



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday October 25, 2011, 6:30 PM

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
  - 2.1 September 13, 2011
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
  - 5.1 Summary: Ukrainian Bible Church CSU Minor Modification  
Applicant/Owner: Petr Buzhduga/Ukrainian Bible Church  
Address: 11900 SE Stanley Ave  
File: CSU-11-02  
Staff Person: Li Alligood
- 6.0 Worksession Items**
  - 6.1 Summary: Residential Development Standards project update  
Staff Person: Katie Mangle
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
  - November 8, 2011
    - 1. Public Hearing: WG-11-01 Kellogg Lake light rail bridge
    - 2. Public Hearing: MOD-11-01 Trolley Trail for light rail
  - November 22, 2011
    - 1. Public Hearing: WG-11-01 Kellogg Lake light rail bridge (*tentative*)
    - 2. Public Hearing: MOD-11-01 Trolley Trail for light rail (*tentative*)
    - 3. Public Hearing: CPA-11-02 Water Master Plan (*tentative*)

### Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email [planning@ci.milwaukie.or.us](mailto:planning@ci.milwaukie.or.us). Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

#### **Public Hearing Procedure**

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

*The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.*

#### **Milwaukie Planning Commission:**

Lisa Batey, Chair  
Nick Harris, Vice Chair  
Scott Churchill  
Chris Wilson  
Mark Gamba  
Russ Stoll  
Clare Fuchs

#### **Planning Department Staff:**

Katie Mangle, Planning Director  
Susan Shanks, Senior Planner  
Brett Kelter, Associate Planner  
Ryan Marquardt, Associate Planner  
Li Alligood, Assistant Planner  
Alicia Martin, Administrative Specialist II  
Paula Pinyerd, Hearings Reporter

**CITY OF MILWAUKIE**  
**PLANNING COMMISSION**  
**MINUTES**  
**Milwaukie City Hall**  
**10722 SE Main Street**  
**TUESDAY, September 13, 2011**  
**6:30 PM**

**COMMISSIONERS PRESENT**

Lisa Batey, Chair  
 Nick Harris, Vice Chair  
 Scott Churchill  
 Mark Gamba  
 Russ Stoll  
 Clare Fuchs

**STAFF PRESENT**

Katie Mangle, Planning Director  
 Susan Shanks, Senior Planner  
 Ryan Marquardt, Associate Planner  
 Damien Hall, City Attorney

**COMMISSIONERS ABSENT**

Chris Wilson

**1.0 Call to Order – Procedural Matters**

**Chair Batey** called the meeting to order at 6:32 p.m. and read the conduct of meeting format into the record. She then welcomed new Planning Commissioner Clare Fuchs.

**Katie Mangle, Planning Director**, commented that Commissioner Fuchs had been selected from five great candidates and had been appointed by City Council last week. She brought a lot of experience to the Commission.

**Commissioner Fuchs** stated she had been a resident of Milwaukie for two years. She was an urban planner by trade with two degrees in urban planning. She was living in the Ardenwald neighborhood and currently worked as an urban planner with Washington County on capital projects.

**2.0 Planning Commission Minutes**

2.1 April 26, 2011 *continued from June 28, 2011*

**Chair Batey** corrected Line 74 on Page 2 to state, “a lot of the sewerage **sewage**...”

- On Page 12, she suggested a sentence be added to Line 384 saying something like, "Discussion bullets represent views of individual Commissioners and do not necessarily reflect a consensus." It was not clear who was saying what, which was a concern.

41 The transcriptionist clarified that the bulleted portions did not necessarily reflect one particular  
42 person's comments, but were separated more by topic. Each bulleted section could include  
43 comments from a combination of Commissioners and staff.

44

45 **Ms. Mangle** suggested adding language in brackets as an editorial note stating, "The  
46 discussion bullets may reflect views of individuals or be a summary of group discussion,  
47 therefore, do not represent a consensus of the Commission."

48

49 **Chair Batey** agreed with the suggested language.

50

51 **Vice Chair Harris moved to approve the April 26, 2011, Planning Commission meeting**  
52 **minutes as amended. Commissioner Gamba seconded the motion, which passed 4 to 0**  
53 **to 2 with Commissioners Churchill and Fuchs abstaining.**

54

55 2.2 May 10, 2011 *continued from August 23, 2011*

56 **Commissioner Gamba moved to approve the May 10, 2011, Planning Commission**  
57 **meeting minutes as presented. The motion was seconded by Commissioner Churchill**  
58 **and passed 4 to 0 to 2 with Vice Chair Harris and Commissioner Fuchs abstaining.**

59

60 2.3 June 14, 2011

61 **Commissioner Gamba moved to approve the June 14, 2011, Planning Commission**  
62 **meeting minutes as presented. Vice Chair Harris seconded the motion, which passed 4 to**  
63 **0 to 2 with Commissioners Churchill and Fuchs abstaining.**

64

65 2.4 June 28, 2011

66 **Chair Batey** stated that Line 49 on Page 2 noted the joint worksession held with the City  
67 Council, but did not describe any of that meeting. She suggested that the Commission's minutes  
68 reference the City Council meeting minutes for the record of that joint worksession.

69 • She corrected Line 267 on Page 8 to state, "~~Vice President~~ **Vice Chair...**"

70

71 **Vice Chair Harris moved to approve the June 28, 2011, Planning Commission meeting**  
72 **minutes as amended. Commissioner Gamba seconded the motion, which passed 5 to 0**  
73 **to 1 with Commissioner Fuchs abstaining.**

74

75           2.5     July 26, 2011

76     **Vice Chair Harris moved to approve the July 26, 2011, Planning Commission meeting**  
77     **minutes as presented. Commissioner Stoll seconded the motion, which passed 4 to 0 to**  
78     **2 with Chair Batey and Commissioner Fuchs abstaining.**

79

### 80     **3.0     Information Items**

81     **Ms. Mangle** announced the order of the agenda would be changed; Item 6.0 Worksession Items  
82     would be addressed following 4.0 Audience Participation and prior to 5.0 Public Hearings.

83

84     **4.0     Audience Participation** –This is an opportunity for the public to comment on any item  
85     not on the agenda. There was none.

86

87     The Planning Commission proceeded to Item 6.0 before addressing 5.0 Public Hearings.

88

### 89     **6.0     Worksession Items**

90           6.1     Summary: Kellogg Bridge Story Pole discussion

91                     Staff Person: Susan Shanks

92     **Susan Shanks, Senior Planner**, briefly reviewed the recently adopted Zoning Code  
93     amendment regarding the use of story poles to indicate the height and mass of proposed  
94     structures. Staff did not recommend erecting story poles for the light rail Kellogg Bridge  
95     structure because the application included sufficient information to make findings and do an  
96     adequate analysis.

- 97     • She noted the applicant continued to provide more detailed, refined material to better  
98     illustrate the proposal. She presented several illustrations via PowerPoint that indicated the  
99     height and mass of the proposed structure from various viewpoints, and noted the height of  
100     the proposed bridge in relation to the existing rail trestle.
- 101     • The question was the width and height of the piers and their impacts on the Kellogg  
102     Lake environment. The style and design of the piers could be changed during the  
103     hearing process.
- 104     • The only criteria addressing the subjective aspects of height and mass regarded view  
105     protection and were found in both the Design Review application and Willamette  
106     Greenway review.
- 107     • If the Planning Commission disagreed, staff suggested a small subcommittee be formed to  
108     work with staff more directly about what specifically needed to be seen for the Commission

- 109 to actually do the review when it came to hearing. The application was expected to be  
110 deemed complete in about two weeks, at which time staff hoped to tell TriMet whether story  
111 pole installations would be required prior to the hearing, scheduled for November 7, 2011.
- 112 • She distributed a 1-page flyer describing the Kellogg Bridge structure and the multiple  
113 applications regarding the bridge and Trolley Trail modifications. The flyer was provided at  
114 the farmers market and would be distributed to various community groups. The back of the  
115 flyer discussed the various upcoming meetings and hearings on the applications. She added  
116 that the Design and Landmarks Committee (DLC) Design Review on the Kellogg Bridge  
117 structure would likely be held at City Hall on October 17, taking the place of the monthly light  
118 rail meeting and would be televised. A DVD and notes of the meeting would be made  
119 available to the Commission as soon as possible after the meeting. The November 22  
120 Commission meeting was tentatively scheduled in case a second hearing was needed  
121 because the two applications were very large.
  - 122 • She explained, that as staff understood it, TriMet was building the structure to the lowest  
123 possible height, taking into account all the different structural and environmental parameters  
124 with regard to the existing topography, clearance over Lake Rd and McLoughlin Blvd, etc.  
125 Regulatory permits also controlled the particular shadow allowed over the lake itself.  
126 Constructing a single pier on either side of the lake was investigated, but would raise the  
127 height, increase the drip line, and create more challenges in getting pedestrians around the  
128 piers because the single piers would need to be larger in diameter than two double piers.  
129 She noted that story poles were not about looking at alternatives but about seeing what was  
130 out there.
- 131
- 132 **Commissioner Churchill** explained the intent of story poles was to confirm whether the  
133 proposed mass and scale in the field matched the submitted proposal. Although the displayed  
134 pictures were highly rendered shots, and hopefully fairly accurate, nothing could beat the  
135 experience of actually seeing something in the landscape.
- 136 • While scaling up the columns might be beneficial, story poles would not address the  
137 columns' design, texture, etc.; the areas Milwaukie citizens could influence.
  - 138 • Story poles would relate how the superstructure or spandrel across the column related to  
139 the column cap and its height in the field, but the Commission could not really change the  
140 bridge height due to the various requirements as noted. Work on the proposal might be too  
141 far along to make even minor changes in design.

142 • A site visit would be necessary to benefit from the story poles, as photographs of story poles  
143 do not achieve the objective of story poles.

144 • **Ms. Shanks** indicated site conditions would make erecting story poles, as well as  
145 viewing them on a site visit, difficult.

146

147 Additional comments and discussion included:

148 • In this particular case, story poles seemed pointless. The Commission did not get to affect  
149 where the bridge was laid out, its bulk, or height, which was driven by geography,  
150 engineering, and clearance. They had made a decision from three design possibilities, and  
151 seeing the story poles would not change that decision.

152 • The depiction from Lake Rd showed the proposed bridge being the same height as the  
153 trestle was very reassuring, as it did not stick up over the trestle.

154 • There was concern about how much higher over the trestle the bridge would be as it got  
155 closer to McLoughlin Blvd.

156 • **Ms. Mangle** responded additional renderings could be requested from TriMet and  
157 provided at the hearing to help the Commission make a decision.

158 • TriMet could be doing more to explain better all aspects of the projects to the public, but  
159 that was not the purpose of the hearing.

160 • Holding a worksession on the issue was possible before the hearing, but the 120-day clock  
161 and coordinating staff reports, noticing requirements, collaboration with consultants, etc.  
162 created a very tight timeline.

163 • **Ms. Shanks** noted the DLC Design Review meeting next month would be a source of  
164 information about the project. Additionally, the whole application with all the images  
165 would be distributed to the Commission, DLC, and adjacent Neighborhood District  
166 Associations (NDAs) by September 30. Staff was doing an early distribution because the  
167 information was complex, and the project would have a big impact in Milwaukie.  
168 Information about the proposal was also being posted on the City website.

169 • The Commission sought to have a conversation about the application without TriMet  
170 present.

171 • **Damien Hall, City Attorney**, cautioned that some legal limitations existed regarding  
172 what could be discussed because the Commission would be making a decision on a  
173 quasi-judicial application. The Commission could not discuss or debate the approval  
174 criteria, the substance of the application or anything along those lines because they  
175 might be bringing in opinions, or basing future decisions on something not in the record.

- 176 • **Ms. Mangle** noted the difference with holding a worksession now was that the  
177 application had been submitted, so they were now in the public hearing/decision-making  
178 mode. An informational meeting might be possible, but they would have to be careful not  
179 to get into any kind of discussion or deliberation.
- 180 • **Mr. Hall** explained a distinction existed about staying away from the merits of an  
181 application versus discussing the project, and that distinction was not very clear.  
182 However, once the hearing began, the Commission could build time within the hearing to  
183 have a more extended debate than is typical at a hearing. Deliberations could be  
184 extended subject to the 120-day clock.
- 185 • **Ms. Mangle** stated TriMet would not work with the City on extending the 120-day clock,  
186 which was why two dates had been tentatively scheduled for the hearing. She invited  
187 Commissioners to meet separately with staff to discuss the project further and agreed  
188 the DLC Design Review meeting would be a good for the Commissioners to attend.
- 189 • **Ms. Shanks** offered to review the material she would present at a study session being  
190 held to help the NDAs understand the application. She clarified that only three or fewer  
191 Commissioners were allowed to meet together with her.
- 192 • **Mr. Hall** encouraged Commissioners to bring specific questions about the merits of the  
193 application to staff, so the answers could be incorporated into the presentation at the  
194 hearing and be in the record.

195

196 **Chair Batey** verified that the Commission could anticipate receiving the package in early  
197 October, at least a month before the first hearing, so they would have plenty of time to look it  
198 over and provide staff a list of questions.

- 199 • She confirmed that the Commission agreed that story poles were not necessary with regard  
200 to the Kellogg Bridge. She noted she would like to see additional renderings from certain  
201 viewpoints that she would discuss separately with staff.

202

203 The Planning Commission returned to 5.0 Public Hearings at this time.

204

## 205 **5.0 Public Hearings**

### 206 5.1 Summary: Electronic Sign Code Amendments

207 Applicant/Owner: City of Milwaukie

208 File: ZA-11-02

209 Staff Person: Ryan Marquardt



210 **Chair Batey** called the hearing to order and read the conduct of legislative hearing format into  
211 the record.

212

213 **Ryan Marquardt, Associate Planner**, cited the applicable approval criteria of the Milwaukie  
214 Municipal Code as found on 5.1 Page 7 of the packet, which was entered into the record.  
215 Copies of the report were made available at the sign-in table.

216

217 **Chair Batey** asked if any Commissioners had any ex parte contacts to declare. No  
218 Commissioners declared a conflict of interest, bias or ex parte contact. No Commissioners  
219 abstained and no Commissioner's participation was challenged by any member of the audience.

220

221 **Mr. Marquardt** presented the staff report via PowerPoint summarizing the proposed Electronic  
222 Sign Code Amendments, the public outreach done for the amendments, comments received,  
223 and key issues for the Commission's consideration.

- 224 • The two key objectives being sought in the amendments were to make an allowance for  
225 electronic display signs in limited areas of downtown and to limit the size of electronic  
226 display signs in commercial and industrial areas outside of downtown.
- 227 • The proposal limited the size of electronic display signs downtown to the lesser of 25%  
228 of the sign face or 20 sq ft in size, and electronic displays would only be allowed along  
229 McLoughlin Blvd in downtown and as part of a larger sign face.
- 230 • The regulations limited the size of an electronic display sign in commercial and industrial  
231 areas to the lesser of 25% of the sign face or 50 sq ft in size; electronic displays would  
232 be allowed only as part of a larger sign face.
- 233 • Limitations were placed on the rate of change of electronic display signs; a sign 20 sq ft  
234 or less could change no more than once every 15 seconds; signs larger than 20 sq ft  
235 could change copy no more than once every 3 hours.
- 236 • An electronic display sign could not cause illumination more than 0.3 footcandles above  
237 ambient light. The point from where this was measured was closer for smaller signs and  
238 further away for larger signs. Additionally, a clause would allow the Planning Director to  
239 decrease the illumination of a sign if it were found to be unduly distracting or causing a  
240 hazardous situation. The illumination of signs greater than 100 sq ft with external  
241 illumination needed to be oriented downward.

- 242 • He noted that staff amended the language of the proposed Code Amendments in response  
243 to the comments received, which were included in Attachment 5. Key issues from the  
244 feedback received regarded hold times and electronic display area size limits.
- 245 • Staff believed the hold times could be decreased without really affecting the purposes of  
246 the regulation. The recommendation put forward for discussion by the Commission was  
247 to have 20 sq ft and smaller signs remain at the change limit of once every 10 seconds,  
248 and the change limit for larger signs be reduced to 2 minutes.
  - 249 • One purpose of the size limitations was to limit the distraction or "attention gettingness"  
250 of electronic display signs. Also, many commercial and industrial areas were close to  
251 residential areas, so aesthetics were a consideration with large electronic display signs  
252 in proximity to residential areas. How large could such signs be before they impacted  
253 residential areas? The middle ground seemed to be allowing 50% of the total sign area  
254 to be electronic display sign without a 50-sq ft cap, which was a fair consideration for the  
255 Commission to discuss. However, the possibility of a 600-sq ft sign having a 300-sq ft  
256 electronic display sign needed to be considered, given the potential distraction and  
257 aesthetic issues.

