Minutes Notebook

MILWAUKIE PLANNING COMMISSION
MINUTES
TUESDAY, OCTOBER 27, 1992

COMMISSION PRESENT

Chairman Trotter
Gordon Jones
Bill Johnson
Pat Lent
John Littlehales
Carolyn Tomei

STAFF PRESENT

Maggie Collins,
Community Dev. Dir.
Dave Krogh,
Associate Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Betty Fulmore

1.0 CALL TO ORDER

Chairman Trotter called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS

Chairman Trotter explained the meeting format and the public hearing process. He then asked the audience if there were any questions. There were none.

3.0 CONSENT AGENDA
3.1 PLANNING COMMISSION MINUTES - October 13, 1992

Pat Lent moved to approve the minutes of October 13, 1992, as corrected. **John Littlehales** seconded. MOTION CARRIED 6-0.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS
5.1 Applicant: William Hoesly
Property Owner: Jean and Jo Michel
Location: King Road at 45th and White Lake Road (Tax Lot 5000 of Tax Map T1S, R2E, 30CC)
Proposal: Subdivision/variances in R-5 zone (S-92-03/VR-92-07) (continued from September 22, 1992)

Chairman Trotter opened the public hearing. He asked if there were any conflicts of interest or ex-parte contacts to declare. No members of the Commission announced any ex-parte contacts or declared any potential conflicts of interest. No members of the audience made any challenge to impartiality of any member.

Chairman Trotter asked Commissioners who had visited the site prior to this hearing to raise their hand. Three hands were raised. **Chairman Trotter** asked the Commissioners who had visited the site if they spoke to anyone at the site or noted anything different than what is indicated in the Staff Report for this application. No new information was imparted.

There were no objections to the Commission's jurisdiction to consider the proposal nor to participate in the hearing.

Dave Krogh reviewed the Staff Report with the Commission. Application S-92-03 is a request for preliminary plat approval for an 8-lot subdivision. The Applicant is requesting a triple flag-lot configuration. Four of the proposed lots are below current R-5 standards for lot width. A public hearing was held on September 22, 1992, and it was the decision of the Commission to continue the meeting because there were many design alternatives received from the public. This was done to allow additional time for analysis of design alternatives by Staff.

Staff reviewed 14 different design alternatives for this site and identified four alternatives that could be considered feasible. Alternative #6 is considered the preferred configuration, as the Staff Report dated 10/27/92 suggests.

Dave Krogh stated that one of the primary concerns is access. Staff's analysis confirms that there is adequate area for a public street to be constructed at this location.

A letter was received from Mr. Nedder voicing concern about the condition of Rhodesa Street and 46th Avenue. He does not feel these streets can adequately handle the estimated traffic increase this development will cause. Paul Roeger, Office Engineer, reviewed the overall street networking in the area. He found that the increased traffic generated by the development onto White Lake Road would be distributed in both directions, i.e., Rhodesa Street and 46th Avenue. This would not require additional traffic control devices.

A letter was received from another neighbor, Mr. Englund, proposing two more alternatives for the site. **Paul Roeger's** comments pertained primarily to the extension of 45th. This probably would alleviate some traffic on 46th, but would overall impede the traffic in the area. Extending from White

Lake to King may increase traffic in the area and because of the length of the road, would encourage faster traffic.

Staff recommends alternative #6 as the most feasible of all alternatives. If Alternative 6A is chosen, Staff recommends Lots 5-8 be designated for duplex construction because of the narrowness of the lots. If Alternative 6B is chosen, Lot 6 access could be directed either to King Road or the 45th Avenue cul-de-sac.

Dave Krogh indicated there were concerns about the location of sidewalks for this application. He presented to the Commission a plat map indicating probable sidewalk location.

QUESTIONS FROM THE COMMISSIONERS

Gordon Jones asked for clarification on the estimated traffic and trips generated for this proposal. **Dave Krogh** reported that there would be ten trips per day per house or roughly 70 - 80 trips per day. The capacity of the street is 500 per day.

Chairman Trotter explained to the audience that this hearing is a quasi-judicial process, not a vote by petition. A petition has been received that contained many signatures; the topic is increased traffic and traffic flow. This is only one issue. The application has be to considered from the applicant's standpoint and the neighbors' standpoint.

This is an application for a subdivision preliminary plat. Two variances are required. Each variance is evaluated against four criteria. He then read the criteria to the audience.

Chairman Trotter stated that Staff was asked to review the alternatives received on this application to see if they were feasible. Staff has indicated that they feel Alternative #6 is a feasible alternative. **Chairman Trotter** asked that testimony address the criteria for the variances.

APPLICANT'S PRESENTATION

Speaking: William Hoesly, 10823 S.E. Myrtle, Milwaukie

Mr. Hoesly stated that in regards to the traffic on King Road, the Ordinance allows for as many as three thirty-foot lots on the 90-foot strip. This allows for thirty cars to enter onto King Road. What he is proposing in the 45-foot width is actually a reduction in traffic. He is not in the business of building attached housing. He would like to see single family housing on this site. Regarding the traffic, just on
King Road, he feels he can do as well or better than the requirements of the R-5 Zone.

In regards to the narrow lots, he has narrowed down from 50-feet to 45 ft. which allows a 35-foot footprint. This minimizes the design possibilities. Every corner lot in an R-5 Zone has a 15-foot setback on one side and a 5-foot setback on the other.

It is his intention to build the houses himself and he will not ask for any more variances. He feels an adequate house can be built on a 35-foot footprint.

Since the flavor of the neighborhood is single-family residential, he would not like to consider duplexes.

Mr. Hoesly stated that if the three flag-lot configuration was denied, he would like to be granted the variance on the 45-foot lot width contingent upon approval of an acceptable design.

Chairman Trotter asked if the applicant had any comments on the criteria presented? **Mr. Hoesly** did not.

Chairman Trotter asked if the applicant had seen the supplemental report? **Mr. Hoesly** stated that he had seen the supplemental report and had no comments.

TESTIMONY IN FAVOR OF THE APPLICATION - None.

QUESTIONS OR COMMENTS ON THE APPLICATION - None.

TESTIMONY IN OPPOSITION OF THE APPLICATION

Speaking: Andy Nedder, 10223 S.E. 46th, Milwaukie

Mr. Nedder stated that he was concerned that this application did not meet the criteria for difficulty or adverse effects. He stated that he has no problem with building on this lot, but he lives on 46th and is already dealing with adverse traffic. He has seen motorists turning on two wheels off of King Rd onto White Lake from 46th. The road is only 18-feet wide.

If development is allowed on this lot, **Mr. Nedder** requested that the Rhodesa and 46th Streets be upgraded to current City codes and stop signs be installed to reduce speed of traffic. He is in favor of the through street design; 190 feet is not unreasonable. Having the road run through there would improve the situation. Most of the traffic comes through 46th to get onto King Road. An alternative is 43rd to Rodessa.

Mr. Nedder stated that his main concern is his street. The asphalt on that street is 18 feet. It is not up to standard. Has talked to the City about stop signs and has received no response.

QUESTIONS FROM THE COMMISSIONERS

Chairman Trotter asked Mr. Nedder if he was proposing that the Applicant upgrade 46th Street? **Mr. Nedder** stated that he was not suggesting the Applicant take responsibility for the street, but just that the street needs to be upgraded to allow for the extra traffic.

Speaking: Merv Englund, 4446 White Lake Road

Mr. Englund stated that the alternative designs submitted represent his views. He thought these designs expressed not only his concerns, but the neighbor's concerns as well.

Mr. Englund stated that his main concern is White Lake Road. A concern of a neighbor prompted him to submit a design with the 46th extension. He has no objection to Alternatives 6A and 6B.

The west dead end of White Lake Road is a nuisance. They have a problem of people coming into his yard to turn around. He is concerned for the kids next door. Speed and type of traffic a concern. Children walk down the roads in this neighborhood to and from the school bus. Extension to King would create a big problem; the amount of pavement should be more than a narrow street, it should have pavement and sidewalk.

Mr. Englund stated that he is in favor of doing a study of the traffic in this area.

