitutional policy; therefore Planning staff currently works to interpret the Sign Code as content-neutral. This means staff ignore the code language that regulates the content of the sign and make decisions solely on other grounds, such as the physical type of sign, size and location. This places a burden on staff to interpret code language instead of simply implementing the code.

Council approval of the amendments would be the final step in the Sign Code Revision project. Completion of this project will allow both staff and the Planning Commission to focus effort on other important projects in the Planning Commission's Work Plan.

### Alternatives

Amendments to the sign and land use codes are Legislative decisions, governed by MMC sections 19.900 and 19.1000. The Planning Commission makes recommendations on Legislative actions to the City Council, which has the final decision-making authority. The City Council has the following decision making options:

1. Approve the proposed amendments and adopt the Ordinance (Attachment 1).
2. Approve the amendments with modifications.
3. Direct staff to modify the proposal.
4. Take no action.

If Council decides to take options three or four, the City Attorney recommends that Council adopt a resolution to interpret the code as being neutral of any content-based restrictions to avoid constitutional challenges until such time as the code can be amended.

Attachments

1. Ordinance

Exhibit A. Findings in Support of Adoption

Exhibit B. Amendments to Title 14 - Sign Ordinance (underline/strikeout version)

Exhibit C. Title 14 (clean version)

Exhibit D. Amendments to Title 12 - Streets Ordinance (underline/strikeout version)

Exhibit E. Title 12 (clean version)

Exhibit F. Amendments to Title 17 – Land Division Ordinance (underline/strikeout version)

Exhibit G. Title 17 (clean version)

Exhibit H. Amendments to Title 19 – Zoning Ordinance (underline/strikeout version)

Exhibit I. Title 19 (clean version)

2. Commentary on revisions to Titles 14, 12, 17, and 19

3. Zoning Amendment Criteria Checklist

**Attachment 1**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLES 14 - SIGNS, 12 - STREETS, 17 - LAND DIVISION, AND 19 - ZONING TO REMOVE CONTENT-BASED REGULATIONS AND MAKE THESE ORDINANCES MORE EFFECTIVE (FILE #ZA-06-02).**

**WHEREAS**, the proposed amendments to Titles 14 and 12 remove content-based regulations and strengthen the purpose of the Titles to regulate signs based on time, place and manner; and

**WHEREAS**, the proposed amendments to Title 17 and 19 make corrections and clarifications that will more effectively communicate existing policy; and

**WHEREAS**, legal and public notices have been provided as required by law; and

**WHEREAS**, on September 26, 2006, the Milwaukie Planning Commission conducted a public hearing as required by Zoning Ordinance Section 1011.5 and adopted a motion in support of the amendment; and

**WHEREAS**, the Milwaukie City Council finds that the proposed amendment is in the public interest of the City of Milwaukie;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Findings. Findings of fact in support of the proposed amendment(s) are attached as Exhibit A.

Section 2. Title 14 Sign Ordinance Text Amendment. The Sign Ordinance text of Ordinance Number 1441 is amended as described in Exhibit B (strikeout version).

Section 3. Title 14 Sign Ordinance Text Amendment. Exhibit C (clean version).

Section 4. Title 12 Streets, Sidewalks and Public Places Ordinance Text Amendment. The Title 12 Streets, Sidewalks and Public Places Ordinance text of Ordinance Number 1175 is amended as described in Exhibit D (strikeout version).

Section 5. Title 12 Streets, Sidewalks and Public Places Ordinance Text Amendment. Exhibit E (clean version).

Section 6. Title 17 Land Division Ordinance Text Amendment. The Land Division Ordinance text of Ordinance Number 1440 is amended as described in Exhibit F (strikeout version).

Section 7. Title 17 Land Division Ordinance Text Amendment. Exhibit G (clean version).

Section 8. Title 19 Zoning Ordinance Text Amendment. The Zoning Ordinance text of Ordinance Number 1712 is amended as described in Exhibit H (strikeout version).

Section 9. Title 19 Zoning Ordinance Text Amendment. Exhibit I (clean version).

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, & Corrigan, LLP

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Pat DuVal, City Recorder

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City Attorney

Document2 (Last revised \_\_\_\_\_ )

**Attachment 1, Exhibit A  
Findings in Support of Approval**

1. The City of Milwaukie fulfilled the requirements for an application for a zoning text amendment, as outlined in MMC sections and 19.901, 19.902 (see Attachment 1, Code Compliance Report).
2. Public notice has been provided and a public hearing has been conducted in accordance with MMC section 1011.5 (see Attachment 1, Code Compliance Report).
3. The proposed amendments fulfill the approval criteria found in MMC 19.904.1 and 19.905.1. They are consistent with the Comprehensive Plan, the Metro Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals (see Attachment 1, Code Compliance Report).
4. The proposed amendments to Titles 12 and 14 remove content-based regulations and strengthen the purpose of the Title 14 to regulate signs based on time, place and manner.
5. The proposed amendments to Title 14 strengthen the purpose of the Sign Code to promote the “neat, clean, orderly and attractive appearance” of the City.
6. The proposed amendments to Titles 17 and 19 correct inconsistencies in the Sign Code to make these sections of the MMC more effective.

## Amendments to Milwaukie Municipal Code Title 14—Sign Ordinance

**Underlined text is to be inserted**

**Strikeout ~~text~~ is to be deleted**

### **SECTION 14.04 GENERAL PROVISIONS:**

#### **Section 14.04.020 Purpose:**

The Council of the city of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, erection, maintenance, electrification, illumination, type, size, number and location of all signs visible from a right-of-way or lot under other ownership in order to:

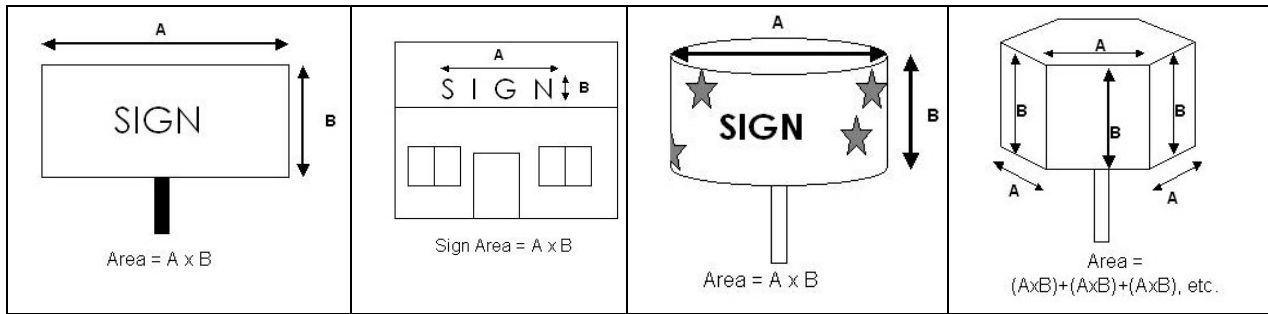
- A. Protect the health, safety, property and welfare of the public;
- B. ~~Maintain~~ Promote the neat, clean, orderly and attractive appearance of the community city;
- C. Provide for the safe erection and maintenance of signs;
- D. ~~Eliminate signs that demand, rather than invite, public attention;~~ Repealed.
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign erectors while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, erection and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets; and
- J. Regulate solely on the basis of time, place and manner of a sign, not on its content.

#### **14.04.030 Definitions:**

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

“Area” or “area of a sign” means the area to and within an established sign edge, frame or 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 a circle, square, rectangle and/or triangle. The area of all signs in existence at the time of the enactment of the ordinance codified in this chapter, 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.

**Figure 14.04.030-1 Calculating Sign Area**



“Awning” means either a permanent or retractable structural extension off a building or structure which has a minimum ground clearance of eight feet ~~an extension of at least three feet and is intended for the purpose of pedestrian cover.~~

~~“Canopy” means a covered structural extension off a building or structure which has a minimum ground clearance of eight feet, an extension of less than three feet, and is generally not intended for the purpose of pedestrian cover.~~

“City” means the city of Milwaukie, Oregon.

“Clearance” is measured from the highest point of the grade below the sign to the lowermost point of the sign.

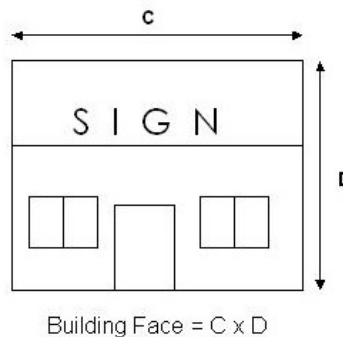
“Display surface” means the area made available by the sign structure for the purpose of displaying the message.

“Downtown zones” means the DS, downtown storefront; DC, downtown commercial; DO, downtown office; DR, downtown residential; and DOS, downtown open space zones as defined in the zoning ordinance.

“Erect” means to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

“Face of a building” means all window and wall area of a building in one plane.

**Figure 14.04.030-2 Building Face**



~~“Flag” means any fabric displayed on a flagpole that is the symbol of a national government or political subdivision, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.~~

“Frontage” means the length of the property line of any one premises along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

“Height” is measured from the highest point of the grade below the sign to the topmost point of the sign.

“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.

“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.

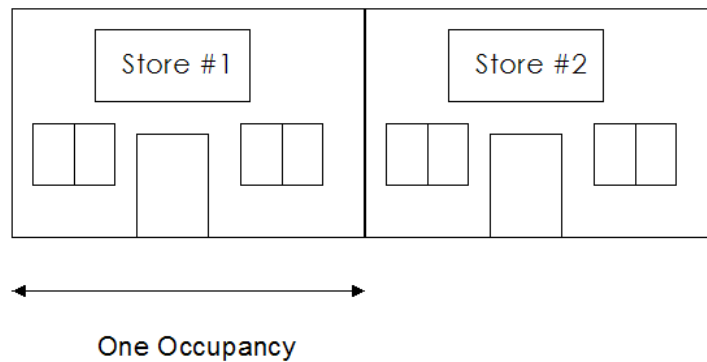
“Manufacturing zones” are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

“Marquee” means a permanent roof-like structure attached to and supported by a building and projected therefrom.

“Neighborhood commercial zone” means the C-N, neighborhood commercial, zone as defined in the zoning ordinance.

“Occupancy” means a property or portion of property that is possessed or used separately from other properties or other portions of the same property. Examples of occupancies include a store in a mall or an office in an office building.

**Figure 14.04.030-3 Occupancy**



“Other commercial zones” means the C-L, limited commercial; DS, downtown storefront; DC, downtown commercial; DO, downtown office; C-CS, community shopping commercial; and C-G, general commercial, zones as defined in the zoning ordinance.

“Parapet or parapet wall” means that part of any exterior wall which extends above the roofline.

~~“Permittee” means a person who has applied for a city sign permit to allow placement or erection of a sign covered by this ordinance, or a person who has not as yet applied for a sign permit, but will be required to do so due to an intent to place or erect a covered sign, or by the premature placement or erection of a covered sign.~~

“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.

“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 under control of a person. 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.

“Projection” means the distance by which a sign extends from its supporting structure.

“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.

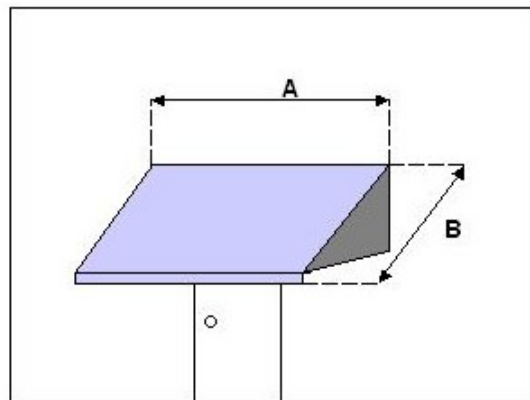
“Residential-office-commercial zone” means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

“Sign” means the physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way or lot under other ownership. ~~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.~~

~~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.~~

Sign, Awning. “Awning sign” means a sign which is painted onto, attached or affixed to, the surface of an awning, or is suspended underneath an awning. The display surface of an awning is measured as the distance from where the awning meets the vertical wall to the outermost projection of the awning times length.

**Figure 14.04.030-4 Calculating Awning Area**



$$\text{Awning Area} = A \times B$$

Sign, Banner. “Banner sign” means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign may be used as a wall sign provided appropriate wall sign standards are met. ~~National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.~~

Sign, Bench Advertising. “Bench advertising sign” means a sidewalk bench which displays a message and is subject to the provisions of Chapter 12.20 of the Milwaukie Municipal Code.

~~Sign, Billboard or Outdoor Advertising. "Billboard or outdoor advertising sign" 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.~~

Sign, Cabinet. "Cabinet sign" means a sign in which the display face is mounted on or attached to the front of a self contained "box-like" structure, which usually houses a light source, and is affixed to a building or other structure.

~~Sign, Canopy. "Canopy sign" means a sign painted onto, or attached to, the face of a canopy. For purposes of calculating sign area, the entire exposed face of the canopy shall be designated the sign area. Canopy signs shall be considered to be wall signs for the purposes of determining size allowances.~~

Sign, Changing (Automatic). "Changing sign (automatic)" means a sign in which the display on the sign face is changed by motors, clockwork, or other mechanical means; or by electric or electronic means, including changes in color or intensity of lights. ~~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.~~

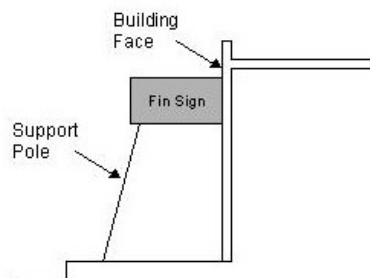
Sign, Daily Display. "Daily display sign" means a nonpermanent ~~on-premises~~ sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.

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.

Sign, Fence. "Fence sign" means a sign attached to the side of a fence on a permanent basis.

Sign, Fin. "Fin sign" means a sign which is supported by a pole or poles and partly by a building.

**Figure 14.04.030-5 Fin Sign**



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.~~

Sign, Freestanding. "Freestanding sign" means a sign wholly supported by a sign structure in the ground. Freestanding signs include pole signs and monument signs.

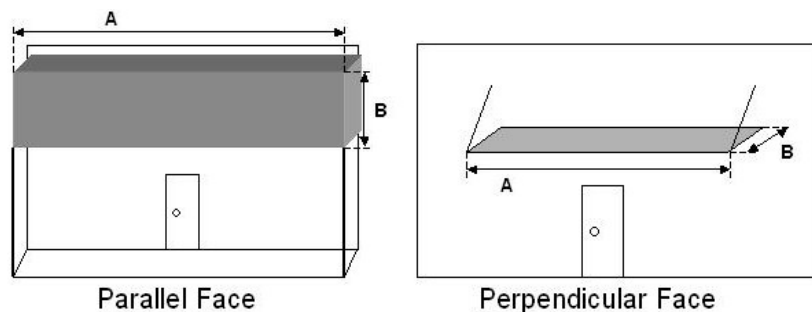
Sign, Hanging. "Hanging sign" is a sign that is suspended below a canopy, an awning, or other portions of a building and typically oriented perpendicular to pedestrian or vehicular travel.

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.

Sign, Kiosk. "Kiosk sign" means any sign with multiple display surfaces for view by pedestrians, that illustrates information about a specific area, such as the layout of a development, and lists tenants, and/or businesses, or landmarks in a specific area.

Sign, Marquee. "Marquee sign" means a sign which is erected or maintained under, over, or on, and supported or partially supported by, a marquee. The area of a marquee sign is calculated as the greater of the two marquee areas; either parallel or perpendicular to the building face.

**Figure 14.04.030-6 Calculating Marquee Area**



$$\text{Marquee Area} = A \times B$$

Sign, Monument. "Monument sign" means any sign affixed to a base which has a width that is equal to or greater than the width of the sign.

Sign, Noncomplying. "Noncomplying sign" means any sign that did not comply with applicable sign code standards when built or modified, which is constructed after the effective date of the ordinance codified in this chapter in violation of any of the provisions of this chapter.

Sign, Nonconforming. "Nonconforming sign" means a sign that complied with applicable standards when created or modified but which does not comply with existing standards, in existence or under construction on the effective date of the ordinance codified in this chapter which does not conform to the provisions of this chapter, but which was or is being constructed, erected or maintained in compliance with all previous regulations.