258

259 **Commissioner Churchill** noted if a sign out of size conformance was allowed to do 25% of that  
260 sign electronic, the electronic area would be larger than normally be allowed. He asked if staff  
261 had considered that issue.

262

263 **Commissioner Fuchs** understood some part of the stationary portion would have to be  
264 replaced with the electronic portion, so the signage on the whole would not be any larger or they  
265 could add that to the already legal nonconforming sign.

- 266 • **Mr. Marquardt** responded it could be a nonconforming sign with regard to height for  
267 example, and if it were smaller than the area currently allowed, they could add that. Staff  
268 recognized that a nonconforming sign had rights as X amount of sq ft of sign area, and if  
269 an applicant wanted to do 25% of that area, up to the limit of 50 sq ft, that would be  
270 allowed.

- 271 • The requirements that would apply to all signs, whether existing signs permitted through  
272 the new Sign Code or older Sign Codes, related to the change in copy and the  
273 illumination for electronic display signs. All signs would have to comply with the change  
274 in copy regulations of the current Code regardless of when built. If a sign was brighter

275 than the current illumination standards allowed, it would need to come into conformance  
276 with the current standards.

277

278 **Commissioner Churchill:**

279 • Asked if the City was missing an opportunity to bring a sign closer into conformance by not  
280 requiring some movement be made toward compliance when a significant upgrade was  
281 done with electronics added to a sign.

282 • **Mr. Marquardt** responded that as far as the illumination and change in copy, the sign  
283 would be required to be in conformance. As far as making a sign come closer into  
284 conformance by going smaller or shrinking in height, the current Sign Code stated that if  
285 any sort of significant work was done to a nonconforming sign, it had to come into  
286 conformance with all of the standards. Being able to add an electronic display sign was a  
287 bit of a middle ground; the applicant could do this one activity without having to come  
288 into conformance with all the current standards. It was a fair point for discussion by the  
289 Commission.

290 • Work was considered significant when a sign was refaced or structurally altered in  
291 some fashion. It was not based on a dollar amount or percentage.

292 • He clarified the sunset period for legal nonconforming status was 10 years citywide.

293 • **Ms. Mangle** added the Sign Code had changed over time, so signs around town had  
294 probably reached the sunset period, but the City had not been enforcing it.

295 • Noted that with an ADA compliance issue, a certain percentage of the construction cost  
296 would go toward ADA compliance. Had staff considered the valuation of the change of the  
297 sign; that a certain amount of the money spent should go toward compliance?

298 • **Ms. Mangle** responded this was a specific request by some Commission members to  
299 encourage transition to a more sustainable energy source. She agreed it was giving  
300 away some of the enforcement or regulatory tools the City usually would use to bring  
301 someone toward compliance. It was deliberately more of a middle ground because LED  
302 lighting was so much more energy efficient than probably what was already being used,  
303 which was often an internal cabinet sign. The valuation issue could be discussed further.

304

305 **Commissioner Fuchs** asked if any examples were available to show what a 20- or 50-sq ft  
306 sign looked like; it was difficult to imagine what a 20- or 50-sq ft sign would look like driving  
307 down 32<sup>nd</sup> Ave or Hwy 224. A 50-sq ft sign sounded larger than it might look if it was 50 ft away.

308 • **Chair Batey** noted some examples in Attachment 4 listed the square footage.

309       • **Mr. Marquardt** stated that doubling the size of the '76 Station sign would be roughly 50  
310           sq ft. At an earlier worksession, a 50-sq ft sign was taped off on the back wall to illustrate  
311           the size. He believed standard billboard sizes were 200, 400 and 600 sq ft.

312  
313 **Commissioner Stoll** asked if other billboard size limitations currently existed along McLoughlin  
314 Blvd and Hwy 224.

315       • **Mr. Marquardt** answered 'yes.' Roof signs and freestanding signs were limited based on the  
316           amount of frontage a property had along McLoughlin Blvd. Wall signs were limited by the  
317           amount of area on the size of a wall. Staff was not proposing to change any of those  
318           standards.

319       • He explained that a freestanding billboard was allowed 1½ sq ft for the first 100 ft of street  
320           frontage, and after that, 1 additional sq ft was allowed for additional frontage, up to a  
321           maximum of approximately 250 sq ft.

322  
323 **Commissioner Gamba** asked if staff had a copy of law recently passed by the State regarding  
324 signage and if the City was allowed to override a State standard as long as the City's standard  
325 was more stringent.

326       • **Mr. Hall** responded that depended on exactly how it was worded by the State. If the State  
327           intended to occupy the entirety of the field, then Commissioner Gamba was correct. If the  
328           State just did a regulation and left authority to the local government to legislate more or less  
329           restrictively, then the City could exceed the State standard.

330       • **Mr. Marquardt** did not believe the recently adopted State regulations stated anything  
331           specifically about sign sizes. The State was looking at whether the sign was an outdoor  
332           advertising sign and whether compensation was received by the sign owner. Some  
333           standards about illumination and the spacing between signs were also included, but he did  
334           not see anything about sizes particularly. As he read it, the City was free to have its own  
335           sign size regulations.

336  
337 **Commissioner Churchill** stated in reference to 5.1 Page 34 regarding illumination, he  
338           applauded the fact that they were talking about 0.3 footcandle over ambient light, which was  
339           probably appropriate. He asked if anyone had double-checked to see if the RE/MAX sign was  
340           achieving that footcandle level in its final adjustment.

341 • **Mr. Marquardt** responded the Code draft was still fairly new, so staff had not checked that  
342 yet. Under the Code as proposed, that sign would be subject to the 0.3 footcandle under  
343 both the State and local rules.

344  
345 **Commissioner Gamba** noted that if they took the same sign at the same setting and put up a  
346 picture that was essentially white versus another that was browns and greens, the footcandles  
347 coming off the sign would be drastically different.

348  
349 **Commissioner Churchill** stated that at that level of sophistication, a sign had a way to self-  
350 monitor itself, in theory, with something like a self-adjusting light sensor. His understood that  
351 some early LED signs, such as the Big 5 Sporting Goods signs, did not have that self-adjusting  
352 capability. He asked how staff would deal with compliance on that issue.

353 • **Mr. Marquardt** stated that was a good point. He was not sure when the brightness adjusting  
354 technology had been implemented.

355  
356 **Chair Batey:**

- 357 • Asked if the shielding requirement would be applied to existing signs.
- 358 • **Mr. Marquardt** answered no, adding that all signs must comply with Subsection  
359 14.28.020.A.4 on 5.1 Page 35, regardless of when the sign was installed. He reviewed  
360 the subsections as follows:
- 361 • Subsection 14.12.020.A prohibited moving signs and changing signs that revolved  
362 more than once every 10 seconds.
  - 363 • Subsections 14.12.020.C and D addressed pendants, banners, and balloons.
  - 364 • Subsection 14.12.020.R prohibited certain types of messages on electronic display  
365 signs, such as things that were flashing, scrolling, etc.
  - 366 • Subsection 14.24.021.G.1 was specific to the illumination of electronic display signs.
- 367 • Clarified that the comments received from Mike's Drive-In were the letter from Todd  
368 Freeman stamped September 9, 2011.

369  
370 **Ms. Mangle** stated that two letters had been received regarding the application after the  
371 meeting packet was prepared. The letters from Todd Freeman, dated September 1, 2011, and  
372 from Anthony Enders, dated September 13, 2011, were entered into the record and had been  
373 distributed to the Commission.

374

375 **Nabil Kansa, 10966 SE McLoughlin Blvd, '76 ConocoPhillips Station**, stated that as a  
376 property owner, he supported the changes and the device policy, which he believed was a fair  
377 solution to the ongoing changes in technology as far as LED signs. He supported the  
378 Commission, and thanked Mr. Marquardt, Ms. Mangle, and Jim Crawford who had helped them  
379 during the ordeal over the past year and a half.

380

381 **Melissa Hayden, Security Signs, 2424 SE Holgate Blvd, Portland**, stated one of the letters in  
382 the packet was from her. She supported the proposal, but had some comments about tweaking  
383 the Code language.

- 384 • The brightness standards were a fantastic change. Expanding electronic message centers  
385 (EMC) into the downtown area was a great change. Taking the LED illumination away from  
386 the Code about LED matrixes from a changing image feature was fantastic. She fully  
387 supported all of these changes in the Code.
- 388 • She was glad that she was not the only one who thought a 3-hour hold time on a message  
389 center was a bit excessive to reduce traffic accidents.
  - 390 • On a billboard, ODOT restricted it to 8-second hold time. Washington County and the  
391 City of Vancouver restricted it to 4 seconds. Two minutes was still pretty excessively  
392 long when considering the number of cars passing and the speed they were traveling. If  
393 the idea was to keep one car from seeing the sign change once, a 10 to 15 second hold  
394 would follow that, unless there was a huge traffic jam. Under standard driving conditions,  
395 people only saw a sign for 5 to 10 seconds. Woodburn Company Stores had a huge  
396 message center with only a 4-second hold, and the sign did not appear to be flashing  
397 when driving by at 70 mph on the freeway.
- 398 • Regarding sign area limitations, percentages were a great way to limit the size of the  
399 message center, because it forced people to build an even larger sign, and raised budget  
400 considerations.
  - 401 • She suggested that the electronic display sign percentage limit be increased to at least  
402 50% of the total sign. Clackamas County, the closest jurisdiction with percentage  
403 restrictions, was at 80%. She encouraged the Commission to let the sign itself restrict  
404 the allowances for the message center.
- 405 • They should consider expanding the use of electronic message centers and nonconforming  
406 uses in residential zones, which usually translated to churches and schools that tended to  
407 really need this kind of outreach to the community. It was a great way to connect with

408 parents and the community at large. Often schools were in residential zones, and the  
409 current Sign Code standards showed signs as being nonilluminated only.

410

411 **Chair Batey** asked if their company did billboards as well or only electronic signage.

- 412 • **Ms. Hayden** responded 'no'; her company did onsite advertising. From her  
413 understanding, billboard sizes were in the 300 to 600 sq ft range.

414

415 **Commissioner Churchill:**

- 416 • Asked if the newer technology had illumination control.

- 417 • **Ms. Hayden** responded that most current signs had an eye to read the ambient light,  
418 because it was easier to read if it was not too bright or too dim. She guessed that signs  
419 like Big 5 would probably still have a control mechanism, but something like Rick's  
420 Custom Fencing probably would not have that control, because it was probably an old  
421 incandescent bulb system.

- 422 • Asked if LED signs mostly had illumination controls.

- 423 • **Ms. Hayden** responded it depended on the sign. They had been pushing illumination  
424 control on the sale side for the last two years at least. She suggested possibly  
425 grandfathering in some of the older signs without the eye. Signs should be set up to dim  
426 to ensure readability.

- 427 • Noted the safety question involving hold times or churn rates and asked if there was an  
428 unacceptable churn rate from a business perspective aside from the safety issues.

- 429 • **Ms. Hayden** responded they would not want the sign to flash too quickly, because it took  
430 a second or so to understand a message. They did not recommended scrolling  
431 messages or signs that flicker and flash, because signs should be welcoming and  
432 readable as opposed to garish.

- 433 • Regarding hold times, enough time was needed for someone to be able to read and  
434 understand the message and then move on. Noting the 3-hour hold time, she stated that  
435 signs should definitely rotate and have multiple messages to reach different commuters  
436 throughout the day, including drivers when they go and when they return. Allowing signs  
437 to change every 4 seconds provided multiple tenants with equal advertising time, a 3-  
438 hour limit really restricted what could be on the sign.

- 439 • Had seen some signs along I-5 in Washington State recently that flashed and churned much  
440 faster than that.

- 441 • **Ms. Hayden** said she favored the 4-second hold time across the board and billboards  
442 that are 8 seconds, so anything in that range, they could definitely live with, but when it  
443 started being counted in minutes, they became concerned. There was also the  
444 enforcement issue when different signs had different churn rates.

445  
446 **Commissioner Fuchs** said she was concerned about a message changing every couple of  
447 seconds if the electronic sign was on a local street or neighborhood route directly across from a  
448 residence. If the message was changing so fast, it could cause a disturbance, especially at  
449 night. She asked if it would be preferable to specify that the sign be turned off at a certain point  
450 during the evening when people were trying to sleep and there might be glare across the road.

- 451 • **Ms. Hayden** responded if a sign's message was glaring directly at an apartment complex  
452 across the street, the sign had been placed in the wrong spot. A sign placed perpendicularly  
453 across the street would not give the full effect as if it were on that road. If there were  
454 complaints, nearby signs could have a nighttime sunset or a hold time throughout the  
455 evening.

456

457 **Commissioner Churchill:**

- 458 • Asked for an explanation of the business model behind the churn rate of EMCs. The  
459 Commission did not want to create a regulation that impinged on that model.
- 460 • **Ms. Hayden** responded that an EMC was definitely an investment as it was an  
461 expensive piece of equipment. When looking at a business that might want one, they  
462 looked for traffic patterns and volume. They wanted as many eyes as possible to pass  
463 by the sign and wanted to bring something people might not know about a certain  
464 business to the street. This was vastly different from a static permanent sign. Being able  
465 to change a business' image frequently provided a lot more flexibility when advertising.
- 466 • Stated an example would be the Woodburn Company Stores. If there were 100 stores and it  
467 were flipped 100 times to get through the whole cycle, was that really what they were  
468 looking for?
- 469 • **Ms. Hayden** stated she has stood and watched all the coupons flash through in the  
470 Woodburn parking lot, and might go to a store she had not originally intended. They  
471 were not trying to get every single person to see their image, but by doing the 4-second  
472 hold, they guaranteed about 12% of the people were seeing that particular image at one  
473 time, which was enough. Such signage was important for businesses that might not



474            have street frontage, or might have things to sell that people did not necessarily  
475            associate with them.

- 476    • Asked if there was an ideal image flip rate when an EMC was sold.
- 477        • **Ms. Hayden** stated that would be a great question for Techtronics.
- 478    • Assumed a business would expect a certain number of churns a day or so much airtime. If a  
479    hundred messages flipped every 4 seconds that was one thing, but if it was 100 images  
480    every 3 hours, it was another thing.
- 481        • **Ms. Hayden** stated it was usually on repeat so that 5 to 10 images were flipped  
482        throughout the day, like a rotating slide show. Her customers did not try to have 50  
483        slides and having to create the specific advertising content was a bit of a deterrent.  
484        Competing against 50 different slides would not be worth it for a business versus only  
485        having 9 other slides. The key was to have the message appear regularly.

486

487    **James Carpenter, Mesa, AZ**, stated he was appearing on behalf of the International Sign  
488    Association and Northwest Sign Council, which was very active in legislative issues throughout  
489    the State and the northwest. The International Sign Association (ISA) had about 29 members in  
490    the state. He applauded staff for coming up with a lot of good content in the draft Code and had  
491    crossed off two of his recommendations with the additions made by staff with the illumination  
492    changes incorporating ISA recommendations, as well as the shielding.

- 493    • He asked the Commission to consider two additional recommendations:
  - 494        • In his opinion, a 2-minute change rate rendered the technology essentially useless.  
495        Because of the investment involved, a change rate of 2 minutes was pretty onerous.  
496        Many reputable entities, including the Virginia Tech Transportation Institute and Federal  
497        Highway Administration, had done studies which concluded that electronic message  
498        displays were not hazardous. Every state had adopted change rates in the range that  
499        the ISA and Sign Council were suggesting, which was 10 seconds, and the current rate  
500        in the City's Sign Code. He recommended the City maintain the 10-second change rate  
501        regardless of size.
  - 502        • The 50% figure was very reasonable regarding the area limitations and he  
503        recommended that percentage be adopted. Having some additional square footage  
504        would give the business owners a bit more flexibility to convey their messages,  
505        especially on smaller signs.

- 506 • One of the most important things that needed to be regulated properly with electronics was  
507 illumination. Having illumination nailed down with a reasonable regulation would allow the  
508 sign to be properly seen and would eliminate many other issues.
- 509 • With a reasonable change rate, the sign would function and work really well, and the issues  
510 that some communities have where the change rate was not properly regulated would be  
511 avoided.

512

513 **Chair Batey** noted Mr. Carpenter's recommendation and letter did not cite any actual studies  
514 regarding safety and asked if he had any specific studies. She had found a 2009 Federal  
515 Highway Administration (FHA) Study that was essentially a literature review of all the studies  
516 and she had provided that to staff and the Commissioners for the record. That 2009 document  
517 concluded that no good study had been conducted either way in terms of the distraction rate  
518 from the change of electronic signs, and actually chartered further studies, which were ongoing.