Speaking: John Bennett, 10241 SE 46th, Milwaukie

Mr. Bennett stated that he has lived here for 30 years. He voiced concern about the traffic. There is a lot of traffic now and it is getting worse.

Mr. Bennett stated that he is against the variances. Smaller lots mean smaller houses and he would like to see the lots remain as they are. He was denied a variance in the R-7 Zone,
and if that is going to be the standard, then the City should stick to not allowing variances.

Mr. Bennett asked what the market value range would be for the proposed houses? He would like to see the character of the neighborhood preserved.

Speaking: Gary Vardsveen, 4567 SE White Lake, Milwaukie

Mr. Vardsveen expressed concern about traffic. He has lived here for 15 years. The roads are narrow. Police have been out several times citing people who are speeding around 46th heading west on White Lake or heading east on White Lake to the apartments at 30-40 mile/hr. The roads are too narrow to accommodate any more traffic.

Mr. Vardsveen stated that he disagrees very strongly to Paul Roeger's comment that the increased traffic is considered a minimal increase and would not require stop signs. 45th and 46th are very narrow; somebody is going to get hit.

APPLICANT'S CLOSING COMMENTS

Speaking: William Hoesly, 10823 SE Myrtle, Milwaukie

Mr. Hoesly stated that he was under the impression that if the design was not right, alterations could be made. He asked if he could make changes at this point in the process of his application. **Chairman Trotter** indicated that he could.

Mr. Hoesly stated that the major concerns were traffic problems. The traffic problem is people from outside the area, not people from his proposed development. Something needs to be done in the way of stop signs. The prospective occupants of his homes are not going to cause speeding; they will be concerned like others in this neighborhood because it will be their neighborhood.

He doesn't feel enlarging existing roads is his responsibility; something does need to be done in the way of signage or speed bumps. It is a matter of City enforcement.

Mr. Hoesly stated that the houses proposed will be three bedroom, 2 bath, double car garage homes. Not counting the two King Road houses, the other homes will have a square footage of about 1085-1320 sq. ft., with a minimum price range of $80,000 to $90,000.

Mr. Hoesly stated that he would like to be granted a variance contingent upon design. He is willing to work within the structure of comments tonight. He presented two options to the Commission:

- Using the original application as a basis, he would like to eliminate the line between Lots 4 & 5, making this two flag-lots without the need for a variance. Shrinkage of Lots 1, 2, & 3 would allow for the additional access footage needed to meet requirements. Would like to have single-family housing on the two lots fronting King Road.

- Acceptance of Alternative #6 without the requirement for duplexes. He would like the neighborhood to stay single-family.

Chairman Trotter stated that these changes are significantly different proposals than the one evaluated this evening. If the Commission were to accept these changes, it would require a continuation to allow Staff time to review the new evidence and a new proposal (revised application). A continuance could be granted contingent upon the Applicant signing a waiver of the 120-day processing time.

Hoesly agreed to sign the waiver.

Pat Lent moved to grant continuance for Subdivision Request S-92-03 until November 24, 1992, subject to the signing of the 120 day waiver by Applicant. **John Littlehales** seconded. MOTION CARRIED 6-0.

Chairman Trotter informed the audience that there is a committee in the City that deals with traffic safety. The concerned residents should take their concerns to the Traffic Safety Committee. Stop signs are not a jurisdiction of the Planning Commission.

Recess was taken at 8:00 p.m. and the meeting reconvened at 8:12 p.m.

Recess was taken at 8:00 p.m. and the meeting reconvened at 8:12 p.m.

5.2 Sign Ordinance Revision (ZA-92-01)

Chairman Trotter opened the public hearing on the Sign Ordinance Revision. He introduced Sharon Dixon, Milwaukie

Downtown Association, who was in the audience for this hearing.

Due to the number of concerns expressed at the last worksession, it was suggested a second worksession be substituted for the public hearing tonight. Staff requested that the public hearing be continued until November 10, 1992.

John Littlehales moved to continue the public hearing on the Sign Ordinance until November 10, 1992. **Pat Lent** seconded. MOTION CARRIED 6-0.

6.0 CONSIDERATION ITEMS - None.

7.0 OLD BUSINESS - None.

7.1 Sign Ordinance Worksession - Draft 2

Dave Krogh informed to the Commission that the draft being reviewed tonight incorporated concerns and input from the October 13th Planning Commission meeting. **Dave Krogh** talked with the City Attorney and he is satisfied all legal concerns have been incorporated. Tim Corbett, Public Works is also satisfied. Comments were received and incorporated from Sharon Dixon, Milwaukie Downtown Development Association. A design committee has been appointed by MDDA to review the Sign Ordinance for further revisions. Other copies were circulated and no response has been received.

Discussion followed on the draft ordinance. **Gordon Jones** asked for clarification of what would be included in Phase II. **Dave Krogh** explained that this first revision dealt mostly with constitutionality issues and Phase II would be an opportunity to cover the additions and changes, sign inventory, MDDA concerns, and a possible overlay zone..

John Littlehales asked why the revisions couldn't be done at one time and presented to the Council as a completed package. **Maggie Collins** explained that there was still more to be done on the Ordinance. MDDA design committee has reviewed the draft and next step is to do a sign inventory for downtown. They will also consider a sign overlay.

Chairman Trotter asked for a summary of how this draft ordinance compares to other ordinances reviewed and which ordinances were reviewed? **Dave Krogh** stated that they looked at about six ordinances including Clackamas

Several of the ordinances dealt with constitutionality, but many did not include details needed for Milwaukie. For example, City of Portland did not deal with political signs. Staff was left to try to borrow where we could, while still retaining local clarity.

It was suggested that the Commission review the Draft 2 Ordinance to see if it is the final document that the Commissioners want to present for a public hearing. The following suggestions were made:

Page 1, Section 1.03 Area of a sign. Sometimes there is another geometric shape that fits the area that is not one of the four listed. In the second sentence, remove the word "either" and replace it with "a combination of".

"...surface area within a combination of a circle, square..."

Page 1, Section 1.03 (7) Unclear, there are two right-of-ways. In the first sentence replace "right-of-way" with "street".

"...along each public street it borders."

Page 2, Section 1.03 (15) A parapet is always on the exterior wall. Change wording to add "exterior wall that extends".

"...that part of any exterior wall that extends above the roof line."

Page 3, Section 1.03 (24) Staff will look into adding a definition for flags from the model ordinance. A banner sign does not necessarily have to be a flag.

Page 5, Section 1.03 (50) A wall sign may not project more than 12 inches and an awning is considered a projection sign. Awning signs should be under standards for awnings that are not related to walls or projecting.

Page 6, Section 2.02 Concern was voiced that the fee schedule is not included/attached.

Page 6, Section 2.04 Needs to be some consistency as to who appeals are made to.

Page 6, Section 2.08 Enforcement is needed. Who pays for it; if it is not enforced, then it should be taken out. Staff will research if/how this enforcement is possible.

Page 6, Sections 2.04 & 2.05 - Formatting changes; bold highlighting needs to be added.

Page 7, Section 3.01 Add to the end of the statement, "except as otherwise noted."

"...permitted in all zones except as otherwise noted."

Page 7, Section 3.01 (2) These types of signs can be posted on own property, but is not legal to post on power poles. Add to last sentence "except as provided in 3.02(16).

"...of the activity except as provided in Section 3.02(16)."

Page 7, Section 3.01 (4) There are no size restrictions or procedure for approval by City Council. Can be deleted.

Page 7, Section 3.01 (8) This section may be updated to reflect the definition for flags.

Page 7, Section 3.01 (11) Window coverage of 50 percent is too lenient; and in Section 3.02 (1) moving or flashing signs are too restrictive. Instead of putting the enforceable clause in the definition section, it should be under the criteria. Staff will review what other jurisdictions allow.

Page 7, Section 3.02 There needs to be a page break between #11 and Section 3.02.

Page 8, Section 3.02 (3) Add balloons to this item.

"of lights, banners, balloons, and pennants,..."

Page 8, Section 3.02 (7,8,9) These are more regulatory.

