

## COUNCIL **ORDINANCE No. 2209**

### Notice of Clerical or Typographical Error

**On September 24, 2021 the City Recorder noted clerical or typographical errors within the text of Ordinance No. 2209, which was originally adopted by the Milwaukie City Council on September 7, 2021 as signed by Mayor Mark Gamba.**

The authority to make the corrections noted below is found in Milwaukie Municipal Code (MMC) 1.01.080 Editing the Code:

In preparing adopted ordinances for codification and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of any ordinance, but, with such limitations, may correct manifest clerical or typographical errors. (Ordinance No. 1902 § 2, 2002)

These corrections are as follows:

The ordinance as adopted included the following table:

Table 14.08.090.C Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review					
Sign Type	Size	Number	Height	Location	Illumination <sup>1</sup>
Monument or freestanding sign	Max. 16 SF per display surface	1	Max 6 ft. above ground	Not in the public right-of-way	Follow the base sign district standards <sup>2</sup>
Wall sign	Max. 16 SF	1 per building face			Follow the base sign district standards
Daily Display	Max. 12 SF per display surface	1 per frontage		Not in the public right-of-way except as allowed in MMC Section 14.20.040.	Follow the base sign district standards

<sup>1</sup>Follow the illumination standards in the Community Service Use's base sign district unless the Community Service Use is a public high school.

<sup>2</sup>A public high school can apply to have one electronic display monument or freestanding sign that meets the Community Service Use Illumination standards of 14.080.090.E.

During the post-adoption codification process city staff discovered that text in several cells of the above table had inadvertently been copied over by text from another table in the ordinance. The effect of this error is that previously existing code text, which was not the subject of Ordinance 2209 changes, were changed. For reference, the table as it was before Ordinance 2209 was adopted is attached to this notice.

Accordingly, to correct this error and restore the code text to its intended state, this memo documents what city staff presented the changed table to be to the Planning Commission and City Council. The corrected table was meant to read, and will now read, as follows:

Table 14.08.090.C Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review					
Sign Type	Size	Number	Height	Location	Illumination <sup>1</sup>
Monument or freestanding sign	Max. 40 SF per display surface Max. length 20 ft.	1	Max 12 ft. above ground	Not in the public right-of-way	Follow the base sign district standards <sup>2</sup>
Wall sign	10% of the building face up to 40 SF	1 per building face			Follow the base sign district standards
Daily Display	Max. 12 SF per display surface	1 per frontage		Not in the public right-of-way except as allowed in MMC Section 14.20.040.	Follow the base sign district standards

<sup>1</sup>Follow the illumination standards in the Community Service Use's base sign district unless the Community Service Use is a public high school.

<sup>2</sup>A public high school can apply to have one electronic display monument or freestanding sign that meets the Community Service Use Illumination standards of 14.080.090.E.

  
Scott Stauffer, City Recorder

9/24/2021

Date

Attached: MMC 14.08.090.C Table, prior to Ordinance 2209 adoption

14.08.100

<b>Table 14.08.090.C Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review</b>				
<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 Section 14.20.040

- D. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed. (Ord. 2078 § 2 (Exh. B), 2014; Ord. 2025 § 3, 2011; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

#### **14.08.100 SIGNS VISIBLE FROM STATE HIGHWAYS**

A proposed sign that would be visible from a State highway may require a permit from the Oregon Department of Transportation. The Planning Director may require an applicant for a sign that would be visible from a State highway to submit documentation from the Oregon Department of Transportation indicating whether the proposed sign is considered an outdoor advertising sign that requires a permit from the Oregon Department of Transportation and whether the site is legal for an outdoor advertising sign. The Planning Director will withhold issuance of the permit if there is not conclusive evidence that the sign could be approved, or could be conditioned to be approved, by the Oregon Department of Transportation. (Ord. 2040 § 2 (Exh. B), 2011)



## COUNCIL ORDINANCE No. 2209

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) CHAPTER 14.08.090 CONDITIONAL AND COMMUNITY SERVICE USE SIGNS FOR THE PURPOSE OF CLARIFICATION OF, AND ALLOWING ELECTRONIC DISPLAY SIGNS FOR, COMMUNITY SERVICE USES THAT ARE CONSIDERED PUBLIC HIGH SCHOOLS (FILE #ZA-2021-003).**

WHEREAS, the proposed amendments to MMC 14.08.090 creates a section that allows for review of electronic display signs for Community Service Uses (CSUs) considered public high schools with specific requirements; and

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

WHEREAS, on July 24, 2021, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS, the City Council finds that the proposed amendments are 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 amendments are adopted by the City Council and are attached as Exhibit A.


Section 2. Amendments. The MMC is amended as described in Exhibit B (Title 14 underline/strikeout version), and Exhibit C (Title 14 clean version).

Section 3. Effective Date. The amendments shall become effective immediately.

Read the first time on 9/7/2021 and moved to second reading by 5:0 vote of the City Council.


Read the second time and adopted by the City Council on 9/7/2021.

Signed by the Mayor on 9/7/2021.

