

MILWAUKIE PLANNING

6101 SE Johnson Creek Blvd Milwaukie OR 97206 503-786-7630 planning@milwaukieoregon.gov

Application for Land Use Action

		Review type*: □ I □ II 図 III □ IV □ V				
CHECK ALL APPLICATION TYPES THAT APPLY:						
☐ Amendment to Maps and/or	☐ Land Division:	☐ Residential Dwelling:				
Ordinances:	☐ Final Plat	☐ Accessory Dwelling Unit				
☐ Comprehensive Plan Text Amendment	Lot Consolidation	☐ Duplex				
Comprehensive Plan Map	☐ Partition	Manufactured Dwelling Park				
Amendment	Property Line Adjustment	Temporary Dwelling Unit				
Zoning Text Amendment	☐ Replat	Sign Review				
Zoning Map Amendment	Subdivision	Transportation Facilities Review				
□ Code Interpretation	☐ Miscellaneous:	🛛 Variance:				
☐ Community Service Use	Barbed Wire Fencing	Use Exception				
☐ Conditional Use	Mixed Use Overlay Review	Variance				
□ Development Review	Modification to Existing Approve	al Willamette Greenway Review				
☐ Director Determination	□ Natural Resource Review**	☐ Other:				
☐ Downtown Design Review	Nonconforming Use Alteration	Use separate application forms for:				
Extension to Expiring Approval	☐ Parking:	Annexation and/or Boundary Change				
☐ Historic Resource:	Quantity Determination	 Compensation for Reduction in Property 				
☐ Alteration	Quantity Modification	 Value (Measure 37) 				
☐ Demolition	Shared Parking	Daily Display Sign				
Status Designation	☐ Structured Parking	 Appeal 				
☐ Status Deletion	☐ Planned Development	A STATE OF THE STA				
RESPONSIBLE PARTIES:						
APPLICANT (owner or other eligible of	applicant—see reverse): Nort	h Clackamas School District C/O Ron Stewart				
	Mailing address: 12400 SE Freeman Way, Milwaukie State/Zip: OR 97222					
Phone(s): 503-353-6004	Email: st	ewartro@nclack.k12.or.us				
Please do not include my	contact information on public i	notices or on the City website:				
APPLICANT'S REPRESENTATIVE (if different than above): 3J Consulting C/O Mercedes Serra						
Mailing address: 9600 SW Nimbus Avenue, Suite 100, Beaverton State /7ip: OR 97006						

SITE INFORMATION:

Address: 2301 SE Willard Street	Map & Tax Lot(s): 11E36BC05600		
Comprehensive Plan Designation: P, C/HD	Zoning: R-2	Size of property: 14.65 acres	

PROPOSAL (describe briefly):

Phone(s): 503-946-9365 x211

NCSD is proposing an adjustment to the sign code to permit an electronic message sign at Milwaukie High School.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:

Date: 1-27-202/

Email: mercedes.serra@3j-consulting.com

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

**Note: Natural Resource Review applications may require a refundable deposit. Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form.

THIS SECTION FOR OFFICE USE ONLY

FILE TYPE	FILE NUMBER	AMOUNT (after discount, if any)	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	VR-2021-002	\$ 2,000.00			
Concurrent application files		\$			2/19/2021
		\$			
		\$			
		\$			
Deposit (NR only)				☐ Deposit Auth	norization Form received
TOTAL AMOUNT RE	CEIVED: \$ 2,000	0.00	RECEIPT #:		RCD BY:
Associated applications of Discourse Associated Application (Associated Associated Assoc				pprovals, etc.):	
Notes:					

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Attachments

Attachment A – Land Use Application Form

Attachment B – Preliminary Development Plans

GENERAL INFORMATION

Property Owner and Applicant: **North Clackamas School District**

> 12400 SE Freeman Way Milwaukie, OR 97222 Contact: Ron Stewart Phone: (503) 353-6004

Planning Consultant: 3J Consulting, Inc.

9600 SW Nimbus Avenue, Suite 100

Beaverton, OR 97008 Contact: Mercedes Serra Phone: (503) 946-9365

Email: mercedes.serra@3j-consulting.com

SITE INFORMATION

Parcel Number: 11E36BC05600

Address: 2301 SE Willard Road

14.65 acres Size:

Zoning Designation: R-2 (Residential)

Existing Use: Milwaukie High School

INTRODUCTION

APPLICANT'S REQUEST

The North Clackamas School District is proposing to install an electronic reader sign at Milwaukie High School and seeks approval of a Type III Sign Code Adjustment due to the location of the high school in the R-2 zoning district. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Milwaukie's Municipal Code.