- 519 • **Mr. Carpenter** responded it was true there was no conclusive evidence in that FHA study  
520 and a pending FHA study existed. The important words were danger versus distraction.  
521 Distraction was not a hazard; danger could result in death. He recalled a presentation on  
522 this issue involving billboards that showed green as being safe and red as being danger;  
523 electronic signs were in the green part and texting at 4 seconds was at the edge in the red  
524 zone, indicating extremely dangerous. It was important to note they were not talking about  
525 something that was a hazard and dangerous that would kill people. If it did then no state  
526 would be allowing electronic signs with reasonable change rates of typically less than 8  
527 seconds. Danger was not the issue, but what the community felt comfortable with and what  
528 would work well in the community.

529

530 **Commissioner Stoll:**

- 531 • Cited Mr. Carpenter's comment about a 2-minute change rate making the sign useless and  
532 stated the RE/MAX sign really bothered him the most.
- 533 • Noted if 10 customers' messages changed every 3 minutes, they would appear twice an  
534 hour. If those same 10 customers' messages flipped every 10 seconds, they would still  
535 divide the hour evenly between them, and the sign company could still service 10  
536 customers. He was not sure how a 2- or 3-minute hold time was detrimental given the  
537 messages were recurring.
- 538 • Was concerned that with a shorter display time, if 6 electronic signs were along McLoughlin  
539 Blvd, the messages could change at different times so that suddenly there was a lot of

540 motion, maybe not on an individual sign, but taken as an aggregate. With all the signs  
541 changing every 4 to 8 seconds, there would be a lot going on and it did become a  
542 distraction.

543 • **Mr. Carpenter** responded he had heard that concern a lot. However, in all the cities he  
544 had worked, including Phoenix, which has had electronic regulations for a while, he had  
545 not seen row upon row of signs flashing in any community.

546 • Asked if he had been down I-5 in LA lately.

547 • **Mr. Carpenter** responded 'no,' but he did not think they were looking at that here. From  
548 a business perspective, the 2-minute change rate was overly restrictive and did not  
549 really allow proper use of the technology. He was not saying they should be flashing or  
550 changing with no regulations, but many communities had adopted a reasonable change  
551 rate, which was much less than 2 minutes.

552

553 **Commissioner Churchill:**

554 • Asked at what point the change time restricted the technology so much that it affected the  
555 business viability of the sign. He had heard 4 seconds was desirable but that was quite a  
556 churn rate.

557 • **Mr. Carpenter** responded the current range was pretty reasonable. Anything more than  
558 that took away from the opportunities to advertise and would take away money from  
559 business.

560 • Asked if customers expected a certain number of showings in a minute based on their  
561 contracts, for example. Was that how the business side was structured?

562 • **Mr. Carpenter** responded it was not so much that aspect. Anything done from a  
563 regulatory standpoint that went above and beyond something reasonable, and 15  
564 seconds was very long, with no real safety basis would result in not allowing a business  
565 to utilize the technology and restricted what they could advertise.

566 • The Small Business Administration (SBA) estimated that the additional revenue these  
567 signs could generate was huge, from 5% to well beyond 100%. What the Commission  
568 did on this issue would affect the economy of every business. If the change time was 2  
569 minutes, there would clearly be a benefit, but it would be substantially less. A shorter  
570 change time would bring greater benefits.

571

572 **Commissioner Gamba:**

- 573 • Asked when referencing business, if was he talking about the company that owned the  
574 billboard or the businesses advertising on that billboard.
- 575 • **Mr. Carpenter** responded he represented the on-premise industry, not off-premise or  
576 billboards.
- 577 • Explained that off-premise was similar to the sign in the North Industrial Area where Clear  
578 Channel owned the billboard and ran ads for 30 other companies.
- 579 • **Mr. Carpenter** confirmed that of the signs displayed by staff, the ISA and Sign Council  
580 did not represent the owners of the RE/MAX sign, but represented those with the other  
581 signs placed on their sites.
- 582
- 583 **Dan Dhruva, Clear Channel Outdoor**, stated although he checked the box stating he was in  
584 opposition, there were more in the amendments that Clear Channel agreed with than they  
585 opposed.
- 586 • He noted the letter he had submitted to the Commission, stating the major points they were  
587 opposed to were the change rate and the percentage of the sign that could be used for LED.
- 588 • He concurred with most of Mr. Carpenter's testimony about the change rate being very  
589 prohibitive for a business. The same held true for outdoor advertising companies like Clear  
590 Channel Outdoor; anything more than 8 to 10 seconds made advertising prohibitive.
- 591 • He described the business model with these comments:
- 592 • As mentioned, ODOT recently amended its State regulations so that more LEDs would  
593 now be available to the public and for outdoor advertising signs to be built on State  
594 routes. ODOT's 8-second change rate was uniform with the industry standard across the  
595 country.
- 596 • The way contracts worked with advertisers was that typically, if the rate was 8 seconds,  
597 there were 8-second slots, so as many as 8 advertisers would be on a display unit,  
598 resulting in all 8 advertisers being shown in 64 seconds.
- 599 • He clarified that Clear Channel did not operate the RE/MAX sign. They had only 2  
600 billboards in the city of Milwaukie, one on McLoughlin Blvd and one on Hwy 224. He  
601 believed the RE/MAX sign operated under the same premise, but with 6 advertisers  
602 having 6-second spots and currently one advertiser had all 6 slots.
- 603
- 604 **Commissioner Gamba** stated if advertisers took 10, 8-second slots, that was 80 seconds worth  
605 of viewing. What was the difference in having those up for 80 seconds and then not again for  
606 another 3 hours or having the message up for 8 seconds every 64 seconds?

607       • **Mr. Dhruva** responded the difference would be the expectations from the advertisers,  
608       who would want to see more frequency during high traffic times, such as rush hour, than  
609       being broken up into 1 hour a day split amongst 24 advertisers that each had an hour in  
610       a 24-hour period and someone had the 2:00 to 3:00 am slot. That rationale would be  
611       applied to the 2-minute versus 8-second hold time. He confirmed that hold times were  
612       driven by the advertiser.

613

614 **Commissioner Stoll** commented that with a 1-minute hold time and 10 clients on a sign,  
615 everyone would get rush hour time and nonrush hour time.

616

617 **Mr. Dhruva** replied that currently no billboard in the country operated like that under Clear  
618 Channel Outdoor, and they had 1,400 to 1,500 displays nationwide. It did not necessarily fit with  
619 Clear Channel's model; he did not know if that was practical or not.

620       • He continued his discussion of the business model stating that with the passing of SB 639  
621       and changes to the State regulations, a few more LED signs would be going up on State  
622       routes. The idea was to sell those as a network, so one person could be in Milwaukie on an  
623       8-second slot and in Hillsboro, Salem, and Washington County on an 8-second slot. The key  
624       component to the network was the ability to use the LED technology for emergency  
625       response as well as public service announcements, such as AMBER Alerts, earthquakes,  
626       and criminal warnings.

627

628 **Commissioner Fuchs** asked what percentage of Clear Channel's signs with electronic  
629 readerboards currently had a contract/agreement that AMBER Alerts could be posted on them.

630       • **Mr. Dhruva** stated that Clear Channel was obligated by the new State code to provide that  
631       service to the Roadside Travel Council and the State for emergency response services. The  
632       changes would become effective on September 27.

633       • The signs on tribal property in Washington State had flashing, full motion signs that are  
634       completely unregulated. This was exactly opposite of what Clear Channel proposed and  
635       how it operated LED billboards, which were static with 8-second changes.

636       • Clear Channel did not operate any of the units in Washington, as it was not their  
637       business model. Clear Channel played a large role in the new ODOT standards,  
638       indicating that its standards complied with other states across the country.

639       • Clear Channel did not operate any billboards that were not 100% LED. He represented a  
640       billboard company, and for their medium to be effective and in demand from advertisers, the

641 sign face had to be 100% LED. The State of Oregon differentiated compensation and non-  
642 compensation as far as if the property owner received compensation for the sign sitting on  
643 their property. Clear Channel did not operate any non-compensation signs. He confirmed  
644 that although Clear Channel did not operate the RE/MAX sign that was the type of sign they  
645 operated.

646

647 **Mr. Dhruva** continued his discussion of the business model and testimony with these additional  
648 comments:

- 649 • A big driving force behind these amendments was the concern about safety and distraction.  
650 A study had been done for the State Legislature on the LEDs in the city of Salem that have  
651 been there for 5 years. The study proved that no statistical correlation existed between  
652 traffic accidents and LED technology. Based on that fact, there was no need to limit the  
653 percent of a sign face converted to LED.
- 654 • It sounded like there was a new LED sign in Milwaukie that was not anything anyone had  
655 seen before, and there was concern over that being a distraction and safety issue.
  - 656 • If the Commission reacted too quickly without looking deeper into the factual analysis,  
657 they would be cutting Milwaukie off from the very beneficial aspects of a state network of  
658 LEDs that Clear Channel would bring in terms of public service, AMBER Alerts, and  
659 emergency response. He offered to provide the study to the Commission by e-mail and  
660 implored the Commission to look at that study as well as what was just done in the State  
661 Legislature. If it was good enough for the FHA, the State of Oregon, City of Hillsboro,  
662 City of Salem, and a handful of other jurisdictions, there was no need for Milwaukie to  
663 go above and beyond that and be more prohibitive because of their concern about safety  
664 issues when there were none.
- 665 • As noted, Clear Channel only operated two billboards in the city of Milwaukie and both were  
666 legal nonconforming. The two standardized billboard sizes in the industry were 14x48, or  
667 672 sq ft, and 12x25 or 300 sq ft. Clear Channel's goal was to convert at least one of the  
668 two existing legal nonconforming signs to an LED face.
  - 669 • In the new State Code changes, conversion of a sign to an LED face required removal of  
670 another sign structure. In this case, assuming the concept of nonconformity was to have  
671 the use eventually go away, they could be talking about converting one of the two signs  
672 and removing the other sign, which would result in a 50% reduction in nonconforming  
673 uses.

- 674 • He explained that the sizes of both signs made them nonconforming; both were 672 sq ft.  
675 The rooftop sign at 14x48, or 672 sq ft, was allowed because under the current Code,  
676 rooftop signs had no size limit if the site qualified with the appropriate frontage. Clear  
677 Channel's structures were freestanding structures.
- 678 • As he read the State amendments, 100% of the existing 672 sq ft nonconforming sign  
679 structure could be converted to, or simply swapped out, with LED technology.

680

681 **Chair Batey** called for additional comments from staff.

682

683 **Mr. Marquardt** stated that staff agreed with Ms. Hayden's comments about the community  
684 service use and nonconforming uses within residential zones and saw the need for schools and  
685 religious institutions to have electronic readerboard signs. He suggested delaying this item until  
686 the Sign Code could be reviewed further because some outreach would be needed to the  
687 neighborhoods. They did not want to hold up the Code project to go out and do outreach and  
688 that matter had not been addressed in the subject amendments. Ms. Hayden had volunteered to  
689 help the City with the list of Sign Code issues that the Commission and staff wanted to address.

- 690 • Regarding the required dimmer for LED signs, language could be written that if a sign did  
691 not have a dimmer, it would not necessarily have to comply with that requirement. A  
692 provision in the proposed Code amendments would require dimmers for all new LED and  
693 electronic display signs.
- 694 • The Code also prohibited scrolling, flashing, and moving or video text.
- 695 • Regarding sign area sizes, a distinction might need to be made between signs downtown  
696 and those in the commercial and industrial areas of the city. There might be a point to  
697 having smaller sign sizes or some caps in the downtown area because of the scale of the  
698 downtown blocks and lot sizes. It was unlikely someone could get a large sign downtown,  
699 but in case that was possible, it would be more detrimental aesthetically to have a very large  
700 sign in the downtown area than it would be elsewhere.

701

702 **Ms. Mangle** noted the discussion seemed to focus more on the McLoughlin Blvd/Hwy 99E  
703 corridor. She asked that the Commission also consider other areas like Hwy 224, especially as  
704 it passed alongside the northern edge of the Lake Rd neighborhood, which kind of sat up on a  
705 hill and had many properties that would see signs, especially bigger, brighter ones.

706

707 **Commissioner Gamba:**

- 708 • Asked how a readerboard sign that was too bright based on the new standards would be  
709 addressed if readerboard signs were not required to have a dimmer.
- 710 • **Mr. Marquardt** replied it might not be fair to hold signs that currently did not have  
711 dimmer switches to the current illumination standards if they did not meet them. The idea  
712 was to put in some sort of exemption for existing signs without dimmers. All new  
713 electronic display signs would require a dimmer.
- 714 • Asked if it was possible to add a dimmer to an old sign.
- 715 • **Mr. Carpenter** responded probably not; however, most signs probably had the ability to  
716 adjust manually, if not with an automatic sensor. Some units did not have that  
717 technology, and those were probably coming from China. The automatic dimmer was  
718 pretty standard in all electronic signs manufactured in the USA, and if it were not part of  
719 the sign, it was certainly an option.

720

721 **Commissioner Stoll:**

- 722 • Noted Mr. Carpenter's letter stated that he supported the 50% limitation on the electronic  
723 portion of the sign.
- 724 • **Mr. Carpenter** responded he agreed with the 25% limitation for downtown.
- 725 • Noted that Clear Channel's business model was for signs that were 100% electronic.
- 726 • **Mr. Carpenter** responded that clearly the 100% was how the entire outdoor industry  
727 operated, without a limitation because that was how they were built. On-premise was an  
728 entirely different animal and could accommodate the range from 25% to 80% of the sign  
729 area. It was hard to compare the two.
- 730 • He wanted to make clear that he supported 25% for downtown and 50% for the other  
731 commercial and industrial zones.

732

733 **Chair Batey:**

- 734 • Stated she liked Comprehensive Plan Objective #13, which was included in Exhibit A of  
735 Attachment 1 on 5.1 Page 13.
- 736 • **Ms. Mangle** noted Objective #11 on 5.1 Page 12 more generally addressed signage in  
737 commercial areas.
- 738 • Agreed with Ms. Mangle's point about Hwy 224, where residential areas were more adjacent  
739 than on McLoughlin Blvd.

740

741 **Chair Batey** closed public testimony on ZA-11-02.



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The Planning Commission took a brief recess and reconvened at 8:57 p.m.

**Chair Batey** noted the issues for Commission discussion included change rate, maximum size, and electronic area percentage for downtown and outside downtown.

**Commissioner Fuchs:**

- Was concerned about the maximum square footage allowed for the electronic portion of the sign based on the commercial and industrial areas that allow it. There seemed to be no differentiation between what was allowed on Hwy 224 and Johnson Creek Blvd, for instance, and internal commercial areas with a 7-eleven- type business internal to a neighborhood on a local street or a neighborhood route. A sign with frontage on Hwy 224 and a sign with frontage on a local street should not be able to have the same exact sign.
  - **Mr. Marquardt** responded the zones being discussed were Commercial Limited, General Commercial, and Community Shopping Commercial, which was found on Hwy 224; General Commercial was found at 42<sup>nd</sup> Ave and King Rd; Limited Commercial was along 32<sup>nd</sup> Ave, in the Ardenwald neighborhood and a few other areas downtown. Generally, the same amount of frontage would not be seen because of the smaller lot sizes.
- Asked what the maximum allowable signage was for convenience stores on 42nd Ave.
  - **Mr. Marquardt** responded for a freestanding sign, signage would be based on the amount of street frontage. For those properties, the street frontage was about 50 ft, so multiplied by 1.5 sq ft would result in a 75-sq ft sign.
  - **Ms. Mangle** clarified there were many issues with the Sign Code that were deliberately not being tackled with this project. They were important to consider in evaluating this proposal, because the categories were very broad and tied to the frontage as opposed to an outright limit. Much in the existing Code was not satisfying, including how sign sizes were calculated.

**Chair Batey** stated they had discussed in worksessions whether McLoughlin Blvd and Hwy 224 were the only places they had to worry about the proliferation of large signs. She had brought up King Rd, but Johnson Creek Blvd also had some big properties and some were across from a residential neighborhood.

776 **Commissioner Fuchs** stated that without being able to see a picture perspective of what a 50-  
777 sq ft electronic sign would look like on 42nd Ave or 32nd Ave, her main concern with all the  
778 regulations was differentiating between the signage allowed in different areas.

779

780 **Commissioner Churchill** noted Providence Hospital was also a large parcel.

- 781 • **Ms. Mangle** clarified that Providence Hospital was not a commercial zoned property but a  
782 community service use, but the point was taken that many large parcels existed that would  
783 affect sign sizes.

784

785 **Commissioner Stoll** wanted to revisit why they needed to limit the amount of the sign that  
786 could be electronic. Clear Channel's model would be totally out with 100% electronic signs. If  
787 other limitations existed for size and illumination, why would they be against having 100%  
788 electronic signs in most applications, downtown or otherwise? A 100% electronic sign was not  
789 such a bad thing, especially if the churn rate was limited to something like 2 minutes. Rapidly  
790 changing messages resulted in visual pollution. Sign code was to reduce visual pollution, and  
791 he was trying to determine how that would work by not allowing a 100% electronic sign.