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.~~

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.

Sign, On-Premises. "On-premises sign" means a sign pertaining to or related to the activity of the premises on which it is located.

Sign, Pennant. "Pennant sign" means a shaped, lightweight sign made 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.

Sign, Pole. "Pole sign" means a freestanding sign in which the display face of the sign is supported on a base which may be tubular, columnar or rectangular in shape and in which any portion of the base or support structure has a width that is less than the width of the display surface of the sign.

~~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.~~

Sign, Projecting. "Projecting sign" means and includes any sign which is attached to a building and extends more than twelve inches beyond the line of the building or more than twelve inches beyond the surface of that portion of the building to which it is attached.

~~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.~~

Sign, Roof. "Roof sign" means a sign erected upon or above a roof or parapet of a building.

Sign, Temporary. "Temporary sign" means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time.

~~Sign, Time and Temperature. "Time and temperature sign" means a sign providing only time and/or temperature information.~~

~~Sign, Under Marquee. "Under marquee sign" means a sign which is erected or maintained under, and supported or partially supported by, a marquee.~~

Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the city manager or duly authorized representative.

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 thirty degrees from the vertical. Wall signs may not project more than twelve inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs.

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 do not include painted or printed displays of a temporary nature ~~associated with holidays.~~

"Structural alteration" means any change in a sign or sign structure or components. Structural alteration does not include a change in copy or message, other than advertising message or normal maintenance, or repairs that simply restore the sign to original condition.

~~"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 one square foot in area.~~

Table 14.04.030 summarizes the types of signs. In the sign district sections that follow, regulations are discussed in terms of the categories listed in this table.

**Table 14.04.030 Types of Signs**

<b><u>Sign Category</u></b>	<b><u>Sign Type</u></b>
<u>Wall signs</u>	<ul style="list-style-type: none"> <li>• <u>Signs placed on parapets</u></li> <li>• <u>Banners</u></li> <li>• <u>Cabinet signs</u></li> <li>• <u>Murals</u></li> <li>• <u>Signs on the exterior of a window</u></li> </ul>
<u>Freestanding signs</u>	<ul style="list-style-type: none"> <li>• <u>Pole signs</u></li> <li>• <u>Monument signs</u></li> <li>• <u>Billboards</u></li> <li>• <u>Daily display sandwich board signs</u></li> </ul>
<u>Projecting signs</u>	<ul style="list-style-type: none"> <li>• <u>Below an awning, eve, or marquee</u></li> <li>• <u>Sign projecting from a structure</u></li> </ul>
<u>Window signs</u>	<ul style="list-style-type: none"> <li>• <u>Signs on the interior of a window</u></li> <li>• <u>Painted or printed temporary signs</u></li> </ul>
<u>Roof signs</u>	<ul style="list-style-type: none"> <li>• <u>Signs mounted on a roof</u></li> <li>• <u>Signs mounted on a parapet</u></li> </ul>
<u>Other signs</u>	<ul style="list-style-type: none"> <li>• <u>Bench</u></li> <li>• <u>Flags</u></li> <li>• <u>Marquee</u></li> <li>• <u>Awning</u></li> </ul>

**SECTION 14.08 ADMINISTRATION AND ENFORCEMENT:**

**14.08.090 Conditional and community service use signs:**

Signs for conditional and community service uses shall be limited to those allowed in the underlying zone. The standards of the underlying zone may be increased to the standards in Table 14.08.090-1, pursuant to a Type I review. The standards of the underlying zone may be increased to the standards in Table 14.08.090-2, pursuant to Minor Quasi-Judicial Review by the Planning Commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090-2, the Planning Commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

**Table 14.08.090-1**  
**Standards for Conditional and Community Service Use Signs**  
**with Type I Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. <u>above ground</u>	<u>Not in the public right-of-way.</u>
Wall sign	Max. 16 SF	<u>One per building face</u>		
Daily display	Max. 12 SF per display surface	<u>One per frontage</u>		<u>Not in the public right-of-way, except as allowed in MMC 14.20.040.</u>

**Table 14.08.090-2**  
**Standards for Conditional and Community Service Use Signs**  
**with Minor Quasi-Judicial Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
<u>Monument or freestanding sign</u>	<u>Max. 40 SF per display surface.</u> <u>Max. length 20 ft.</u>	<u>One</u>	<u>Max. 12 ft. above ground</u>	<u>Not in the public right-of-way.</u>
<u>Wall sign</u>	<u>10% of the building face, up to 40 SF.</u>	<u>One per building face</u>		
<u>Daily display</u>	<u>Max. 12 SF per display surface.</u>	<u>One per frontage</u>		<u>Not in the public right-of-way, except as allowed in MMC 14.20.040.</u>

~~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 one monument or freestanding sign with a per display surface area limit of sixteen square feet and a maximum overall height limit of six feet above grade, and one wall sign not exceeding a display surface area limit of sixteen square feet, and one daily display sign per business not exceeding twelve square feet per display surface.~~

## SECTION 14.12 SIGNS PROHIBITED OR EXEMPTED:

### 14.12.010 Exempted signs:

The following signs shall not require a sign permit but shall conform to all other applicable provisions of this chapter and shall be allowed outright ~~permitted~~ in all zones, except as otherwise noted:

A. One sign per occupancy or premises not exceeding four square feet, nonilluminated, and not exceeding three feet in height if ground-mounted. ~~On-premises signs not exceeding four square feet in area, nonilluminated and not exceeding three feet in height if ground-mounted. 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;~~

B. Temporary signs which are nonilluminated, have an overall face area not exceeding sixteen 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, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary ~~Such~~ signs shall ~~only be removed~~ posted for the duration of the activity within a reasonable period of time. ~~See also Section 14.12.020M;~~

C. Signs placed in the right-of-way by the City, jurisdiction responsible for the right-of-way, or transportation district operating within the right-of-way 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 and Section 14.20.020;~~

D. Bench advertising signs which comply with all regulations in Chapter 12.20 of the Milwaukie Municipal Code;

E. Banners on community service use properties, as defined in Section 19.321.2, not exceeding a total display area of forty square feet per face per site and pennants not to exceed a length of fifty feet per site. Such banners and pennants may remain, used on premises in conjunction with temporary events and not in place for longer than a period of thirty days six months or less in any one calendar year.

F. ~~Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message~~ Repealed.

G. ~~Flags;~~

H. 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;

I. ~~Signs of public or legal notice;~~ Repealed.

J. Window signs in the downtown zones which occupy a total display area of no more than twenty percent of the window area. In all other commercial and manufacturing zones, window signs which occupy a total display area of no more than fifty percent of the window area. Window signs may not use materials subject to No sign prohibited by Section 14.12.020(A) may be used as part of the window sign authorized by this exemption;

K. ~~Painted or printed displays in windows of a temporary nature associated with holidays.~~  
Repealed.

#### 14.12.020 Prohibited signs:

It is 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 following descriptions:

A. Moving signs or flashings signs, or any other sign with a visible moving part or visible mechanical movement, including signs which move in the wind or move or change electrically or electronically. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians. Automatic changing signs that change no more than once every 10 seconds, and revolving signs that revolve at six revolutions per minute or less, are exempt from this prohibition. Switching the power for illuminated signs on and off four or fewer times in one day does not constitute a flashing sign. ~~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 currents; excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at six revolutions per minute or less;~~

B. Signs erected within the right-of-way except as permitted by Sections 14.12.010(C) and 14.20.040(A); ~~of any street, along any driveway, or in any other location which do not meet the requirements of Section 14.12.010C; 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;~~

C. ~~Such advertising devices as strings of lights,~~ Strings of banners, pennants, and balloons, and similar signs, except as permitted under Sections 14.12.010(E); ~~and F;~~

D. Temporary signs, except as permitted under Sections 14.12.010(B), and 14.12.010(E); ~~and 14.12.010K;~~

E. ~~Fin signs;~~

F. ~~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; Repealed.~~

G. ~~Off-premises signs, except as defined elsewhere; Repealed.~~

H. 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 development or widening at no expense to the city;

I. 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;

J. ~~Portable signs, except as defined elsewhere; Repealed.~~

K. ~~Fence signs exceeding one square foot of sign face per fifty feet of fence length, excepting temporary signs intended for the sale or lease of the property containing the fence; Repealed.~~

L. Window signs which obscure more than fifty percent of the window area or are not subject to the provisions of Section 14.12.010K;

~~M. Signs affixed to power, utility or traffic control poles other than traffic control devices and one sign not to exceed 50 square inches placed by the owner of the pole city-approved traffic control signs and pole identification placards; Repealed.~~

N. Searchlights.

O. Pole signs in the downtown zones.

P. Reflective backgrounds and materials are not allowed.

Q. Signs that imitate traffic control devices and are located in places where they are likely to be confused with a traffic control device, and any sign obscuring the view of a traffic control device.

**SECTION 14.16 SIGN DISTRICTS:**

**14.16.010 Residential zone:**

No sign shall be erected or maintained in an R zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.:-

**Table 14.16.010**  
**Standards for Signs in Residential Zones**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
<u>Signs at entrances to subdivisions or manufactured home parks</u>	Max. 2 SF per dwelling unit to max. 32 SF per sign. Max. 16 SF per display surface; total sign area for all display surfaces of no more than 64 SF.	Max. 6 ft. above grade.	1 per entrance	External illumination only
<u>Freestanding signs on apartment and condominium properties</u>	Limited to 2 SF per dwelling unit to a maximum area of 32 SF, 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage <sup>2</sup>	External illumination only
<u>Wall signs on apartment and condominium properties</u>	Limited to 2 SF per dwelling unit to a max. of 32 SF.	No wall sign shall extend above the roofline at the wall, or the top of a parapet wall, whichever is higher.	1 per street frontage permitted <sup>2</sup>	External illumination only
<u>Awning signs on apartment and condominium properties</u>	<u>Max display surface is 25% of awning area, up to max. of 32 SF.</u>	<u>May not extend higher than the point where the roofline intersects the exterior wall.</u>	<u>1 per street frontage<sup>3</sup></u>	
<u>Hanging sign suspended beneath awning</u>	<u>Max. area limited to 1 SF per 1 lineal ft. of awning length.</u>	<u>Min. clearance 8 ft. from ground to the lowest portion of awning or sign.</u>	<u>1 per street frontage<sup>3</sup></u>	<u>External illumination only</u>

Notes:

<sup>1</sup> 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. See Section 14.24.020.

<sup>2</sup> Either one freestanding or one wall sign per street frontage is permitted.

<sup>3</sup> Either one sign on an awning or one sign hanging beneath an awning is allowed.

**A. Permanent Subdivision or Mobile Home Park Signs.**

~~1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.~~

~~2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.~~

~~3. Number. Limited to one sign per entrance.~~

~~B. Permanent Apartment or Condominium Signs. Either one freestanding or one wall sign per street frontage permitted.~~

~~1. Freestanding sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.~~

~~b. Height and/or Clearance. Freestanding signs limited to a maximum height of six feet above grade.~~

~~c. Number. One freestanding sign per street frontage permitted.~~

~~2. Wall Sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.~~

~~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 per street frontage permitted.~~

~~C. Illumination. Signs in R zones may have external illumination only. 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.~~

**14.16.020 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 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.020**  
**Standards for Signs in Residential-office-commercial Zones R-O-C or R-1-B**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs at <u>entrances to subdivisions</u>	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 6 ft. above grade.	1 per entrance	External only
Freestanding signs on <u>apartment and condominium properties</u>	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage	External only
Wall signs on <u>apartment and condominium properties</u>	Limited to 2 SF per dwelling unit to a max. 32 SF.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 per street frontage	External only
<u>Awning signs on apartment and condominium properties</u>	<u>Max display surface is 25% of awning area, up to a max. of 32 SF.</u>		<u>1 per street frontage</u>	<u>External only</u>
Freestanding signs on <u>commercial property</u>	Max. 32 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 12 ft.	1 permitted <sup>2</sup>	External only
Wall signs on <u>commercial property</u>	Max. 10% of building face <u>related to commercial use.</u>	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 permitted <sup>3</sup>	External only
<u>Awning signs related to a commercial use</u>	Max display surface is 25% of surface of awning <u>not to exceed 10% of the building face related to commercial use.</u>	May not extend higher than the point where the roofline intersects the exterior wall.	1 per frontage	External only
<u>Hanging sign suspended beneath awning</u>	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to lowest portion of awning or suspended sign.	1 per street frontage <sup>4</sup>	External only
Daily display sign <sup>5</sup>	Max. 8 SF per display surface. Total sign area may not exceed 16 SF.	Max. 6 ft. above ground level.	1 per <u>property or occupancy</u>	External only

Notes:

- <sup>1</sup> 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. See Section 14.24.020.
- <sup>2</sup> One freestanding sign is permitted in addition to one wall sign.
- <sup>3</sup> One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.
- <sup>4</sup> For awnings related to residential use, either one sign on an awning or one sign hanging beneath an awning is allowed.
- <sup>5</sup> Location: A daily display sign shall not be located within required landscaped areas, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

~~A. Permanent Subdivision Signs.~~

~~1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.~~

~~2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.~~

~~3. Number. Limited to one sign per entrance.~~

~~B. Permanent Apartment or Condominium Signs. Either one freestanding or one wall sign per street frontage permitted.~~

~~1. Freestanding Sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.~~

~~b. Height and/or Clearance. Freestanding signs limited to maximum height of six feet above grade.~~

~~c. Number. One freestanding sign per street frontage permitted.~~

~~2. Wall Sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.~~

~~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 per street frontage permitted.~~

~~C. Freestanding Business Sign.~~

~~1. Area. The maximum permitted area of a freestanding sign shall be thirty-two square feet per display surface and sixty-four square feet overall.~~

~~2. Height and/or Clearance. The maximum height of a freestanding sign shall be twelve feet.~~

~~3. Number. One freestanding sign is permitted in addition to one wall sign.~~

~~D. Wall Business Sign.~~

~~1. Area. The maximum permitted area of a wall sign shall be ten percent of the building face.~~

~~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 is permitted in addition to one freestanding sign or two wall signs permitted.~~

~~E. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

~~F. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.~~

~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

~~G. Illumination. Signs in R-O-C or R-1-B zones may have external illumination only. 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.~~

**14.16.030 Neighborhood Commercial Zone:**

No sign shall be erected or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.030**  
**Standards for Signs in Neighborhood Commercial Zones C-N**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage <del>and 1 additional SF per each lineal foot of frontage over 100 ft,</del> not exceeding 40 SF per display surface and 80 SF overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted <sup>2</sup>	External only
Wall signs <sup>3</sup>	Max. 20% of building face.	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements <sup>4</sup>	External only
Awning signs	Max. 25% of surface of awning, <u>not to exceed 20% of building face.</u>	No higher than the point where the roofline intersects the exterior wall.	1 per frontage per occupancy	External only
<u>Hanging sign suspended beneath awning</u>	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	<u>1 hanging sign per awning</u>	External only
Daily display signs <sup>5</sup>	Max. 8 SF per display surface and 16 ft. overall.	Max. 6 ft. above ground level.	1 per <u>property or occupancy</u>	External only

Notes:

- <sup>1</sup> 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. See Section 14.24.020.
- <sup>2</sup> In addition to one wall sign.
- <sup>3</sup> Location: Limited to the building surface or surfaces facing the public right-of-way.
- <sup>4</sup> Wall signs are permitted in addition to one freestanding sign.
- <sup>5</sup> Shall not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

**A. Freestanding Sign.**

~~1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding forty square feet per display surface and eighty square feet over all.~~

~~2. Height and/or Clearance. Freestanding signs may not project over the top of a building or twenty feet, whichever is less.~~

~~3. Number. One freestanding sign is permitted in addition to one wall sign.~~

~~B. Wall Sign.~~

~~1. Area. The maximum permitted area of a wall sign shall be 20 percent of the building face.~~

~~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. Dictated by area requirements. Wall signs are permitted in addition to one freestanding sign.~~

~~4. Location. Limited to the building surface or surfaces facing the public right-of-way only.~~

~~C. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is twenty five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

~~D. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.~~

~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

~~E. Illumination. Signs in C-N zones may have external illumination, in addition to lighting as noted in Section 14.24.020. 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.~~

**14.16.040 Commercial zone:**

No sign shall be erected or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.040**  
**Standards for Signs in Commercial Zones C-L, C-G, and C-CS**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. <sup>3</sup>	1 multifaced sign per street frontage. <sup>4</sup>	Permitted
Wall signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Projecting signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall. <sup>6</sup>	Not within 20 ft. of another projecting sign.	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. No sign support structure can be visible.	Pending approval by Fire Marshal. <sup>7</sup>  May not project over parapet wall.	Permitted instead of, and not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of surface of awning, <u>not to exceed 20% of building face.</u>	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
<u>Hanging sign suspended beneath awning</u>	Maximum area for hanging signs of 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning.		<u>1 hanging sign per awning.</u>	Permitted

<u>Marquee signs</u>	<u>Max. display surface is 25% of surface of marquee, not to exceed 20% of building face.</u>	<u>No higher than the point where the roofline intersects the exterior wall.<sup>8</sup></u>	<u>Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee.</u>	<u>1 per frontage per occupancy.</u>	<u>Permitted</u>
Under-marquee signs	Max. 6 SF per display surface or 12 SF in overall sign area.	Min. 8 ft. clearance between the lowest portion of the sign and the ground.	Shall not project within 2 ft. of curb.	No limit.	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall.	Max. 6 ft. above ground level.	Not within required landscaped areas or public right-of-way. <sup>9</sup>	1 per <u>property or occupancy.</u>	Permitted

Notes:

- <sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, 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. See Section 14.24.020.
- <sup>2</sup> Not to exceed ~~300~~ 250 square feet of sign area per display surface for each sign, or a total of ~~4,200~~ 1,000 square feet for all display surfaces.
- <sup>3</sup> Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.
- <sup>4</sup> Where a frontage exceeds 300 feet in length, one 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.
- <sup>5</sup> 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.
- <sup>6</sup> 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 Table 14.16.060(E) for projection of signs into public rights of way.
- <sup>7</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>8</sup> Regardless of the existence of a parapet wall.
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.