SITE DESCRIPTION/SURROUNDING LAND USE

Milwaukie High School is located at 2301 SE Willard Road in the City of Milwaukie. The state tax identification for the site is 11E36BC05600. The site is approximately 14.65 acres in size and is zoned R-2 (Residential). The proposed sign will be located in the southwestern portion of the High School property, at the northeast corner of SE Willard Road and SE 23rd Avenue where parking lot for the main entrance is located. The area where the sign will be located is across SE Willard Road from a multi-family housing development in the R-2 zone to the south. Properties to the west of this portion of the high school site are zoned DMU (Downtown Mixed Use) and are developed with commercial property. To the north and east of where the sign is proposed is the Milwaukie High School campus.

PROPOSAL

The North Clackamas School District is proposing an adjustment to the Sign Code to permit an electronic message sign at Milwaukie High School (MHS). The high school is located in the R-2 (Residential) zoning district, which does not specifically permit electronic message signs for institutional uses, such as a school.

Milwaukie High School is not just a public school. It is a large, publicly-owned, multifunctional venue that provides Milwaukie citizens appropriately-sized spaces for theatrical performances, athletics (in the gym or on the fields and stadium), and meetings of all sizes. The high school is also a Clackamas County Category 4: Critical/Essential Building that will be used in case of a major earthquake (generator power is available to power an electronic reader sign).

The sign would also provide a service to the community in promoting events of interest to Milwaukie residents. Specifically, the sign would provide promotion of the arts through events that are often hosted by the Milwaukie Academy of the Arts and Milwaukie High School, who both share the same campus.

An electronic reader board sign at this site would be used to provide school and citywide information serving both the high school and the Milwaukie community. The approval of an adjustment to the sign code to allow an electronic reader board at Milwaukie High School would apply only to this site as it is a unique, multi-purpose, publicly-owned campus broadly serving the citizens of the City and built to serve as a Category 4: Critical/Essential Building for the community during a disaster.

APPLICABLE CRITERIA

The following sections of Milwaukie's Municipal Code have been extracted as they have been deemed to be applicable to the proposal. Following each bold applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Type III Sign Code Adjustment application.

TITLE 14 SIGNS

CHAPTER 14.04 GENERAL PROVISIONS

14.04.020 PURPOSE

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

- A. Protect the health, safety, property and welfare of the public;
- B. Promote the neat, clean, orderly and attractive appearance of the community;
- C. Provide for the safe installation and maintenance of signs;
- D. (Repealed by Ord. 1965);
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, installation, and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets;
- J. Regulate solely on the basis of time, place, and manner of a sign, not on its content; and
- K. Coordinate review where multiple agencies have review authority for a sign permit. (Ord. 2040 § 2 (Exh. B), 2011; Ord. 1965 §§ 2, 3, 2006: Ord. 1733 § 1(1) (Exh. A), 1993)

Findings:

Applicant's The proposed electronic message sign at Milwaukie High School will comply with all provisions of this purpose statement. Approval of an adjustment to allow the electronic sign will allow greater protection of the health, safety, property and welfare of the public in disseminating emergency information clearly and quickly.

> Milwaukie High School is an emergency community shelter in times of natural disaster and portions have been built to serve as a Category 4: Critical/Essential Building. In the case of a major earthquake, electrical, telephone and cell phone service may not be available. However, an electronic reader board powered by a generator would provide essential information to the Milwaukie community, including direction to those looking for food, shelter or services.

> The approval of an adjustment to allow an electronic reader board at Milwaukie High School, a Critical/Essential Building is only applicable to one site in the City, as it is the

only public high school in the City limits (and the only public high school that is a Critical/Essential Building). Approval of this adjustment meets the sign code purpose of protecting the health, safety, property and welfare of the public. Approval of this adjustment is also inherently limited to just this one site in that it is the only site where an electronic reader board would directly serve the high school population *and* the Milwaukie community.

The sign would be well-maintained and kept neat, clean and orderly and be designed with an attractive appearance for the Milwaukie community, enhancing the unique scenic beauty of the City. The sign would be safely located and installed in an area free of sign clutter and without nuisance to nearby properties. As the sign would be located at SE 23rd and SE Willard, an intersection most heavily traveled by students, parents and teachers during school sessions, there is little concern of distractions for motorists on public highways and streets.

