



**CITY OF MILWAUKIE**  
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 engineering@milwaukieoregon.gov

# Preapplication Conference Report

Project ID: 20-007PA

This report is provided as a follow-up to the meeting that was held on 9/3/2020 at 10:00 AM

The Milwaukie Municipal Code is available here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)

## APPLICANT AND PROJECT INFORMATION

<b>Applicant:</b>	Andrew Tull for North Clackamas School District (NCSD)	<b>Applicant Role:</b> Planning Consultant
<b>Applicant Address:</b>	9600 SW Nimbus, Suite 100, Beaverton, OR 97008	
<b>Company:</b>	3J Consulting	
<b>Project Name:</b>	Milwaukie High School signage	
<b>Project Address:</b>	2301 SE Willard St	<b>Zone:</b> Residential R-2
<b>Project Description:</b>	Code amendment or Sign adjustment to allow an electronic display sign at Milwaukie High School	
<b>Current Use:</b>	High school	
<b>Applicants Present:</b>	Mercedes Serra (3J Consulting); Steve Nicholas, Cindy Detchon, and Ron Stewart (North Clackamas School District)	
<b>Staff Present:</b>	Brett Kelter, Associate Planner; Janine Gates, Assistant Planner	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input type="checkbox"/>	<b>Use Standards</b>	
<b>Land Use Review Process</b>		
<input checked="" type="checkbox"/>	<b>Applications Needed</b>	As proposed, the project would require the following applications: <ul style="list-style-type: none"> <li>• Sign Adjustment</li> </ul>
<input checked="" type="checkbox"/>	<b>Review Type</b>	<ul style="list-style-type: none"> <li>• Sign Adjustment (Variance) = Type III</li> </ul>
<input checked="" type="checkbox"/>	<b>Fees</b>	<ul style="list-style-type: none"> <li>• Type III application = \$2,000</li> </ul>
<input checked="" type="checkbox"/>	<b>Application Process</b>	<p>The applicant should submit a complete electronic copy of all application materials for the City's initial review. Due to the COVID pandemic, hard copies of materials are not currently desired. A determination of the application's completeness will be issued within 30 days.</p> <p>Once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. As long as measures remain in place to address the COVID pandemic,</p>

		<p>the public hearing will be conducted online. Public notice will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. At least 14 days before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. Staff will prepare a report with analysis of the proposal and a recommendation for decision that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission.</p> <p>Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p>
<b>Overlay Zones (MMC 19.400)</b>		
<input type="checkbox"/>	<b>Historic Preservation</b>	
<b>Site Improvements/Site Context</b>		
<input type="checkbox"/>	<b>Downtown Design Standards (MMC 19.508)</b>	
<b>Off-Street Parking Standards (MMC 19.600)</b>		
<input type="checkbox"/>	<b>Residential Off-Street Parking Requirements</b>	
<b>Approval Criteria</b>		
<input checked="" type="checkbox"/>	<b>Sign Adjustment (MMC 14.32)</b>	<p>For a sign adjustment, the applicant must show that (1) there are special and unusual circumstances related to the specific property or sign, (2) the adjustment is consistent with the guiding principles of the Downtown Design Guidelines (only for signs in downtown zones), and (3) the adjustment meets either of the following criteria: (a) strict application of the code would cause an undue or unnecessary hardship (excluding cost); or (b) the adjustment serves to protect or enhance significant features such as (but not limited to) trees, historic or culturally significant buildings, or landmark signs.</p> <p>Although the code references the Design and Landmarks Committee (DLC) in the adjustment process, staff's understanding and interpretation is that the DLC is only involved if the sign in question is located in a downtown zone. Likewise, consideration of the Downtown Design Guidelines is not an applicable approval criterion for signs outside of downtown zones.</p> <p>In granting an adjustment, the Planning Commission may attach conditions that it finds necessary to protect the welfare of the city and otherwise achieve the purposes of the sign code. As per Milwaukie Municipal Code (MMC) Section 14.32.040, authorization of a sign adjustment is voided if the building or work approved is not commenced within 6 months of the date of approval. If the applicant makes a written request prior to the expiration date, the Planning Commission can extend the adjustment for a period of up to one year.</p>
<b>Land Division (MMC Title 17)</b>		
<input type="checkbox"/>	<b>Design Standards</b>	
<b>Sign Code Compliance (MMC Title 14)</b>		
<input checked="" type="checkbox"/>	<b>Sign Requirements</b>	<p>Milwaukie High School is an approved Community Service Use (CSU). CSUs are often located in residential zones, where signage is very limited. MMC Section 14.08.090 establishes standards for CSU signs, which include monument/freestanding signs, wall signs, and daily display signs. Depending on the size and height of the proposed sign, either Type I</p>