Page 8, Section 3.02 (6) Who will regulate these signs? It will be the interpretation of the City Manager and Public Works.

Page 9, Section 3.02 (9) On the 50 percent sign coverage, if #11 is changed; #15 should be changed.

Don Trotter asked Staff to provide the Commission with the reference materials referred to in this Draft 2 Sign Ordinance.
It was suggested that the public hearing be cancelled and continue the worksession on November 10, 1992.

Chairman Trotter reopened the public hearing on the Sign Ordinance. **Gordon Jones** moved to cancel the public hearing until completion of worksessions on the Sign Ordinance. **Carolyn Tomei** seconded. MOTION CARRIED 6-0.

8.0 OTHER BUSINESS
8.1 Draft Planning Commission Bylaws

It was the consensus of the Planning Commission to continue this item until the next meeting, November 10, 1992.

8.2 Community Development Department Report

Maggie Collins informed the Commission that at a later date, transportation issues will be reviewed in conjunction with the METRO 2040 Study. She distributed material to be put with the Commissioner's files for later discussions.

Maggie Collins reported that there was a good turnout at the Confluence Meeting held October 25th, with good suggestions for dealing with Johnson Creek. This will be coming back to the Commission in a report. Staff will keep the Commission posted.

It is time for Periodic Review. Keith Liden will be the staff consultant for this process. LCDC has given us a schedule for final review. Review is scheduled for November.

The City of Portland is reviewing the Spring Water Corridor Master Plan on November 12th for adoption. City manager and City Council have requested that they have a staff report and material to look at for possible resolution supporting that plan. This information will be brought to Commission for review.

Staff asked the Commission to take official action on Betty Fulmore's request for leave of absence. **Chairman Trotter** will inform her that the Commission needs a note requesting formal notice.

9.0 NEXT MEETING: November 10, 1992
9.1 VR-92-12 (Morris)

Bill Johnson moved to adjourn the meeting of October 27, 1992. **Carolyn Tomei** seconded. MOTION PASSED UNANIMOUSLY 7-0. Meeting adjourned at 10:15 p.m.

Don Trotter,
Chairman

Shirley Richardson,
Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.
Tuesday, October 27, 1992, at 6:30 p.m.

1.0 Call to Order

2.0 Procedural Questions

3.0 Consent Agenda
3.1 Planning Commission Minutes: October 13, 1992
3.2 City Council Minutes: October 6, 1992

4.0 Public Comment
This is an opportunity for the public to comment on any item not on the agenda.

5.0 Public Hearings (see Public Hearing Procedure on reverse)

5.1 Applicant: William Hoesly
Property Owner: Jean and Jo Michel
Location: King Rd. at 45th and White Lake Rd.
(Tax Lot 5000 of Tax Map T1S, R2E, 30CC)
Proposal: Subdivision/variances in R-5 zone (S-92-03/VR-92-07)
(continued from September 22, 1992)

5.2 Sign Ordinance revision (ZA-92-01)
(Proposed for continuation to November 10, 1992)

6.0 Consideration Items - None

7.0 Old Business
7.1 Sign Ordinance Worksession - Draft 2

8.0 Other Business
8.1 Draft Planning Commission Bylaws
8.2 Community Development Department Report

9.0 Next Meeting: November 10, 1992
9.1 VR-92-12 (Morris)
9.2 ZA-92-01 (Sign Ordinance hearing)

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

Milwaukie Planning Commission Mission 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.

Public Hearing Procedure

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested persons who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 652-4410.

Milwaukie Planning Commissioners:

Don Trotter, Chair
Patricia Lent, Vice Chair
John Littlehales
Betty Fulmore
Carolyn Tomei
Gordon Jones
Bill Johnson

Community Development Department Staff:

Maggie Collins, Community Development Director
Dave Krogh, AICP, Associate Planner
Jim Crumley, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Clerk
Shirley Richardson, Recording Secretary

CITY OF MILWAUKIE

COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD

TELEPHONE 652-4410

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
October 27, 1992

TO: Milwaukie Planning Commission

THRU: MC Maggie Collins, Community Development Director

FROM: Dave Krogh, AICP, Associate Planner Dave

RE: Continuation of S-92-03/VR-92-07

BACKGROUND

On September 22, 1992, the Planning Commission held a public hearing for the above referenced applications. Because of the large number of alternative platting plans involved and neighbor concerns about traffic onto White Lake Road, staff recommended a continuation to October 27, 1992. The Planning Commission agreed and specifically directed Public Works and Community Development staff to address those items listed in Exhibit 1.

DISCUSSION OF ISSUES

1. Plat Format

Section 3 of the City Subdivision Ordinance provides preparation and submission standards for preliminary plats.

Section 3.02 deals with scale. The standard is an 18 by 24 inch sheet with a scale of 1 inch to 100 feet. Staff routinely allows applicants to vary from these standards for purposes of legibility and copying. For example, most preliminary plats are currently submitted at a scale of 1 inch to 50 feet, this plat included.

Staff feels 1 inch to 100 feet as too small a scale for the smaller property subdivisions prevalent in Milwaukie. Such a scale makes analysis of lots (such as buildable area determinations) too difficult due to the small size portrayed on the plat. Similarly, since the Subdivision Ordinance does not require a surveyor to prepare the preliminary plat, staff routinely will allow an applicant to vary a preliminary plat size or scale as long as plat readability and copy ability are maintained. Mr. Hoesly made such a request for his plat and it was approved by staff.

Section 3.03 of the Subdivision Ordinance lists general information that shall be shown on the preliminary plat (such as scale, northpoint, legal description, names and addresses of owner/subdivider, etc.). The Jane Park preliminary plat contains these items.

Section 3.04 requires existing conditions be shown on the plat such as zoning, utilities, topography, etc. All of these are shown as required.

Section 3.05 requires the proposed platting configuration be shown. The preliminary plat map (left side) shows the proposed lot configurations and identifiers.

Section 3.06 is not applicable. Section 3.07 requires supplemental information which may or may not be on the preliminary plat. In this case, item 1 (vicinity map) was provided on the plat.

In summation, even though this preliminary plat is, by appearance, a cut and paste job, it does present all required information. The final plat, however, will have to be prepared by a licensed surveyor or engineer and meet platting requirements of both the City Subdivision Ordinance and the Oregon Revised Statutes.

2. **Design Alternatives**

Staff has analyzed 14 different platting configurations for this property. This includes the original proposal of the applicant's (Exhibit 2) and several other alternative proposals from the applicant, neighbors and staff. Staff has copies and analyses of all 14 alternatives on file.

A staff committee reviewed all proposals and identified 4 alternatives that could be considered feasible options while minimizing variance need. Of these, staff (at the Commission's request) chose Alternative 6 as the preferred configuration (see Exhibit 3).

Alternative 6 includes two choices for the portion of the property which fronts King Road. Alternative 6A. was submitted by a neighbor and shows an 8 lot configuration with a short cul-de-sac extension of 45th Avenue off White Lake Road. Lots 5-8 are below standard width for the R-5 Zone. The extension of 45th is proposed as a 30 foot wide right-of-way which is also substandard. Normal local street right-of-way is 50 feet with a reduction to 40 feet allowed in some cases. The cul-de-sac right-of-way should be rounded with the squared corner area going to Lots 2-5. Because of the narrowness of Lots 5-8, these lots would be good candidates for 2 duplex dwellings, one on Lots 5 and 6, and one on Lots 7 and 8.

Alternative 6B. is submitted by staff as an alternative for Lots 5-8 shown on 6A. The narrowness of Lots 5-8 tends to reduce design flexibility for single family dwellings on these lots. Alternative 6B. loses one lot, but creates 3 lots (Lots 5-7) that offer building design flexibility. In 6B., Lot 5 would require a lot depth variance since it fronts the cul-de-sac along its narrowest width.

The applicant still contends that his design (Exhibit 2) is the most appropriate. That design includes 8 lots, one triple flag combination, 4 lots of substandard width, 2 lots accessing King Road and 6 lots accessing White Lake Road. The substandard width lots, multiple flag lots, and large number of individual accesses onto White Lake Road are major detriments to this design. This is why neighbors, staff and Commission members have initiated reviews of other alternatives.