The City of Milwaukie has the sole review authority for a sign permit on this site, and approval of a sign code adjustment to allow an electronic reader sign on this site would represent the City's regulation solely on the basis of time, place, and manner of the sign and not its content. The proposed sign code adjustment and resultant electronic reader sign at Milwaukie High School meets all of the components of the sign code purpose statement.

CHAPTER 14.12 SIGNS PROHIBITED OR EXEMPTED

14.12.020 PROHIBITED SIGNS

It is unlawful for any person to install, display or maintain, and no permit shall be issued for the installation, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:

R. Electronic display signs that display message or copy using any prohibited electronic display methods, as defined in Section 14.04.030.

Applicant's Findings:

Section 14.04.030 defines "Prohibited electronic display" as "any part of the message or display on an electronic display sign that utilizes the following methods of presentation:

'Flash' means sudden or intermittent electrical illumination.

'Scroll' means the changing of an electronic display by the apparent movement of the visual image, such that a new visual image appears from the margins of the sign in a continuous or unfurling movement.

Travel' means the changing of an electronic display by the apparent horizontal movement of the visual image.

'Video display' means providing an electronic display in horizontal or vertical formats to create continuously moving images."

The proposed electronic sign display will not utilize any of the prohibited methods of presentation. The presentation type will be light-emitting diodes (LEDs) consistent with electronic display signs at other high schools in North Clackamas School District.

Therefore, the District does not propose a prohibited sign type with this sign adjustment request. This standard is met.

CHAPTER 14.24 SIGN CONSTRUCTION, MAINTENANCE, AND LIGHTING 14.24.020 SIGN LIGHTING

A. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity.

Applicant's The proposed electronic sign will have lamps or bulbs exposed to direct view at 25 Findings: watts or less capacity. This standard is met.

B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.

Applicant's The proposed electronic sign will not contain neon tubing. This standard is met. **Findings:**

C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 9 inches apart, center to center.

Applicant's The proposed electronic sign will not contain fluorescent tubes. This standard is met. Findings:

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

Findings:

Applicant's The proposed electronic sign will not have lighting that will directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 footcandles of light. This standard is met.

E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.

Findings:

Applicant's This application for a sign code adjustment is needed because this type of sign is not specifically permitted in the sign district (residential). The approval of the adjustment will not result in a conflict with these standards. This standard is met.

F. Other types of illumination not described by Subsections 14.24.020.A-C, such as lightemitting diodes and other similar technology, are allowed for interior or exterior illumination of a sign if all other regulations of Title 14 are met.

Applicant's The proposed electronic sign will utilize light-emitting diodes (LEDs) for illumination in compliance with all other regulations of Title 14. This standard is met.

G. Electronic display signs are allowed in the Commercial Zone sign district (Section 14.16.040) and the Manufacturing Zone sign district (Section 14.16.050), subject to the standards below. Electronic display signs are allowed in the Downtown Zones sign district per Subsection 14.16.060.H.6 and the standards below.

1. Illumination

a. An electronic display sign may not have an illumination intensity of more than 0.3 footcandles over ambient light, measured at the distance specified by the following calculation:

Measurement distance =
$$\sqrt{sign face area \times 100}$$

The measurement shall be taken as the difference in illumination between the electronic display sign turned off and the electronic display sign displaying either a solid white screen (for multicolor displays) or a solid single-color screen (for single-color display). To the degree practicable, the measuring device shall be parallel to the plane of the sign face and the measurement shall be made from a location that is perpendicular to the plane of the sign face. The specified distance shall be the shortest straight-line distance to the sign face, including horizontal and vertical distance from the sign if the sign is elevated.

- b. The sign shall have a mechanism that automatically adjusts the illumination level to comply with the standards in Subsection 14.24.020.G.1.a.
- c. In addition to the standards of Subsection 14.24.020.G.1.a, no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right-of-way. Upon notice by the Planning Director that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.

2. Size

- a. Electronic display signs on properties north of the centerline of Highway 224 which also have frontage on McLoughlin Blvd, Main St, or Frontage Rd are subject only to the applicable size limits elsewhere in Title 14. Subsection 14.24.020.G.2.b does not apply.
- b. An electronic display sign in the Commercial Zone sign district or Manufacturing Zone sign district, with the exception of the McLoughlin Blvd corridor described in Subsection 14.24.020.G.2.a, may be included only as part of

a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the size limitations below:

- (1) 50% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
- (2) 50 sq ft.
- c. Size regulations for signs in the Downtown Zones sign district are as described in Subsection 14.16.060.H.6.