792

793 **Chair Batey** stated the RE/MAX sign had generated a lot of concern by people in the city, and  
794 some people did consider it visual pollution. She suggested the Commission first address  
795 downtown electronic sign size limitations first.

796

797 **Commissioner Gamba** believed 25% worked great, and the industry agreed. Mr. Kanso was  
798 perfectly happy with that percentage. He inquired what the proposed change rate was for  
799 downtown.

- 800 • **Mr. Marquardt** replied the current proposal had a 15-second change rate if the sign was 20  
801 sq ft or less, which was the size most signs would be downtown. A few existing electronic  
802 display signs downtown would fall under that rate change, but new signs would all be 20 sq  
803 ft or less.

804

805 **Commissioner Fuchs** confirmed the proposed amendments would only allow electronic signs  
806 on the McLoughlin Blvd frontage downtown, and that the existing signs would become legal  
807 nonconforming. Their frame rate and brightness would be subject to the new Code, but not their  
808 size.

809

810 The Planning Commission agreed the Code should require a 25% electronic display with a 20-ft  
811 maximum and a 15-second change rate as drafted.

812

813 **Chair Batey** called for discussion about signage requirements outside of downtown.

814

815 **Commissioner Gamba** believed people were pushing limits as far as percentages because  
816 people were trying to stop electronic display signs altogether. The complaints he personally  
817 fielded about the RE/MAX sign when it went up was that people did not want billboards in  
818 Milwaukie, let alone LED billboards. He understood more billboards/electronic signs were  
819 coming.

820 • **Ms. Mangle** noted that another sign had been built, one more had been permitted and  
821 would be built, and staff received another inquiry.

822 • She confirmed that offsite signage was allowed everywhere in Milwaukie. The City did not  
823 deal with the content, only objective features like size, brightness, etc.

824

825 **Chair Batey** stated she was perfectly happy with the current draft of 50-sq ft or 25% of the sign  
826 face. She was also convinced that without the 100%, the long, 3-hour change rate was not  
827 needed; the Commission could be more flexible and go to 2 minutes or 1 minute.

828

829 **Commissioner Fuchs** agreed 3 hours was a bit excessive and that the 1 or 2 minute change  
830 rate suggested earlier was okay. Without more information, a maximum of 50-sq ft electronic  
831 sign on a low-level classification road internal to a residential neighborhood was excessive.

832

833 **Chair Batey** clarified the electronic portion could only be 25% of the maximum allowable sign  
834 size for that property; it would not necessarily be 50 sq ft.

835

836 **Commissioner Gamba** stated a 50-sq ft electronic display sign was possible. Precision Cast  
837 Parts on Johnson Creek Blvd was one example.

838 • **Ms. Mangle** stated the big sign on King Rd by the Safeway shopping center was an  
839 allowable size for that property; that sign could be placed on the south side of the property  
840 as well. The City allowed big signs.

841 • **Mr. Marquardt** noted the sign size had to get up to 200 sq ft before the 50-sq ft limit would  
842 kick in and be the more limiting factor.

843

844 **Chair Batey** understood a property was limited to one such sign, so if a property owner wanted  
845 a sign advertising their business, they would not be able do an outdoor advertising sign.

- 846 • **Mr. Marquardt** clarified someone could do a wall sign and a freestanding sign for example,  
847 and both could potentially have an electronic display sign component. As for the content, the  
848 City could not limit them from advertising other offsite items.

849

850 **Commissioner Fuchs** stated that without more information, it was hard to know what she  
851 would find acceptable. She believed changing the proposal to apply only on McLoughlin Blvd  
852 and Hwy 224 would be more appropriate in the absence of further discussion.

853

854 **Mr. Hall** stated the issue was what applied everywhere else. To address Commissioner Fuchs'  
855 concerns the Commission would need to expand the scope of the proposed amendment; they  
856 could not carve an exception without actually writing that exception. The Commission could not  
857 say the Code applied only in a certain area, because then they would be excluding the rest of  
858 the city in the amendment they wanted to make.

859

860 **Chair Batey:**

- 861 • Asked to be directed to the language that discussed location.
- 862 • **Mr. Marquardt** quoted the language in 5.1 Page 18, Section 14.24.020.G, stating,  
863 “Electronic display signs are allowed in the Commercial sign district (Section 14.16.040),  
864 the Manufacturing sign district (Section 14.16.050), subject to the standards below.” The  
865 Manufacturing district included the Business Industrial and Manufacturing zones ,and the  
866 Commercial sign district included Limited Commercial, General Commercial, and  
867 Community Shopping Commercial zones.
- 868 • Suggested dropping the language “allowed in the Commercial sign district” and just state,  
869 “Manufacturing sign district.”

870

871 **Commissioner Fuchs** responded because then the Commercial sign district could have more  
872 of an unlimited regulation if no regulation was adopted.

873

874 **Chair Batey** understood the language to say where they were allowed.

875

876 **Commissioner Gamba** said they were already allowed, because they were not disallowed.

877

878 **Mr. Hall** stated if the Commission passed the rest, they would not already be allowed. The issue  
879 Commissioner Fuchs raised regarded adjacency to residential neighborhoods and the type of  
880 street and frontage the signage was on versus taking out entire districts. He did not know if  
881 removing the Commercial sign district would meet the same issues being raised.

882  
883 **Ms. Mangle** stated staff would be happy to do some analysis and return with a full discussion if  
884 the Commission wanted staff to explore the issue. The question had not been asked before.

885  
886 **Commissioner Gamba** said he did not think it would be a problem based on the testimony  
887 received. If a billboard type sign could not be 100%, Clear Channel certainly would not put up  
888 anything and presumably neither would their competition. They did not want an electronic  
889 display that was half or a quarter of a sign's size. The language already limited that so if left as  
890 proposed, the Code would essentially stop electronic billboards period.

891  
892 **Commissioner Fuchs:**

- 893 • Clarified that she did not disagree with the entire submission, but perhaps an amendment or  
894 revision that was a bit more restrictive on lower classification roads should be made for  
895 businesses not fronting onto a major arterial or collector. She did not know why changing  
896 anything prevented the Code from being passed altogether.
- 897 • **Ms. Mangle** understood Commissioner Fuchs was requesting a bit more analysis to test  
898 what this would mean in that kind of commercial area, because they had been focusing  
899 much more on the highway side. Staff could return with analysis in two weeks, which  
900 might focus everyone on the potential changes. The question was whether those  
901 changes would fall outside the scope of work explained to the community. As mentioned,  
902 staff had not really been talking about church or school properties, so they did not want  
903 to add that now because they had not been talking to those property owners.
- 904 • Believed it was imperative to pass something more restrictive. They could work on anything  
905 they had questions about at a later date.
- 906 • **Ms. Mangle** stated staff was gearing up to do a project specifically on the 42<sup>nd</sup> Ave and  
907 32<sup>nd</sup> Ave commercial corridors to discuss the zoning and the Sign Code for those  
908 commercial areas specifically, starting in January.

909

910 **Chair Batey** agreed with Commissioner Gamba that with the exception of the area with the  
911 large properties along Johnson Creek Blvd, the 25% and 50 sq ft limitations would self-limit the  
912 signs.

913  
914 **Commissioner Fuchs** stated the only real concerns then were the Safeway and Johnson  
915 Creek Blvd properties.

916  
917 **Commissioner Gamba** wanted to make sure the Commission was clear that they wanted to  
918 stop electronic billboards in the city of Milwaukie, because that was what they were doing. The  
919 phone calls they received seemed to agree with that idea, but people did not call up to complain  
920 when they liked something.

921  
922 **Vice Chair Harris** stated he had received a call from City Councilor Joe Loomis, who said he  
923 liked it.

924  
925 **Commissioner Gamba** stated if the Commission did not want to stop electronic billboards, it  
926 should be at 100% because they were ridiculous otherwise. If they did want to stop them, this  
927 was a perfectly good law to do it.

928  
929 **Chair Batey** supported the proposed draft Code with the reduction to maybe a 2-minute change  
930 limit.

931  
932 **Vice Chair Harris** called for a discussion on reducing the change time.

933  
934 **Commissioner Fuchs** believed the 1 or 2 minutes mentioned before was reasonable. With a 3-  
935 hour change time, what was the point of having an electronic sign in the first place?

936  
937 The Commission consented to limit the churn rate for signs outside of the downtown to 2  
938 minutes.

939  
940 **Chair Batey** stated that the RE/MAX sign was a distraction for her because she watched to see  
941 when it changed. She asked if the Commission agreed with the proposed 25%, 50-sq ft  
942 electronic display size limitation outside of downtown.

943

944 **Commissioner Stoll** stated he would not have a problem with 50%. In looking at some of the  
945 signs for churches, etc., he could see 50% being reasonable.

946

947 **Chair Batey** stated she was not so concerned about the 50% versus 25%, but she would still  
948 want the 50-sq ft maximum.

949

950 **Commissioner Fuchs** said she was more worried about the total square footage than a  
951 percentage. She believed any more than 50% was going a bit too far, but anything less than  
952 50% was reasonable.

953

954 **Vice Chair Harris** stated 50% sounded good to him.

955

956 **Commissioner Churchill** stated that restricting it to 25% would result in signs more like the Big  
957 5 Sporting Goods store that had an electronic display strip that was more like a zipper, and not  
958 very attractive aesthetically. The church example was at 50% or 60% and was more balanced  
959 visually. He supported the 50% limitation.

960

961 **Chair Batey** added that one example showed a sign at 35%, which was reasonable.

962

963 **Commissioner Churchill** commented that when the RE/MAX sign initially went up, its  
964 footcandle adjustment was dramatically out of whack, but had been toned down a lot. Although  
965 he was not crazy about multiple electronic media floating up and down Hwy 224 or McLoughlin  
966 Blvd/Hwy 99E, the footcandle level had a huge impact and started the whole initial reaction.  
967 With the controls staff put together, they were headed down a better road than without the code  
968 amendments.

969

970 **Commissioner Gamba** stated that just to play devil's advocate, if the industry standard on the  
971 change rate was 8 seconds, what was the logic in having a faster frame rate for downtown than  
972 everywhere else?

973

974 **Commissioner Fuchs** stated that since the electronic sign would be bigger in the commercial  
975 and industrial zones, up to 50 sq ft, the idea was that the change rate should be slower.

976

977 **Commissioner Stoll** added the bigger the sign, the bigger potential distraction.

978

979 **Mr. Marquardt** noted the Commission changed Section 14.24.020.2.A from 25% to 50% of the  
980 sign face and Section 14.24.020.3.B from once every 3 hours to once every 2 minutes.

981

982 **Vice Chair Harris moved to recommend approval of File ZA-11-02 to City Council with**  
983 **amendments to Subsection 14.24.020.2.A, changing 50% from 25%, and Subsection**  
984 **14.24.020.3.B, changing the message change rate to 2 minutes. Commissioner Stoll**  
985 **seconded the motion, which passed unanimously.**

986

987 **Chair Batey** announced this decision was a recommendation to City Council who would make a  
988 final decision after a public hearing. Anyone interested could see Planning staff for details  
989 concerning the City Council hearing date and process.

990

991 The Commission continued to Agenda Item 7.0 at this time.

992

#### 993 **6.0 Worksession Items**

994 This item was taken out of order.

995 6.1 Summary: Kellogg Bridge Story Pole discussion

996 Staff Person: Susan Shanks

997 This agenda item was addressed following Item 4.0 Audience Participation.

998

#### 999 **7.0 Planning Department Other Business/Updates**

1000 **Ms. Mangle** updated the Commission on the following three items:

- 1001 • Last week, Council unanimously adopted the South Downtown Concept Plan. Staff would be  
1002 returning in October to do another worksession with the Planning Commission. Staff was  
1003 starting to think about what the zoning changes would look like and wanted to discuss them  
1004 with the Commission.
- 1005 • City Council would be updated at their worksession next week on the Commission's action  
1006 on the electronic sign amendments in preparation for the public hearing.
- 1007 • The September 27 meeting would include a joint study session with City Council at 6:30 pm  
1008 in the conference room. They would discuss the Residential Development Standards project  
1009 and focus on the multifamily aspect of that proposal.

1010

#### 1011 **8.0 Planning Commission Discussion Items**



1012 **Chair Batey** requested updates on the Johnson Creek project, Klein Point, and the Monroe  
1013 Bike Boulevard.

1014

1015 **Ms. Mangle** stated the City submitted a significant grant application to the State to fund the  
1016 design, planning, and construction of the Monroe Bike Boulevard Project, but did not receive the  
1017 funds. They had a conceptual design for the project and had shared it with the neighborhood at  
1018 that time, but no work was being done on the project since they did not receive the grant. With  
1019 no resource development specialist, the City's ability to seek grants was minimal. The Street  
1020 Surface Maintenance Program-funded project was scheduled for 2013 that would essentially  
1021 rebuild the street, but that was more of the pavement. Staff hoped to do the bike-pedestrian  
1022 improvements at the same time, but right now funding was only available for the pavement. She  
1023 was not sure what stretch of Monroe St was being improved.

1024

1025 **Mr. Marquardt** stated the Johnson Creek Watershed Council had started work on their  
1026 restoration project in the north area of the park, which was affecting the southern portion of the  
1027 creek. JoAnn Herrigel, Community Services Director, had turned in permits for the northern  
1028 section of Riverfront Park. Once those plans were approved, she would put that out for request  
1029 for proposals. That section would be funded through a Metro grant, and would be constructing  
1030 the Klein Point Overlook and working on some basalt and stone walls near the intersection of  
1031 McLoughlin Blvd and 17th Ave.

1032

1033 **Chair Batey:**

1034 • Asked how the overlook would be accessed.

1035 • **Mr. Marquardt** responded the trails would connect to the existing trails in the park.

1036 There was some construction of a new trail and some redoing of existing trails, but it  
1037 would all be tied in with what currently existed. The permit materials had already been  
1038 turned in, and he expected the City would sign off on it within the next week or so, at  
1039 which time bids for construction could be sought. He was uncertain about the time frame  
1040 for construction.

1041 • Asked what was happening with the North Clackamas Park Master Plan.

1042 • **Ms. Mangle** stated she knew they had been having different constituent meetings, but  
1043 she was not exactly sure of the official status.

1044

1045 **Vice Chair Harris** confirmed no Planning Commissioners had attended Music in the Park in the

1046 Lewelling Neighborhood.

1047

1048 **9.0 Forecast for Future Meetings:**

1049 September 27, 2011 1. Joint session with City Council: Residential Development  
1050 Standards

1051 October 11, 2011 1. Public Hearing: Water Master Plan tentative

1052 October 25, 2011 1. Public Hearing: Kellogg Lake Light Rail Bridge tentative

1053 2. Public Hearing: Residential Standards project tentative

1054

1055 **Ms. Mangle** noted that the Water Master Plan hearing would not be held on October 11; instead  
1056 a worksession was scheduled on the South Downtown Project. October 25 was to be  
1057 determined, as the Kellogg Bridge hearing would not be held that night.

- 1058 • She clarified that the Kellogg Bridge and Trolley Trail were two separate applications, but  
1059 would run as a seamless hearing as much as possible. Staff would need to work that out  
1060 logistically. There were two separate independent applications, but it was really one big  
1061 project.

1062

1063 Meeting adjourned at 9:37 p.m.

1064

1065

1066 Respectfully submitted,

1067

1068

1069

1070

1071 Paula Pinyerd, ABC Transcription Services, Inc. for

1072 Alicia Martin, Administrative Specialist II

1073

1074

1075

1076

1077 \_\_\_\_\_  
Lisa Batey, Chair



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Katie Mangle, Planning Director

**From:** Li Alligood, Assistant Planner

**Date:** October 18, 2011, for October 25, 2011, Public Hearing

**Subject:** **File:** CSU-11-01, TFR-11-01  
**Applicant:** Ukrainian Bible Church  
**Address:** 11900 SE Stanley Ave  
**Legal Description (Map & Taxlot):** 12E31DA00800  
**NDA:** Linwood

---

## **ACTION REQUESTED**

Approve application CSU-11-01 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the construction of a 1,356 square foot addition to the north side of the Ukrainian Bible Church building.

## **BACKGROUND INFORMATION**

### **A. Site and Vicinity**

The site is located at 11900 SE Stanley Ave, and shown in Figure 1 on the following page. The zoning of the site is Residential Zone R-7, which allows churches as a Community Service Use. The zoning of the areas surrounding the site are R-7 to the north, west, and east, and Residential Zone R-7 Planned Development to the south. The surrounding area consists of two single-family dwellings to the north and several conditional and community service uses, including Linwood Elementary School to the east, Milwaukie Covenant Church to the southeast, and the Milwaukie Convalescent Home to the west. The Grove, a 65-lot planned development of single-family homes established in 1974, is located to the south. See Attachment 3 for maps of the site.