3. **Variances**

As stated, if Alternative 6A. or 6B. are chosen as the most feasible alternative design, variances will still be required. Referencing the original staff report for this proposal (dated September 22, 1992), the odd configuration of the overall property supports a variance (or variances) provided a most feasible design is identified.

Assuming a Commission decision is made on lot configuration at this hearing, staff recommends that variance findings be drawn up by staff and brought back to the Commission at its next regular meeting (November 10) to verify the final design.

4. **Traffic Study**

Public Works has provided general traffic information as requested by the Planning Commission. However, it has been indicated that it is the applicant's responsibility to address traffic issues (Exhibit 4). No traffic count data is available for White Lake Road at present. Observations indicate this street receives low, primarily neighborhood oriented use, and is capable of handling the additional up to 10 vehicles per day generated per lot that could be expected from a subdivision of the subject property. Staff has informed the applicant of Public Works policy regarding traffic data provisions.

CONCLUSION/RECOMMENDATIONS

After review of the original proposal and all alternatives, Alternative 6 appears most feasible. If Alternative 6A. is chosen, staff recommends Lots 5-8 be designated for duplex construction only due to the narrowness of these lots. If

Alternative 6B. is chosen, Lot 6 access could be directed either to King Road or the 45th Avenue cul-de-sac. In either case, a revised preliminary plat should be required to be developed and submitted by the applicant. Staff can also be directed to provide variance findings in support of a designated Preliminary Plat for review at the next Commission meeting on November 10.

EXHIBITS

1. Memo
2. Applicant's Proposed Plan
3. Alternative 6
4. Traffic Memo from Public Works

DK:jpg

M E M O

From: JIM CRUMLEY
ASSOCIATE PLANNER

To: PAUL ROEGER
TIM CORBETT

CC: DAVE KROGH

Date: Thu Sep 24

Subject: REQUEST FROM PLANNING COMMISSION RE: JANE PARK (HOESLY)

AT THE SEPT 22nd P/C HEARING THE COMMISSION REQUESTED THE FOLLOWING INFORMATION TO BE MADE AVALILABLE FOR THE CONTINUED HEARING SCHEDULED FOR OCTOBER 13th (THIS MEANS BY OCT. 6th FOR THE P/C PACKET)

DPW) TRAFFIC STUDY FOR WHITE LAKE ROAD TO INCLUDE:

- CURRENT ADT
- PROJECTED ADT
- STREET CAPACITY
- POSSIBLE RESTRICTIONS (eg ON-STREET PARKING)
- EXTENSION OF 45th STREET.

CD) EITHER A SINGLE PROPOSAL W/ POSSIBLE STAFF ALTERNATIVE; OR

ALTERNATIVES RANKED BY STAFF PREFERENCE

(THE CHAIRMAN ALSO REQUESTED THAT THE SUBDIVION BE DRAWN ON A LARGE ENOUGH SCALE TO SHOW ALL DETAIL)

EXHIBIT # 1
DATE 10/27/92
SUBMITTED BY Staff
RECEIVED S-92-031
VR-92-07 (Continuation)

EXHIBIT # 10 (a) (2)
DATE
SUBMITTED
BY Applicant
RECEIVED
S-92-03
UR-92-01 (continued)

JANE PARK

PRELIMINARY PLAT

A part of the Hector Campbell and wife Donation Land Claim No. 41 in T. 1 S. R. 2 E. of the W.M., described as;-Beginning at a point in the South boundary of the Hector Campbell D.L.C. in T. 1 S. R. 1 and 2 E. of the W.M., at a point which is South 0° 15' East 30.00 feet distant and 382.65 feet Westerly from the Southwest corner of Tract No. 29, Gibson's Subdivision of Tracts numbered 10, 11, 12 and 13, and the West 480 feet of Tracts numbered 1 and 2 of the Logus Tracts, as the same is duly recorded in the recor of town plats of Clackamas County, Oregon; running thence N. 0° 13' East 418.00 feet to the South line of that certain tract conveyed to Clackamas County by deed recored June 11, 1942, in Vol. 294, page 508 Deed Records; thence West, along the South line of said Clackamas County Tract, 182.05 feet to the West line of that certain tract conveyed to Michael F. Leahy by deed recorded December 19, 1942 in Vol. 301, page 446, Deed Records; thence South, along the West line of said Leahy tract, 194 feet; thence East, parallel with said South boundary of the Hector Campbell and wife, D.L.C., 92.05 feet; thence South to a point in the South boundary of the Hector Campbell D.L.C., which is 90 feet Westerly from the place of beginning; thence East along the South line of the Hector Campbell D.L.C. 90.00 feet to the plac.. of beginning. TL 5000

1 2 E 30 CC 05000 1.2 ACRES

OWNER - JEAN AND JO MICHEL
5630 SE LOGUS RD, MILW.

Jean Michel

SUBDIVIDER - BILL HOESLY
10823 SE MYRTLE, MILW

v.l. Hoesly

ENGINEER - SISUL ENGINEERING
375 PORTLAND AVE. GLADST

45th St

WHITE LAKE RD.

S — S — S — S — 8"
W — W — W — 2"

ALL FLAG LOTS, TOGETHER WITH AND SUBJECT TO A NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES

R-5 ZONE
RESIDENTIAL USE

5,000 S.F. 1 98.00' 51.03'
5,000 S.F. 2 98.00' 51.03'
5,000 S.F. 3 98.00' 51.03'
7,400 S.F. 4 114.00'
6,700 S.F. 5 92.05'
6 8500 SF 90.00' 79.00' 90.00'
5,175 S.F. 7 115.00' 45.00'
5,175 S.F. 8 115.00' 45.00'

183.00' 273.00' 46.00 39.00'

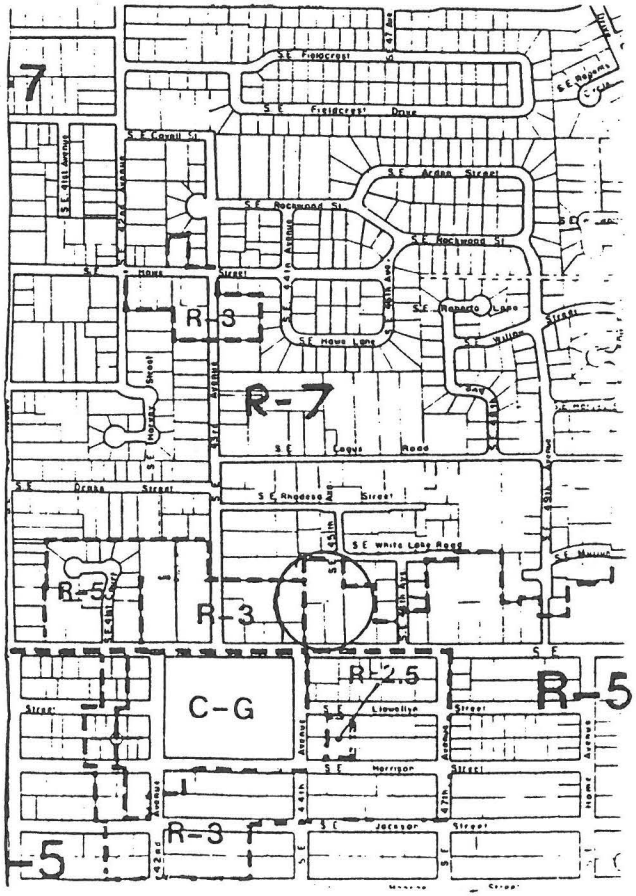
1" = 50'

S.E. 45th

x 157.1 x 150.4 S. E. x 150.6 x 150.9

1" = 100'

KING RD = 60' R/W



WHITE LAKE RD.
#6
A
B
1
2
3
4
5
6
7
8
6123 ±
5247 ±
6300 ±
8080 ±
5600 ±
5000 ±
76.54'
92.05'
90'
70'
72'
80'
20'
45.00
150.00'
±222
RECEIVED
SEP 10 1992
PLANNING
EXHIBIT # 3
DATE 10/27/92
SUBMITTED BY Applicant
REFERRED UR-92-03 / 92-021
Continued

MEMORANDUM

TO: PLANNING

FROM: Paul Roeger
Office Engineer

RE: Jane Park Subdivision
Planning Commission Request

DATE: October 2, 1992

The "Traffic Study" requested by the Planning Commission is not generally the responsibility of the Public Works Department, however, we will attempt to supply some of the information requested to the extent it is available in our records and to the extent that I can provide some educated estimates based on past experience. In the cases where the Planning Commission requires information of this type, it is generally the responsibility of the applicant to provide it.