3. Display

- a. The message or copy on an electronic display sign is allowed to change no more frequently than described below:
 - (1) Not more than once every 10 seconds for an electronic display sign with a sign face of 20 sq ft or less, or for any size of electronic display sign on a property in the McLoughlin Blvd corridor described by Subsection 14.24.020.G.2.a.
 - (2) Not more than once every 2 minutes for electronic display signs not described by Subsection 14.24.020.G.3.a(1).
- b. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.

Findings:

Applicant's The proposed electronic sign will not have an illumination intensity over ambient light of more than 0.3 footcandles, measured according to the provisions of G.1.a., above. The sign will have a mechanism that automatically adjusts the illumination level to limit the intensity level over ambient light to 0.3 footcandles or less and shall be no brighter than necessary for clear and adequate visibility. The proposed electronic display area will be sized to comply with the code standards. The message or copy on the electronic sign will meet the requirements for frequency of change. The change in message or copy will occur instantaneously or will face or dissolve with a transition time of no more than 2 seconds between each separate message or display. These standards are met.

H. Shielding

The purpose of the regulations below is to prevent light pollution from illuminated signs into the sky. The light source for externally illuminated signs with a sign face of 100 sq ft or more shall have a cutoff angle of 90 degrees or greater to ensure that lighting is not directed upward. (Ord. 2040 § 2 (Exh. B), 2011; Ord. 1965 §§ 2, 3, 2006: Ord. 1733 § 1(1) (Exh. A), 1993)

Findings:

Applicant's The proposed electronic sign will not have a sign face of 100 square feet or more and, therefore, this standard is not applicable.

CHAPTER 14.32 ADJUSTMENTS

14.32.010 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS

A. The Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

Findings:

Applicant's The proposed adjustment is not based on the cost of meeting a standard. The proposed adjustment is requested based on the special and unusual circumstance of the specific piece of property where Milwaukie High School is located, in the R-2 zoning district. The "Residential Sign District" addresses signage for residential uses and does not address signage for institutional uses such as a school. demonstrated further in this narrative, strict application of the sign code chapter would preclude an electronic message sign at the high school, causing an undue or unnecessary hardship on the school district, high school staff and administrators, students and their families and the Milwaukie community as a whole. The applicant understands that additional conditions may be placed by the Planning Commission which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter. This standard is met.

B. The Design and Landmarks Committee shall hold a public meeting and prepare a report for adjustment applications that require Planning Commission review per Section 19.1011 Design Review Meetings. The Planning Commission shall consider the findings and recommendations contained in the report during the public hearing on the proposal.

Findings:

Applicant's The pre-application notes provided by the City stat that "staff's interpretation is that the DLC is only involved if the sign in question is located in a downtown zone". This standard is met.

- C. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria:
 - 1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or

2. The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

Applicant's Findings:

The adjustment is proposed based on special and unusual circumstances related to the specific property and the specific sign. Milwaukie High School (MHS) is the only public high school in the R-2 zoning district (and the only North Clackamas high school in the Milwaukie City limits).

The proposed electronic sign at Milwaukie High School would allow information to be quickly, efficiently and accurately provided to a student body and Milwaukie community that includes many people without regular internet access. MHS is the only high school in the North Clackamas School District that does not have an electronic reader board; a communication tool considered essential by the District and seen as an inequity to the students, parents, staff and the Milwaukie Community. The electronic reader board would also allow a reduction of printed materials either sent home with students or mailed, resulting in better dissemination of information, more staff time available for students and fewer physical resources used. This would be better for the school, the Milwaukie community and the environment. This standard is met.

14.32.020 ADJUSTMENT PROCEDURE

The following procedures shall be followed in applying for and acting on an adjustment:

A. A property owner may initiate a request for an adjustment by filing an application with the City Manager, using forms required by the City Manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be adjusted and the dimensions and arrangement of the proposed sign, support structure, buildings and real property. The review authority may request other drawings or material essential to an understanding of the adjustment request.

Findings:

Applicant's This request for adjustment is being initiated by the property owner, North Clackamas School District, using appropriate forms. The submitted plans demonstrate the dimensions and arrangement of the sign, support structure, buildings on the site and real property. This standard is met.