**A. Freestanding Sign.**

~~1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage, plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding three hundred square feet of sign area per display surface for each sign, or a total of one thousand two hundred square feet for all display surfaces as authorized in Section 14.16.040A4.~~

2. Height and/or Clearance. The maximum height of any portion of a sign or sign structure shall be twenty-five 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 fourteen feet in any driveway or parking area.

3. 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 two feet.

4. Number. One multifaced freestanding sign shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one 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.

**B. Wall Sign.**

1. Area. Wall signs shall not exceed in gross area twenty 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.

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. No limit, dictated by area requirements.

**C. Projecting Signs.**

1. Area. Projecting signs shall not exceed in gross area twenty 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 twenty percent of the face of the building.

2. 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 two feet of the curb nor beyond the distances specified in the following table:

**Table 14.16.040**

**Projection of Signs Into Public Rights-of-Way**

<b>Clearance</b>	<b>Maximum Projection Into Public Right-of-Way</b>
Less than eight feet	Not permitted
Eight feet	One foot
Eight to sixteen feet	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet	Five feet

~~3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.~~

~~4. Number. Only one projecting sign will be permitted on the same occupancy business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign or roof sign.~~

#### ~~D. Roof Signs.~~

~~1. Area. Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.~~

~~2. Height and/or Clearance. The maximum height of a roof sign shall not exceed eight 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.~~

~~3. 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.~~

~~4. Number. Roof signs are permitted instead of, but not in addition to, projecting signs or freestanding signs.~~

#### ~~E. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

#### ~~F. Under-Marquee Signs.~~

~~1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.~~

~~2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.~~

~~3. Location. Under-marquee signs shall not project within two feet of the curb.~~

~~4. Number. No limit, dictated by area requirements.~~

~~G. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.~~

#### ~~H. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.~~

~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

~~I. Illumination. Signs in commercial zones may be illuminated. Within five hundred 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 four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen 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.~~

**14.16.050 Manufacturing zone:**

No sign shall be erected or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.050  
Standards for Signs in Manufacturing Zones M or BI**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF for each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level. Min. clearance below lowest portion of a sign is 14 ft. in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted. <sup>3</sup>	Permitted
Wall signs	Max. 10% of building face. <sup>4</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. <sup>5</sup>	Pending approval by fire marshal. <sup>6</sup> May not project over parapet wall.	Permitted instead of, not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of awning surface. <sup>7</sup>	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
<u>Hanging sign suspended beneath awning</u>	Max. 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance from the ground to the lowest part of the sign or awning.		<u>1 hanging sign per awning.</u>	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall.	Max. 6 ft. above ground level.	Not permitted within required landscaped areas or public right-of-way. <sup>9</sup>	1 per <u>occupancy.</u>	Permitted

Notes:

- <sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 feet of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, 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. See Section 14.24.020.
- <sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

3 Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such  
4 frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.  
5 Includes signs painted directly on the building surface.  
6 All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron  
7 or similar sign support structure.  
8 Only approved by the fire marshal after a finding that the site, type, and location of the sign will not  
9 substantially interfere with fire fighting.  
Measured in vertical distance times length.  
Regardless of the existence of a parapet wall  
A daily display sign may be allowed within the public right-of-way subject to the standards of  
Section 14.20.040.

#### A. Freestanding Sign.

1. Area. ~~The maximum permitted area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding two hundred fifty square feet of sign area per display surface for each sign, or a total of one thousand square feet for all display surfaces.~~

2. Height and/or Clearance. ~~The maximum height of any portion of a sign or sign structure shall be twenty-five 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 fourteen feet in any driveway or parking area.~~

3. 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 two feet.~~

4. 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 three hundred feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.~~

#### B. Wall Sign.

1. Area. ~~Wall signs shall not exceed in gross area ten 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.~~

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. ~~No limit, dictated by area requirements.~~

#### C. Roof Signs.

1. Area. ~~Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.~~

2. Height and/or Clearance. ~~The maximum height of a roof sign shall not exceed eight 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.~~

~~3. 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.~~

~~4. Number. Roof signs are permitted instead of, but not in addition to, freestanding signs.~~

~~D. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

~~E. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.~~

~~F. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.~~

~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

~~G. Illumination. Signs in manufacturing zones may be illuminated. Within five hundred 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 four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen 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.~~

## 14.16.060 Downtown zones.

No sign shall be erected or maintained in the DC, DS, DO, DR and DOS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

- A. Freestanding Sign. In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than sixty percent of the total area of the monument. Pole signs are prohibited.
1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.
    - a. In the DO zone the maximum area shall not exceed forty square feet per display surface and eighty square feet overall.
    - b. In the DR and DOS zones the maximum area shall not exceed thirty-two square feet per display surface and sixty-four square feet overall.
  2. Height and/or Clearance.
    - a. In the DC, DS and DO zones, freestanding signs are limited to a maximum height of seven feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of fifteen feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a six foot horizontal distance from the sign.
    - b. In the DR and DOS zones freestanding signs are limited to a maximum height of six feet above grade.
  3. Number. One freestanding sign is permitted on a street or highway frontage.
- B. Wall Sign.
1. Area. The maximum permitted area of a wall sign shall be twenty percent of the building face.
    - a. In the DR and DOS zones the maximum permitted area of a wall sign shall be sixteen 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.
    - a. Dictated by area requirements.
    - b. In the DR and DOS zones one wall sign is permitted in addition to one freestanding sign.
  4. Location. Limited to the building surface or surfaces facing the public right-of-way only.
- C. Awning Sign.
1. Area. The maximum permitted display surface of an awning sign ~~which is painted onto, attached to, or affixed to, the surface of an awning,~~ is twenty-five percent of the surface of the awning ~~measured in vertical distance times length.~~ For a sign

hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. An awning sign may not be located higher than the first floor of a building or fifteen feet, whichever is less. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.
3. Number. One awning sign per frontage per occupancy, and one sign hanging per awning, is permitted.

D. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.
2. Number. One daily display sign per occupancy ~~business~~ is permitted.
3. Location. A daily display sign ~~shall not be located within the required landscaped areas, and is allowed within the right-of-way must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, only~~ subject to the standards of Section 14.20.040.

E. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty 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 twenty percent of the face of the building.
2. 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. No projecting sign shall project more than five feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

**Table 14.16.050 060(E)**  
**Projection of Signs Into Public Rights-of-Way**

<b>Overhead Clearance</b>	<b>Maximum Projection Into Public Right-of-Way</b>
Less than eight feet above finished floor/grade	Not permitted
Eight feet above finished floor/grade	One foot
Eight to sixteen feet above finished floor/grade	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet above finished floor/grade	Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.
4. Number. Only one 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.

**F. Marquee Signs.**

1. Area. The maximum display surface for a sign displayed on a marquee is 25% of the marquee surface.
2. Height. A marquee sign shall not extend higher than the point where the roofline intersects the wall, regardless of the existence of a parapet wall.
3. Location. Marquee signs shall not extend more than 1 ft. from the surface of a marquee or more than 1 ft. over the top edge of the marquee.
4. Number. One marquee sign is allowed per frontage per occupancy.

**FG. Under-Marquee Signs.**

1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.
2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.
3. Location. Under-marquee signs shall not project within two feet of the curb.
4. Number. No limit, dictated by area requirements.

~~G~~H. Illumination. Internally illuminated cabinet signs are ~~discouraged~~ prohibited in the downtown zones. ~~Internally illuminated signs may be permitted subject to design review approval by the design and landmarks commission per the procedures outlined in Section 19.1011.3. In considering internally illuminated signs, the design and landmarks commission shall use the downtown design guidelines as approval criteria, as provided under subsection 19.312.7F.~~ All other illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted. Backlit or "halo" illuminated signs with individual letters are permitted as illuminated signs.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs shall not be internally illuminated, either internally or Features on an awning sign may be externally unless illuminated subject to review by the design and landmarks committee and approved by the design and landmarks commission Planning Commission, according to the following criteria:-
  - a. Sign lighting should be designed as an integral component of the building and sign composition.
  - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
  - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

## SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:

### 14.20.020 ~~Exempted signs:~~

~~As referenced in Section 14.12.010C, signs for purposes of public direction and safety may be allowed within the public right-of-way, subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and the following standards:~~

~~A. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation Sign Policy and Guidelines and the Federal Manual on Uniform Traffic Control Devices. Such standards may be deviated by the city public works director upon determination that such deviation is necessary for purposes of message visibility, clear vision maintenance or other similar factors. Applicants desiring to vary from the public works director's standards determination may apply for a variance following the procedures of Chapter 14.32.~~

~~B. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to, signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, theatre, food services, etc.), danger signals and similar signs.~~

~~C. Maintenance and upkeep of noncity-owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal.~~

Repealed.

### 14.20.030 Bench advertising signs:

Bench signs are permitted, subject to Chapter 12.20 of the Milwaukie Municipal Code.  
~~These are permitted subject to the standards of Section 12.16.020 of the Milwaukie Municipal Code.~~

### 14.20.040 Daily display signs:

A. In sign districts where that permit daily display signs (reference Chapter 14.16) are allowed per Chapter 14.16, one a daily display sign may be placed allowed within a the public right-of-way adjacent to any premises by the person in control of those premises, 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 per requirements of Section 12.16.020. This permit shall be revocable in case of condition noncompliance.

2. The sign is to be set back behind the curb so as not to interfere with on-street parking, or, a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.

3. The sign is to be placed so as to allow at least five 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 as per requirements of Section 14.24.010

6. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability.

7. Sign dimension shall not exceed a maximum width of four feet nor a maximum above-ground level height of four and one-half feet.

8. ~~One sign per business is allowed. Repealed.~~

~~B. Daily display signs may be allowed off the premises, or within the public right-of-way in front of a business with which the sign is not associated, subject to the following standards:~~

~~1. All applicable standards of Section 14.20.040A;~~

~~2. Both the sign owner and owner of the business where the sign is placed must sign a city liability exemption document;~~

~~3. The off-premises daily display sign will take the place of the daily display sign allowance for both the business site where it is placed and the business placing the sign. Repealed.~~

## **SECTION 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING:**

### **14.24.010 Construction and maintenance requirements:**

A. Except as otherwise provided in this chapter, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, Uniform Fire Code and electrical code.

B. All signs, together with their supports, braces, guys and anchors, shall be constructed of materials that are durable and weather-resistant, and shall be regularly maintained so as to exist at all times in a state of good repair. No person shall maintain, or permit to be maintained on any premises owned or controlled by him or her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

C. All signs shall be kept clean and the site on upon which they are located shall be kept clean and free from debris, ~~maintained in a neat, clean, and attractive condition~~. Signs shall be kept free from rust, corrosion, peeling paint, torn or peeling paper, and ~~or~~ other surface deterioration. Broken or missing sign components and lighting panels shall be replaced within thirty days of notification by the city. ~~The display surfaces of all signs shall be kept neatly painted or posted. Reflective backgrounds and materials are not allowed.~~

D. ~~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. Repealed.~~

### **14.24.020 Sign lighting:**

A. All lamps or bulbs exposed to direct view shall be limited to twenty-five watts or less capacity. ~~On-time and temperature signs, such bulb is limited to thirty-three watts capacity.~~

B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred milliamperes rating for white tubing nor one hundred milliamperes rating for colored tubing.

C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to eight hundred milliamperes rating tubes behind a Plexiglas face with tubes spaced at least nine inches apart, center to center.

D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 foot candles of light.

ED. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail. These general lighting provisions are applicable for all sign districts, except as noted elsewhere.

## **SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:**

### **14.28.010 Abandoned sign:**

A. Time Limit. ~~Abandoned sign structures signs and their supporting structures shall be removed within 180 one hundred eighty days of the time that a sign is no longer used on the structure, by the owner or lessee when the business which it advertises is no longer conducted on the premises.~~

B. Notice Given. ~~If the owner or lessee fails to remove the abandoned sign it,~~ the city manager or duly authorized representative shall give the owner fifteen days' written notice to remove it.

### **14.28.020 Nonconforming sign:**

A. Time Limit.

1. ~~Except as provided in Subsection 14.28.020(A)2, signs that were in compliance with applicable regulations when erected but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus one day of the date they became nonconforming. Nonconforming signs may be continued for a period of ten years from the effective date of the ordinance codified in this chapter.~~

2. ~~Signs located on premises annexed into the city after the effective date of the ordinance codified in this chapter, and which signs do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of seven years after the effective date of the annexation. Internally illuminated cabinet signs in the Downtown zones shall be brought into conformance with this chapter by December 31, 2011.~~

3. ~~Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance conformance with all of the provisions of this chapter. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.~~

4. ~~The provisions of this code relating to Signs in existence on the effective date of the ordinance codified in this chapter 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, and temporary or incidental signs, are applicable to all signs, notwithstanding Subsection 14.28.020(A)1, shall be made to conform within ninety days from the effective date of the ordinance codified in this chapter.~~

B. Notice Given. ~~For legally established nonconforming signs that are approaching the end of the 10-year period during which they may be maintained under Subsection 14.28.020(A)1, the City Manager may provide additional notice in anticipation of the date the sign will be required to be removed or made to conform. The city manager or duly authorized representative~~

~~shall give thirty 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 chapter.~~

#### **14.28.030 Unsafe sign:**

A. Time Limit. The city manager or duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard 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. The City Manager or duly authorized representative may allow repair as an alternative to removal of an unsafe sign when the sign does not pose an immediate hazard to persons or property.

B. Notice Given. Two days' notice, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

#### **14.28.040 Noncomplying sign:**

A. Time Limit. ~~Noncomplying signs shall be removed or brought into compliance within thirty days of notification.~~

B. Notice Given. ~~The city manager or duly authorized representative shall give thirty 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.~~ Repealed.

#### **14.28.050 Administrative procedures for notification of violation:**

The installation, alteration, or maintenance of a sign in violation of this title is a civil violation with a civil penalty of up to \$100 per day of infraction. If the City believes a sign is in violation of any provision of this title, the City may initiate civil infraction and/or nuisance proceedings, or initiate the notice procedures set forth in this section. In deciding whether to provide notice before initiating civil infraction or nuisance proceedings, the City may consider the nature and extent of the violation, whether the violation is curable, whether the sign creates a traffic or safety hazard, the impact of the sign on the community, and other factors.