CURRENT ADT - Public Works does not have any counts on White Lake Road. From counts done on other similar streets I would estimate it would be less than 500. It could be as low as 200.

PROJECTED ADT - Due to the lack of data available and the need for sophisticated computer models, Public Works is not equipped to do traffic projections. However, in this case I would estimate the only increase in traffic would be from the proposed new lots. A reasonable figure would be 10 trips per day per single family residence.

STREET CAPACITY - The capacity of White Lake Road is about 500 vehicles per hour which is significantly more than the estimated 500 ADT.

POSSIBLE RESTRICTIONS - Traditionally we require 32-foot streets in residential areas and allow parking on both sides. We can put a 32-foot street within a 40-foot right-of-way as long as we have a 5-foot utility easement on the sides of the street that are being developed. If the street were to be narrowed to

24-feet we would have "no parking" on both sides of the street. I would also recommend no more than two lots fronting on King Road with all other lots accessing White Lake Road because of the volume of traffic on King Road and the near proximity of the intersection of 44th Avenue.

EXTENSION OF 45TH AVENUE - Public Works would have no problem with the extension of 45th Avenue south off of White Lake Road into the new development ending in a cul-de-sac. We do not want to have 45th Avenue extended through to King Road because it is not necessary and it would be too close to the intersection of 44th Avenue. Full street improvements will be required with curb and gutter on both sides and sidewalk on the frontages of the developed lots. Sanitary sewer, water, storm drainage and street lights would also need to be provided.

Please remember, this is not a "traffic study". These are estimates and recommendations taking into account previous experience, past practices, current City ordinances, and common sense engineering.

Based on my estimates and experience, I would not recommend that the Planning Commission require a Traffic Study of the Applicant.

CITY OF MILWAUKIE

COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD

TELEPHONE 652-4410

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 27, 1992

To: Milwaukie Planning Commission

Thru: Maggie Collins, Community Development Director

From: Dave Krogh, AICP, Associate Planner

Re: Second Worksession for Draft Revised Sign Ordinance

Background

On October 13, 1992, the Planning Commission held a public worksession for revisions to the City Sign Ordinance. The Commission was scheduled to hold a public hearing on October 27; however, sufficient concerns were aired that a second worksession was substituted. Since public notice was given for a public hearing, staff will request the Commission continue the public hearing to November 10, 1992.

Discussion

Staff does not intend to list item by item the changes that have been made to the draft ordinance. Actual changes (new language) will be printed in bold. Staff will, however, attempt to briefly summarize the primary items changed in Draft 2 and highlight those items which staff felt it could not change without major modifications to this project.

Staff made additional changes to the draft that include the following:

- A new section was created for signs within the right-of-way. Daily display signs within the right-of-way were included within this category.
- "Billboard sign" was substituted for "outdoor advertising sign."
- Monument signs and pole signs have been included under the category of "freestanding signs."

- Awning signs have been added to the definition section and are included in the "wall sign" category for purposes of establishing standards.

- "Bench advertising sign," "pennant sign," and "banner sign" have been defined.

- Language regarding ". . . errors on the part of the City . . . " (Section 2.07.2) has been removed.

- Some clarification has been added to the "Exempted signs" section; however, due to the variable nature of temporary signs, specific time limits are appropriate only in limited cases.

- The "Prohibited signs" section has been amended to prohibit the posting of signs on power and utility poles.

- Limits on the number of incidental signs have been provided.

- Additional language was added to Section 7.05 to clarify the process for violations.

- An "Appeals" section was added to Section 8, Variances.

Several other items were suggested for change (or analysis for change) by the Planning Commission. As previously mentioned, the intent of this project is to address constitutionality issues, signs within the right-of-way, and minor corrections. The City Council has requested staff to complete this project expeditiously, and staff is concerned that major revisions will require project deviation. For this reason, staff has suggested a Phase 2 project to deal with remaining concerns. Based on the previous worksession and staff research, additional items that should be addressed in a Phase 2 Sign Ordinance project include:

- A review of fin, marquee, and roof signs.

- Specific sign requirements (or a separate sign district) for the downtown area. This should be coordinated with the Milwaukie Downtown Development Association (MDDA) which already has a committee looking at this issue.

- Ordinance provisions for a sign inventory. (Is this feasible? Should sign licensing be considered?)

- Loose ends.

Memo to Planning Commission
Re: Second Worksession for Draft Revised Sign Ordinance
ZA-92-01 October 27, 1992

Conclusion/Recommendation

Staff has made revisions based on comments received thus far. These revisions are incorporated into Draft 2. Major concerns that are not a part of this project will be recorded for analysis in Phase 2. If no additional concerns are noted, staff recommends continuing the public hearing (which was originally noticed for October 27) to November 10, 1992. The City Council hearing would be tentatively moved to December 1, 1992.

Attachment

Draft 2 - Revised Sign Ordinance

DK/mgh
92.00131

Draft 2 - October 27, 1992

City of Milwaukie

Sign Ordinance

Revised November 1992?
(Use final City Council adoption date)

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SECTION 1. GENERAL PROVISIONS

Section 1.01. Title. This Ordinance shall be known and may be cited as the "Sign Ordinance of the City of Milwaukie, Oregon."

Section 1.02. Purpose. The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs in order to:

1. Protect the health, safety, property, and welfare of the public.

2. Maintain the neat, clean, orderly, and attractive appearance of the city.

3. Provide for the safe erection and maintenance of signs.

4. Eliminate signs that demand, rather than invite, public attention.

5. Preserve and enhance the unique scenic beauty of Milwaukie.

Section 1.03. Definitions. The following words and phrases where used in this Ordinance shall, for the purposes of this Ordinance, have the meanings respectively ascribed to them in this section.

1. "Area" or "area of a sign" means the area within any perimeter which encloses the limits of any writing, representation, emblem, figure, or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within either a circle, square, rectangle, or triangle. The area of all signs in existence at the time of the enactment of the Ordinance, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three-dimensional or round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.

2. "City" means the City of Milwaukie, Oregon.

3. "Clearance" is measured from the highest point of the grade below the sign to the lowermost point of the sign.

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

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

6. "Face of a building" means all window and wall area of a building in one plane.

7. "Frontage" means the length of the property line of any one premises along each public right-of-way it borders. Each portion of the premises abutting a separate right-of-way shall be considered as a separate frontage.

8. "Height" is measured from the highest point of the grade below the sign to the topmost point of the sign.

9. "Home occupation" means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

10. "Maintain" means to permit a sign, sign structure, or part thereof to continue; or to repair or refurbish a sign, sign structure, or part thereof.

11. "Manufacturing zones" are the **M, Manufacturing, and BI, Business Industrial,** Zones as defined in the Zoning Ordinance.

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

13. "Neighborhood Commercial Zone" means the C-N, Neighborhood Commercial, Zone as defined in the Zoning Ordinance.

14. "Other commercial zones" means the C-L, Limited Commercial, the C-C, Central Commercial, **C-CS, Community Shopping Commercial,** and C-G, General Commercial, Zones as defined in the Zoning Ordinance.

15. "Parapet or parapet wall" means that part of any wall above the roofline.

16. "Person" means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a syndicate, branch of government, or any other group or combination acting as a unit.

17. "Premises" means a lot, parcel, or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business or activity is located on the lot, parcel, or tract of land, each separate business shall be considered as a separate premises.

18. "Projection" means the distance by which a sign extends from its supporting structure.

19. "Residential zones" means the R-10, R-7, R-5, R-3, **R-2.5,** R-2 and R-1 residential zones as defined in the Zoning Ordinance.