B. The review authority shall hold a public hearing for any adjustment request which is 25% or more of the required standard per the provisions of Section 19.1006 Type III Review. Adjustment requests of less than 25% from the required standard shall be reviewed by the Planning Director per the provisions of Section 19.1005 Type II Review. Within 5 days after a decision has been rendered with reference to a request for an adjustment, the City Manager or duly authorized representative shall provide the applicant with notice of the decision of the review authority.

Findings:

Applicant's The proposed adjustment is to permit the electronic sign on the high school property and therefore requires a Type III review. This standard is met.

14.32.030 CIRCUMSTANCES FOR GRANTING ADJUSTMENT

The review authority shall consider and make findings with respect to each of the following: A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance;

Applicant's Findings:

As discussed previously in Section 14.04.020, installation of an electronic reader board sign at Milwaukie High School would meet all of the objectives and purpose statements of the Sign Ordinance. Precluding the high school from installing this sign will result in practical difficulty of students, families of students, teachers, school administrators and the general public not having quick and easy access to important school- and Milwaukie community-related information. This is directly in contrast with the first purpose of the Sign Ordinance: Protect the health, safety, property and welfare of the public. As seen in recent months with the COVID-19 Pandemic and the wildfires in Clackamas County and elsewhere in the state, it is imperative that citizens have ready access to up-to-date information. A standard sign cannot do this in the same way an electronic sign can. Some residents in Milwaukie may not have reliable access to the internet and other information sources, therefore a community messaging system such as this would reduce unnecessary physical hardship for both school and Milwaukie community populations. This standard is met.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties classified in the same zoning district;

Applicant's Findings:

Milwaukie High School is in the R-2 Zoning District, a residential zoning district. Section 14.16.010 identifies sign types permitted in residential zones. All sign types permitted are related to residential development, not schools or institutional sites. This results in exceptional or extraordinary circumstances applied to this property (Milwaukie High School) that do not generally apply to other properties in the R-2 Zone (generally housing). In addition, Milwaukie High School is a Category 4: Critical/Essential Building to be used as a community shelter during a disaster. Approval of this adjustment will affect only the Milwaukie High School Site as it is the only public High School located in the R-2 zoning district and designed as a Category 4: Critical/Essential Building within the City limits. This standard is met.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

Findings:

Applicant's Owners of other properties in the same zoning district are generally residential. Section 14.16.010 provides standards by which residential developments may install signs that are appropriate to residential developments. There is no such standard provided by which a high school may install signs that are appropriate to a high school and community information center, such as Milwaukie High School. Therefore, the strict or literal interpretation of the Sign Ordinance would deprive the applicant of privileges enjoyed by the owners of other properties in the R-2 zone. This standard is met.

D. That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and,

Findings:

Applicant's As discussed above, section 14.16.010 provides the ability of residential property in the R-2 zoning district to install appropriate types of signage. The granting of this adjustment will allow the high school the ability to install signage appropriate to the use on the site as well. This does not constitute a grant of special privilege inconsistent with the limitations on other properties in the R-2 zone. This standard is met.

E. That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Findings:

Applicant's The granting of the adjustment will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity. Many Milwaukie High School students and nearby community neighbors do not have reliable, regular internet access. Milwaukie High School has also recently been designated as an evacuation site for natural disasters such as wildfires. An electronic reader sign at the high school would provide both students and Milwaukie community members timely, accurate, important information about both the school and the city. This standard is met.

14.32.040 TIME LIMIT

- A. Authorization of an adjustment shall be void if the building or work approved by such adjustment is not commenced within 6 months of the date of approval.
- B. The review authority may, upon receiving a written request from the applicant prior to the adjustment expiration date, extend the adjustment for a period not to exceed one year.

Applicant's The School District acknowledges that the adjustment is void of work approved by such is not commenced within 6 months of the date of approval, with the exception of extensions as described above. This standard is met.

14.32.050 APPEALS

Appeals of Planning Commission decisions shall follow the procedures of Chapter 19.1000 of the Milwaukie Zoning Ordinance.

Applicant's The School District acknowledges the appeal procedures. This standard is met. **Findings:**

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Commission for this Type III Sign Code Adjustment application.