A. The City Manager or designee may give 30 days' written notice to the owner or lessee of any permanent sign, or if the owner or lessee is not known, to the owner or lessee of the property where the sign is located, that the City determines to be in violation of the City's regulations to remove the sign and structure or bring it into compliance. The City may demand immediate removal, moving, or alteration of a temporary sign that does not comply with the City's regulations and may remove a sign in the right-of-way without notice or demand. If the city manager or 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 chapter, he or she 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.

B. If notice or a demand is given as provided in Subsection 14.28.020(A) and the violation is not cured within the time specified, the owner or other responsible person may be cited for a civil infraction, or the City may institute procedures to declare the sign a nuisance, or both. The City may pursue any other remedy legally available to it. If the permittee fails to remove or alter the structure so as to comply with the standards set forth within thirty days after such notice such sign or sign structure may be ordered is declared a nuisance and the owner may be issued

~~a citation into municipal court, as per procedures of Chapter 1.08 of the Milwaukie Municipal Code, and subjected to enforcement fines as established by the city council.~~

~~C. The City shall store any sign that it removes under the authority of this section for up to 60 days, and shall return the sign to the owner upon payment of the City's costs of removal and storage. The City may dispose of signs if unclaimed after 60 days. Signs in violation of this chapter which create a safety or traffic hazard may be removed by the city without prior notice and removal costs billed to the sign or property owner.~~

~~D. Such fines and 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. Repealed.~~

## **Chapter 14.32 ADJUSTMENTS VARIANCES.**

### **14.32.010 Authorization to grant or deny adjustments variance.**

~~A. The planning commission may authorize variances from adjustments to the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment variance, the planning commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.~~

~~B. Requests for adjustments in the downtown zones shall receive their first review from the Design and Landmarks Committee. In the downtown zones The Design and Landmarks Committee shall make recommendations to the Planning Commission, which design and landmarks commission is the review authority and may authorize adjustments to variances from the requirements of this chapter. Adjustments may be granted where it can be shown that, owing to there are special and unusual circumstances related to the a specific piece of property or sign, the adjustment is consistent with the Guiding Principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria subject to the following:~~

~~1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or~~

~~2. The adjustment serves to protect or enhance significant features such as but not limited to trees, historic or culturally significant buildings, or landmark signs.~~

~~In granting an adjustment variance, the Planning Commission, design and landmarks commission in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.~~

### **14.32.050 Appeals:**

~~Appeals of planning commission or design and landmarks commission decisions shall follow the procedures of Section 19.1000 of the Milwaukie zoning ordinance.~~

## Amendments to Milwaukie Municipal Code Title 14—Sign Ordinance

**Underlined text is to be inserted**  
**Strikeout is to be deleted**

### **SECTION 14.04 GENERAL PROVISIONS:**

#### **Section 14.04.020 Purpose:**

The Council of the city of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, erection, maintenance, electrification, illumination, type, size, number and location of all signs visible from a right-of-way or lot under other ownership in order to:

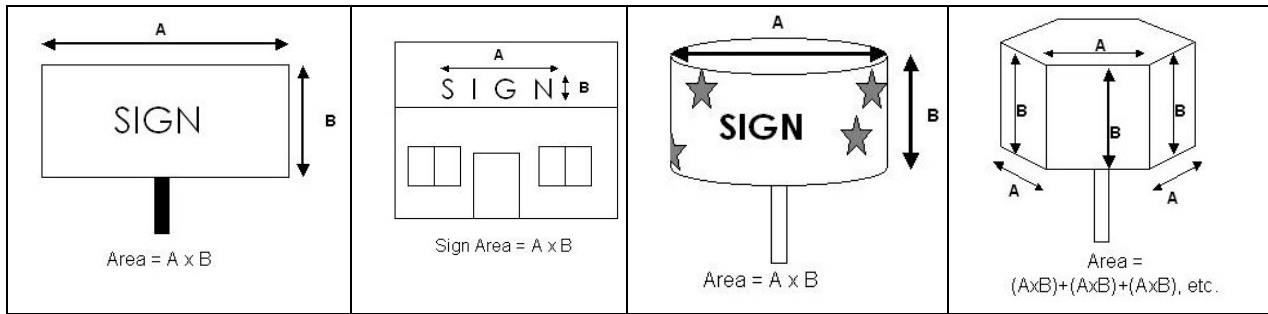
- A. Protect the health, safety, property and welfare of the public;
- B. Promote the neat, clean, orderly and attractive appearance of the community;
- C. Provide for the safe erection and maintenance of signs;
- D. Repealed.
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign erectors while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, erection and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets; and
- J. Regulate solely on the basis of time, place and manner of a sign, not on its content.

#### **14.04.030 Definitions:**

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

“Area” or “area of a sign” means the area to and within an established sign edge, frame or 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 a circle, square, rectangle and/or triangle. The area of all signs in existence at the time of the enactment of the ordinance codified in this chapter, 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.

**Figure 14.04.030-1 Calculating Sign Area**



“Awning” means either a permanent or retractable structural extension off a building or structure which has a minimum ground clearance of eight feet.

“City” means the city of Milwaukie, Oregon.

“Clearance” is measured from the highest point of the grade below the sign to the lowermost point of the sign.

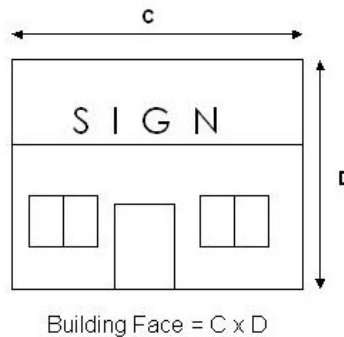
“Display surface” means the area made available by the sign structure for the purpose of displaying the message.

“Downtown zones” means the DS, downtown storefront; DC, downtown commercial; DO, downtown office; DR, downtown residential; and DOS, downtown open space zones as defined in the zoning ordinance.

“Erect” means to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

“Face of a building” means all window and wall area of a building in one plane.

**Figure 14.04.030-2 Building Face**



“Flag” means any fabric displayed on a flagpole that is the symbol of a national government or political subdivision.

“Frontage” means the length of the property line of any one premises along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

“Height” is measured from the highest point of the grade below the sign to the topmost point of the sign.

“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.

“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.

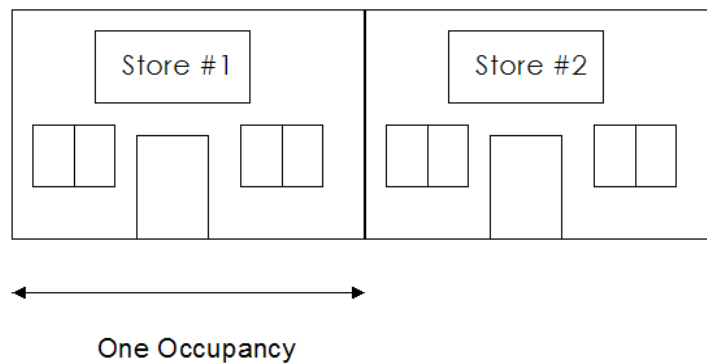
“Manufacturing zones” are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

“Marquee” means a permanent roof-like structure attached to and supported by a building and projected therefrom.

“Neighborhood commercial zone” means the C-N, neighborhood commercial, zone as defined in the zoning ordinance.

“Occupancy” means a property or portion of property that is possessed or used separately from other properties or other portions of the same property. Examples of occupancies include a store in a mall or an office in an office building.

**Figure 14.04.030-3 Occupancy**



“Other commercial zones” means the C-L, limited commercial; DS, downtown storefront; DC, downtown commercial; DO, downtown office; C-CS, community shopping commercial; and C-G, general commercial, zones as defined in the zoning ordinance.

“Parapet or parapet wall” means that part of any exterior wall which extends above the roofline.

“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.

“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 under control of a person. If more than one business is located on the lot, parcel or tract of land, each separate business shall be considered as a separate premises.

“Projection” means the distance by which a sign extends from its supporting structure.

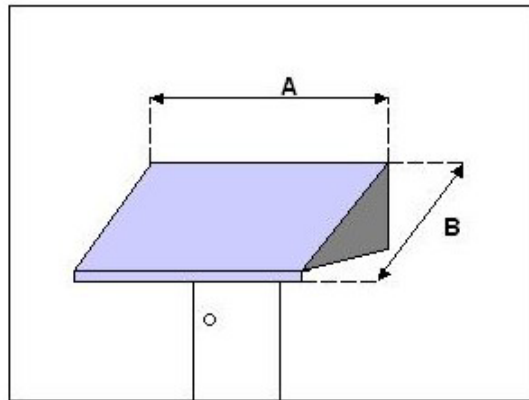
“Residential zones” means the R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1 residential zones as defined in the zoning ordinance.

“Residential-office-commercial zone” means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

“Sign” means the physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way or lot under other ownership.

Sign, Awning. “Awning sign” means a sign which is painted onto, attached or affixed to, the surface of an awning, or is suspended underneath an awning. The display surface of an awning is measured as the distance from where the awning meets the vertical wall to the outermost projection of the awning times length.

**Figure 14.04.030-4 Calculating Awning Area**



$$\text{Awning Area} = A \times B$$

Sign, Banner. “Banner sign” means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign may be used as a wall sign provided appropriate wall sign standards are met.

Sign, Bench. “Bench sign” means a sidewalk bench which displays a message and is subject to the provisions of Chapter 12.20 of the Milwaukee Municipal Code.

Sign, Cabinet. “Cabinet sign” means a sign in which the display face is mounted on or attached to the front of a self contained box-like structure, which usually houses a light source, and is affixed to a building or other structure.

Sign, Changing (Automatic). “Changing sign (automatic)” means a sign in which the display on the sign face is changed by motors, clockwork, or other mechanical means; or by electric or electronic means, including changes in color or intensity of lights.

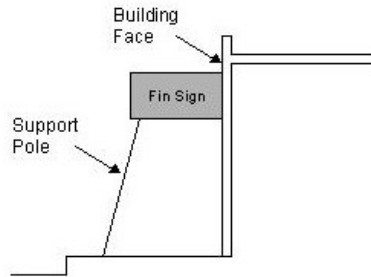
Sign, Daily Display. “Daily display sign” means a nonpermanent sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.

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.

Sign, Fence. “Fence sign” means a sign attached to the side of a fence on a permanent basis.

Sign, Fin. “Fin sign” means a sign which is supported by a pole or poles and partly by a building.

**Figure 14.04.030-5 Fin Sign**



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.

Sign, Freestanding. “Freestanding sign” means a sign wholly supported by a sign structure in the ground. Freestanding signs include pole signs and monument signs.

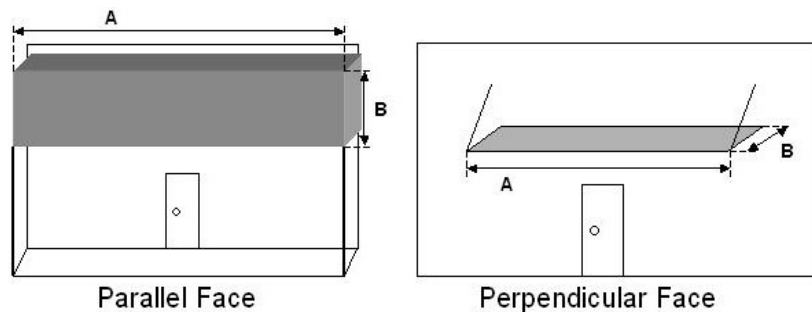
Sign, Hanging. “Hanging sign” is a sign that is suspended below an awning or other portion of a building and typically oriented perpendicular to pedestrian or vehicular travel.

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.

Sign, Kiosk. “Kiosk sign” means any sign with multiple display surfaces for view by pedestrians, that illustrates information about a specific area, such as the layout of a development, tenants, businesses, or landmarks.

Sign, Marquee. “Marquee sign” means a sign which is erected or maintained under, over, or on, and supported or partially supported by, a marquee. The area of a marquee sign is calculated as the greater of the two marquee areas; either parallel or perpendicular to the building face.

**Figure 14.04.030-6 Calculating Marquee Area**



$$\text{Marquee Area} = A \times B$$

Sign, Monument. “Monument sign” means any sign affixed to a base which has a width that is equal to or greater than the width of the sign.

Sign, Noncomplying. "Noncomplying sign" means any sign that did not comply with applicable sign code standards when built or modified.

Sign, Nonconforming. "Nonconforming sign" means a sign that complied with applicable standards when created or modified but which does not comply with existing standards.

Sign, Pennant. "Pennant sign" means a shaped, lightweight sign made 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.

Sign, Pole. "Pole sign" means a freestanding sign in which the display face of the sign is supported on a base which may be tubular, columnar or rectangular in shape and in which any portion of the base or support structure has a width that is less than the width of the display surface of the sign.

Sign, Projecting. "Projecting sign" means and includes any sign which is attached to a building and extends more than twelve inches beyond the line of the building or more than twelve inches beyond the surface of that portion of the building to which it is attached.

Sign, Roof. "Roof sign" means a sign erected upon or above a roof or parapet of a building.

Sign, Temporary. "Temporary sign" means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time.

Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the city manager or duly authorized representative.

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 thirty degrees from the vertical. Wall signs may not project more than twelve inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs.

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 do not include painted or printed displays of a temporary nature.

"Structural alteration" means any change in a structure or components. Structural alteration does not include a change in copy or message, normal maintenance, or repairs that simply restore the sign to original condition.

Table 14.04.030 summarizes the types of signs. In the sign district sections that follow, regulations are discussed in terms of the categories listed in this table.

**Table 14.04.030 Types of Signs**

<b>Sign Category</b>	<b>Sign Type</b>
Wall signs	<ul style="list-style-type: none"> <li>• Signs placed on parapets</li> <li>• Banners</li> <li>• Cabinet signs</li> <li>• Murals</li> <li>• Signs on the exterior of a window</li> </ul>
Freestanding signs	<ul style="list-style-type: none"> <li>• Pole signs</li> <li>• Monument signs</li> <li>• Billboards</li> <li>• Daily display sandwich board signs</li> </ul>
Projecting signs	<ul style="list-style-type: none"> <li>• Below an awning, eve, or marquee</li> <li>• Sign projecting from a structure</li> </ul>
Window signs	<ul style="list-style-type: none"> <li>• Signs on the interior of a window</li> <li>• Painted or printed temporary signs</li> </ul>
Roof signs	<ul style="list-style-type: none"> <li>• Signs mounted on a roof</li> <li>• Signs mounted on a parapet</li> </ul>
Other signs	<ul style="list-style-type: none"> <li>• Bench</li> <li>• Flags</li> <li>• Marquee</li> <li>• Awning</li> </ul>

**SECTION 14.08 ADMINISTRATION AND ENFORCEMENT:**

**14.08.090 Conditional and community service use signs:**

Signs for conditional and community service uses shall be limited to those allowed in the underlying zone. The standards of the underlying zone may be increased to the standards in Table 14.08.090-1, pursuant to a Type I review. The standards of the underlying zone may be increased to the standards in Table 14.08.090-2, pursuant to Minor Quasi-Judicial Review by the Planning Commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090-2, the Planning Commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

**Table 14.08.090-1  
Standards for Conditional and Community Service Use Signs  
with Type I Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. above ground	Not in the public right-of-way.
Wall sign	Max. 16 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040.

**Table 14.08.090-2  
Standards for Conditional and Community Service Use Signs  
with Minor Quasi-Judicial Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
Monument or freestanding sign	Max. 40 SF per display surface. Max. length 20 ft.	One	Max. 12 ft. above ground	Not in the public right-of-way.
Wall sign	10% of the building face, up to 40 SF.	One per building face		
Daily display	Max. 12 SF per display surface.	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040.

## **SECTION 14.12 SIGNS PROHIBITED OR EXEMPTED:**

### **14.12.010 Exempted signs:**

The following signs shall not require a sign permit but shall conform to all other applicable provisions of this chapter and shall be allowed outright in all zones, except as otherwise noted:

A. One sign per occupancy or premises not exceeding four square feet, nonilluminated, and not exceeding three feet in height if ground-mounted.

B. Temporary signs which are nonilluminated, have an overall face area not exceeding sixteen 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, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within a reasonable period of time.

C. Signs placed in the right-of-way by the City, jurisdiction responsible for the right-of-way, or transportation district operating within the right-of-way.