20. "Residential-Office-Commercial Zone" means the R-O-C and R-1-B Zones as defined in the Zoning Ordinance.

21. "Sign" means a presentation or representation by words, letters, figures, designs, pictures, or colors displayed out-of-doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, marquees, awnings, canopies, and street clocks, and includes the surface upon which the message is displayed.

22. Sign, Abandoned. "Abandoned sign" means any sign located on a premises when the business or activity to which it relates is no longer conducted or in existence on the premises.

23. **Sign, Awning. "Awning sign" means a sign which is painted onto, attached to, or affixed to, the surface of an awning. Awning signs shall be considered to be wall signs for purposes of standards.**

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

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

26. Sign, **Billboard or outdoor advertising. "Billboard or outdoor advertising sign"** means **a freestanding sign not pertaining to, or unrelated to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for purposes of painting or posting a message thereon at periodic intervals.**

27. Sign, Changing (automatic). "Changing sign (automatic)" means a sign such as an electronically or electrically controlled public service, time, temperature, and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.

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

29. Sign, Externally illuminated. "Externally illuminated sign" means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.

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

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

32. Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature, and date signs or electronically controlled message centers are classed as "changing signs," not "flashing signs."

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

34. Sign, Incidental. "Incidental sign" means an **on-premises** sign advertising or identifying associated goods, products, services, or facilities available on the premises, including, but not limited to, trading stamps, credit cards accepted, or brand names. **Incidental signs may be in the form of sandwich board, pedestal, or similar style signs which remain on display 24 hours a day.**

35. Sign, Internally illuminated. "Internally illuminated sign" means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

36. Sign, Noncomplying. "Noncomplying sign" means any sign which is constructed after the effective date of this Ordinance in violation of any of the provisions of the Ordinance.

37. Sign, Nonconforming. "Nonconforming sign" means a sign in existence or under construction on the effective date of the Ordinance which does not conform to the provisions of the Ordinance, but which was or is being constructed, erected, or maintained in compliance with all previous regulations.

38. **Sign, Notice. "Notice sign" means a sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices, and similar signs.**

39. Sign, Off-premises. "Off-premises sign" means **a sign not pertaining to or unrelated to the activity of the premises on which it is located.**

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

41. **Sign, Pennant. "Pennant" means a shaped, lightweight sign, made of plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in a series, and designed to move in the wind.**

42. **Sign, Portable. "Portable sign" means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface.**

43. Sign, Projecting. "Projecting sign" means and includes any sign which is attached to a building and extends more than 12 inches beyond the line of the building or more than 12 inches beyond the surface of that portion of the building to which it is attached.

44. Sign, Public service information. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or traffic control, etc.

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

46. Sign, Temporary. "Temporary sign" means any sign, regardless of construction material, which is not permanently mounted and/or is intended to be displayed for a limited period of time.

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

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

49. Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the City Manager or his duly authorized representative.

50. Sign, Wall. "Wall sign" means any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed 30 degrees from the vertical. Wall signs may not project more than 12 inches from the wall to which they are attached. **Painted wall decorations which include a message are considered to be wall signs.**

51. **Sign, Window. "Window sign" means a sign, pictures, symbols, neon tubing, or combination thereof, designed to communicate information, that is placed within a window and directed towards the outside of the window. Window signs may not use materials subject to Section 3.02.1 of this Ordinance.**

52. "Structural alteration" means any change in a sign or sign structure other than advertising message or normal maintenance.

53. **"Written message" means the lettering, wording, numbers, and/or other symbols on a sign intended to convey a message. Written message does not include notation on the sign identifying the sign installer or artist, provided such identification is less than 1 square foot in area.**

Section 1.04. Zoning districts. The regulations regarding signs contained in Section 4 of the Sign Ordinance relate to zoning districts which are defined in the Zoning Ordinance Map, which is part of the Zoning Ordinance of the City.

SECTION 2. ADMINISTRATION AND ENFORCEMENT

Section 2.01. Permit—Required. All signs erected after the effective date of this Ordinance, other than exempt signs, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the City Manager or his duly authorized representative.

Section 2.02. Permit—Fee. A fee as established by resolution of the City Council shall be paid to the City of Milwaukie upon the filing of an application. Such fees shall not be refundable.

Section 2.03. Interpretation. This Ordinance supersedes any provision dealing with signs in any previously adopted ordinance, resolution, or regulation.

Section 2.04. Enforcement authority. The City Manager or the Community Development Director shall have the power and duty to interpret and enforce the provisions of this Ordinance. An appeal from a ruling by the Community Development Director regarding a requirement of this Ordinance may be made only to the Planning Commission, who may hold a public hearing per the provisions of Ordinance 1712, the Zoning Ordinance, Section 1011.3, Minor Quasi-Judicial Review.

Section 2.05. Appeal. Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council per the procedures in Section 1002 of the Zoning Ordinance.

Section 2.06. Permit—Expiration. Every permit issued by the Building Official under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 120 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 1 year.

Section 2.07. Permit—Suspension or revocation. The City Manager or his duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit is issued on the basis of incorrect information supplied, or in violation of any applicable ordinance or regulation or any of the provisions of this Ordinance.

Section 2.08. Inspection of signs. Within 2 years from the date of passage thereof, the City Manager or his duly authorized representative shall inspect the signs of each business. After the inspection is completed, the City Manager or his duly authorized representative shall issue a notice of inspection to each business, listing the signs of the business, and noting those signs which need repair or modification and those signs which do not conform to the provisions of this Ordinance, including the termination date of the grace period for the particular sign. After initial inspection, a periodic review and inspection of signs shall be made as determined necessary and desirable by the City Manager.

SECTION 3. SIGNS PROHIBITED OR EXEMPTED

Section 3.01. Exempted signs. The following signs shall not require a sign permit but shall conform to all other applicable provisions of this Ordinance and shall be permitted in all zones:

1. On-premises signs not exceeding 4 square feet in area, nonilluminated, and placed flat against the side of a building. Such signs may include, but are not limited to, property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional, and similar signs.

2. Temporary signs which are nonilluminated, have an overall face area not exceeding 12 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, construction signs, garage sale, open house, special event, and similar signs. Such signs shall only be posted for the duration of the activity.

3. Signs placed for purposes of public direction and safety. Such signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as hospitals, police and fire stations), legal notices, railroad crossing signs, danger signals, and similar signs. Such signs may be placed within the public right-of-way subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and Section 5.02 of this Ordinance.

4. Temporary signs for annual events approved by the City Council. These shall be displayed for a period not exceeding 45 days.

5. Bench advertising signs which comply with all regulations in Section 12.20 of the Milwaukie Municipal Code.

6. Banners not exceeding a total display area of 40 square feet per face and pennants not to exceed a length of 50 feet per site, used on premises in conjunction with temporary events and not in place longer than a period of 45 days.

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

8. Flags.

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

10. Signs of public or legal notice.

11. Window signs in commercial and manufacturing zones which occupy a total display area of no more than 50 percent of the window area.

Section 3.02. Prohibited signs. It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of, any sign or advertising structure falling within any of the follow descriptions:

SIGNS PROHIBITED OR EXEMPTED

1. Moving signs or flashing signs, or any sign or advertising structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsations or by action of normal wind currents; excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at 6 revolutions per minute or less.

2. Signs erected within the right-of-way of any street, along any driveway, or in any other location which **do not meet the requirements of Section 3.01.3; or** by reason of the location, shape, color, animation, or message **are** likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists.

3. Such advertising devices as strings of lights, banners, and pennants, except as permitted under Sections 3.01.4 **and** 3.01.6.

4. Temporary signs, except as permitted under Sections **3.01.2 and** 6.

5. Fin signs.

6. No sign shall be erected or maintained which by use of lights, illumination, sequential illumination, or other form of total or partial illumination creates an unduly distracting or hazardous condition to a motorist or pedestrian.

7. Except for time and temperature signs, no reflective type bulb or par spot bulb shall be used for, on, or in a sign, except as herein otherwise provided. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity. On time and temperature signs, such bulb is limited to 33 watts capacity.