MILWAUKIE HIGH SCHOOL



6500 Flotilla St. Commerce, California, 90040 888-315-7446 www.megasigninc.com

QUOTE

2707169000055880052 Apr 24, 2020 11:20 PM

Prepared For Project Name Amount

Quote Valid For Sales Person BRIC

Premier Series 35 10mm

\$ 8,749.00 60 Days Daniel Soriano

888-315-7446

daniel@megasigninc.com

Ship To BRIC

MP10-35-SMD Premier Full Color LED Display 10mm 3' 3-3/4" x 5' 5" Pixel Matrix 96x160

Quantity 1

Premier Series outdoor LED displays feature rugged Line-X coated all aluminum cabinets made right here in the USA. Toll Free Lifetime Diagnostics Support and 5 Year Parts & Factory Labor Warranty, 160 degree viewing angle LEDs on our IP65 Rated front and back water proof modules, Front Serviceable cabinets, Universally Sized Modules to allow easy future upgradability, Conformal Coated Delta Power Supplies, Oversized 12" Deep Cooling Fan Hoods to keep water out of displays, Energy Efficient, Operating temperature -22F to 140F. MET Labs Certified and tested compliant with UL48, UL8750, UL1433

Product Details

Display Specification Series: Premier

Total Dimension (ft): 3' 3-3/4" x 5' 5" Active Viewing Area (ft): 3' 1-3/4" x 5' 3"

Pixel Pitch: 10mm

Color Capability: 281 Trillion Colors

Pixel Matrix: 96x160

Pixel Configuration: All-in-one SMD 1 Red / 1 Green / 1 Blue

Brightness: 8,500 NITS

Viewing Angle: 170 Degree Horizontal / 160V Degree Vertical

Minumum Character Height: 2 3/4 inch Maximum Character Height: 37 inch Maximum Lines: 12

Maximum Lines: 12 Estimated Weight: 184.32 lbs Maintenance: Front Service

Electrical Requirement Per Face Regular Operating Watts: 415 Maximum Boot-up Watts: 1382 Max Amps @120V: 11.5 Max Amps @240V: 5.8

Estimated Monthly Electricity Cost: \$25

*Estimated @ Operating 18hrs / Day @ \$.11/kWH

Product Details	Quantity
Mega Cloud Software	1
MEGA Cloud true cloud-based LED Sign software, and there is not software to install. Access Your Digital Signage from any Internet-Connected Device (PC, Mac, o Mobile). No Worries with Automatic Updates and Easy Access! Our service resides on the internet, or "in the cloud." This allows clients to securely login from any PC Mac, or mobile device connected to the internet to operate their display. Updates to the system are fully automatic and new features are available immediately. Your Content is Safe and Secure. All content and schedules are securely stored in the client's online library and backed up daily to make sure they have access to their conte 24/7. Easy User Management with a Multi-User Permission-based System. Clients have complete control over their display network. For example, a master account u can assign multiple people to make graphic requests, but restrict access to manage the display schedule or other features. MEGA Cloud offers a wide set of powerful features designed to empower professional digital signage. With thousands of customers all around the world, we have everything you need to take your signage operation to the next level.	C, ent
Auto Dimming Sensor	1
Auto dimming sensor will automatically adjust the LED Display brightness based on ambient light.	
Wifi - Extended Range	1
Advanced 2.4 GHz Wireless Communication System designed and built for severe weather conditions. Enables fast, wireless transmission of data files and content seamlessly to your LED display at distances up to 1,000 feet apart with line of sight. Protects your important files and LED display messages from outside interference or tampering. Communication is done via tried and tested TCPIP communication with WPA/PSK Security Encryption Outdoor access point antenna included - Outdoor sign antenna included - Mounting hardware included.	e
Shipping - Freight	1
Freight Charge - Only covers basic delivery with no extra services. Carrier will call to schedule time frame for delivery. Extra fees will be billed if any of these services are requested, or conditions exist before or during delivery: Residential, Limited Access, Inside Delivery (carrying product into building), Lift Gate, or Re-Delivery (2nd attempt). Lift Gate not available for shipment over 90". Any shipment that exceeds 90", client is required to unload the crate from the freight truck.	

 Sub Total
 \$ 11,799.00

 Sales Tax
 \$ 0.00

 Discount
 - \$ 3,050.00

 Grand Total
 \$ 8,749.00

Terms & Conditions

This Agreement is expressly limited to the acceptance by the Buyer of the exact listed terms and Buyer acknowledges that discussions and negotiations have occurred leading up to this agreement. Furthermore, neither party hereafter will rely on any oral representations made outside of the stated terms of this Agreement, which includes the "Standard Terms and Conditions" link below. Applicable sales tax in the State of California; will be accessed at the time of billing and may not be represented on this quotation. If you are a tax exempt entity, please provide proof so you are not charged tax in error. https://www.megasigninc.com/docs/termsofsales.pdf