	<p>or Type III review is required. One monument or freestanding sign is allowed for a CSU—up to 16 sq ft per display surface and max height of 6 ft for Type I review; or up to 40 sq ft per display surface, max length of 20 ft, and max height of 12 ft for Type III review.</p> <p>However, electronic display signs are not allowed in residential zones and are further restricted by the standards in MMC Subsection 14.24.020.G. An adjustment (like a variance) would be required to allow an electronic display sign for a CSU.</p> <p>MMC Chapter 14.32 establishes the process for the Planning Commission to authorize adjustments to the sign code, where strict application of the code would cause “an undue or unnecessary hardship” (excluding cost). The approval criteria for an adjustment are discussed above.</p>
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**Noise (MMC Title 16)**

<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>
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**Neighborhood District Associations**

<input checked="" type="checkbox"/>	<b>Historic Milwaukie</b>	<p>Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Historic Milwaukie NDA.</p> <p><b><u>Historic Milwaukie NDA Chair</u></b>  Ray Bryan  <a href="mailto:historicmilwaukienda@gmail.com">historicmilwaukienda@gmail.com</a>  Regular meeting—second Monday, 6:30pm (online)</p>
	Choose an item.	
	Choose an item.	

**Other Permits/Registration**

<input type="checkbox"/>	<b>Business Registration</b>
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**Additional Planning Notes**

This preapplication conference was conducted on an abstract level and did not consider a specific sign design. If the applicant chooses to apply for a sign adjustment, staff expects that the applicant will provide a more specific proposal, including sign type, dimensions, and location. These details will be critical in the evaluation and consideration of the request.

The applicant will have the burden of demonstrating that an “undue or unnecessary hardship” results from the restriction against installing an electronic display sign. The Planning Commission will be asked to consider and make findings on several circumstances that could prove challenging (MMC Section 14.32.030). One issue is that of clarifying what constitutes a “practical difficulty or unnecessary physical hardship.” Another is whether denial of an electronic display sign would truly deprive the applicant of privileges enjoyed by other properties in the same zoning district (Residential R-2). (Note that the code does not expand this circumstance to properties in other communities within the larger school district.) Perhaps the most challenging circumstance is whether the granting of an adjustment would constitute a “special privilege inconsistent with the limitations on other properties” within the zoning district.

Staff can imagine that the Planning Commission would be supportive of the District's efforts to further improve the high school but may be concerned about establishing a precedent that could open the door to allowing more electronic display signs for other CSUs (schools, churches, and others). It could be difficult to develop defensible findings that are narrow enough to limit the potential for similar requests in the future. Staff would aim to address the pros and cons of the request in its report to the Commission and would likely not make a recommendation for either approval or denial, focusing instead on facilitating a rigorous discussion of the issue.

It is noted that the applicant originally raised the prospect of proposing an amendment to the sign code, to allow electronic display signs exclusively for public school CSUs. Staff considered this idea and consulted with the City Attorney, who confirmed that such a proposal would be difficult to support and defend as being fair. Why would private schools not be allowed the same option for signage? Or churches, or any other CSU? A proposal to amend the sign code in this way would open a much broader policy discussion and would involve a more complicated review and approval process. Staff has encouraged the applicant to consider using the sign adjustment process instead—even though it is also challenging and offers no guarantees, the specificity of that request would provide a slightly narrower frame for discussion.

## ENGINEERING & PUBLIC WORKS COMMENTS

### Public Facility Improvements (MMC 19.700)

Applicability (MMC 19.702)

### Flood Hazard Area (MMC 18)

Development Permit (MMC 18.04.100)

### Environmental Protection (MMC 16)

Erosion Control (MMC 16.28)

Tree Cutting (MMC 16.32)

### Public Services (MMC 13)

System Development Charge (MMC 13.28.040)

### Public Places (MMC 12)

Clear Vision (MMC 12.24)

### Additional Engineering & Public Works Notes

## BUILDING COMMENTS

All drawings must be submitted electronically through [www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov)

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at [www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov). Each permit type and sub-permit type are separate permits and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.