The 1.94-acre site is developed with a 3-story, 31,189 square foot church and associated parking area. The church is comprised of two sections: the 3,533 square foot original church building to the west of the site; and the 24,123 square foot addition on the east side

of the original building. The site is accessed from Stanley Ave and from a paved accessway to the north of the site. The church and Linwood Elementary School have recorded an easement for the shared use of this accessway.

**Figure 1. Ukrainian Bible Church site at 11900 SE Stanley Ave**



## **B. Zoning Designation**

Residential Zone R-7

## **C. Comprehensive Plan Designation**

Low Density LD

## **D. Land Use History**

The site has been in use as a church since 1969, and many past land use applications involve uses that no longer exist on the site. Relevant land use applications include:

- **1967:** SP-67-7, approval of a Special Permit application to allow the construction of a church on the site.
- **2004:** CSO-04-05, approval of a Community Service Overlay application for a 24,123 square foot addition to the church. This review and approval established the site as a Community Service Use in the R-7 zone. This application also approved the construction of an unenclosed deck in the location of the proposed addition.
- **2006:** Minor Modification of CSO-04-05, approval to increase the southern building elevation from 30 feet to 35 feet. An ongoing condition of approval limits the hours and levels of use of the church.

## **E. Proposal**

The applicant is seeking land use approvals for a 1,356 square foot addition to the north side of the building to include a first-level storage area; a second-level expansion of the existing fellowship meeting room; and a second-level kitchen and a cooling room. The area

of the proposed addition is indicated in Figure 2 below by the red circle and a photo of the area.

**Figure 2. Area of proposed addition.**



The proposed addition is in the location of a planned second-level deck that was approved in 2004 by CSO-04-05 and in 2006 by building permit #060302, but never constructed. Construction of a second-level deck would not require additional land use review. However, the applicant has determined that an enclosed addition would better meet the needs of the church for storage and a meeting area. The proposal to enclose the approved second-level deck and add a first-level storage room represents a major modification of the Ukrainian Bible Church as an existing Community Service Use<sup>1</sup> and requires minor quasi-judicial review.

<sup>1</sup> The Community Service Use (CSU) designation was replaced by the Community Service Overlay (CSO) designation in 2006. Per the Director's Interpretation dated January 30, 2009, uses that were established as a CSO are de facto CSUs and subject to those regulations.

The proposed addition would allow for expanded use of the existing fellowship meeting room by the current church membership. The addition of a kitchen and cooling room will allow church members to prepare meals after services and for special events such as weddings, religious holidays, and funerals. The plans for the addition are included in Attachment 4, Applicant's Materials.

The approval of CSO-04-05 permitted the expansion of the existing church and the continuation of church activities on the site, including: a caretaker's residence; administrative offices; church services; Sunday school; small prayer groups; choir rehearsal; youth services and prayer groups; and special events such as religious holidays, weddings, and baptisms. Activities throughout the week were approved and take place between the hours of 10:00 A.M. and 8:30 P.M. on the weekends, and between the hours of 7:00 P.M. and 9:30 P.M. on weekdays. The number of attendees varies by activity, but is limited to a maximum of 300 for Sunday and Thursday church services.

The intent of the expansion is to serve the existing membership, and not to increase church attendance or to provide additional seating for church services. For this reason, staff does not consider this proposal an intensification of the use on the site.

The project requires approval of the following applications:

1. Major Modification of a Community Service Use
2. Transportation Facilities Review

## KEY ISSUES

### Summary

Staff has identified the following key issue for the Planning Commission's deliberation. Other aspects of the proposal are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Will the proposed addition negatively impact surrounding properties?

### Analysis

#### A. Will the proposed addition negatively impact surrounding properties?

In the decision for CSO-04-05, the Planning Commission found that, as conditioned, the benefits of the development proposed by the church outweighed the impacts to the neighborhood. The key issue for this major modification of the CSU approval is whether the proposed addition will negatively impact surrounding properties.

Staff has identified the following potential negative impacts:

- Privacy concerns for single-family dwellings to the north. As approved through CSO-04-05 and building permit #060302, the proposed addition would extend the second level of the northern façade of the building 9 feet closer to the north property line. Additionally, the existing combination of stained glass and transparent windows would be replaced by smaller transparent windows, potentially increasing privacy impacts for adjacent properties.

- Visual impacts on properties to the north and west of the church. The proposed addition would be visible from Stanley Ave, properties to the north of the church, and portions of the Linwood Elementary playing fields. The addition would not be visible from properties directly to the west or south of the church.
- Increased social and cultural activities at the church. The expansion of the fellowship meeting hall and the addition of a kitchen and cooling room could expand the opportunities for use of the space for meals, special events, and other activities.

Although the potential negative impacts listed above are cause for concern, staff does not believe that these potential negative impacts will rise to the level of actual negative impacts for the reasons discussed below:

- Privacy concerns for single-family dwellings to the north. The distance between the church site's north property line and the south property line of the single-family dwellings to the north is approximately 165 feet. The intervening distance is buffered by a 30-foot paved accessway; approximately 75 feet of grassy area; and a stand of mature evergreen trees. The combination of distance and landscaping would prevent privacy encroachment from the proposed addition.
- Visual impacts on properties to the north and west of the church. As described above, the proposed addition is separated from the northern single-family properties by a distance of approximately 165 feet and a stand of mature trees. The views from Stanley Ave are partially blocked by the same trees. The addition would be most clearly visible from the Linwood Elementary playing fields.

Staff has determined that the main visual impacts on adjacent properties would be related to the articulation, transparency, and materials of the addition. The submitted plans do not accurately reflect the articulation and materials of the existing church building. The front and northern church façades appear flat and unarticulated in the plans, but in reality they are sided with a variety of materials including stone, brick, stucco, and lap siding. As proposed, the addition includes the following:

- The lower level would consist of a small enclosed storage room at the eastern end of the addition; the remainder of the lower level would be recessed. A door and window would be installed on the north side of the storage room addition, and the existing lower level windows would remain.
- The second level would extend 9 feet to the north and would include 4 bays of vinyl slider windows and a smaller vinyl window on the eastern portion of the façade.
- The proposed siding material is Hardi-Plank in a color to match the existing church.

Staff suggests that a condition be established to require variations to addition façade such as color, materials, and pattern.

- Increased social and cultural activities at the church. The 2006 minor modification of CSO-04-05 established a condition of approval limiting the hours of use of the site and the number of people permitted to attend services and events at the church. The church was completed in May 2009, and the City has not received complaints about the level of activity at the church or related parking issues since July 2009. The principal of Linwood Elementary stated that there have not been any issues with accommodating parking needs of both the church and the school, and there is clear

communication between the two entities. In addition, the Engineering Director has determined that the additional floor area would not significantly increase the number of trips to the site and would not impact the transportation system.

In order to mitigate potential negative impacts, staff proposes the following conditions:

- Design the façade of the proposed addition to include variations in materials, color, or pattern so as to not present a blank face to adjacent properties.
- Reinforce the limits on the hours and use of the site established by the 2006 minor modification of CSO-04-05.

Staff believes the proposed conditions would mitigate any negative impacts caused by the proposed addition.

## CONCLUSIONS

### A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Community Service Use application for addition of space to the existing church building for use as meeting and storage space. This will result in the addition of 1,356 square feet to the north side of the building, an expansion of 4% of the current area.
2. Approve the Transportation Facilities Review application for addition of space to the existing church building for use as a meeting and storage space. This expansion would not result in an increase in traffic impacts on the site and would not require mitigation or public improvements.
3. Adopt the attached Findings and Conditions of Approval.

### B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

1. The design of the proposed addition shall include variations in materials, color, or pattern, and incorporate materials from the existing building so as to not present a blank face to adjacent properties.
2. Attendance and use of the building is limited to the schedule of events and number of people stated below. This is the same schedule the City has enforced for the site since 2006.

Activity	Time	Attendance
Sunday Morning Service	10:00A.M. – 12:00P.M.	Maximum: 300 people
Sunday Evening Service	6:00P.M. – 8:00P.M.	Maximum: 300 people
Thursday Evening Service	7:00P.M. – 9:00P.M.	Maximum: 300 people
Friday Prayer	7:00P.M. – 9:00P.M.	Maximum: 10 cars
Special Events:	Five to 10 times per year	Maximum: 400 people



## CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).<sup>2</sup>

- Section 19.302 Residential Zone R-7
- Subsection 19.321 Community Service Use CSU
- Chapter 19.500 Off-Street Parking and Loading
- Subsection 19.1011.3 Minor Quasi-Judicial Review
- Chapter 19.1400 Public Facility Improvements

This application is subject to Minor Quasi-Judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Minor Quasi-Judicial reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application upon finding that all approval criteria have been met.
- B. Approve the application subject to the recommended Findings and Conditions of Approval.
- C. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- D. Deny the application upon finding that it does not meet approval criteria.
- E. Continue the hearing. This option requires that the applicant provide a waiver to the 120-day clock. If the applicant is not willing to provide a waiver to the 120-day clock, the Planning Commission may need to deny the application.

The final decision on these applications, which includes any appeals to the City Council, must be made by December 31, 2011, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

## COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering Department; City of Milwaukie Building Department; Clackamas County Service District #1; the Linwood Neighborhood District Association (NDA); and the Linwood NDA Land Use Committee. The following is a summary of the comments received by the City. See Attachment 5 for further details.

- **Tom Larsen, Building Official, Building Department:** The applicant will need to provide supporting calculations at the time of permit submittal.

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<sup>2</sup> This application was submitted prior to the effective date of Ordinance 2025, which reorganized and renumbered Milwaukie Municipal Code (MMC) Title 19 Zoning. As per ORS 215.427(3), the application is subject to the standards and criteria that were applicable at the time of submittal. In this staff report, all references are to the version of MMC Title 19 that was in effect prior to Ordinance 2025.

- **Mike Boumann, Deputy Fire Marshal, Clackamas County Service District #1:** Fire sprinklers are required.
- **Brad Albert, Civil Engineer, Engineering Department:** No transportation improvements will be required. The Engineering Department's review of MMC Chapter 19.1400 has been incorporated into the recommended findings and conditions.
- No comments were received from the Linwood NDA or the NDA's Land Use Committee.
- No comments were received from neighboring property owners who received notification of the proposal.

## ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Recommended Findings in Support of Approval (attached)
2. Recommended Conditions of Approval (attached)
3. Maps
  - a. Vicinity map
  - b. Zoning Map
  - c. Aerial View
4. Applicant's Narrative and Supporting Documentation dated March 15, 2011; April 7, 2011; May 10, 2011; and August 12, 2011.
  - a. Narrative stamped received on May 10, 2011 (attached)
  - b. Project plans stamped received on August 12, 2011
5. Comments Received (attached)
6. Exhibits List

### Recommended Findings in Support of Approval

Sections of the Milwaukie Municipal Code that are not addressed in these findings are found to not be applicable decision criteria for the development proposal.

1. The applicant, Ukrainian Bible Church, has applied for a major modification to a Community Service Use approval granted by the City of Milwaukie Land Use File #CSO-04-05, TPR-04-08, and VR-04-011. The applicant is seeking approval to add 1,356 square feet in meeting and storage space to the north end of the building. The application materials were initially submitted March 15, 2011; April 7, 2011; May 10, 2011; and August 10, 2011. City staff deemed the application complete on September 2, 2011.
2. The project site is 11900 and 11958 SE Stanley Ave, Tax Lot 12E31DA00800. The site is developed with a three-story, 31,189 square foot church and associated parking area. The site has an access to SE Stanley Blvd on its western border and access from a paved accessway on its northern border. The surrounding development is a combination of institutional uses and single-family dwellings.
3. The base zone of the site is Residential Zone R-7, and the Comprehensive Plan land use designation is Low Density Residential. There are no overlay zones or designations on the site.
4. The site has been in use as a church since 1969, and many past land use applications involve uses that no longer exist on the site. Relevant land use applications include:
  - A. 1967: SP-67-7, approval of a Special Permit application to allow the construction of a church on the site.
  - B. 2004: CSO-04-05, approval of a Community Service Overlay application for a 24,123 square foot addition to the church. This review and approval established the site as a Community Service Use in the R-7 zone. This application also approved the construction of an unenclosed deck in the location of the proposed addition.
  - C. 2006: Minor Modification of CSO-04-05, approval to increase the southern building elevation from 30 feet to 35 feet. An ongoing condition of approval limits the hours and levels of use of the church.
5. The expansion of the building and addition of interior square footage is subject to a major modification of a Community Service Use (CSU) application. The uses are described as Community Service Uses per Milwaukie Municipal Code (MMC) 19.321.2.A.
6. MMC 19.321.6 requires a minor quasi-judicial review process for major modification of a CSU. The application has been reviewed in compliance with the minor quasi-judicial review process described in MMC 19.1011.3. As required, public notice has been published in the newspaper, posted at the site, and mailed to surrounding property owners and residents within 300 feet of the site. The Planning Commission held a duly advertised public hearing considering the application on October 25, 2011.
7. MMC 19.321.5.A establishes criteria for the approval of a Community Service Use (CSU) or major modification to a CSU. The Planning Commission finds that the proposal meets these criteria as described below.
  - A. MMC 19.321.5.A requires the building setback, height limitation, off-street parking, and similar requirements governing the size and location of development in the underlying zone to be met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone must be met.

The site is in the R-7 zone, and subject to the development standards of MMC 19.302.3. These standards are met as described below.

<b>Residential Zone R-7 Development Standards</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Comment</b>
1. Minimum Lot Size	7,000 sq ft	89,748 sq ft	Complies with standard.
2. Minimum Lot Width	60 feet	280.51 feet	Complies with standard.
3. Minimum Lot Depth	80 feet	324.53 feet	Complies with standard.
4. Minimum Setbacks	20 feet (front and rear) 5 feet/10 feet (side)	159 feet (front) 25 feet (rear) 28 feet (north side) 82 feet (south side)	Complies with standard.
5. Off-Street Parking and Loading	139 minimum 278 maximum	106 spaces on-site. 93 spaces available at Linwood Elementary. 199 total spaces available.	Complies with standard.
6. Height Restriction	2½ stories or 35 feet	35 feet	Complies with standard.
7. Lot Coverage	30% max.	21.5%	Complies with standard.
8. Minimum Vegetation	35% min.	36%	Complies with standard.
9. Frontage	35 feet	280.51 feet along SE Stanley Ave.	Complies with standard.
10. Density	5.0-6.2 units/net acre	No dwelling units proposed	Not applicable.
11. Transportation Requirements	No	Transportation requirements not triggered.	Not applicable.

- B. MMC 19.321.5.A.2 requires that the specific standards for the proposed uses as found in MMC 19.321.10 – 14 are met. MMC 19.321.12 provides specific standards for institutions, including religious institutions. These standards are met as described below.

<b>Community Service Use: Specific Standards for Institutions</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Comment</b>
1. Public improvements	Utilities, streets, or other improvements necessary for the use shall be provided by the agency constructing the use.	No construction proposed.	Not applicable.
2. Access	When located in or adjacent to a residential zone, access should be located from a collector street.	No changes to access proposed.	Not applicable.
3. Lot area	Setbacks equal to a minimum of 2/3 of the height of the principal structure.	159 feet (front) 25 feet (rear) 28 feet (north side) 82 feet (south side)	Complies with standard.
4. Height	Height limitation of a zone may be exceeded to a maximum height of 50 feet	The existing and proposed building height are 35 feet.	Complies with standard.
5. Noise	Noise-generating equipment shall be sound-buffered when adjacent to residential areas.	No noise-generating equipment proposed.	Not applicable.
6. Lighting	Lighting shall be designed to avoid glare on adjacent residential uses and public streets.	No additional lighting proposed.	Not applicable.
7. Hours of operation	Hours and level of operation shall be adjusted to make the use compatible with adjacent uses.	See 7.C.	Complies with standard.
8. Spires	Spire on religious institution may exceed the maximum height limitation.	No change is proposed to the existing spire.	Not applicable.
9. Landscaping	Minimum landscaping for religious institutions.	Required: 15% Proposed: 36%	Complies with standard.