To complete the order sign here, initial previous pages, and return all signed and initial pages.	
Printed Name: Signature:	



CITY OF MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7600
planning@milwaukieoregon.gov
building@milwaukieoregon.gov
engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 20-007PA

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

The Milwaukie Municipal Code is available here: www.qcode.us/codes/milwaukie/

		AF	PPLICANT AND PROJECT INFOR	RMATION
App	olicant:	Andrew Tull	for North Clackamas School District (NCSD)	Applicant Role: Planning Consultant
App	olicant Address:	9600 SW Nim	abus, Suite 100, Beaverton, OR 97008	
Con	npany:	3J Consulting	9	
Proj	ect Name:	Milwaukie Hi	gh School signage	
Proj	ect Address:	2301 SE Willo	rd St	Zone: Residential R-2
Proj	ect Description:	Code amen	dment or Sign adjustment to allow an electro	nic display sign at Milwaukie High School
Curi	rent Use:	High school		
App	Applicants Present: Mercedes Sochool Distri		erra (3J Consulting); Steve Nicholas, Cindy Detchon, and Ron Stewart (North Clackamas	
Staf	Staff Present: Brett Kelver,		Associate Planner; Janine Gates, Assistant Planner	
	PLANNING COMMENTS			
			Zoning Compliance (MMC Title	19)
	Use Standards			
			Land Use Review Process	
×	Applications Need	led	As proposed, the project would require the t • Sign Adjustment	following applications:
×	Review Type		Sign Adjustment (Variance) = Type III	
×	Fees		• Type III application = \$2,000	
	Application Proces	ss	City's initial review. Due to the COVID pande desired. A determination of the application's	,
				a public hearing with the Planning Commission ain in place to address the COVID pandemic,

Site Improvements/Site Context Downtown Design Standards				
(MMC 19.508)	Off-Street Parking Standards (MMC 19.600)			
Residential Off-Street Parking Requirements				
	Approval Criteria			
Sign Adjustment (MMC 14.32)	For a sign adjustment, the applicant must show that (1) there are special and unusual circumstances related to the specific property or sign, (2) the adjustment is consistent with the guiding principles of the Downtown Design Guidelines (only for signs in downtown zones), and (3) the adjustment meets either of the following criteria: (a) strict application of the code would cause an undue or unnecessary hardship (excluding cost); or (b) the adjustment serves to protect or enhance significant features such as (but not limited to) trees, historic or culturally significant buildings, or landmark signs.			
	Although the code references the Design and Landmarks Committee (DLC) in the adjustment process, staff's understanding and interpretation is that the DLC is only involved if the sign in question is located in a downtown zone. Likewise, consideration of the Downtown Design Guidelines is not an applicable approval criterion for signs outside of downtown zones.			
	In granting an adjustment, the Planning Commission may attach conditions that it finds necessary to protect the welfare of the city and otherwise achieve the purposes of the sign code. As per Milwaukie Municipal Code (MMC) Section 14.32.040, authorization of a sign adjustment is voided if the building or work approved is not commenced within 6 months of			
	the date of approval. If the applicant makes a written request prior to the expiration date, the Planning Commission can extend the adjustment for a period of up to one year.			
Design Standards	the Planning Commission can extend the adjustment for a period of up to one year.			
Design Standards	the Planning Commission can extend the adjustment for a period of up to one year.			

		Additional Planning Notes
	Business Registration	
		Other Permits/Registration
		Regular meeting—second Monday, 6:30pm (online)
	Choose an item.	Historic Milwaukie NDA Chair Ray Bryan historicmilwaukienda@gmail.com
	Choose an item.	(NDA), in this case the Historic Milwaukie NDA.
×	Historic Milwaukie	Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association
		Neighborhood District Associations
	Noise Mitigation (MMC 16.24)	
		Noise (MMC Title 16)
		MMC Chapter 14.32 establishes the process for the Planning Commission to authorize adjustments to the sign code, where strict application of the code would cause "an undue or unnecessary hardship" (excluding cost). The approval criteria for an adjustment are discussed above.
		However, electronic display signs are not allowed in residential zones and are further restricted by the standards in MMC Subsection 14.24.020.G. An adjustment (like a variance) would be required to allow an electronic display sign for a CSU.
		or Type III review is required. One monument or freestanding sign is allowed for a CSU—up to 16 sq ft per display surface and max height of 6 ft for Type I review; or up to 40 sq ft per display surface, max length of 20 ft, and max height of 12 ft for Type III review.