D. Bench signs which comply with all regulations in Chapter 12.20 of the Milwaukie Municipal Code.

E. Banners on community service use properties, as defined in Section 19.321.2, not exceeding a total display area of forty square feet per face per site and pennants not to exceed a length of fifty feet per site. Such banners and pennants may remain in place for six months or less in any one calendar year.

F. Repealed.

G. Flags.

H. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones and similar signs.

I. Repealed.

J. Window signs in the downtown zones which occupy a total display area of no more than twenty percent of the window area. In all other commercial and manufacturing zones, window signs which occupy a total display area of no more than fifty percent of the window area. No sign prohibited by Section 14.12.020(A) may be used as part of the window sign authorized by this exemption.

K. Repealed.

#### **14.12.020 Prohibited signs:**

It is 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 following descriptions:

A. Moving signs or flashings signs, or any other sign with a visible moving part or visible mechanical movement, including signs which move in the wind or move or change electrically or electronically. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians. Automatic changing signs that change no more than once every 10 seconds, and revolving signs that revolve at six revolutions per minute or less, are exempt from this prohibition. Switching the power for illuminated signs on and off four or fewer times in one day does not constitute a flashing sign.

B. Signs erected within the right-of-way except as permitted by Sections 14.12.010(C) and 14.20.040(A).

C. Strings of banners, pennants, balloons, and similar signs, except as permitted under Sections 14.12.010(E).

D. Temporary signs, except as permitted under Sections 14.12.010(B), and 14.12.010(E).

E. Fin signs.

F. Repealed.

G. Repealed.

H. 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 development or widening at no expense to the city.

I. 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.

J. Repealed.

K. Repealed.

L. Window signs which obscure more than fifty percent of the window area or are not subject to the provisions of Section 14.12.010K.

M. Repealed.

N. Searchlights.

O. Pole signs in the downtown zones.

P. Reflective backgrounds and materials are not allowed.

Q. Signs that imitate traffic control devices and are located in places where they are likely to be confused with a traffic control device, and any sign obscuring the view of a traffic control device.

**SECTION 14.16 SIGN DISTRICTS:**

**14.16.010 Residential zone:**

No sign shall be erected or maintained in an R zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.010  
Standards for Signs in Residential Zones**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs at entrances to subdivisions or manufactured home parks	Max. 2 SF per dwelling unit to max. 32 SF per sign. Max. 16 SF per display surface; total sign area for all display surfaces of no more than 64 SF.	Max. 6 ft. above grade.	1 per entrance	External illumination only
Freestanding signs on apartment and condominium properties	Limited to 2 SF per dwelling unit to a maximum area of 32 SF, 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage <sup>2</sup>	External illumination only
Wall signs on apartment and condominium properties	Limited to 2 SF per dwelling unit to a max. of 32 SF.	No wall sign shall extend above the roofline at the wall, or the top of a parapet wall, whichever is higher.	1 per street frontage permitted <sup>2</sup>	External illumination only
Awning signs on apartment and condominium properties	Max display surface is 25% of awning area, up to max. of 32 SF.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per street frontage <sup>3</sup>	
Hanging sign suspended beneath awning	Max. area limited to 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground to the lowest portion of awning or sign.	1 per street frontage <sup>3</sup>	External illumination only

Notes:

<sup>1</sup> 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. See Section 14.24.020.

<sup>2</sup> Either one freestanding or one wall sign per street frontage is permitted.

<sup>3</sup> Either one sign on an awning or one sign hanging beneath an awning is allowed.

**14.16.020 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 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.020  
Standards for Signs in Residential-office-commercial Zones R-O-C or R-1-B**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs at entrances to subdivisions	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 6 ft. above grade.	1 per entrance	External only
Freestanding signs on apartment and condominium properties	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage	External only
Wall signs on apartment and condominium properties	Limited to 2 SF per dwelling unit to a max. 32 SF.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 per street frontage	External only
Awning signs on apartment and condominium properties	Max display surface is 25% of awning area, up to a max. of 32 SF.		1 per street frontage	External only
Freestanding signs on commercial property	Max. 32 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 12 ft.	1 permitted <sup>2</sup>	External only
Wall signs on commercial property	Max. 10% of building face related to commercial use.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 permitted <sup>3</sup>	External only
Awning signs related to a commercial use	Max display surface is 25% of surface of awning not to exceed 10% of the building face related to commercial use.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per frontage	External only
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to lowest portion of awning or suspended sign.	1 per street frontage <sup>4</sup>	External only
Daily display sign <sup>5</sup>	Max. 8 SF per display surface. Total sign area may not exceed 16 SF.	Max. 6 ft. above ground level.	1 per property or occupancy	External only

Notes:

- <sup>1</sup> 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. See Section 14.24.020.
- <sup>2</sup> One freestanding sign is permitted in addition to one wall sign.
- <sup>3</sup> One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.
- <sup>4</sup> For awnings related to residential use, either one sign on an awning or one sign hanging beneath an awning is allowed.
- <sup>5</sup> Location: A daily display sign shall not be located within required landscaped areas, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

**14.16.030 Neighborhood Commercial Zone:**

No sign shall be erected or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.030  
Standards for Signs in Neighborhood Commercial Zones C-N**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage, not exceeding 40 SF per display surface and 80 SF overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted <sup>2</sup>	External only
Wall signs <sup>3</sup>	Max. 20% of building face.	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements <sup>4</sup>	External only
Awning signs	Max. 25% of surface of awning, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall.	1 per frontage per occupancy	External only
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	1 hanging sign per awning	External only
Daily display signs <sup>5</sup>	Max. 8 SF per display surface and 16 ft. overall.	Max. 6 ft. above ground level.	1 per property or occupancy	External only

Notes:

- <sup>1</sup> 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. See Section 14.24.020.
- <sup>2</sup> In addition to one wall sign.
- <sup>3</sup> Location: Limited to the building surface or surfaces facing the public right-of-way.
- <sup>4</sup> Wall signs are permitted in addition to one freestanding sign.
- <sup>5</sup> Shall not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

**14.16.040 Commercial zone:**

No sign shall be erected or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.040  
Standards for Signs in Commercial Zones C-L, C-G, and C-CS**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. <sup>3</sup>	1 multifaced sign per street frontage. <sup>4</sup>	Permitted
Wall signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Projecting signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall. <sup>6</sup>	Not within 20 ft. of another projecting sign.	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. No sign support structure can be visible.	Pending approval by Fire Marshal. <sup>7</sup>  May not project over parapet wall.	Permitted instead of, and not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of surface of awning, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
Hanging sign suspended beneath awning	Maximum area for hanging signs of 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning.		1 hanging sign per awning.	Permitted

Marquee signs	Max. display surface is 25% of surface of marquee, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee.	1 per frontage per occupancy.	Permitted
Under-marquee signs	Max. 6 SF per display surface or 12 SF in overall sign area.	Min. 8 ft. clearance between the lowest portion of the sign and the ground.	Shall not project within 2 ft. of curb.	No limit.	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall.	Max. 6 ft. above ground level.	Not within required landscaped areas or public right-of-way. <sup>9</sup>	1 per property or occupancy.	Permitted

Notes:

- <sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, 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. See Section 14.24.020.
- <sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.
- <sup>3</sup> Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.
- <sup>4</sup> Where a frontage exceeds 300 feet in length, one 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.
- <sup>5</sup> 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.
- <sup>6</sup> 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 Table 14.16.060(E) for projection of signs into public rights of way.
- <sup>7</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>8</sup> Regardless of the existence of a parapet wall.
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.

**14.16.050 Manufacturing zone:**

No sign shall be erected or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.050  
Standards for Signs in Manufacturing Zones M or BI**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF for each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level. Min. clearance below lowest portion of a sign is 14 ft. in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted. <sup>3</sup>	Permitted
Wall signs	Max. 10% of building face. <sup>4</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. <sup>5</sup>	Pending approval by fire marshal. <sup>6</sup> May not project over parapet wall.	Permitted instead of, not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of awning surface. <sup>7</sup>	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance from the ground to the lowest part of the sign or awning.		1 hanging sign per awning.	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall.	Max. 6 ft. above ground level.	Not permitted within required landscaped areas or public right-of-way. <sup>9</sup>	1 per occupancy.	Permitted

Notes:

<sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 feet of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, 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. See Section 14.24.020.

<sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

3 Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such  
4 frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.  
5 Includes signs painted directly on the building surface.  
6 All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron  
7 or similar sign support structure.  
8 Only approved by the fire marshal after a finding that the site, type, and location of the sign will not  
9 substantially interfere with fire fighting.  
Measured in vertical distance times length.  
Regardless of the existence of a parapet wall  
A daily display sign may be allowed within the public right-of-way subject to the standards of  
Section 14.20.040.

## 14.16.060 Downtown zones.

No sign shall be erected or maintained in the DC, DS, DO, DR and DOS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

- A. Freestanding Sign. In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than sixty percent of the total area of the monument. Pole signs are prohibited.
1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.
    - a. In the DO zone the maximum area shall not exceed forty square feet per display surface and eighty square feet overall.
    - b. In the DR and DOS zones the maximum area shall not exceed thirty-two square feet per display surface and sixty-four square feet overall.
  2. Height and/or Clearance.
    - a. In the DC, DS and DO zones, freestanding signs are limited to a maximum height of seven feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of fifteen feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a six foot horizontal distance from the sign.
    - b. In the DR and DOS zones freestanding signs are limited to a maximum height of six feet above grade.
  3. Number. One freestanding sign is permitted on a street or highway frontage.
- B. Wall Sign.
1. Area. The maximum permitted area of a wall sign shall be twenty percent of the building face.
    - a. In the DR and DOS zones the maximum permitted area of a wall sign shall be sixteen 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.
    - a. Dictated by area requirements.
    - b. In the DR and DOS zones one wall sign is permitted in addition to one freestanding sign.
  4. Location. Limited to the building surface or surfaces facing the public right-of-way only.
- C. Awning Sign.
1. Area. The maximum permitted display surface of an awning sign is twenty-five percent of the surface of the awning. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. An awning sign may not be located higher than the first floor of a building or fifteen feet, whichever is less. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.
3. Number. One awning sign per frontage per occupancy, and one sign hanging per awning, is permitted.

D. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.
2. Number. One daily display sign per occupancy is permitted.
3. Location. A daily display sign shall not be located within the required landscaped areas, and is allowed within the right-of-way only subject to the standards of Section 14.20.040.

E. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty 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 twenty percent of the face of the building.
2. 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. No projecting sign shall project more than five feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

**Table 14.16. 060(E)**  
**Projection of Signs Into Public Rights-of-Way**

Overhead Clearance	Maximum Projection Into Public Right-of-Way
Less than eight feet above finished floor/grade	Not permitted
Eight feet above finished floor/grade	One foot
Eight to sixteen feet above finished floor/grade	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet above finished floor/grade	Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.
  4. Number. Only one 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.
- F. Marquee Signs.
1. Area. The maximum display surface for a sign displayed on a marquee is 25% of the marquee surface.
  2. Height. A marquee sign shall not extend higher than the point where the roofline intersects the wall, regardless of the existence of a parapet wall.
  3. Location. Marquee signs shall not extend more than 1 ft. from the surface of a marquee or more than 1 ft. over the top edge of the marquee.
  4. Number. One marquee sign is allowed per frontage per occupancy.
- G. Under-Marquee Signs.
1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.
  2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.
  3. Location. Under-marquee signs shall not project within two feet of the curb.
  4. Number. No limit, dictated by area requirements.
- H. Illumination. Internally illuminated cabinet signs are prohibited in the downtown zones. All other illuminated signs may be permitted subject to the following:
1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
  2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
  3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the design and landmarks committee and approval by the Planning Commission, according to the following criteria:
    - a. Sign lighting should be designed as an integral component of the building and sign composition.
    - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
    - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
  4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

## **SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:**

### **14.20.020 Repealed.**

### **14.20.030 Bench signs:**

Bench signs are permitted, subject to Chapter 12.20 of the Milwaukie Municipal Code.

### **14.20.040 Daily display signs:**

A. In sign districts where daily display signs are allowed per Chapter 14.16, one daily display sign may be placed within a public right-of-way adjacent to any premises by the person in control of those premises, provided all of the following conditions are met:

1. A city right-of-way permit is obtained per requirements of Section 12.16.020. This permit shall be revocable in case of condition noncompliance.

2. The sign is to be set back behind the curb so as not to interfere with on-street parking, or, a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.

3. The sign is to be placed so as to allow at least five 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 as per requirements of Section 14.24.010

6. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability.

7. Sign dimension shall not exceed a maximum width of four feet nor a maximum above-ground level height of four and one-half feet.

8. Repealed.

B. Repealed.

## **SECTION 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING:**

### **14.24.010 Construction and maintenance requirements:**

A. Except as otherwise provided in this chapter, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, Uniform Fire Code and electrical code.

B. All signs, together with their supports, braces, guys and anchors, shall be constructed of materials that are durable and weather-resistant, and shall be regularly maintained so as to exist at all times in a state of good repair. No person shall maintain, or permit to be maintained on any premises owned or controlled by him or her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

C. All signs shall be kept clean and the site on which they are located shall be kept clean and free from debris. Signs shall be kept free from rust, corrosion, peeling paint, torn or peeling

paper, and other surface deterioration. Broken or missing sign components and lighting panels shall be replaced within thirty days of notification by the city.

D. Repealed.

**14.24.020 Sign lighting:**

A. All lamps or bulbs exposed to direct view shall be limited to twenty-five watts or less capacity.

B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred milliamperes rating for white tubing nor one hundred milliamperes rating for colored tubing.

C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to eight hundred milliamperes rating tubes behind a Plexiglas face with tubes spaced at least nine inches apart, center to center.

D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 foot candles of light.

E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.

**SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:**

**14.28.010 Abandoned sign:**

A. Time Limit. Abandoned sign structures shall be removed within 180 days of the time that a sign is no longer used on the structure.

B. Notice. If the owner or lessee fails to remove the abandoned sign, the city manager or duly authorized representative shall give the owner fifteen days' written notice to remove it.

**14.28.020 Nonconforming sign:**

A. Time Limit.

1. Except as provided in Subsection 14.28.020(A)2, signs that were in compliance with applicable regulations when erected but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus one day of the date they became nonconforming.

2. Internally illuminated cabinet signs in the Downtown zones shall be brought into conformance with this chapter by December 31, 2011.

3. Any sign which is structurally altered, relocated or replaced shall immediately be brought into conformance with all of the provisions of this chapter. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.

4. The provisions of this code relating to flashing signs, par spot lights, revolving beacons, revolving signs, banners, streamers, strings of lights, and temporary signs are applicable to all signs, notwithstanding Subsection 14.28.020(A)1.

B. Notice. For legally established nonconforming signs that are approaching the end of the 10-year period during which they may be maintained under Subsection 14.28.020(A)1, the City Manager may provide additional notice in anticipation of the date the sign will be required to be removed or made to conform.

**14.28.030 Unsafe sign:**

A. Time Limit. The city manager or duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard 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. The City Manager or duly authorized representative may allow repair as an alternative to removal of an unsafe sign when the sign does not pose an immediate hazard to persons or property.

B. Notice. Two days' notice, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

**14.28.040 Repealed.**

**14.28.050 Administrative procedures for notification of violation:**

The installation, alteration, or maintenance of a sign in violation of this title is a civil violation with a civil penalty of up to \$100 per day of infraction. If the City believes a sign is in violation of any provision of this title, the City may initiate civil infraction and/or nuisance proceedings, or initiate the notice procedures set forth in this section. In deciding whether to provide notice before initiating civil infraction or nuisance proceedings, the City may consider the nature and extent of the violation, whether the violation is curable, whether the sign creates a traffic or safety hazard, the impact of the sign on the community, and other factors.

A. The City Manager or designee may give 30 days' written notice to the owner or lessee of any permanent sign, or if the owner or lessee is not known, to the owner or lessee of the property where the sign is located, that the City determines to be in violation of the City's regulations to remove the sign and structure or bring it into compliance. The City may demand immediate removal, moving, or alteration of a temporary sign that does not comply with the City's regulations and may remove a sign in the right-of-way without notice or demand.