- C. MMC 321.5.A.3: The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

*As approved by CSO-04-05, Church services and activities occur between the hours of 10:00 A.M. and 8:00 P.M. on Sundays, and between the hours of 7:00 P.M. and 9:30 P.M. weekdays. The levels of operation are guided by the condition of the 2006 minor modification of CSO-04-05, which limits attendance at church services to 300 people; attendance at Friday prayer groups to 10 cars; and attendance at infrequent special events at 400 people. A condition has been established to reinforce these hours and levels of operation. The Planning Commission finds that the church, as conditioned, is consistent with the surrounding uses in terms of hours and levels of operation.*

- D. MMC 19.321.A.4: The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

*In the decision for CSO-04-05, the Planning Commission found that, as conditioned, the benefits of the development proposed by the church outweighed the impacts to the neighborhood. The Planning Commission finds that, as conditioned, the proposed addition does not increase negative impacts on the neighborhood, and the public benefits of the proposed use are greater than potential negative impacts.*

- E. MMC 19.321.4.A.5: The location is appropriate for the type of use proposed.

*No change in location is proposed. The site has been in use as a church since 1969 and will continue to be used as a church. The Planning Commission finds that, as proposed, this standard is met.*

8. MMC Chapter 19.500 regulates off-street parking and loading. The Planning Commission finds that the standards of this chapter are met, as described below.

- A. MMC 19.502.3 defines the applicability of the off-street parking and loading standards for development and change in use activity.

*The Planning Commission finds that the proposal is development and is subject to MMC 19.500, and that the site has an existing parking area that is not in conformance with the standards of Chapter 19.500. Existing non-conformities are required to come closer into conformance as a result of the proposed development.*

- B. MMC 19.502.5 regulates the improvements made to existing off-street parking and loading areas when a change of use or development occurs.

*As conditioned, the applicant shall bring the existing bicycle parking facilities closer to conformance. The cost of bringing the parking area closer to conformance will be limited per MMC 19.502.5.B. The Planning Commission finds that, as conditioned, this standard is met.*

- C. MMC 19.505 determines the vehicle parking quantity requirements for each use. The applicable use listed in Table 19.505.1 is B.1, Religious institutions, with a minimum requirement of 1 space per 4 seats, and a maximum allowed of 1 space per 2 seats.

*The proposed development contains 1,020 linear bench feet, or 557 seats. The minimum number of required on-site parking spaces is 139, and the maximum number allowed is 278. There are 106 existing off-street parking spaces on the church site, and 93 additional spaces available at Linwood Elementary through the shared parking agreement. The proposed addition would not increase the number of seats or the linear*

*bench feet of the church, and does not require additional off-street parking. This standard is met.*

D. MMC 19.509 contains requirements for off-street bicycle parking. The Planning Commission finds that these standards are met as follows:

i) MMC 19.509.1 governs the applicability of MMC 19.509.

*The Planning Commission finds the proposed development is a community service use, and that this section is applicable.*

ii) MMC 19.509.2 requires a number of bicycle parking spaces of at least 10% of the minimum required automobile parking for the use, and in no case shall less than 2 spaces be provided. In addition, a minimum of 50% of the bicycle parking spaces must be covered and/or enclosed if the number of required bicycle parking spaces exceeds 10. The minimum required parking for the site is 139 spaces, and 14 bicycle parking spaces (7 covered spaces) are required.

*The applicant installed 10 bicycle parking spaces as a condition of CSO-04-05. A condition has been established to require the applicant to install 7 additional covered and/or enclosed bicycle parking spaces. The Planning Commission finds that, as conditioned, this standard is met.*

iii) MMC 19.509.3 requires each bicycle parking space to be a minimum of 2 by 6 feet and have a 5-foot-wide access aisle. Covered spaces are required to have 7 feet of overhead clearance, and the bicycle racks must be securely anchored and designed to allow the frame and one wheel to be locked to a rack using a high security, U-shaped, shackle lock. In addition, lighting shall conform to the standards of 19.506.3.

*The applicant proposes to install 7 covered bicycle parking hooks inside the building that will be available during hours of operation. The bicycle parking area shall be lighted to the standards of 19.506.3. A condition has been established to ensure compliance. The Planning Commission finds that, as conditioned, the bicycle parking area will conform to these standards.*

iv) MMC 19.509.4 governs the location of bicycle parking. The existing 10 bicycle parking spaces are located on the west side of the building within 50 feet of the main building entrance and meet the standards of this subsection.

*It is unclear whether the proposed 7 covered bicycle parking spaces meet the standards of this subsection as no detail has been provided regarding their location or dimensions. A condition has been established requiring the applicant to provide detailed information about the location of the 7 covered/enclosed bicycle parking spaces. The Planning Commission finds that, as conditioned, this standard is met.*

9. MMC 19.1400 contains standards and procedures for the provision of public transportation facilities and public utilities. The Planning Commission finds that the standards of this chapter are met, as described below.

A. MMC 19.1400 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

*The applicant proposes to enclose a previously approved deck area on the north side of the building to expand the fellowship meeting room; and add a kitchen and cooling room;*

*and add small storage area. The increase in gross floor area on the site is projected to have a minimal increase in the vehicle trips to the site. The Planning Commission finds that MMC Chapter 19.1400 applies to the proposed development.*

- B. MMC 19.1404.1, 19.1404.2, and 19.1404.3 require submission of a transportation impact study (TIS) documenting the development impacts on the surrounding transportation system. The Engineering Director has determined that the proposed development requires a transportation impact study in accordance with the Milwaukie Transportation Design Manual.

*The applicant has submitted a traffic impact study, which indicates a minimal projected increase in trip generation. The Planning Commission finds that, as proposed, the requirements of MMC Section 19.1404.1, 19.1404.2, and 19.1404.3 have been met.*

- C. MMC Section 19.1404.4 requires that transportation impacts of the proposed development be mitigated.

*The proposed development does not trigger mitigation of impacts beyond the frontage improvements constructed as part of CSO-04-05. The traffic impact study found that there is no increase in impacts to the surrounding transportation system and the site will continue to operate at the level of service previous to the proposed development. Frontage improvements have been constructed to City standards and therefore frontage improvement requirements have been met. The Planning Commission finds that, as proposed, the requirements of MMC Section 19.1404.4 have been met.*

- D. MMC Section 19.1408 requires transportation facility improvements associated with development. Transportation facility improvements include elements associated with streets, sidewalks, pedestrians, bicycles, and transit.

*The applicant constructed a half street improvement along the Stanley Avenue frontage to City standards in conjunction with the CSO-04-05 application. The half street improvement included street widening, curb and gutter, sidewalk, and driveway access improvements. The proposed development has no impacts to the transportation system and therefore does not require any additional improvements. The Planning Commission finds that, as proposed, the requirements of MMC Section 19.1408 have been met.*

10. Notice of the proposed changes was given to the following agencies: City of Milwaukie Engineering Department; City of Milwaukie Building Department; Clackamas County Service District #1; the Linwood Neighborhood District Association (NDA); and the Linwood NDA Land Use Committee. The following is a summary of the comments received by the City. See Attachment 5 for further details.
- **Tom Larsen, Building Official, Building Department:** The applicant will need to provide supporting calculations at the time of permit submittal.
  - **Mike Boumann, Deputy Fire Marshal, Clackamas County Service District #1:** Fire sprinklers are required.
  - **Brad Albert, Civil Engineer, Engineering Department:** No transportation improvements will be required. The Engineering Department's review of MMC Chapter 19.1400 has been incorporated into the recommended findings and conditions.
  - No comments were received from the Linwood NDA or the NDA's Land Use Committee.
  - No comments were received from neighboring property owners who received notification of the proposal.



**Recommended Conditions of Approval**

1. The applicant shall submit a Type I Development Review application with final construction plans for the proposed development for review and approval by the Planning Department. These plans shall be in substantial conformance with the plans stamped August 10, 2011, and submitted with Land Use File #CSU-11-02. The following items shall be addressed during review of this application.
  - A. The submitted plans do not indicate whether lighting will be installed on or beneath the proposed addition. If applicable, the applicant shall show existing and proposed lighting, and include photometric studies as appropriate, to demonstrate that lighting on the site will not cause glare or excessive light trespass onto the street or other properties.
  - B. The submitted plans do not specify the location or design of the required covered or enclosed bicycle parking spaces. The applicant shall indicate the location, dimensions, and lighting of the required bicycle parking spaces.
  - C. The design of the proposed addition shall include variations in materials, color, or pattern, and incorporate materials from the existing building as much as possible.
2. At the time of submission of a building permit, the applicant shall:
  - A. Provide a narrative describing all actions taken to comply with these conditions of approval.
  - B. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
  - C. Submit a revised Parking Plan that includes the following:
    - i) Covered and/or enclosed bicycle parking detail.
  - D. Submit elevation drawings of the proposed addition that demonstrates that the building is not presenting a blank façade to the adjacent properties. This could be accomplished by including a different material at the ground level, increasing the number of windows, or the use of window trim to provide depth and interest.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall:
  - A. Install all required covered and/or enclosed bicycle parking spaces.
4. Attendance and use of the building is limited to the schedule of events and number of people stated below:

<b>Activity</b>	<b>Time</b>	<b>Attendance</b>
Sunday Morning Service	10:00A.M. – 12:00P.M.	Maximum: 300 people
Sunday Evening Service	6:00P.M. – 8:00P.M.	Maximum: 300 people
Thursday Evening Service	7:00P.M. – 9:00P.M.	Maximum: 300 people
Friday Prayer	7:00P.M. – 9:00P.M.	Maximum: 10 cars
Special Events:	Five to 10 times per year	Maximum: 400 people

Any additional events, or any events with attendance exceeding the numbers listed above, will require approval from the City, which may require a parking management plan to minimize traffic and parking impacts on the surrounding neighborhood. Any known special events should be included in the annual event schedule that the Church shares with Linwood School.

5. Changes to the Church's schedule of events or notable increases in the number of attendees will constitute additional modifications to the approved community service use. Such modifications will require review for approval by Planning staff (for minor modifications) or by the Planning Commission (for major modifications). The review process provides an opportunity to establish appropriate conditions for any modification to the community service use. One such condition could be the requirement of a parking management plan to minimize impacts on the neighborhood and surrounding uses.

**CITY OF MILWAUKIE  
SITE AND DESIGN REVIEW – MAJOR MODIFICATION  
TO COMMUNITY SERVICE USE**

**PROJECT STATISTICS, NARRATIVE - ZONING ORDINANCE REVIEW**

**UKRAINIAN BIBLE CHURCH  
"PATHWAY TO GOD"**

11900 SE Stanley  
Milwaukie, OR 97222  
T1S, R2E, Section DA T.L. 800 W.M.

October, 2003  
Revised December, 2003  
Revised October, 2004  
Revised February, 2011  
Revised May, 2011

**PREPARED FOR:**

Petr Buzhduga  
11900 SE Stanley  
Milwaukie, OR 97222

RECEIVED

MAY 10 2011

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

**PREPARED BY:**

SYMONS ENGINEERING CONSULTANTS, Inc.  
12805 S.E. Foster Road  
Portland, OR 97236-4521  
(503) 760-1353



**PROJECT STATISTICS - COMMUNITY SERVICE OVERLAY**

<b>Location:</b>	Lot 800, T1S, R2E Section DA	
<b>Zoning:</b>	<b>R-7, Community Service Overlay (CSO), Transportation Overlay</b>	
<b>Building Setbacks:</b>	159' Front at Stanley, 25' Rear, 28' North Side, 82' South Side	
<b>Gross Site Area:</b>	89,474± s.f., 2.05 Acres	
<b>Building Footprint:</b>	Existing Footprint	18,013 s.f.
	Existing Removed	0 s.f.
	Existing to Remain	18,013 s.f.
	New Footprint	<u>1,356 s.f.</u>
<b>Total New &amp; Remaining Footprint:</b>		<b>19,369 s.f.</b>
<b>1969 Building Area:</b>	<b>Existing - No expansion work in this area</b>	
	Existing Lower Level	3,533 s.f.
	Existing Upper Level	3,533 s.f.
<b>2004 Expansion:</b>	Lower Level	5,673 s.f.
	Main Level	14,450 s.f.
	Mezz. (North and South)	<u>4,000 s.f.</u>
<b>Total Existing to Remain:</b>		<b>31,189 s.f.</b>
<b>2011 New Expansion Area: Addition</b>		
	Lower Level	305 s.f.
	Upper Level	1,051 s.f.
		<u>1,356 s.f.</u>
<b>Total New &amp; Existing Floor Area:</b>		<b>32,545 s.f.</b>
	Group A 3	
	Base Area Per Table 503:	11,500 s.f.
	Allowable area per IBC 506:	86,250 s.f.
<b>Pavement Areas:</b>	Existing	39,166 s.f.
<b>Landscape &amp; Pedestrian Areas:</b>	32,282 s.f.	36%
Required Landscape (CSU)		15%
Required Vegetation (R-7), the lesser value of CSU governs.		30%

**Required Parking Spaces:**

Pew Bench Length 1,020 l.f. = 557 Seats: 139 to 278 spaces  
 (1 per 4 Seats min. : 1 per 2 Seats max.)  
 108 Spaces On-site, 206 Total with Shared Parking Agreement  
 77.7% of min. provided on-site (75% of minimum required onsite  
 with shared parking agreement)

**Required Bicycle Parking:**

The Zoning code requires one (1) space for every 10 required automobile stalls  
 14 Required 10 Existing

**Occupancy Load:**

(Individuals)  
 Sanctuary 557  
 Choir 108  
 Mezzanine 34  
**699**

**persons**

(Note: Limited to 300 people per minor modification #CSO-04-05  
 dated October 24, 2006)

**On-site Earthwork:**

(Approximate)  
 Cut 0 c.y.  
 Fill 0 c.y.

## UKRAINIAN BIBLE CHURCH "PATHWAY TO GOD" PROGRAM

### 1. Hours of Operation

The facility will be open from 7:00 am to 11:00 pm every day. A caretaker is expected to live at the facility. Typically, two staff persons and the pastor are at the facility. Periodically meeting of four to twelve persons will be held at the facility. The services and events are as described.

**Monday Evening Youth Service:** 7:30pm – 9:30pm

Currently approximately 30-40 people attending this service.

**Tuesday Evening Choir Rehearsal:** 7:00pm – 9:30pm

Currently approximately 50-60 people attending this event.

**Wednesday Evening Youth Prayer Service :** 7:30pm – 9:30pm

Currently approximately 20-30 people attending this service.

**Thursday Evening Service:** 7:00pm – 9:30pm

Currently approximately 150 – 200 people attending this service.

**Friday Evening Prayer Service:** 7:00pm – 9:00pm

Currently approximately 20-30 people attending this service.

**Saturday:** Usually no church activities. See Special Events section.

**Sunday Morning Service:** 10:00am – 12:30pm

Currently approximately 300 people attending this service.

**Sunday Evening Service:** 6:00pm – 8:30pm

Currently approximately 100-200 people attending this service.

### 2. Description of Special Events

Ukrainian Bible Church "Pathway to God" usually has the highest number of people coming to the church on Sunday Morning Service, sometime with some guests from other Slavic Churches joining us. Currently we have 225 members and 236 children.

Many of our Church members are members of big families. We have 13 families with eight or more people. This means that these families are using Vans to come to the church, thus require less parking stalls. There are 16 elderly members of our church without driver's licenses.

#### Church special events as follows:

- a) New Years Day. Service is held from 8pm and up to the midnight. Youth Group can have night service that will be supervised by adults.
- b) Easter Day. This service is a usual Sunday service but last about a 1 or 2 hours longer and may attract up to 20 additional people.
- c) Baptism of new members. Once a year. Usually on Saturday at the end of July or at the beginning of August. It is a food service for the members of our church and guests following the baptism on the river.

- d) Harvest Day, our church celebrates in October. This service is usual Sunday service but last about one hour longer and may attract up to 20 additional people.

There is Sunday Bible School during Sunday morning and evening services. School usually starts during the middle of September and lasts to the end of May. There is a school management team in the church that takes care of this event.

During all of these special events, UBC will have additional special supervision and specially marked attendants who will manage the entire event, parking and traffic issues and mediate any conflicts that arise.

### **3. Facility Management and Grounds Program**

There are caretakers of the Church facility comprised of members of our church. They are responsible for grounds keeping, maintenance of the formal lawn with strategically placed landscaping including hedges, ornamental plants, flowers, shrubs, and trees. This project requires no changes to the current Facilities Management and Grounds Program.

Existing construction has been designed in such a way that there are 108 parking spots on the site, as well as the parking spots available through our perpetual agreement with North Clackamas School District #12 to use Linwood Elementary School parking spots by the terms and conditions expressed in the Easement Agreement.

Landscaping has been done in accordance with the 2004 site development plan and significantly exceeds the requirements for Community Service Use.

### **4. Parking Management**

Typical parking management will continue to be present at developed parking lots. Since the existing parking system was designed as a one-way parking stream with the entrance from Stanley Street and three separate exits to the access road along the Linwood Elementary School property, appropriate directional arrows are on the asphalt directing cars to the exits. In addition to this, there is a team of people on site (the number will be determined on the basis of need) that will control parking, help direct cars, and address any questions associated with parking. These people wear specially designated parking jackets.