8. 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.

9. 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 plexiglass face with tubes spaced at least 9 inches, center to center.

10. Off-premises signs, except as defined elsewhere.

11. No sign or portion thereof shall be erected within future street right-of-way, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the City.

12. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway, or standpipe; interferes with human exit through any window or any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.

13. **Portable signs, except as defined elsewhere.**

14. Fence signs exceeding 1 square foot of sign face per 50 feet of fence length, excepting temporary signs intended for the sale or lease of the property containing the fence.

15. Window signs which obscure more than 50 percent of the window area or are not subject to the provisions of Section 3.01.11.

16. Signs affixed to power, utility, or traffic control poles other than City-approved traffic control signs and pole identification placards.

SECTION 4. SIGN DISTRICTS

Section 4.01. Residential zone.

No sign shall be erected or maintained in an R zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Permanent subdivision **or mobile home park** signs.

   a. Area. May have a maximum area of 2 square feet per dwelling unit to a maximum of 32 square feet for each sign and 16 square feet per display surface, and total sign area for all display surfaces shall be no more than 64 square feet.

   b. Height and/or clearance. No limit, dictated by area requirements.

   c. Number. Limited to 1 sign per entrance.

2. Permanent apartment **or condominium** signs. Either 1 freestanding or 1 wall sign per street frontage permitted.

   a. Freestanding sign.

      (1) Area. Limited to 2 square feet per dwelling unit to a maximum area of 32 square feet, 16 square feet per display surface.

      (2) Height and/or clearance. Freestanding signs limited to maximum height of 6 feet above grade.

      (3) Number. One freestanding sign per street frontage permitted.

   b. Wall sign.

      (1) Area. Limited to 2 square feet per dwelling unit to a maximum of 32 square feet.

      (2) Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

      (3) Number. One wall sign per street frontage permitted.

3. **Signs for uses requiring conditional use or community service use reviews shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use or community service use review. Signs for prior conditional or community service uses that did not include a sign review at the time of Planning Commission approval shall be limited to 1 monument or freestanding sign with a per-face display surface area limit of 16 square feet and a maximum overall height limit of 6 feet above grade, and 1 wall sign not exceeding a display surface area limit of 16 square feet, and 1 daily display sign per street frontage not exceeding 12 square feet per display surface.**

4. Illumination. Signs in R zones may have external illumination, **except as where otherwise noted.** Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. No sign in such district shall be illuminated between the hours of 12 p.m. and 7 a.m.

Section 4.02. Residential-Office-Commercial Zone.

No sign shall be erected or maintained in an R-O-C or R-1-B zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Permanent subdivision signs.

   a. Area. May have a maximum area of 2 square feet per dwelling unit to a maximum of 32 square feet for each sign and 16 square feet per display surface, and total sign area for all display surfaces shall be no more than 64 square feet.

   b. Height and/or clearance. No limit, dictated by area requirements.

   c. Number. Limited to 1 sign per entrance.

2. Permanent apartment **or condominium** signs. Either 1 freestanding or 1 wall sign per street frontage permitted.

   a. Freestanding sign.

      (1) Area. Limited to 2 square feet per dwelling unit to a maximum area of 32 square feet, 16 square feet per display surface.

      (2) Height and/or clearance. Freestanding signs limited to maximum height of 6 feet above grade.

      (3) Number. One freestanding sign per street frontage permitted.

   b. Wall sign.

      (1) Area. Limited to 2 square feet per dwelling unit to a maximum of 32 square feet.

      (2) Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

      (3) Number. One wall sign per street frontage permitted.

3. Freestanding business sign.

   a. Area. The maximum permitted area of a freestanding sign shall be 24 square feet per display surface and 48 square feet overall.

   b. Height and/or clearance. The maximum height of a freestanding sign shall be 12 feet.

c. Number. One freestanding sign is permitted in addition to 1 wall sign.

4. Wall business sign.

a. Area. The maximum permitted area of a wall sign shall be 10 percent of the building face.

b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

c. Number. One wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.

5. **Daily display sign**

a. **Area. The maximum permitted area of a daily display sign shall be 12 square feet per display surface and 24 square feet overall.**

b. **Number. One daily display sign per street frontage is permitted.**

c. **Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way, subject to the standards of Section 5.04.**

6. Illumination. Signs in R-O-C or R-1-B zones may have external illumination, **except where otherwise noted.** Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. No sign in such district shall be illuminated between the hours of 12 p.m. and 7 a.m.

Section 4.03. Neighborhood Commercial Zone.

No sign shall be erected or maintained in a C-N zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Freestanding sign.

a. Area. The maximum permitted **display surface** area of a freestanding sign shall be computed on 1½ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 40 square feet per display surface and 80 square feet over all.

b. Height and/or clearance. Freestanding signs may not project over the top of a building or 20 feet, whichever is less.

c. Number. One freestanding sign is permitted in addition to 1 wall sign.

2. Wall sign.

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

   b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

   c. Number. Dictated by area requirements. Wall signs are permitted in addition to 1 freestanding sign.

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

3. **Incidental signs.**

   a. Area. Incidental signs are limited to a maximum overall size of 64 square feet total combined surface area.

   b. Height and/or clearance. Dictated by type of sign.

   c. Location. Incidental signs must be located on the premises with which associated.

   d. Number. Four or less, depending upon area requirements.

4. **Daily display sign**

   a. Area. The maximum permitted area of a daily display sign shall be 12 square feet per display surface and 24 square feet overall.

   b. Number. One daily display sign per street frontage is permitted.

   c. Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way, subject to the standards of Section 5.04.

5. Illumination. Signs in C-N zones may have external illumination, **except where otherwise noted.** Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. No sign in such district shall be illuminated between the hours of 12 p.m. and 7 a.m.

Section 4.04. Commercial zone.

No sign shall be erected or maintained in **the C-L, C-C, C-G, and C-CS Zones,** except as allowed under Section 3.01 or as otherwise noted in this section.

1. Freestanding sign.

   a. Area. The maximum permitted **display surface** area of a freestanding sign shall be computed on 1½ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage, plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding **300** square feet of sign area per display surface for each sign, or a total of **1,200** square feet for all display surfaces **as authorized in subsection d.**

   b. Height and/or clearance. The maximum height of any portion of a sign or sign structure shall be 25 feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be 14 feet in any driveway or parking area.

   c. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk, or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed 2 feet.

   d. Number. One multifaced freestanding sign shall be permitted on a street or highway frontage. Where a frontage exceeds 300 feet in length, 1 additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.

2. Wall sign.

   a. Area. Wall signs shall not exceed in gross area 20 percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.

   b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

   c. Number. No limit, dictated by area requirements.

3. Projecting signs.

   a. Area. Projecting signs shall not exceed in gross area 20 percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.

   b. Height and/or clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in the following table:

Table 1

PROJECTION OF SIGNS INTO PUBLIC RIGHTS-OF-WAY

Clearance	Maximum Projection into Public Right-of-way
Less than 8 feet	Not permitted
8 feet	1 foot
8 to 16 feet	1 foot plus 6 inches for each foot of clearance in excess of 8 feet
Over 16 feet	5 feet

c. Location. No projecting sign shall be located within 20 feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.

d. Number. Only 1 projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign or roof sign.

4. Roof signs.

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

b. Height and/or clearance. The maximum height of a roof sign shall not exceed 8 feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.

c. Location. No roof sign shall be erected unless and until approved by the Fire Marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.

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

5. Incidental signs.

a. Area. Incidental signs are limited to a maximum overall size of **64** square feet total combined surface area.

b. Height and/or clearance. Dictated by type of sign.

c. Location. Incidental signs must be **located on the premises with which associated.**

d. Number. **Four or less, depending upon area requirements.**

6. Under-marquee signs.

a. Area. Under-marquee signs shall not exceed 6 square feet per display surface or 12 square feet in overall sign area.

b. Height and/or clearance. Under-marquee signs must have 8 feet of clearance below the lowest portion of the sign and the ground below.

c. Location. Under-marquee signs shall not project within 2 feet of the curb.

d. Number. No limit, dictated by area requirements.