B. If notice or a demand is given as provided in Subsection 14.28.020(A) and the violation is not cured within the time specified, the owner or other responsible person may be cited for a civil infraction, or the City may institute procedures to declare the sign a nuisance, or both. The City may pursue any other remedy legally available to it.

C. The City shall store any sign that it removes under the authority of this section for up to 60 days, and shall return the sign to the owner upon payment of the City's costs of removal and storage. The City may dispose of signs if unclaimed after 60 days.

D. Repealed.

## **Chapter 14.32 ADJUSTMENTS.**

### **14.32.010 Authorization to grant or deny adjustments.**

A. The planning commission may authorize adjustments to the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment, the planning commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

B. Requests for adjustments in the downtown zones shall receive their first review from the Design and Landmarks Committee. The Design and Landmarks Committee shall make recommendations to the Planning Commission, which is the review authority and may authorize adjustments to the requirements of this chapter. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the Guiding Principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria:

1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or
2. The adjustment serves to protect or enhance significant features such as but not limited to trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

### **14.32.050 Appeals:**

Appeals of planning commission decisions shall follow the procedures of Section 19.1000 of the Milwaukie zoning ordinance.

## Chapter 12.20 SIDEWALK BENCHES

### 12.20.010 Purpose.

~~Under the conditions set forth in this chapter and upon payment of all fees provided for in this chapter, it shall be lawful for a Any firm, person (as defined in Section 14.04.030), association or corporation to may, after obtaining a permit from the City, place and maintain benches on sidewalks or sidewalk parking strips the nonvehicular portion of rights-of-way adjacent to property owned or controlled by the person. Such benches shall be for the free use and accommodation of persons awaiting transportation, , and whereon may be displayed the name, address and character of the business, calling or enterprise of any person, firm, corporation or institution.~~

### 12.20.020 Permit—Required.

~~Permits for the purpose set forth in this chapter shall be issued by the city manager of the city and shall be valid for the remainder of the fiscal year of the city, all such permits expiring on July 1st following the date of their issuance.~~

### 12.20.030 Permit—Issuance—~~Property owner approval.~~

~~Before the issuance of any such permit under this chapter, a the written and signed approval of the owner, lessee and/or tenant of the property abutting the location of each such bench shall be obtained and filed with the city recorder, together with the written application of the applicant shall be submitted, accompanied by a sketch of the proposed bench, showing its size, design and proposed location. The applicant may incorporate a sign onto both sides of the backrest portion of the bench. The sign area shall not exceed 15 square feet per face, or 30 square feet total. The approval of the owner, lessee or tenant shall apply only during the life of the ownership, lease or tenancy. Upon a transfer of ownership, change of lessee or tenant, new written signed approval shall be obtained and filed with the city recorder of the city. The city manager may either deny or allow such permit. In determining whether or not to allow such the permit, the city manager or his designee shall consider the possibility of congestion at the location of such bench, any hazards it may create to pedestrian or vehicular traffic, and the impairment of vision at or near intersections of persons operating motor vehicles upon the streets. ~~In the event The manager denies such permit he shall file a brief written statement stating his reasons for any denial therefor and shall file the same with the city recorder and send a copy thereof to the applicant. Any applicant may, within ten days after the mailing of such notice, appeal to the City Council of the city, and if he fails so to do, the decision of the city manager shall be deemed final.~~~~

### 12.20.040 Size and anchoring requirements.

~~No bench shall be more than forty-two inches high, nor more than two feet six inches in width, nor more than eight feet overall, and in every case each bench shall be firmly bolted, anchored or otherwise secured to the surface of the sidewalk or parking strip in such a manner as not to tip or be readily movable.~~

**12.20.050 Bond or insurance required.**

Before the installation of any ~~such bench or benches~~ in any right-of-way, the applicant shall obtain and file with the city recorder ~~as to any and all such benches~~ an indemnity bond or policy of insurance issued by a bonding company or insurance company licensed to do business in the state insuring the city ~~and the abutting property owner, and further any tenants or lessees,~~ against any and all claims for damages to persons or property that may result through the placing or maintaining of ~~the any such bench or benches~~, in the amount of not less than ~~twenty-five~~ one hundred thousand dollars for injury to any one person, nor ~~less more~~ than three hundred ~~fifty~~ thousand dollars per occurrence, ~~for any one accident or injury to person,~~ and not less than fifty five thousand dollars for damage to property.

**12.20.060 Maintenance.**

All such benches shall be kept and maintained by the applicant in good and substantial state of repair, and shall be painted frequently enough to keep them sightly and attractive.

**12.20.070 Permit—Fee.**

Every application for a permit to install any sidewalk bench shall be accompanied by ~~proof of~~ payment of the fee established by city council resolution, ~~which shall cover the entire cost for the remainder of the fiscal year of the city, that terminates on July 1st of each year, which such fee shall be in addition to the annual license fees to do business in the city.~~

## Chapter 12.20 SIDEWALK BENCHES

### 12.20.010 Purpose.

Any firm, person (as defined in Section 14.04.030), association or corporation may, after obtaining a permit from the City, place and maintain benches on the nonvehicular portion of rights-of-way adjacent to property owned or controlled by the person. Such benches shall be for the free use and accommodation of persons awaiting transportation.

### 12.20.020 Permit—Required.

Permits for the purpose set forth in this chapter shall be issued by the city manager of the city.

### 12.20.030 Permit—Issuance.

Before the issuance of any permit under this chapter, a written application shall be submitted, accompanied by a sketch of the proposed bench, showing its size, design and proposed location. The applicant may incorporate a sign onto both sides of the backrest portion of the bench. The sign area shall not exceed 15 square feet per face, or 30 square feet total. In determining whether or not to allow the permit, the city manager or his designee shall consider the possibility of congestion at the location of such bench, any hazards it may create to pedestrian or vehicular traffic, and the impairment of vision at or near intersections of persons operating motor vehicles upon the streets. The manager shall file a brief written statement stating reasons for any denial and shall file the same with the city recorder and send a copy thereof to the applicant. Any applicant may, within ten days after the mailing of such notice, appeal to the City Council.

### 12.20.040 Size and anchoring requirements.

No bench shall be more than forty-two inches high, nor more than two feet six inches in width, nor more than eight feet overall, and in every case each bench shall be firmly bolted, anchored or otherwise secured in such a manner as not to tip or be readily movable.

### 12.20.050 Bond or insurance required.

Before the installation of any bench or benches in any right-of-way, the applicant shall obtain and file with the city recorder an indemnity bond or policy of insurance issued by a bonding company or insurance company licensed to do business in the state insuring the city against any and all claims for damages to persons or property that may result through the placing or maintaining of the bench or benches, in the amount of not less than one hundred thousand dollars for injury to any one person, nor less than three hundred thousand dollars per occurrence, and not less than fifty thousand dollars for damage to property.

### 12.20.060 Maintenance.

All such benches shall be kept and maintained by the applicant in good and substantial state of repair, and shall be painted frequently enough to keep them sightly and attractive.

### 12.20.070 Permit—Fee.

Every application for a permit to install any sidewalk bench shall be accompanied by payment of the fee established by city council resolution.

## Title 17 LAND DIVISION

### Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

#### 17.12.040 Approval criteria for preliminary plat:

##### 17.12.040(A)(3):

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of Oregon Revised Statutes 92.090(1).

## Title 17 LAND DIVISION

### Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

#### 17.12.040 Approval criteria for preliminary plat:

##### 17.12.040(A)(3):

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of Oregon Revised Statutes 92.090(1).

**Title 19 ZONING**

**Chapter 19.100 INTRODUCTORY PROVISIONS**

**19.103 Definitions:**

~~“Church”~~ “Religious Institution” means a structure used by a religious organization having a tax-exempt status.

**Chapter 19.300 USE ZONES**

**19.323 Historic Preservation Overlay zone HP:**

**19.323.7 Demolition:**

F. Denial/Stay of Demolition:

3. Action by the commission suspending issuance of the permit for demolition may be appealed to the city council by the applicant for the permit, by ~~filling~~ filing a notice of appeal in the same manner as provided in subsection ~~19.323.6(F).~~ 19.323.5(F).

**Chapter 19.400 SUPPLEMENTARY REGULATIONS**

**19.408 Dual use of required open space:**

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in subsection ~~19.503.1D.~~ 19.5031(C).

**19.413 Yard requirements, general exceptions:**

**19.413.1 Exceptions. The following exceptions to the yard requirements are established for a lot in any one zone:**

- A. The required front yard need not exceed the average depth of the two (2) abutting front yards within one hundred (100) feet of the proposed structure.
- B. The required front yard need not exceed the average depth of the abutting front yard within one hundred (100) feet of the proposed structure and the required front yard depth.
- C. (Repealed by Ord. 1893)

**19.422 Manufactured home placement:**

**19.422.4 Siting Standards:**

- F. ~~The unit shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.~~ Repealed.

## Chapter 19.500 OFF-STREET PARKING AND LOADING

### 19.503 Off-street parking standards:

#### 19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking:

- A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.9. Where a use is not named in Table 19.503.9, determination of applicable parking standards shall be made in accordance with subsection ~~19.503.5~~19.503.6.

#### 19.503.17 Pedestrian Access:

Pedestrian access through parking areas shall be attractive, separated from vehicular circulation and parking, lighted, and provide direct access. Walkways shall be required in parking areas over twenty spaces and shall be buffered by landscaping or a curb, per section 19.1410.3(E).

### 19.505 Bicycle parking:

#### 19.505.2 Number of Spaces:

The number of bicycle parking spaces shall be at least ten percent (10%) of the minimum required automobile parking for the use. In no case shall less than two (2) spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of one space per one hundred (100) daily boardings.

## Title 19 ZONING

### Chapter 19.100 INTRODUCTORY PROVISIONS

#### 19.103 Definitions:

“Religious Institution” means a structure used by a religious organization having a tax-exempt status.

### Chapter 19.300 USE ZONES

#### 19.323 Historic Preservation Overlay zone HP:

##### 19.323.7 Demolition:

F. Denial/Stay of Demolition:

3. Action by the commission suspending issuance of the permit for demolition may be appealed to the city council by the applicant for the permit, by filing a notice of appeal in the same manner as provided in subsection 19.323.5(F).

### Chapter 19.400 SUPPLEMENTARY REGULATIONS

#### 19.408 Dual use of required open space:

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in subsection 19.5031(C).

#### 19.413 Yard requirements, general exceptions:

**19.413.1 Exceptions. The following exceptions to the yard requirements are established for a lot in any one zone:**

- A. The required front yard need not exceed the average depth of the two (2) abutting front yards within one hundred (100) feet of the proposed structure.
- B. The required front yard need not exceed the average depth of the abutting front yard within one hundred (100) feet of the proposed structure and the required front yard depth.
- C. (Repealed by Ord. 1893)

#### 19.422 Manufactured home placement:

##### 19.422.4 Siting Standards:

- F. Repealed.

## **Chapter 19.500 OFF-STREET PARKING AND LOADING**

### **19.503 Off-street parking standards:**

#### **19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking:**

- A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.9. Where a use is not named in Table 19.503.9, determination of applicable parking standards shall be made in accordance with subsection 19.503.6.

#### **19.503.17 Pedestrian Access:**

Pedestrian access through parking areas shall be attractive, separated from vehicular circulation and parking, lighted, and provide direct access. Walkways shall be required in parking areas over twenty spaces and shall be buffered by landscaping or a curb, per section 19.1410.3(E).

### **19.505 Bicycle parking:**

#### **19.505.2 Number of Spaces:**

The number of bicycle parking spaces shall be at least ten percent (10%) of the minimum required automobile parking for the use. In no case shall less than two (2) spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of one space per one hundred (100) daily boardings.

## Attachment 2

### Title 14—Sign Ordinance

#### Commentary on the Proposed Amendments in Attachment 1, Exhibit B

#### **SECTION 14.04 GENERAL PROVISIONS:**

##### **Section 14.04.020 Purpose:**

This amendment removes language that refers to on- or off-premises signs, and clarifies that the city is regulating the design and quality of signs in addition to the place and manner of signage.

D. Sentence is deleted because it sets a subjective standard. The new sentence more clearly states the purpose of the regulations.

F through J. Additional purpose statements clarify the purpose of the Sign Code.

#### 14.04.030 Definitions:

##### Figure 14.04.030-1 Calculating Area

New figure illustrates different ways a sign area can be calculated. The written definition is often confusing for applicants.

##### "Awning"

Definition of awning is revised to include all structural extensions from a building face, covered with a flexible material, regardless of depth.

##### "Canopy"

The definition of "canopy" is deleted because it is very similar to the definition of "awning," and therefore causes confusion. Canopy signs have been regulated as wall signs. Revisions to the sign code would regulate canopy signs as awning signs.

##### Figure 14.04.030-1. Building Face

New figure illustrates how the building face is calculated. The written definition is often confusing for applicants. The allowed size of a wall sign is a percentage of the building face on which the sign is displayed.

##### "Flag"

Definition is revised to define flags as symbols of government entities. Flags, as defined in this section, are exempted signs. The "other entities" phrase has been eliminated because corporations and businesses are considered entities.

**14.04.030 Definitions (continued)**

**"Occupancy"**

Definition is added because this term will replace "premises" in several sections of the code.

**Figure 14.04.030-2 Occupancy**

New figure added to illustrate the definition of Occupancy.

**"Permittee"**

This definition is deleted because it is not used throughout Title 14.

#### 14.04.030 Definitions (continued)

##### "Sign"

Definition is revised to eliminate references to content. The new definition limits the Sign Code to apply to signs that can be viewed from the right-of-way or other public property, or other lot under a separate ownership. Signs that are placed externally on a large development site would not be regulated if they cannot be seen from an adjoining property or the public right-of-way.

##### "Sign, Abandoned"

Definition is deleted because it depends on the sign being located on the advertiser's premises. Courts have held that cities cannot treat off-premise signs differently than on-premises signs.

##### "Sign, Awning"

Definition is revised to describe how to calculate the surface area of an awning. This area is the basis for calculating the sign area.

#### Figure 14.04.030-3. Calculating Awning Area

New figure added to illustrate how the area of an awning is calculated. The written definition is often confusing for applicants.

##### Sign, Banner

Definition is revised to eliminate references to content.

**14.04.030 Definitions (continued)**

**Sign, Billboard or Outdoor Advertising**

Definition is deleted because it depends on the sign being located off the advertiser's premises. Courts have held that cities cannot treat off-premise signs differently than on-premises signs. Billboard signs will be regulated as Freestanding Signs.

**Sign, Canopy**

The definition of "canopy sign" is deleted because it is very similar to the definition of "awning sign," and therefore causes confusion. Canopy signs are currently regulated as wall signs. Proposed revisions to the sign code would regulate canopy signs as awning signs.

**Sign, Changing (Automatic)**

Definition is revised to eliminate references to content and address contemporary technology.

**Figure 14.04.030-5 Fin Sign**

New figure added to depict a fin sign. The written definition is unclear.

**Sign, Flashing**

Definition is revised to eliminate references to content.

**14.04.030 Definitions (continued)**

Sign, Kiosk

Definition is revised to eliminate references to content.

Sign, Marquee.

The term "under-marquee sign" is replaced by "marquee sign" to include signs placed above or below a marquee, or on the marquee itself. The method for calculating the area of a marquee sign has been added.

Figure 14.04.030-6 Calculating Marquee Area

New figure added to illustrate the calculation of marquee area.

Sign, Noncomplying.

Definition is revised to simplify the sentence and clarify the meaning of the definition.

Sign, Nonconforming.

Definition is revised to simplify the sentence and clarify the meaning of the definition.

Sign, Notice.

Definition is revised to clarify that only signs expressly authorized by statute, regulation or ordinance fit within this category.

Sign, Off-Premises.

Definition is deleted because the City may not discriminate between On-Premises and Off-Premises signs.

Sign, On-Premises.

Definition is deleted because the City may not discriminate between On-Premises and Off-Premises signs.

**14.04.030 Definitions (continued)**

Sign, Portable.

Definition is deleted because the sole reference to portable signs in this Title (14.12.20, Prohibited Signs) has been deleted.

Sign, Public Service Information.

Definition is deleted because the City may not discriminate based on the content of signs.

Sign, Time and Temperature.