During Sunday service, special events and wedding ceremonies, when the number of cars in the parking lot will be greater, this team will be reinforced with the necessary additional number of people in order to have total control of the situation and avoid unnecessary conflicts.



## NARRATIVE - ZONING ORDINANCE REVIEW

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### SECTION 19.321 CSU - COMMUNITY SERVICE USE

**19.321.1 Purpose.** *This section allows development of certain uses which, because of their public convenience, necessity, and unusual character, may be appropriately located in most zoning districts, but which may be permitted only if appropriate for the specific location for which they are proposed. This section provides standards and procedures for review of applications for such community uses. Community service uses may be sited in any zone, except where expressly prohibited, if they meet the standards of this section. Approval of a CSU does not change the zoning of the property.*

The community service use section will serve as the format for our narrative to demonstrate our continued compliance for the intended use of this church; a private institution. Listed below is the summary of the applicable Municipal Code excerpts and this proposal's response to them.

**19.321.2 Applicability.** *Any community service use shall be subject to the provisions of this section. Application must be submitted to establish or modify a community service use. Community service uses include certain private and public utilities, institutions, and recreational facilities as listed below:*

*A. Institutions—Public/Private and Other Public Facilities.*

*6. Religious Institutions;*

There is one church building existing on this site. The proposed project involves a minor expansion to the existing building which will create a small Storage Room at ground level, will expand the Fellowship Meeting Room and add kitchen and cooling rooms at the upper level of the original church building. It will continue to contain an existing community service as allowed for under this section of the zoning code overlay. The Fellowship Meeting Room expansion replaces and enlarges the elevated deck originally approved in Land Use File #CSO-04-05 that provided outdoor fellowship area.

*19.321.4 Notice Requirements. Except as provided in Subsections 19.321.6.C and 19.321.14, Wireless Communication Facilities, the Planning Commission shall hold a public hearing for a community service use request per the procedures outlined in Subsection 19.1011.3.C Minor Quasi-Judicial Review, Community Service Use.*

This project will require a minor quasi-judicial procedure which includes a public hearing in front of the Planning Commission.

- A. A pre-application conference was held and this design application is addressing issues brought to our attention at the meeting.
- B. Per our meeting with Li Alligood, City of Milwaukie, our team was informed that the City of Milwaukie will provide public notice and mail to the property owner and/or applicant and to all property owners within three hundred (300) feet of the property lines of the site, twenty (20) or more days prior to the date of the hearing. In addition the City of Milwaukie will provide a sign that is legible from the closest street, indicating the date of the public hearing, and will be posted on the subject property not less than ten (10) days prior to the date of the hearing.
- C. The City of Milwaukie will provide notice of development of community service to the applicant and/or property owner, and all property owners within three hundred (300) feet of the property lines. The names and addresses for this purpose shall be those shown on the current records of the county assessor. In addition, a sign that is legible from the closest street, indicating the date of the public hearing, shall be posted on the subject property not less than ten (10) days prior to the date of the hearing. Notice of a hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the city, of which the second publication shall be not less than five (5) days prior to the date of the hearing. All of this will be performed by the City of Milwaukie.
- D. Notice for Development within the Willamette Greenway Zone is not applicable on this project. Also, interested groups and the Oregon Department of Transportation (ODOT) shall be notified of a public hearing. ODOT shall be notified by "certified mail, return receipt requested", performed by the City of Milwaukie.
- E. Decision. The Planning Commission shall conduct the public hearing and render a decision on the matter including findings, conclusions, and conditions, if necessary, based on compliance with the applicable comprehensive plan goals and policies and other applicable implementing ordinances found herein. Community development staff shall notify the applicant and/or property owner and any individual who testified, either in person or in writing, at the hearing, within five (5) days after the final decision.

*19.321.5 Standards for Community Service Uses*

*A. An application for a community service use may be allowed if the following criteria are met:*

1. *The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;*

## SECTION 19.302 RESIDENTIAL ZONE R-7 (underlying zone)

**19.302.3 Standards.** *In an R-7 zone the following standards shall apply:*

All standards for development in an R-7 zone are shown to be met as follows:

A. *Lot size: Lot area shall be at least seven thousand (7,000) square feet. For a single-family attached complex the lot area shall be an average of at least seven thousand (7,000) square feet per unit. Lot width shall be at least sixty (60) feet. The minimum lot width shall be thirty (30) feet for interior single family attached units. Average lot depth shall be at least eighty (80) feet.*

Lot 800 is approximately 89,474 +/-S.F.; 2.05 Acres meeting the minimum requirement of 7,000 sf. per unit. Lot width shall be at least sixty feet, existing width is 280.51 ft.

B. *Front yard: A front yard shall be at least twenty (20) feet.*

Front Yard:	Required	20'
	Existing	159'
	Proposed	159'

C. *Side yard: A side yard shall be at least five (5) feet and one side yard shall be at least ten (10) feet, except on corner lots a side yard shall be at least twenty (20) feet on the side abutting the street. For interior single-family attached units, side yards are not required.*

Side Yard:	Required	One at min. 5' One at min. 10' Except corner (NA) min. 20' abutting corner
	Existing North	28'
	Existing South	82'

D. *Rear yard: A rear yard shall be at least twenty (20) feet.*

Rear Yard:	Required	min. 20'
	Existing	25'

E. *(Repealed by Ord. 1893)*

Not Applicable

F. *Off-street parking and loading: As specified in Chapter 19.500.*

H. *Lot coverage. Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 30% of the total area of the lot.*

Proposed lot coverage comes to 21.2%.

## CHAPTER 19.500 OFF-STREET PARKING AND LOADING

### 19.502 APPLICABILITY

#### 19.502.1 General Applicability

*The regulations of Chapter 19.500 apply to all off-street parking areas and off-street loading areas, whether required by the City as part of development or a change in use, per Subsection 19.502.3, or voluntarily installed for the convenience of users, per Subsection 19.502.4. Activity that is not described by Subsections 19.502.3 or 19.502.4 is exempt from compliance with the provisions of Chapter 19.500. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.500 and not through the provisions of Chapter 19.800.*

This project has been deemed new development as it adds new floor area to be contained within exterior walls.

#### 19.502.2 Maintenance Applicability

*Property owners shall comply with the regulations of Chapter 19.500 by ensuring conformance with the standards of Chapter 19.500 related to ongoing maintenance, operations, and use of off-street parking and loading areas. Changes to existing off-street parking or loading areas that bring the area out of conformance with Chapter 19.500, or further out of conformance if already nonconforming, are prohibited.*

There are no changes proposed to existing off-street parking. Existing maintenance operations will continue unaffected by this project.

#### 19.502.3 Applicability for Development and Change in Use Activity

*The provisions of Chapter 19.500 apply to development and changes of use as described in Subsection 19.502.3.*

- B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.500, per Subsection 19.502.5, when the following types of development or change in use occur:*
  - 1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.*

This project increases existing floor area by 4.0% which is less than 100%, this code section applies.

#### 19.502.5 Improvements to Existing Off-Street Parking and Loading Areas

##### A. Purpose

*The purpose of Subsection 19.502.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.*

##### B. Limitations on Required Improvements

*The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or*

*tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing heating, venting, or air conditioning equipment.*

**C. Areas of Required Improvement**

*The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.*

- 1. Paving and striping of parking areas, per Subsection 19.506.3.A.*
- 2. Minimum required vehicle parking spaces, per Section 19.505.*
- 3. Minimum required bicycle parking spaces, per Section 19.509.*
- 4. Landscaping of existing buffers, islands, and medians, per Subsection 19.506.2.D.*
- 5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.506.2.E.*
- 6. Other applicable standards within Chapter 19.500, as determined by the Planning Director.*

*(Ord. 2015 § 2, 2010)*

**19.503.2 Submittal Requirements**

*Except for single-family dwellings, a development or change in use subject to Chapter 19.500 as per Section 19.502 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Director.*

The application includes a Site Plan prepared by others that shows existing delineation of individual spaces and wheel stops; drive aisles necessary to serve spaces; accessways including driveways and driveway approaches to streets, alleys, and properties to be served; pedestrian pathways and circulation; bicycle parking areas; fencing; abutting land uses; no change in existing grading, drainage, surfacing, location of lighting fixtures, levels of illumination, or parking and loading area signage; and delineation of existing and proposed structures. The compliance of existing landscaping is addressed under 19.506

**19.504 GENERAL PARKING STANDARDS**

**19.504.1 Parking Provided with Development Activity**

*All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.500 prior to issuance of a*

*certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.*

Any required parking improvements will be provided at the time of development, none are currently anticipated.

**19.505 VEHICLE PARKING QUANTITY REQUIREMENTS**

*The purpose of Section 19.505 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.505.1 establishes parking ratios for common land uses, and Subsection 19.505.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.505.2.*

**19.505.1 Minimum and Maximum Requirements**

*A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.505.1. Modifications to the standards in Table 19.505.1 may be made as per Section 19.505.*

Required parking is controlled by available seating in the sanctuary and not floor area of fellowship spaces. The new minimum and maximum parking requirements increase the required parking for this project but it is not driven by the small increase in floor area.

<b>B. Community Service and Other Public Uses</b>		
<i>1. Religious institutions.</i>	<i>1 space per 4 seats.</i>	<i>1 space per 2 seats</i>

**Required Parking Spaces:**

Pew Bench Length 1,020 l.f. = 557 Seats: 139 to 278 spaces  
 (1 per 4 Seats min. : 1 per 2 Seats max.)  
 108 Spaces On-site, 206 Total with Shared Parking Agreement

**19.505.4 Shared Parking**

*Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.505.4. The standards of Subsection 19.505.4 do not apply to voluntary*

*shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.505.*

*A. Review*

*The Planning Director shall determine, in accordance with Subsection 19.1011.1 Type I Administrative Review, whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.502.5, before it may be used for shared parking.*

*B. Standards*

- 1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.*
- 2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.505.4.B.2.*
- 3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.505 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit. (Ord. 2015 § 2, 2010)*

The Linwood Elementary School parking lot, which is located adjacent to the principal structure, will continue to be utilized for overflow parking as needed for special events per an existing Shared Parking Agreement approved under Land Use File #CSO-04-05.

**19.506 PARKING AREA DESIGN AND LANDSCAPING**

*The purpose of Section 19.506 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for single-family attached dwellings, single-family detached dwellings, and residential homes.*

Church representatives report that landscaping was installed and inspected in accordance with the approved plans and has been dutifully maintained since that time.

**19.507 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS**

*Subsection 19.507.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.507.1 apply to passenger vehicles and off-street parking areas for single-family attached dwellings, single-family detached dwellings, and residential homes in all zones.*

Not applicable. The site is located in the R7 zone but currently operates under a Community Service Use approval.

**19.509 BICYCLE PARKING**

**19.509.1 Applicability**

*Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.509. Bicycle parking shall be provided in the downtown zones and at transit centers.*

**19.509.2 Quantity of Spaces**

- A. *The number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. In no case shall less than 2 spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.*

The number of required bicycle parking spaces under the new ordinance is 10% of 139 parking stall or a total of 14. Ten (10) compliant bicycle stalls currently existing onsite. Seven (7) bicycle parking hooks will be provided indoors for a total of 17 stalls.

- B. *Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (lockers) in either of the following situations:*
  - 1. *When 10% or more of vehicle parking is covered.*
  - 2. *If more than 10 bicycle parking spaces are required.*

There are currently no covered bicycle parking spaces. Half of the required bicycle parking stalls comes to 7 required covered spaces. Seven bicycle parking hooks will be added inside the building that will be available during hours of operation to satisfy this requirement.

**19.509.3 Space Standards and Racks**

- A. *The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.*
- B. *Lighting shall conform to the standards of Subsection 19.506.3.F.*

The new indoor bicycle stalls will be in a well lit room exceeding the lighting requirements of 19.506.3.F. The space will have 7 ft of overhead clearance and bicycle



racks shall be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.

#### **19.509.4 Location**

*A. Bicycle parking facilities shall meet the following requirements:*

- 1. Located within 50 ft of the main building entrance.*
- 2. Closer to the entrance than the nearest non-ADA designated vehicle parking space.*
- 3. Designed to provide direct access to a public right-of-way.*
- 4. Dispersed for multiple entrances.*
- 5. In a location that is visible to building occupants or from the main parking lot.*
- 6. Designed not to impede pedestrians along sidewalks or public rights-of-way.*
- 7. Separated from vehicle parking areas by curbing or other similar physical barriers.*

The existing outdoor bicycle rack meets these requirements. The bicycle hooks to be located indoors will provide dispersed and secure facilities. Directional signage will provide visible access to the covered spaces.

### **19.510 CARPOOL AND VANPOOL PARKING**

#### **19.510.1 Applicability**

*New industrial, institutional, and commercial development with 20 or more required parking spaces shall provide carpool/vanpool parking.*

Carpool/vanpool parking is required under the new ordinance.

#### **19.510.2 Number of Spaces**

*The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces. The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.505.3.B.4.*

The number of required carpool/vanpool parking spaces under the new ordinance is 10% of 139 parking stall or a total of 14. No carpool/vanpool parking spaces currently exist onsite. Pavement markings for 14 carpool/vanpool will be added to comply with this section.

#### **19.510.3 Location**

*Parking for carpools/vanpools shall be located closer to the main entrances of the building than other employee or student parking, except ADA spaces.*

**19.510.4 Standards**

*Carpool/vanpool spaces shall be clearly designated with signs or pavement markings for use only by carpools/vanpools. (Ord. 2015 § 2, 2010)*

**19.511 PARKING STRUCTURES**

*The purpose of Section 19.511 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.*

Not applicable. No parking structure is proposed.

**SECTION 19.3.02 RESIDENTIAL ZONE R-7 - Continued**

*G. Height restriction: Maximum height of a structure shall be two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is less.*

The proposed addition will fall within the limits of the existing roof line. See Architectural Elevation Drawings.

*H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.*

**Building Footprint:**

Existing footprint	18,013 s.f.
Existing removed	-0 s.f.
Footprint to be added	<u>1,356 s.f.</u>
<b>Total:</b>	<b>19,369 s.f. (22.4%)</b>

*I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc. will be thirty percent (30%) of the total area of the lot.*

Minimum Vegetation Required: (30%)      Existing: 36.0%

*J. Frontage requirements. Every lot shall abut a public street other than an alley for at least thirty-five (35) feet, except as provided in the subdivision ordinance.*

Existing Property Frontage Width    280' Front at Stanley  
 Proposed Property Frontage Width    280' Front at Stanley

*K. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 5.0 to 6.2 dwelling units per net acre.*

Not Applicable

*L. Transportation requirements and standards: as specified in Chapter 19.1400. (Ord. 1893 (part), 2001: Ord. 1854 (part), 1999)*

## CHAPTER 19.1400 PUBLIC FACILITY IMPROVEMENTS

### 19.1401 PURPOSE

*The purpose of Chapter 19.1400 is to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts. The purposes of this chapter include the following:*

#### 19.1401.1 For Transportation Facilities

- A. *Provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation system plans.*
- B. *Protect the functional classification, capacity, and level of service of transportation facilities.*
- C. *Ensure that transportation facility improvements are provided in rough proportion to development impacts.*
- D. *Provide an equitable and consistent method of requiring transportation facility improvements.*
- E. *Ensure that transportation facility improvements accommodate multiple modes of travel, including pedestrian, bicycle, transit, and auto.*

#### 19.1401.2 For Public Facilities

- A. *Ensure that public facility improvements are safe, convenient, and adequate.*
- B. *Ensure that public facility improvements are designed and constructed to City standards in a timely manner.*
- C. *Ensure that the expenditure of public monies for public facility improvements is minimized when improvements are needed for private development.*
- D. *Ensure that public facility improvements meet the City of Milwaukie Comprehensive Plan goals and policies. (Ord. 2003 § 2, 2009)*

The public facility (frontage) improvements were completed as part of Land Use File # CSO-04-05.

### 19.1402 APPLICABILITY

#### 19.1402.1 General

*Chapter 19.1400 applies to the following types of development in all zones:*

- A. *Partitions.*
- B. *Subdivisions.*
- C. *Replats that increase the number of lots.*
- D. *New construction.*
- E. *Modification or expansion of an existing structure (including single-family residential expansions as described in Subsection 19.1402.2) or a change or intensification in use that results in any one of the following:*
  - 1. *A new dwelling unit.*

2. *Any increase in gross floor area.*
3. *Any projected increase in vehicle trips, as determined by the Engineering Director.*

This project increases interior floor area by 4.0% the addition of small ground floor storage enclosure and the expansion of an upper level fellowship room. Please refer to Traffic Impact Study by H. Lee & Associates regarding any additional trip generation.