Additional Planning Notes

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

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

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

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

	ENGINEERING & PUBLIC WORKS COMMENTS			
		Public Facility Improvements (MMC 19.700)		
	Applicability (MMC 19.702)			
		Flood Hazard Area (MMC 18)		
	Development Permit (MMC 18.04.100)			
		Environmental Protection (MMC 16)		
	Erosion Control (MMC 16.28)			
	Tree Cutting (MMC 16.32)			
		Public Services (MMC 13)		
	System Development Charge (MMC 13.28.040)			
		Public Places (MMC 12)		
	Clear Vision (MMC 12.24)			
		Additional Engineering & Public Works Notes		
		BUILDING COMMENTS		
All c	drawings must be submitted electro	onically through <u>www.buildingpermits.oregon.gov</u>		
		all the provisions of the current applicable Oregon Building Codes. All State adopted building www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx .		
lice	nse at <u>www.buildingpermits.oregor</u> ndividually. Plans need to be uplo	ectronic and can be applied for online with a valid CCB license number or engineer/architecn.gov. Each permit type and sub-permit type are separate permits and will need to be applied baded to their specific permits in PDF format as a total plan set (not individual pages) if size		
app	unty and plan review times for the propriate time to obtain these perm	eviews (when required) are done off site. Reviews are currently being done by Clackamasse reviews very and are not under the control of the Milwaukie building division. Please allownits, as courtesy inspections are not allowed prior to permits being issued. Site utilities follow thioning permit, they are not done with the grading/utility permit supplied to Milwaukie Engineering		
If yo	ou have any building related quest	ions, please email us at <u>building@milwaukieoregon.gov</u> .		
		Additional Building Notes		
	e that all development permit sub rently 6-8 weeks).	mittals are subject to the initial review time that the building department is experiencing		
		OTHER FEES		

	Construction Excise Tax	Calculation: Valuation *12% (.12)			
	Metro Excise Tax	Calculation: Valuation *.12% (.0012)			
		(Note: There is a cap of \$12,000 on this tax.)			
	School Excise Tax	Calculation: Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)			
		FIRE DISTRICT COMMENTS			
	С	OORDINATION WITH OTHER AGENCIES			
App	Applicant must communicate directly with outside agencies. These may include the following: • Metro, TriMet, North Clackamas Parks and Recreation District (NCPRD), Oregon Parks and Recreation, ODOT/ODOT Rail, Department of State Lands, Oregon Marine Board, Oregon Department of Fish and Wildlife (ODFW), State Historic Preservation Office, Clackamas County Transportation and Development				
	MISCELLANEOUS				
	State or County Approvals Needed				
	Boiler Approval (State)				
		Arts Tax			
	Neighborhood Office Permit				
		Other Right-of-Way Permits			
	Tree Removal Permit:				
		Infrastructure/Utilities			
Applicant must communicate directly with utility providers. These may include the following: • PGE, NW Natural, Clackamas River Water (CRW), Telecomm (Comcast, Century Link), Water Environmental Services (WES), Garbage Collection (Waste Management, Hoodview Disposal and Recycling)					
		Economic Development/Incentives			
	Enterprise Zone:				
	Housing Resources:				
	PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE				

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

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT		
Samantha Vandagriff Harmony Drake Stephanie Marcinkiewicz	Building Official Permit Specialist Inspector/Plans Examiner	503-786-7611 503-786-7623 503-786-7636
ENGINEERING DEPARTMENT		
Steve Adams Dalton Vodden	City Engineer Associate Engineer	503-786-7605 503-786-7617
PLANNING DEPARTMENT		
Laura Weigel Vera Kolias Brett Kelver Mary Heberling Janine Gates	Planning Manager Senior Planner Associate Planner Assistant Planner Assistant Planner	503-786-7654 503-786-7653 503-786-7657 503-786-7658 503-786-7627
COMMUNITY DEVELOPMENT DEPAR	TMENT	
Leila Aman Alison Wicks Christina Fadenrecht Alicia Martin Tempest Blanchard	Community Development Director Development Programs Manager Housing & Economic Dev. Asst. Administrative Specialist II Administrative Specialist II	503-786-7616 503-786-7661 503-786-7624 503-786-7600 503-786-7600
CLACKAMAS FIRE DISTRICT		
Mike Boumann Matt Amos	Lieutenant Deputy Fire Marshal Fire Inspector	503-742-2673 503-742-2661