Definition is deleted because the City may not discriminate based on the content of signs.

Sign, Under-Marquee.

The term "under-marquee sign" is replaced by "marquee sign" to include signs placed above or below a marquee, or on the marquee itself.

Sign, Window.

The phrase "associated with holidays" is deleted because the City may not discriminate based on the content of signs.

"Written message"

Definition is deleted because the City cannot discriminate based on the content of signs.

Table Figure 14.04.030 - 1 Types of Signs

This new table summarizes the Types of Signs. In the Sign District sections that follow, regulations are discussed in terms of the categories listed in this table. This reference table will serve as a useful link between the definitions and the regulations.

## **SECTION 14.08 ADMINISTRATION AND ENFORCEMENT:**

### **14.08.090 Conditional and community service use signs:**

The existing text is deleted and replaced with a new process for regulating signs related to Community Service and Conditional Uses (which include churches, schools, and professional offices in some neighborhoods).

The existing provision implies but does not state that Community Service Uses can have signs other than as otherwise allowed in the underlying zone. As written, it appears to give total discretion to the Planning Commission to determine the number and size of signs associated with a Community Service Use, regardless of the zone. The City Attorney has recommended that the City either limit signs to those allowed in the underlying zone, or provide specific standards.

The proposed revision sets two levels of standards for signs for Community Service and Conditional Uses. Signs that meet the standards of the underlying zone or those in Table 14.08.090-1 would be allowed with a Type I (staff-level) review. If an applicant wished to exceed these standards, they could apply to the Planning Commission for approval of a sign that meets the standards of Table 14.08.090-2. In reviewing the application the Planning Commission would consider the context and potential impacts of the sign.

Note that the tables do not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

**14.08.090 Conditional and community service use signs (continued)**

**14.12.010 Exempted signs:**

A. Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs.

B. "Holiday" is added to the list of temporary signs.

C. The proposed language exempts the City, other agency responsible for the right of way, or transit agency such as TriMet, from having to go through sign permit or right of way permit review for placing a sign within the right-of-way.

E. Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. It also limits banner signs to sites where community service uses occur, as defined in Chapter 19.321 of the zoning code. This will allow banners for community activities such as schools and churches without a sign permit. Banner signs for non-community service uses are exempt from review if they meet the standards of subsection B.

The duration of exempted banners is limited to six month or less within one year.

F. This subsection is deleted because the City may not discriminate based on the content of signs. This change would result in painted murals being regulated as wall signs, and subject to the related size limitations. In the downtown zones, for example a wall sign is limited to 16 square feet

H. "Building names" is deleted because the City may not discriminate based on the content of signs.

I. This subsection is deleted because public legal notice signs are covered in subsection B.

J. Definition is revised for clarity.

**14.12.010 Exempted signs (continued)**

K. This subsection is deleted because the City may not discriminate based on the content of signs. Temporary signs are already regulated by section 14.12.010.B.

**14.12.020 Prohibited signs:**

- A. This subsection is revised because the City may not discriminate based on the content of signs. The sentence structure has also been changed to improve the readability. The revised text would prohibit moving or flashing signs that are hazardous to pedestrians or motorists. This would prohibit large flashing LED signs, and would limit scrolling LED "readerboard" signs to changing every 10 seconds.
- B. This subsection is revised to simplify the regulation.
- C. Strings of lights have been removed from the prohibited sign section to allow their display for events such as holidays and celebrations. Exposed bulbs will still be subject to the wattage requirements in the illuminated sign regulations.
- F. Subsection F is deleted because it is very similar to subsection A. By adding a sentence to subsection A, subsection F is no longer needed.
- G. Subsection G is deleted because the City may not discriminate between on- and off-premises signs. In the past this subsection effectively prohibited billboard signs.
- J. This subsection is deleted because they are included in the "temporary sign" category.
- K. This subsection on fence signs is deleted because it discriminates based on the content of the sign. Signs mounted to fences are already regulated as either temporary signs, wall signs, or banners.

**14.12.020 Prohibited signs (continued)**

M. This subsection is deleted to specify that traffic control devices and signs are allowed to be affixed to a pole. The "owner of the pole," not just the City, is allowed to mount signs and devices on the sign. This subsection continues to prohibit the mounting of other signs, including signs for garage sales, jobs, events, etc.

P. This sentence is currently in subsection 14.24.010, but is more appropriately located in this section that lists Prohibited signs.

Q. The code previously provided, in section 14.12.020(B), that all signs that resemble traffic control devices are prohibited. The amendment is intended to clarify that the City's concern is for traffic safety, and the restriction is therefore limited to signs that are likely to be confused with traffic control devices. A sign that could be confused with a traffic control sign could cause traffic safety problems.

## **SECTION 14.16 SIGN DISTRICTS:**

### **14.16.010 Residential zone:**

#### Table 14.16.010 Standards for Signs in Residential Zones

The proposed revision deletes Sections A through C and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

#### Table 14.16.010-1 Standards for Signs in Residential Zones

##### Awning Signs on Apartments and Condominium Properties

In the current Sign Code, Canopy Signs are categorized and regulated as a type of wall sign, and therefore are allowed to be displayed on Apartments and Condominium Properties in Residential Zones. The proposed code revision would redefine Canopy Signs as a type of Awning Sign. This row in the table adds regulations addressing awning signs on some properties, but because canopy signs have been allowed in the past, this is not an actual change in regulation.

##### Hanging Sign Suspended Beneath Awning

This new regulation will allow for small signs to hang below an awning on apartment and condominium properties. On a building with an awning, one sign may be placed either on the surface of or underneath the awning (not both).

**14.16.010 Residential zone (cont.)**

The proposed revision deletes Sections A through C and lists the pertinent standards in Table 14.16.010-1 for better comprehension and clarity.

**14.16.020 Residential-office-commercial zone:**

Table 14.16.020- 1 Standards for Signs in Residential-office-commercial zone R-O-C or R-1-B

The proposed revision deletes Sections A through G and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.020 Standards for Signs in Residential-office-commercial Zones

**Awning Signs on Apartments and Condominium Properties**

In the current Sign Code, Canopy Signs are categorized and regulated as a type of wall sign, and therefore are allowed to be displayed on Apartments and Condominium Properties in Residential-Office-Commercial Zones. The proposed code revision would redefine Canopy Signs as a type of Awning Sign. This row in the table adds regulations addressing awning signs on apartment and condominium properties, but because canopy signs have been allowed in the past, this is not an actual change in regulation. The size of awning signs on apartments and condominium properties is limited to 25% of the surface of the awning, or a maximum of 32 square feet.

**Freestanding Signs on Commercial Property**

This type of sign is currently described as Freestanding Business Sign.

**Wall Signs on Commercial Property**

This type of sign is currently described as Wall Business Sign.

Area: The revision clarifies how the area of a wall sign is calculated for a mixed-use building. Under the current regulation, the size of the sign is proportional to the size of the building.

**Awning Signs**

Awning signs are currently allowed in the R-O-C zone. The proposed revision limits the size of an awning sign to 10% of the building face. This ensures that an awning sign cannot be larger than the allowed wall sign.

**Hanging Sign Suspended Beneath Awning**

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately.

**Daily Display Sign**

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

**14.16.020 Residential-office-commercial zone (cont.)**

Note 4

To be consistent with awning sign regulations in the Residential Sign District, awnings related to residential use can have either one sign on an awning or one sign hanging beneath and awning, but not both.

Note 5

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

The proposed revision deletes Sections A through G and lists the pertinent standards in Table 14.16.020-1 for better comprehension and clarity.

**14.16.020 Residential-office-commercial zone (cont.)**

### 14.16.030 Neighborhood Commercial Zone:

The proposed revision deletes Sections A through E and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.030 Standards for Signs in the Neighborhood Commercial Zones C-N

#### Freestanding Signs

The standard of one additional square foot for each lineal foot of street frontage over 100 feet is extraneous because the maximum display surface and overall sign area limits are below 150 square feet.

#### Awning Signs

Awning signs are currently allowed in the Neighborhood Commercial zone. The proposed revision limits the size of an awning sign to 20% of the building face. This ensures that an awning sign can not be larger than the allowed wall sign.

#### Hanging Sign Suspended Beneath Awning

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately, with different standards.

#### Daily Display Sign

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

#### Note 5:

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

**14.16.030 Neighborhood Commercial Zone (continued)**

The proposed revision deletes Sections A through E and lists the pertinent standards in Table 14.16.030-1 for better comprehension and clarity.

**14.16.040 Commercial zone:**

The proposed revision deletes Sections A through E and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.030 Standards for Signs in Commercial Zones C-L, C-G and C-S

*Awning Signs*

Awning signs are currently allowed in the Commercial zone. The proposed revision limits the size of an awning sign to 20% of the building face. This ensures that an awning sign cannot be larger than the allowed wall sign.

*Hanging Sign Suspended Beneath Awning*

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately, with different standards.

#### 14.16.040 Commercial zone (cont.)

##### Marquee Signs

Marquee signs have been added as a sign type in the Commercial zone. Previously, only under-marquee signs were listed in this zone, even though marquee signs are defined in the sign code. The allowed sign area and height are equal to those allowed for an awning sign. Marquee signs on the front surface of a marquee may extend 1 foot from the surface of the marquee, which is the maximum amount a wall sign may project from the wall surface. Signs on top of a marquee may also project one foot over the edge of a marquee.

##### Daily Display Sign

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

##### Note 2:

The maximum area of any display surface for a freestanding sign has been reduced to 250 square feet. This size is below the advertising industry standard of a 12' x 24' area of 288 square feet for a small billboard. The total sign area allowed for freestanding sign is reduced to 1,000 square feet, which will allow a two sided sign with 250 square feet of display area per side on two street frontages.

##### Note 9:

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

The proposed revision deletes Sections A through I and lists the pertinent standards in Table 14.16.040-1 for better comprehension and clarity.

**14.16.040 Commercial Zone (continued)**

The proposed revision deletes Sections A through I and lists the pertinent standards in Table 14.16.040-1 for better comprehension and clarity.

**14.16.040 Commercial Zone (continued)**

The proposed revision deletes Sections A through I and lists the pertinent standards in Table 14.16.040-1 for better comprehension and clarity.

**14.16.040.G - Billboard Signs**

This subsection is deleted from the Code because it depends on the sign being located off the premises of the subject of the message. Deleting this subsection also removes the permission for existing billboards to remain and be maintained in reasonable repair. Existing billboards that exceed the freestanding sign regulations for height, sign area allowed by the site's street frontage, and location will be considered non-conforming signs per MMC 14.28.020.

14.16.040 Commercial Zone (cont.)

### 14.16.050 Manufacturing zone

The proposed revision deletes Sections A through G and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.050 Standards for Signs in Manufacturing Zones M or BI.

#### Hanging Sign Suspended Beneath Awning

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately, with different standards.

#### Daily Display Sign

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

**14.16.050 Manufacturing zone (cont.)**

Note 9:

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

The proposed revision deletes Sections A through G and lists the pertinent standards in Table 14.16.010-1 for better comprehension and clarity.

**14.16.050 Manufacturing zone**

The proposed revision deletes Sections A through G and lists the pertinent standards in Table 14.16.050-1 for better comprehension and clarity.

**14.16.050.E - Billboard Signs**

This subsection is deleted from the Code because it depends on the sign being located off the premises of the subject of the message. Deleting this subsection also removes the permission for existing billboards to remain and be maintained in reasonable repair. Existing billboards that exceed the freestanding sign regulations for height, sign area allowed by the site's street frontage, and location will be considered non-conforming signs per MMC 14.28.020.

### **14.16.060 Downtown zones**

The regulations for signs in downtown zones were not placed into a table because each sign type is regulated differently in different downtown zones.

#### **C. Awning Sign**

##### **1. Area**

The definition of awning sign and how the surface area is measured is already in the definition of Awning Sign (see section 14.04.030).

**14.16.060 Downtown zones (cont.)**

C. Awning Sign

3. Number

Signs hung beneath an awning are described in the previous paragraph, but the number allowed is not currently limited. This new regulation limits the number of hanging signs to one per awning.

D. Daily Display Sign

2. Number

"Occupancy" is substituted for "business" to be more specific.

3. Location

Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

**14.16.060 Downtown zones (cont.)**

**Marquee Signs**

Marquee signs have been added as a sign type in the Downtown zone. Previously, only under-marquee signs were listed in this zone, even though marquee signs are defined in the sign code. The allowed sign area and height are equal to those allowed for an awning sign. Marquee signs on the front surface of a marquee may extend 1 foot from the surface of the marquee, which is the maximum amount a wall sign may project from the wall surface. Signs on top of a marquee may also project one foot over the edge of a marquee.

#### 14.16.060 Downtown zones (cont.)

##### G. Illumination

Currently, both the Sign Code and the Downtown Design Guidelines regard internally illuminated cabinet signs as "discouraged" in the Downtown Zones. Though the existing code allows applicants to apply to the Design and Landmarks Committee and Planning Commission for approval of an internally illuminated cabinet sign, there is no criteria for approval.

The City Attorney has indicated that this section could use more specific standards for approval of cabinet signs. His suggestion is that the 'discouraged' clause be deleted and location and/or other approval standards and criteria be added.

The Planning Commission recommends revising this section to prohibit internally illuminated cabinet signs in favor of external illumination of signs in downtown.

1. The sentence is revised to better describe the type of sign illumination that is permitted.
3. The City Attorney has indicated that this section could use more specific standards for approval of the illumination of awning signs. Staff is proposing criteria for approving illuminated awning signs. The criteria are drawn from pages 41-45 of the *Downtown Design Guidelines*.

## **SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:**

### **14.20.020 Exempted signs:**

This section is deleted because no signs placed in the right-of-way are exempt from regulation.

### **14.20.030 Bench advertising signs:**

The revision corrects a Section reference. This revision does not change the effect of the regulation. Code Section 12.20 is also proposed to be revised.

### **14.20.040 Daily display signs:**

A. The regulation that addresses placement of daily display signs is revised to address signs regardless of their association with the adjacent premises.

**14.20.040 Daily display signs: (cont.)**

8. The number of signs allowed is determined by sign district. Deleting this line removes the duplication.

- B. This subsection is deleted because addresses signs not associated with the adjacent business. Such signs would be covered by the revised subsection 14.20.040.A.

**SECTION 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING:**

**14.24.010 Construction and maintenance requirements**

C. Moved the last sentence to the section that addresses Prohibited signs (14.12.020).

D. Revised to delete this requirement.

**14.24.020 Sign lighting:**

A. Sentence is deleted to eliminate references to content. Time and temperature signs are deleted from the definition of changing signs in subsection 14.04.030.

**14.24.020 Sign lighting: (cont.)**

D. The illumination standards of Title 14 are based mostly on power consumption. As lighting technology improves, less power is needed to generate illumination. The addition of a performance-based standard will allow the City to regulate sign illumination that affects other properties, regardless of the power used by the sign.

E. The section is revised to specify that the sign district regulations prevail in the event of a conflict within the code.

**SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:**

**14.28.010 Abandoned sign:**

A. Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs.

B. Sub-section is modified to be more specific.

**14.28.020 Nonconforming sign:**

**A. Time Limit.**

1. Sub-section is modified to be more specific. About the timeframe in which signs must be brought into compliance. A reference to subsection A2 is added.
2. The regulation addressing signs on properties that are annexed into the City is deleted. A new sentence specifies that illuminated cabinet signs in downtown, which would be prohibited by a revised subsection 14.16.060.G, must be brought into compliance by December 31, 2011 (within five years).
3. The term "compliance" is replaced with "conformance," to avoid confusion. A new sentence clarifies what is allowed when a sign changes in ways previously not addressed in this subsection. This has been staff's interpretation of this subsection.
4. This subsection is revised to be more specific and clear, and to use terms in the revised Definitions section (14.04.030).

B. This subsection is revised to allow the City Manager to provide additional notice for nonconforming signs that are approaching their 10 year limit.

**14.28.030 Unsafe sign:**

A. Revision adds the provision that repair may be approved as an alternative to removing an unsafe sign.

**14.28.040 Noncomplying sign:**

This subsection is deleted, and the enforcement of non-complying signs is dealt with the section that was 14.28.050.