Note: Plumbing and electrical plan reviews (when required) are done off site. Reviews are currently being done by Clackamas County and plan review times for these reviews vary and are not under the control of the Milwaukie building division. Please allow appropriate time to obtain these permits, as courtesy inspections are not allowed prior to permits being issued. Site utilities follow this process and require a separate plumbing permit, they are not done with the grading/utility permit supplied to Milwaukie Engineering.

If you have any building related questions, please email us at [building@milwaukieoregon.gov](mailto:building@milwaukieoregon.gov).

### Additional Building Notes

Note that all development permit submittals are subject to the initial review time that the building department is experiencing (currently 6-8 weeks).

## OTHER FEES

<input type="checkbox"/>	<b>Construction Excise Tax</b>	<b>Calculation:</b> Valuation *12% (.12)
<input type="checkbox"/>	<b>Metro Excise Tax</b>	<b>Calculation:</b> Valuation *.12% (.0012)  (Note: There is a cap of \$12,000 on this tax.)
<input type="checkbox"/>	<b>School Excise Tax</b>	<b>Calculation:</b> Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)

**FIRE DISTRICT COMMENTS**

**COORDINATION WITH OTHER AGENCIES**

**Applicant must communicate directly with outside agencies. These may include the following:**

- Metro, TriMet, North Clackamas Parks and Recreation District (NCPRD), Oregon Parks and Recreation, ODOT/ODOT Rail, Department of State Lands, Oregon Marine Board, Oregon Department of Fish and Wildlife (ODFW), State Historic Preservation Office, Clackamas County Transportation and Development

**MISCELLANEOUS**

**State or County Approvals Needed**

<input type="checkbox"/>	<b>Boiler Approval (State)</b>	
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**Arts Tax**

<input type="checkbox"/>	<b>Neighborhood Office Permit</b>	
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**Other Right-of-Way Permits**

<input type="checkbox"/>	<b>Tree Removal Permit:</b>	
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**Infrastructure/Utilities**

**Applicant must communicate directly with utility providers. These may include the following:**

- PGE, NW Natural, Clackamas River Water (CRW), Telecomm (Comcast, Century Link), Water Environmental Services (WES), Garbage Collection (Waste Management, Hoodview Disposal and Recycling)

**Economic Development/Incentives**

<input type="checkbox"/>	<b>Enterprise Zone:</b>	
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<input type="checkbox"/>	<b>Housing Resources:</b>	
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**PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE**

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This preliminary preapplication conference information is based only on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

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#### **BUILDING DEPARTMENT**

<b>Samantha Vandagriff</b>	<b>Building Official</b>	<b>503-786-7611</b>
<b>Harmony Drake</b>	<b>Permit Specialist</b>	<b>503-786-7623</b>
<b>Stephanie Marcinkiewicz</b>	<b>Inspector/Plans Examiner</b>	<b>503-786-7636</b>

#### **ENGINEERING DEPARTMENT**

<b>Steve Adams</b>	<b>City Engineer</b>	<b>503-786-7605</b>
<b>Dalton Vodden</b>	<b>Associate Engineer</b>	<b>503-786-7617</b>

#### **PLANNING DEPARTMENT**

<b>Laura Weigel</b>	<b>Planning Manager</b>	<b>503-786-7654</b>
<b>Vera Koliass</b>	<b>Senior Planner</b>	<b>503-786-7653</b>
<b>Brett Kolver</b>	<b>Associate Planner</b>	<b>503-786-7657</b>
<b>Mary Heberling</b>	<b>Assistant Planner</b>	<b>503-786-7658</b>
<b>Janine Gates</b>	<b>Assistant Planner</b>	<b>503-786-7627</b>

#### **COMMUNITY DEVELOPMENT DEPARTMENT**

<b>Leila Aman</b>	<b>Community Development Director</b>	<b>503-786-7616</b>
<b>Alison Wicks</b>	<b>Development Programs Manager</b>	<b>503-786-7661</b>
<b>Christina Fadenrecht</b>	<b>Housing &amp; Economic Dev. Asst.</b>	<b>503-786-7624</b>
<b>Alicia Martin</b>	<b>Administrative Specialist II</b>	<b>503-786-7600</b>
<b>Tempest Blanchard</b>	<b>Administrative Specialist II</b>	<b>503-786-7600</b>

#### **CLACKAMAS FIRE DISTRICT**

<b>Mike Boumann</b>	<b>Lieutenant Deputy Fire Marshal</b>	<b>503-742-2673</b>
<b>Matt Amos</b>	<b>Fire Inspector</b>	<b>503-742-2661</b>