### **19.1403 REVIEW PROCESS**

#### **19.1403.1 Preapplication Conference**

*For all proposed development that requires a land use application and is subject to Chapter 19.1400 per Section 19.1402, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.*

Staff has informed the applicant that the Engineering Director has elected to waive the pre-application conference requirement because the proposal is not complex.

#### **19.1403.2 Application Submittal**

*For all proposed development that is subject to Chapter 19.1400 per Section 19.1402, one of the following types of applications is required.*

##### **A. Development Permit Application**

*If the proposed development does not require a land use application, compliance with Chapter 19.1400 will be reviewed as part of the development permit application submittal.*

##### **B. Transportation Facilities Review (TFR) Land Use Application**

*If the proposed development triggers a transportation impact study (TIS) per Section 19.1404, a TFR land use application shall be required. Compliance with Chapter 19.1400 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Chapter 19.1000. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications.*

The Traffic Study prepared by H. Lee & Associates has been updated and included in this application.

### 19.1403.3 Approval Criteria

*For all proposed development that is subject to Chapter 19.1400 per Section 19.1402, the required development permit and/or land use application shall demonstrate compliance with the following approval criteria at the time of submission.*

#### A. Procedures, Requirements, and Standards

*Development and related public facility improvements shall comply with procedures, requirements, and standards of Chapter 19.1400 and the Public Works Standards.*

#### B. Transportation Facility Improvements

*Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.1405 Rough Proportionality, except as allowed by Section 19.1406 Fee in Lieu of Construction.*

Transportation improvements were completed along with Land Use File #CSO-04-05 and meet the safety and functionality requirements.

#### C. Safety and Functionality Standards

*The City will not issue any development permits unless the proposed development complies with the City's basic safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have all of the following:*

1. *Adequate street drainage, as determined by the Engineering Director.*
2. *Safe access and clear vision at intersections, as determined by the Engineering Director.*
3. *Adequate public utilities, as determined by the Engineering Director.*
4. *Access onto a public street with the minimum paved widths as stated in Subsection 19.1403.3.C.5 below.*
5. *Adequate frontage improvements as follows:*
  - a. *For local streets, a minimum paved width of 16 feet along the site's frontage.*
  - b. *For nonlocal streets, a minimum paved width of 20 feet along the site's frontage.*
  - c. *For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.*
6. *Compliance with Level of Service D for all intersections impacted by the development, except those on Oregon Highway 99E that shall be subject to the following:*
  - a. *Level of Service F for the first hour of the morning or evening 2-hour peak period.*
  - b. *Level of Service E for the second hour of the morning or evening 2-hour peak period.*

#### **19.1404 TRANSPORTATION IMPACT EVALUATION**

*The Engineering Director will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the Engineering Director cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.*

A Traffic Impact Study was provided by H. Lee & Associates dated July 4, 2009 and updated by letter dated February 8, 2011.

#### **19.1406 FEE IN LIEU OF CONSTRUCTION**

*If transportation facility improvements are required and determined to be proportional, the City will require construction of the improvements at the time of development. However, the applicant may request to pay a fee in lieu of constructing the required transportation facility improvements. The fee in lieu of construction (FILOC) program ensures that opportunities to improve public transportation facilities are maximized and that the goals and requirements of this chapter are met. This section provides criteria for making FILOC determinations and administering the FILOC program.*

Not applicable. No Fee In Lieu of Construction is proposed.

#### **19.1408 TRANSPORTATION FACILITY REQUIREMENTS**

*This section contains the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. For ease of reading, the more common term "street" is used more frequently than the more technical terms "public right-of-way" or "right-of-way." As used in this section, however, all three terms have the same meaning.*

*The City recognizes the importance of balancing the need for improved transportation facilities with the need to ensure that required improvements are fair and proportional. The City also acknowledges the value in providing street design standards that are both objective and flexible. Objective standards allow for consistency of design and provide some measure of certainty for developers and property owners. Flexibility, on the other hand, gives the City the ability to design streets that are safe and that respond to existing street and development conditions in a way that preserves neighborhood character.*

*The City's street design standards are based on the street classification system described in the TSP. Figure 8-3a of the TSP identifies the functional street classification for every street in the City and Figure 10-1 identifies the type and size of street elements that may be appropriate for any given street based on its classification.*

Transportation improvements were completed to City Transportation Standards as part of Land Use File #CSO-04-05 and meet the safety and functionality requirements.

## CONTINUED Section 19.321 CSU - COMMUNITY SERVICE USE

### 19.321.5.A Standards for Community Service Uses - Continued

2. *Specific standards for the proposed uses as found in Subsections 19.321.10 through 14 are met;*
3. *The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;*

Specific standards for the applicable use found in subsections 19.321.12 are met and are addressed elsewhere in this narrative. See Ukrainian Bible Church "Pathway to God" Program at the beginning of this document. The hours of operation are constrained to period of activity typical to a residential neighborhood; afternoons, weekends, and early evenings. Residences typically enjoy family functions on weekends and early evenings similar to the church. The difference in scale is mitigated by the size of the site. The church is located in the center of a large site. The scale impact is further mitigated by the fact that a school exists to the east, a convalescent home across and set well back from SE Sterling to the west, a wide access easement to the north. On the south side, the parking areas, bike path, and landscaping further mitigate impact.

No activities will occur late at night or in the early morning. This is the same schedule as Land Use File #CSO-04-05.

4. *The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and*

This institution serves as a community church, reaching out to the needs of the local residents for worship. The proposed project simply provides a weather enclosure for a small, elevated outdoor deck used as a fellowship area so that it may be utilized year round. No negative impacts will be created.

The opportunity for spiritual growth is a basic human need. The primary benefit for this project is the spiritual enrichment of the church members and that will translate to people that have a positive impact on the community at large.

5. *The location is appropriate for the type of use proposed.*

The location for the proposed project is an existing second story deck that was added to the north side of the original 1969 building during the 2004 expansion. It is proposed that the outdoor fellowship activity that occurred there will be appropriate as an indoor activity after enclosure in terms of impact to surrounding properties.

### 19.321.6 Procedures for Reviewing a Community Service Use

*A. The Planning Commission will hold a public hearing on the establishment of, or major modification of, the proposed community service use. If the Commission finds that the approval standards in Subsection 19.321.5 are met, the Commission shall approve the designation of the site for community service use. If the Commission finds otherwise, the application shall be denied. An approval allows the use on the specific property for which*

*the application was submitted, subject to any conditions the Planning Commission may attach.*

*B. In permitting a community service use or the modification of an existing one, the City may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:*

- 1. Limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;*
- 2. Establishing a special yard, setback, lot area, or other lot dimension;*
- 3. Limiting the height, size, or location of a building or other structure;*
- 4. Designating the size, number, location, and design of vehicle access points;*
- 5. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;*
- 6. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area; and/or*
- 7. Limiting or otherwise designating the number, size, location, height, and lighting of signs.*

This project, per the provisions of 19.321.6.B as listed above only affects the size of the structure and none of the other provisions. The design intent is to be as compatible with the surrounding uses as possible to avoid any conditions by Planning Commission. This project increases floor area slightly by enclosing an existing second story deck but does not increase existing footprint or height of existing roofline.

*C. The Planning Director may approve minor modifications to an approved community service use pursuant to a Type I procedure, provided that such modification:*

- 1. Does not increase the intensity of any use;*
- 2. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19;*
- 3. Does not result in deterioration or loss of any protected natural feature or open space, and does not negatively affect nearby properties;*
- 4. Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council; and*
- 5. Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.*

This project could conceivably be considered a minor modification to an approved community service use since it does not increase the intensity of use; meets the requirements of the underlying zone; does not negatively affect nearby properties, natural features, or open space; does not go against any previous Conditions; nor does it cause any public facility failure. Staff has determined that the proposed increase in floor area of 689 s.f. (2.2%) is a major modification. For comparison, zoning code allows a 200 s.f. increase in residential



floor area (roughly 10% of a typical residence) without triggering transportation requirements.

#### **19.321.8 Application Requirements**

*An application for approval of a community service use shall include the following:*

- A. Name, address and telephone number of applicant and/or property owner;*
- B. Map number and/or subdivision block and lot;*
- C. Narrative concerning the proposed request;*
- D. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted;*
- E. Vicinity map;*
- F. Comprehensive plan and zoning designations;*
- G. A map showing existing uses, structures, easements, and public utilities and showing proposed development, placement of lot lines, etc.;*
- H. Detailed plans for the specific project;*
- I. Any information required by other applicable provisions of local, state or federal law;*
- J. Proof of payment of the applicable fees;*
- K. Additional drawings, surveys or other material necessary to understand the proposed use may be required.*

#### **19.321.12 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards**

*A. Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.*

Utilities, streets, or other public facility improvements are not anticipated to be necessary for this project.

*B. When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than 20 trips per day are exempted from this subsection.*

Points of access do not change with the proposed project. The proposed addition will develop fewer than 20 trips per day, as indicated per the 2008 traffic study by H. Lee & Associates.

*C. When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of two-thirds of the height of the principal structure. As the*

*size of the structure increases, the depth of the setback must also increase to provide adequate buffering.*

Proposed roofline will match the existing roofline extending it to the north on the original building but will not extend beyond the west wall line of the original building or beyond the north wall line of the 2005 expansion.

*D. The height limitation of a zone may be exceeded to a maximum height of 50 feet provided Subsection 19.321.12.C of this section is met.*

Not applicable. The height of the existing building is approximately 35' excluding the steeple and no change in building height is proposed.

*E. Noise-generating equipment shall be sound-buffered when adjacent to residential areas.*

Not applicable. No noise generating equipment is being proposed as part of this project.

*F. Lighting shall be designed to avoid glare on adjacent residential uses and public streets.*

No exterior lighting is proposed to be added or altered.

*G. Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.*

Hours and levels of operation are addressed at the beginning of this narrative. There are no known incompatibilities with adjacent uses.

*H. A spire on a religious institution may exceed the maximum height limitation. For purposes of this section, "spire" means a small portion of a structure that extends above the rest of the roofline, or a separate structure that is substantially smaller than the main structure and extends above the roofline of the main structure. "Spire" includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.*

Not applicable.

*I. The minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.*

The existing landscape area exceeds the base zone requirement, and exceeds the requirement for religious institutions by 140%.

*J. Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.*

Not applicable.

***STORMWATER MANAGEMENT PLAN***

The addition covers area that was previously designated as impervious area. What was existing pavement and sidewalk runoff will now be roof runoff and both are plumbed to the existing water quality and detention pond for stormwater management. No increase in runoff will occur.

**\*\* End of Narrative \*\***

**From:** Larsen, Tom  
**Sent:** Friday, September 16, 2011 12:53 PM  
**To:** Alligood, Li  
**Subject:** Ukrainian Bible Church; CSU-11-02, etc.

Li,

I have reviewed the plans for the above CSU and have no comment at this time.

I did not review the structural plans for code compliance. The applicant will need to provide supporting calculations at the time of permit submittal.

Thanks,

-Tom

Tom Larsen, CBO  
Building Official, City of Milwaukie  
Phone: (503) 786-7611  
Fax: (503) 786-7612



# Clackamas County Fire District #1

## Fire Prevention Office



### E-mail Memorandum

**To:** Li Alligood, City of Milwaukie Planning  
**From:** Mike Boumann, Deputy Fire Marshal, Clackamas Fire District #1  
**Date:** 10/17/2011  
**Re:** Ukrainian Bible Church, 11900 SE Stanley Ave

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This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The following items should be addressed by the applicant:

#### COMMENTS:

Fire sprinklers are required, contact Building Official.

## MEMORANDUM

**TO:** Community Development Department  
**THROUGH:** Gary Parkin, Director of Engineering  
**FROM:** Brad Albert, Civil Engineer  
**RE:** Community Service Use – 11900 SE Stanley Avenue  
 CSU-11-02, TFR-11-01, and P-11-01  
**DATE:** September 28, 2011

Add 1,356 square feet (an expansion of 4%) to the north side of the building.

1. MMC Chapter 19.1400 – Transportation Planning, Design Standards, and Procedures

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 19.1400.

- A. MMC Chapter 19.1400 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to enclose the large deck area on the north side of the building to allow for more area for the Fellowship Meeting Room, add a kitchen, and small storage area. The increase in gross floor area on the site is projected to have a minimal increase in the vehicle trips to the site.

The Planning Commission finds that MMC Chapter 19.1400 applies to the proposed development.

- B. MMC Section 19.1404.1, 19.1408.2, and 19.1404.3 requires submission of a transportation impact study documenting the development impacts on the surrounding transportation system.

The proposed development does anticipate a minimal projected increase in trip generation and therefore requires a transportation impact study in accordance with the Milwaukie Transportation Design Manual.

The Planning Commission finds that the requirements of MMC Section 19.1408.1, 19.1404.2, and 19.1404.3 have been met for proposed development.

- C. MMC Section 19.1404.4 requires that transportation impacts of the proposed development be mitigated.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The traffic impact study found that there is no increase in impacts to the surrounding transportation system and will continue to operate at the level of service previous to the proposed development. Frontage improvements were constructed to City

standards with the CSO-04-05 application and therefore frontage improvement requirements have been met.

The Planning Commission finds that the requirements of MMC Section 19.1404.4 have been met for the proposed development.

- D. MMC Section 19.1408 requires transportation facility improvements associated with development. Transportation facility improvements include elements associated with streets, sidewalks, pedestrians, bicycles, and transit.

The proposed development property constructed a half street improvement along the Stanley Avenue frontage to City standards in conjunction with the CSO-04-05 application. The half street improvement included street widening, curb and gutter, sidewalk, and driveway access improvements. The proposed development has no impacts to the transportation system and therefore does not require any additional improvements.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1408.

### **Recommended Conditions of Approval**

1. None



**To:** Planning Commission  
**From:** Katie Mangle, Planning Director  
**Date:** October 16, 2011, for October 25, 2011, Worksession  
**Subject:** Residential Development Standards Project: Draft Proposal

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## **ACTION REQUESTED**

None. Staff will be sharing the draft proposed code amendments, and is seeking feedback on the aspects of the project on which the Commission would like further discussion prior to entering the hearings process.

## **BACKGROUND INFORMATION**

### **A. History of Prior Actions and Discussions**

- **October 11, 2011:** The Commission discussed one aspect of the project: conditional uses in residential zones.
- **September, 2011:** The Planning Commission discussed some aspects of the proposed multifamily design standards during a joint study session with City Council.
- **June, 2011:** The Planning Commission discussed some aspects of the proposed single family design and development standards during a joint work session with City Council.
- **October 2010:** Staff provided the Planning Commission with a project setup summary including the scope of work and project schedule, and discussed the formation of a Commission subcommittee to guide the project.
- **March 2010:** Staff provided the Planning Commission with a copy of the intergovernmental agreement between the City and the State of Oregon that commits the City to prepare draft code amendments based on priorities that were identified in the 2009 *Smart Growth Code Assessment Final Report*.
- **October 2009:** Staff presented the 2009 *Smart Growth Code Assessment Final Report* to Council. Council concurred with the code amendment priorities identified in the report and requested that staff move forward with the next phase of the project.



- **August 2009:** Planning Commission reviewed and provided concurrence on the Action Plan presented in the 2009 *Smart Growth Code Assessment Final Report*.
- **July - August 2009:** Planning Commission held two worksessions to discuss the consultant's code assessment findings prepared during Phase I of the Smart Growth Code Assistance project.

## **B. Residential Development Standards Project**

Following Council and Planning Commission direction, Planning staff is orchestrating the Residential Development Standards project, a long-range planning project whose objective is to establish a coherent set of zoning code policies to guide infill residential development in Milwaukie. The goal of this project is two-fold: (1) to update Milwaukie's site development and building design standards for single-family and multifamily housing outside of downtown, and (2) to develop policies that reflect the community's changing housing needs and preferences.

Staff has conducted extensive community involvement, and developed policy recommendations with a Steering Committee that includes one Planning Commissioner, several Design and Landmarks Committee members, NDA representatives, a City Councilor, and two at-large members. Over the past year staff has also conducted an online survey, held 6 focus group meetings, held one large workshop, and briefed the Commission many times.

## **C. Draft Proposed Amendments**

Staff has prepared a draft proposed set of code amendments, and will share them at an open house on October 20th, and with the Commission (via a supplemental meeting packet) on October 21st.

As shown on the project schedule (see Attachment 1), the City's staff and consultants have completed the technical and public involvement tasks outlined in the scope of work. Staff will continue to refine the proposal based on community feedback, but the draft proposed amendments are ready for Commission discussion.

During the Planning Commission meeting on the 25th, staff will summarize the feedback received at the open house, and present the draft proposed code amendments. Staff would like to use the worksession to identify issues and topics that the commission would like to further discuss prior to entering the public hearing phase of the project.

## **ATTACHMENTS**

1. Residential Standards Project Schedule