**14.28.050 Administrative procedures for notification of violation:**

In proposing the sign code amendments, staff primarily made amendments to address constitutional issues and edit the code to make it clearer and more understandable without changing the basic concepts. Therefore, staff previously rewrote but did not otherwise substantially alter the enforcement provisions, which included the requirement for the City to provide 30 day's notice prior to removing noncompliant signs. The previously proposed language, like the existing language, essentially gives someone a 30 day free shot at an illegal sign.

The additional amendments to proposed section 14.28.040 will clarify that the City has the discretion to go after illegal signs immediately, without notice, but can also choose to provide notice.

A. This subsection now deals with notification for all violations related to noncomplying signs. The regulation is revised to allow the City to enforce the regulations for temporary signs without giving written notice.

B. The regulation is revised to allow enforcement regarding noncomplying signs to occur following the timeline determined by subsection A, rather than 30 days.

C. The old language of subsection is deleted because notice to the owner of a sign violation is described above. The new language proscribes how the City will deal with removed signs.

D. Revising this subsection removes the ability of the City to impose a lien on properties where a noncomplying sign was located. The fines proposed in this section and actions proposed in subsection C are believed to be sufficient for dealing with noncomplying signs.

### **Chapter 14.32 ADJUSTMENTS ~~VARIANCES~~:**

Title revised to "Adjustments" because a request for a Variance requires that the application meet the criteria outlined in Chapter 19.700 - Variance. The process for relief from Sign Code regulations are more like an Adjustment, which may be granted if an applicant meets the more specific criteria.

#### **14.32.010 Authorization to grant or deny adjustments ~~variance~~:**

A. Revised to clarify that the cost of meeting a standard is not a consideration for granting an adjustment.

#### **14.32.010 Authorization to grant or deny adjustments ~~variance~~: (cont.)**

B. Revised to reflect the current name of the design and landmarks committee and their responsibility to make recommendations to the planning commission. The use of the adjustment process is expanded to allow some flexibility when a proposed sign may not meet the explicit standards of the downtown zone, but can meet the new criteria for an adjustment. Language has been added to specify that the cost of meeting a standard does not constitute a hardship.

#### **14.32.050 Appeals:**

The design and landmarks committee is an advisory body, and as such, its recommendations cannot be appealed. The planning commission is the decision-maker, and its decisions can be appealed through the procedures specified in Chapter 19.1000.

## **Title 12 STREETS, SIDEWALKS AND PUBLIC**

### **Commentary on the Proposed Amendments in Attachment 1, Exhibit D**

#### **Chapter 12.20 SIDEWALK BENCHES**

The City Attorney is recommending related revisions to the code section that addresses sidewalk benches and bench signs. The revisions to Section 12.20 would eliminate references to adjacent properties and focus the City's regulation to benches within the right-of-way.

##### **12.20.030 Permit—Issuance**

The maximum display face and overall sign area are added to prevent overly large signs from being placed on benches in the right-of-way. The maximum area is based on the size of multiple existing signs on sidewalk benches in the city.

**Chapter 12.20 SIDEWALK BENCHES (continued)**

**Title 17 LAND DIVISION**

**Commentary on the Proposed Amendments in Attachment 1, Exhibit F**

**Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA**

**17.12.040 Approval criteria for preliminary plat.**

This revision adds a missing word.

## Title 19 ZONING

### Commentary on the Proposed Amendments in Attachment 1, Exhibit H

#### Chapter 19.100 INTRODUCTORY PROVISIONS

##### 19.103 Definitions

###### ~~"Church"~~ "Religious Institution"

This revision replaces "church" to "religious institution." A religious institution is a term that can refer to a facility for any religious tradition. This new term is used in section 19.321 Community Service Use.

#### Chapter 19.300 USE ZONES

##### 19.323 Historic Preservation Overlay zone HP.

###### F. Denial/Stay of Demolition

This revision changes a reference that does not exist and adds in the correct reference number regarding appeals.

#### Chapter 19.400 SUPPLEMENTARY REGULATIONS

##### 19.408 Dual use of required open space.

This revision fixes an incorrect reference and replaces it with the correct reference number.

#### Chapter 19.400 SUPPLEMENTARY REGULATIONS

##### 19.413 Yard requirements, general exceptions.

###### 19.413.1 Exceptions.

This revision corrects an incomplete sentence. Adding the word "zone" clarifies the sentence.

#### Chapter 19.400 SUPPLEMENTARY REGULATIONS

##### 19.422 Manufactured home placement

###### 19.422.4 Siting Standards

This revision removes a sub-section. This standard is covered by the building code and is duplicative.

## **Chapter 19.500 OFF-STREET PARKING AND LOADING**

### **19.503 Off-street parking standards.**

#### **19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking.**

The reference to applicable parking standards is incorrect and this revision replaces it with a correct reference number.

#### **19.503.17 Pedestrian Access.**

Currently there is no reference to the City's walkway standards. This revision adds a reference to the design standards for walkways.

### **19.505 Bicycle parking**

#### **19.505.2 Number of Spaces.**

The City has requirements for the maximum and minimum number of parking spaces. This revision is a clarifying statement. Adding "minimum" removes ambiguity.

### Attachment 3

#### Zoning Amendment Criteria Compliance Checklist

ZA-06-02

This document sets out the applicable criteria for Comprehensive Plan and Zoning Text amendments and addresses how each criterion is met. Any provision not included is found to be not applicable to the proposed amendment.

#### **A. COMPLIANCE WITH MILWAUKIE MUNICIPAL CODE (MMC)**

**Section 19.901 Initiation of amendments**, requires that an amendment to the Milwaukie zoning text be initiated by the city council, planning commission, or by a property owner.

This text amendment is proposed by the City of Milwaukie, initiated by the Planning Commission.

**Section 19.902 Amendment procedure**, requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in subsection 19.1011.5, Legislative actions.

The Planning Commission held a public hearing at the earliest practicable meeting after the application was determined to be complete. The City Council is holding a public hearing within 40 days of the Commission's recommendation to approve.

**19.1011.5 Legislative Actions**, outlines the procedures for processing legislative land use policies and plans. Specifically it requires the City to do the following:

*A. Public Notification. Publish a notice of a hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the city. The second publication shall not be less than five (5) days prior to the date of the hearing.*

The City has provided the required published notice for both public hearings. The proposed amendments have been discussed at five public meetings of the Planning Commission and Design and Landmarks Committee. The amendments are posted on the City website. The City mailed property owner notifications (required when zoning amendments change allowed uses in a zone) to properties in the Commercial and Downtown Zones, in compliance with ORS 215.503 and 227.186.

*B. Decision. The planning commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the comprehensive plan. The planning commission shall prepare a recommendation to the city council. If the proposal is approved by the commission, a report and recommendation, including findings and conclusions, shall be forwarded to council. The city council shall conduct a public hearing.*

The Planning Commission conducted a public hearing and made a recommendation to the Council. The Council is holding a public hearing.

*B. Notice to Metro. The planning department shall provide notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.*

The City has provided notice to Metro on August 17, 2005 and to DLCDC on August 22, 2006.

**19.904.1 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:**

*A. Applicable requirements of Section 19.1003, which specify the form of petitions, applications, and appeals.*

The City submitted an application on the prescribed form on September 5, 2006. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC Section 19.1003 are not applicable. The application therefore complies with applicable requirements of Section 19.1003, and therefore satisfies Section 19.904.1. This criterion has been met.

*B. Reasons for requesting the proposed text amendments.*

On March 23, 2006, the Oregon Supreme Court issued its decision that on-premise and off-premise signs must be treated equally and that any disparate treatment between on-premise and off-premise signs is an unconstitutional content-based restriction on speech. In addition, the Court established a rule that is new for Oregon but has long been a mainstay of federal precedent – that governments may impose content-neutral “time, place and manner” restrictions on speech, so long as those restrictions leave adequate means for expression. The express adoption of a “reasonable time, place and manner” standard will provide the City with a means of defending most of its sign code.

The City of Milwaukie still has some provisions in its sign code that may be interpreted as content-based. The proposed text amendments change the sign code to eliminate content-based provisions. During the process of editing for content-based provisions, the Planning Department has proposed other minor changes that make the sign code clearer and easier to implement.

The City of Milwaukie adopted a Sign Code in 1975, and generally the regulations and standards for signs have not changed since. The only major policy changes have been the prohibition of signs in the public right-of-way in 1981 and new regulations for signs in Downtown zones in 2000. Though the proposed amendments focus on removing inconsistencies and content-based language, the Planning Commission has identified minor policy changes that are needed to better promote the “neat, clean, orderly and attractive appearance” of the City.

This criterion has been met.

*C. Explanation of how the proposed text amendment is consistent with other provisions of this title.*

The proposed text amendments are consistent with the provisions of Title 19 because they do not change the relationship between the land use zones and the sign districts. No policy changes are proposed that conflict with the intent or policy of Title 19. Staff is recommending several revisions to clarify specific subsections of Title 17 and Title 19 of the Code that will in fact reduce conflict between regulations within the Zoning Code or other sections of the MMC. This criterion has been met.

*D. The approval criteria of Section 19.905.*

Applicant has submitted a narrative addressing the approval criteria of Section 19.905. As described in detail below, the approval criteria of Section 19.905 have been met.

**19.905.1 For all proposals, the applicant shall have the burden of proof regarding the following criteria:**

*A. The proposed amendment must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies.*

The amendments are consistent with applicable comprehensive plan goals, policies and objectives. Specifically, the following Comprehensive Plan goals apply:

**Chapter 1 – Citizen Involvement, Objective 3 - Communication**

*Promote informed public participation in planning decisions by providing readily available publications and printed materials regarding current issues and proposed policies and providing for two-way communication between policy-makers and citizens.*

*Policy 1. Make planning documents available through City offices and public libraries. This includes, but is not limited to Plan inventories, planning background information, Staff reports and minutes of Planning Commission and Comprehensive Plan Review Committee meetings.*

The staff report and the proposed amendments are available through City offices and public libraries. The proposed amendments and staff reports have been posted on the City website.

*Policy 2. Advertise all public hearings regarding land use issues in the newspaper and on the local cable television station.*

Public hearings of the proposed amendments have been advertised in the newspaper and on the City website.

**Objective 2 – Implementing the Plan** *Implement this Plan through appropriate ordinances and action.*

*Policy 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.*

The City is adopting text amendments to ensure that the City's Sign Code is defensible and to make other minor changes to the code. Staff is recommending

several revisions to clarify specific subsections of Title 17 and Title 19 of the Code (see Attachment 3). The proposed revisions for inclusion in this amendment:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

The amendments are consistent with applicable sections of Metro's Urban Growth Management Functional Plan. Cities are required to comply with policies in the Functional Plan, as required by Section 5(e) (2) of the Metro Charter. The City's Zoning Ordinance is currently in compliance with each of the following Titles in the Framework Plan. Specifically, the following Comprehensive Plan goals apply:

***Title 1: Requirements for Housing and Employment Accommodation***

The proposed amendments will not change the City's housing or employment capacity. The proposed revision to manufactured home siting standards delete a policy that is addressed in the Building Code and is therefore duplicative.

***Title 2: Regional Parking Policy***

The proposed amendments will not change the City's parking standards. Proposed revisions to three subsections of MMC section 19.500 clarify existing standards or correct references to other standards (see Attachment 2).

***Title 6: Central City, Regional Centers, Town Centers, and Station Communities***

The proposed amendments will not change the City's regulation of land and development in downtown Milwaukie, which is a Town Center. Proposed revisions to the Sign Code's standards for Downtown Zones are based on recommendations in the existing *Downtown Design Guidelines* (see Attachment 1).

***Title 8: Compliance Procedures***

The City of Milwaukie's Comprehensive Plan and land use regulations are in compliance with the Functional Plan. The proposed amendments shall be deemed to comply with the Functional Plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9). As required by MMC Section 3.07.820.A, the City of Milwaukie is providing notice of the proposed amendments to Metro's Chief Operating Officer at least 45 days prior to the City Council hearing on the proposed amendments.

The City coordinated with TriMet with regards to revisions to sections that address signs in the right-of-way and sign benches.

In processing the proposed amendments, the City of Milwaukie is following its own requirements for Citizen Involvement. The proposed amendments have been reviewed at public Planning Commission work sessions, and will be referred to the City's Neighborhood District Associations for review. The City has conducted public hearings on the proposed amendments before the Planning

Commission and City Council, and public notice has been published prior to each hearing.

This criterion has been met.

*C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.*

The City has complied with all applicable procedural and substantive standards imposed by the State and Metro, as discussed in other portions of this document. The primary purpose of the amendments is to bring the Sign Code into compliance with the state constitutional protections of speech.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

***Goal 1 – Citizen Involvement***

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. In processing the proposed amendments, the City of Milwaukie has followed its own requirements for Citizen Involvement. The proposed amendments were reviewed at five public work sessions with both Planning Commission and the Design and Landmarks Committee. Public hearings on the proposed amendments will be held, and public notice was published twice prior to each hearing, as required by the Milwaukie Comprehensive Plan (Chapter 2, policy 1). The Planning Commission members are appointed by an elected City Council, following an open and public selection process.

***Goal 2 – Land Use Planning***

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The proposed amendments to MMC Title 14 clarify the criteria to be used for approving certain types of signs (i.e., CSU signs, and illuminated awning signs). These changes strengthen the City's existing policies that implement Goal 2.

***Guideline E.2: Minor Changes in the Plan and Implementation Measures***

Citizens in the area and other affected governmental units, including TriMet, were given the opportunity to review and comment on the proposed changes to the Zoning Ordinance. Public notice was published prior to the hearings. The public need and justification for the change is addressed in the applicant's narrative.

This criterion has been met.

Present:

Susanna Pai, Chair – Lake Road Neighborhood Association

Larry Kanzler, Chief of Police

Ray Bryan – Historic Milwaukie Neighborhood Association

Gene Covey – Lewellyn Neighborhood Association

Dolly Macken-Hambright – Linwood Neighborhood Association

Cheryl Ausmann-Moreno – Ardenwald Neighborhood Association

Mary Weaver – Campbell Neighborhood Association

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The meeting was called to order at 6:05 p.m.

Chief – there was a question raised at a neighborhood meeting regarding numerous parking complaints around the Ukrainian Church located on S.E. Stanley Avenue and police not responding. The CAD records show only one complaint in the last year.

Chief – they got the ordinance passed to hire a part-time court bailiff due to the increased citations being issued. We are already over \$30,000 ahead of projected revenue for this time of the fiscal year. The two new BMW motorcycles have been picked up – they are having some minor adjustments done and will be on the road very soon. Seaside PD is interested in purchasing our old motorcycle.

There was a discussion regarding the new building to be built across from City Hall. Ray is on the development/design committee. They have had one meeting so far. There are issues with the farmer's market and IGA's (Metro). Ray made a motion for the PSAC to write a letter supporting the municipal court space in the building. Passed unanimously. The committee will be coming up with an RFP eventually that will go out to developers/builders. The Chief and Pat Duval have been delegated to do the research on what the needs would be for the court space. Mary suggested they take Ray along when they look at other courts. The courtroom would need to be secure – including metal detectors and a holding cell. There was discussion regarding having a mixed-use building. Parking is a concern also.

There was a discussion regarding the recent case involving the death of a two-year-old child.

Dolly – handed out copies of an article regarding vandalism that was done to cemeteries in Hillsboro and Salem. Milwaukie's Pioneer Cemetery belongs to the citizens and is a historical landmark. If we can catch a suspect the fine could be up to \$50,000.

There was a brief discussion regarding the new buildings near Highway 224/Oak Street and the traffic issues at that intersection.

Chief - Detective Larry Giddings just got back after attending a forensic photography class that was held at the FBI Academy in Quantico. The FBI paid for all his expenses.

There was a discussion on gang activity/violence in the schools. Officer Ulli Neitch is the SRO at the High School now.

Mary asked about the signs that indicate when the school zone is ended in the Hector Campbell area. Jill will send an email to Paul Shirey asking for clarification. Mary had questions about the training period for new recruits.

Cheryl gave an update on the Officer of the Year plans with Outback restaurant.

Susanna asked if everyone had reviewed the minutes from the previous meeting. Dolly made a motion to accept the minutes. Cheryl seconded the motion. Passed unanimously.

The meeting was adjourned at 7:45 p.m.

Next meeting is scheduled for October 26th.