  
\_\_\_\_\_  
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott S. Stauffer, City Recorder  
\_\_\_\_\_  
Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval  
File #ZA-2021-003, Title 14 Sign Code Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend regulations that are contained in Title 14 of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2021-003.
2. The purpose of the proposed code amendments is to amend code language related to electronic display signs to allow review of electronic display signs for Community Service Uses considered public high schools with specific requirements. The amendments affect the following title of the municipal code:  
  
Milwaukie Municipal Code
  - MMC 14.08.090 – Conditional and Community Service Use Signs
3. The proposal is subject to the criteria and procedures outlined in the following sections of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Chapter 19.1000 Review Procedures
4. Sections of the MMC or Milwaukie Comprehensive Plan (MCP) not addressed in these findings are found to be not applicable to the decision on this land use application.
5. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on July 27, 2021 and September 7, 2021 as required by law.
6. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
  - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager or any individual.  
*The amendments were initiated by the Planning Manager on June 19, 2021.*
  - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
    - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.  
*Opportunity for public comment and review has been provided. The draft amendments have been posted on the City's web site since June 28, 2021. On June 28, 2021 staff e-mailed NDA leaders and North Clackamas School District (NCSD) with information about the Planning Commission hearing and a link to the draft proposed amendments.*

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

*A notice of the Planning Commission's July 27, 2021, hearing was posted as required on June 28, 2021. A notice of the City Council's September 7, 2021 hearing was posted as required on August 9, 2021.*

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

*The Planning Manager has determined that the proposal affects a large geographic area.*

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to DLCD on June 23, 2021.*

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on June 22, 2021.*

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

*The proposed amendments do not further restrict the use of property. In general, the proposed amendments add flexibility.*

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

*The Planning Commission held a duly advertised public hearing on July 27, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on September 7, 2021 and approved the amendments.*

7. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

*The Planning Commission held a duly advertised public hearing on July 27, 2021. A public hearing before City Council is tentatively scheduled for September 7, 2021. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.
- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.
- The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code.*
- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.
- Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.*

Overarching Goal for Section 10: Public Facilities and Services states:  
Plan, develop and maintain an orderly and efficient system of public facilities and services to serve urban development.

Goal 10.7 – Local Partners states:  
Coordinate with local partners in planning for schools, medical facilities, and other institutional uses.

Policy 10.7.1 states: Coordinate community development activities and public services with the school district.

*The proposed amendments provide a permit process to allow an electronic display sign for Community Service Uses considered public high schools.*

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.
- The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.*
- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.
- The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.*

*Oregon Statewide Planning Goal 2: Land Use Planning*

*Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implement regulations.*

*The proposed amendments follow the goals and policies found in the City of Milwaukie's Comprehensive Plan.*

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

*There are no relevant federal regulations for the proposed amendment.*



## Underline/Strikeout Amendments

### Title 14 Signs

#### 14.08.090 Conditional and Community Service Use Signs

##### 14.080.090 CONDITIONAL AND COMMUNITY SERVICE USE SIGNS

- A. Signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.
- B. The standards of the underlying zone may be increased to the standards in Table 14.08.090.B, pursuant to a Type I review.

Table 14.08.090.B				
Standards for Conditional and Community Service Use Signs with Type I Review				
Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 16 SF per display surface	1	Max 6 ft. above ground	Not in the public right-of-way
Wall sign	Max. 16 SF	1 per building face		
Daily Display	Max. 12 SF per display surface	1 per frontage		Not in the public right-of-way except as allowed in MMC Section 14.20.040.

- C. The standards of the underlying zone may be increased to the standards in Table 14.08.090.C per Section 19.1006 Type III Review.

In reviewing an application for a sign to meet the standards of Table 14.08.090.C, 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.C Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review					
Sign Type	Size	Number	Height	Location	Illumination <sup>1</sup>
Monument or freestanding sign	Max. 16 SF per display surface	1	Max 6 ft. above ground	Not in the public right-of-way	<u>Follow the base sign district standards<sup>2</sup></u>
Wall sign	Max. 16 SF	1 per building face			<u>Follow the base sign district standards</u>
Daily Display	Max. 12 SF per display surface	1 per frontage		Not in the public right-of-way except as allowed in MMC Section 14.20.040.	<u>Follow the base sign district standards</u>

<sup>1</sup>Follow the illumination standards in the Community Service Use's base sign district unless the Community Service Use is a public high school.

<sup>2</sup>A public high school can apply to have one electronic display monument or freestanding sign that meets the Community Service Use Illumination standards of 14.080.090.E.

- D. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed. (Ord. 2078 § 2 (Exh. B), 2014; Ord. 2025 § 3, 2011; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)
- E. Electronic display signs are permitted for Community Service Uses that are public high schools, subject to the following standards:
- An electronic display sign may be included only as part of a larger sign. The electronic display portion of the sign is a maximum combined area of 20 sq ft. The display portions can be on multiple faces of the sign with a limit of a maximum combined area of 20 sq ft.
  - Illumination for an electronic display sign is subject to the standards of Subsection 14.24.020.G.1.
  - The manner of display on electronic display signs shall comply with the standards of Subsection 14.24.020.G.3.

## Clean Amendments

### Title 14 Signs

#### 14.08.090 Conditional and Community Service Use Signs

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- E. Electronic display signs are permitted for Community Service Uses that are public high schools, subject to the following standards:
  - 1. An electronic display sign may be included only as part of a larger sign. The electronic display portion of the sign is a maximum combined area of 20 sq ft. The display portions can be on multiple faces of the sign with a limit of a maximum combined area of 20 sq ft.
  - 2. The electronic display portion is only allowed on one face of the sign.
  - 3. Illumination for an electronic display sign is subject to the standards of Subsection 14.24.020.G.1.
  - 4. The manner of display on electronic display signs shall comply with the standards of Subsection 14.24.020.G.3.