7. **Billboard** signs. **Billboard** signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, **but may not** be replaced or relocated.

8. **Daily display sign**

a. **Area. The maximum permitted area of a daily display sign shall be 12 square feet per display surface and 24 square feet overall.**

b. **Number. One daily display sign per street frontage is permitted.**

c. **Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way, subject to the standards of Section 5.04.**

9. Illumination. **Signs in commercial zones may be illuminated, except where otherwise noted.** Within 500 feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 7 inches, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.

Section 4.05. Manufacturing zone.

No sign shall be erected or maintained in an M **or BI** zone, except as allowed under Section 3.01 or as otherwise noted in this section.

1. Freestanding sign.

a. Area. The maximum permitted area of a freestanding sign shall be computed on 1½ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

b. Height and/or clearance. The maximum height of any portion of a sign or sign structure shall be 25 feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be 14 feet in any driveway or parking area.

c. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk, or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed 2 feet.

d. Number. One multifaced freestanding sign designating the principal goods, products, facilities, or services available on the premises shall be permitted on a street or highway frontage. Where a frontage exceeds 300 feet in length, 1 additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.

2. Wall sign.

a. Area. Wall signs shall not exceed in gross area 10 percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.

b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

c. Number. No limit, dictated by area requirements.

3. Roof signs.

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

b. Height and/or clearance. The maximum height of a roof sign shall not exceed 8 feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.

c. Location. No roof sign shall be erected unless and until approved by the Fire Marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.

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

4. Incidental signs.

a. Area. Incidental signs are limited to a maximum overall size of **64** square feet total combined surface area.

b. Height and/or clearance. Dictated by type of sign.

c. Location. Incidental signs must be **located on the premises with which associated.**

d. Number. **Four or less, depending upon area requirements.**

5. **Billboard** signs. **Billboard** signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, **but may not** be replaced or relocated.

6. **Daily display sign**

   a. **Area. The maximum permitted area of a daily display sign shall be 12 square feet per display surface and 24 square feet overall.**

   b. **Number. One daily display sign per street frontage is permitted.**

   c. **Location. A daily display sign must be located on the premises with which it is associated, except that a daily display sign may be allowed within the public right-of-way, subject to the standards of Section 5.04.**

7. Illumination. **Signs in manufacturing zones may be illuminated, except where otherwise noted.** Within 800 feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 7 inches, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property.

SECTION 5. SIGNS IN PUBLIC RIGHT-OF-WAYS

Section 5.01. Signs prohibited. Signs are prohibited within public right-of-ways, except as allowed by this Section.

Section 5.02. Exempted signs. As referenced in Section 3.01.3, signs for purposes of public direction and safety may be allowed within the public right-of-way, subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and the following standards:

1. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation Sign Policy and Guidelines and the Federal Manual on Uniform Traffic Control Devices. Such standards may be deviated by the City Public Works Director upon determination that such deviation is necessary for purposes of message visibility, clear vision maintenance, or other similar factors. Applicants desiring to vary from the Public Works Director's standards determination may apply for a variance following the procedures of Section 8.

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

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

Section 5.03. Bench advertising signs. These are permitted subject to the standards of Section 12.16.020 of the Milwaukie Municipal Code.

Section 5.04. Daily display signs.

1. In sign districts that permit daily display signs (reference Section 4), a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:

   a. A City right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.

   b. The sign is to be set back behind the curb, or, a minimum of 10 feet from the edge of the nearest street travel lane where curbs are not in place.

   c. The sign is to be placed so as to allow at least 4 feet of unimpeded pedestrian sidewalk maneuvering space.

   d. The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.

   e. The sign is properly maintained.

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

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

   a. All applicable standards of Section 5.04.1.

   b. Both the sign owner and owner of the business where the sign is placed must sign a City liability exemption document.

   c. The off-premises daily display sign will take the place of the daily display sign allowance for the business site where it is placed.

SECTION 6. SIGN CONSTRUCTION AND MAINTENANCE

Section 6.01. Construction and maintenance requirements.

1. Except as otherwise provided in this Ordinance, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, **Uniform Fire Code, and Electrical Code.**

2. All signs shall be maintained at all times in a state of good repair and no person shall maintain, or permit to be maintained on any premises owned or controlled by him, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

3. Each sign for which a sign permit is required shall specify the name of sign erector, date of erection, electrical power consumption in amperes, and Underwriters Laboratory label, if applicable. Such information shall be in sufficient size and contrast to be readable upon inspection.

SECTION 7. REMOVAL OF SIGNS IN VIOLATION

Section 7.01. Abandoned sign.

1. Time limit. Abandoned signs and their supporting structures shall be removed within 180 days by the owner or lessee when the business which it advertises is no longer conducted on the premises.

2. Notice given. If the owner or lessee fails to remove it, the City Manager or his duly authorized representative shall give the owner 15 days' written notice to remove it.

Section 7.02. Nonconforming sign.

1. Time limit.

   a. Nonconforming signs may be continued for a period of 7 years from the effective date of Ordinance ____.

   b. Signs located on premises annexed into the city after the effective date of this Ordinance, and which signs do not comply with the provisions of this Ordinance, shall be brought into compliance with this Ordinance within a period of 7 years after the effective date of the annexation.

   c. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all of the provisions of this Ordinance.

   d. Signs in existence on the effective date of this Ordinance which do not comply with provisions regulating flashing signs, use of par spot lights or revolving beacons, revolving signs, or flags, banners, or streamers or strings of lights, temporary or incidental signs, shall be made to conform within 90 days from the effective date of this Ordinance.

2. Notice given. The City Manager or his duly authorized representative shall give 30 days' written notice to the owner or lessee of the sign to remove the sign and its supporting structures or to bring it into compliance with this Ordinance.

Section 7.03. Unsafe sign.

1. Time limit. The City Manager or his duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard to persons or property - by reason of it or its support structure being or becoming of unsound and unsafe condition; i.e., weakened or broken support, broken parts, including tubing, wiring, plastic, etc. - to be removed summarily.

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

Section 7.04. Noncomplying sign.

1. Time limit. Noncomplying signs shall be removed or brought into compliance **within 30 days of notification.**

2. Notice given. The City Manager or his duly authorized representative shall give 30 days' written notice, except that noncomplying signs which create a traffic or other safety hazard may be removed by the City Manager or his or her representative without notice.

Section 7.05. Administrative procedures for notification of violation.

1. If the City Manager or his duly authorized representative shall find that any sign or sign structure regulated has been constructed or erected, or is being constructed or maintained, in violation of the provisions of this Ordinance, he shall give written notice to the permittee thereof, or, if unknown, to the owner or occupant of the building or premises upon which the sign is located.

2. If the permittee fails to remove or alter the structure so as to comply with the standards set forth within 30 days after such notice, such sign or sign structure is declared a nuisance **and the owner may be issued a citation into Municipal Court, as per procedures of Chapter 1.08 of the Milwaukie Municipal Code, and subjected to enforcement fines as established by the City Council.**

3. **Signs in violation of this Ordinance which create a safety or traffic hazard may be removed by the City without prior notice and removal costs billed to the sign or property owner.**

4. Such **fines and** costs may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

SECTION 8. VARIANCES

Section 8.01. Authorization to grant or deny variance. The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission, in addition to the time limitations of Section 8.04, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this Ordinance.

Section 8.02. Variance procedure. The following procedures shall be followed in applying for and acting on a variance:

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

2. The Planning Commission shall hold a public hearing per the provisions of Ordinance 1712, the Zoning Ordinance, Section 1011.3, Minor Quasi-Judicial Review for any variance request which is 25 percent or more of the required standard. Variance requests of less than 25 percent from the standard required shall be reviewed by the Community Development Director per the provisions outlined in Section 1011.2, Administrative Type II Review, of Ordinance 1712, the Zoning Ordinance. Within 5 days after a decision has been rendered with reference to a request for a variance, the City Manager or his duly authorized representative shall provide the applicant with notice of the decision of the Planning Commission.

Section 8.03. Circumstances for granting variance. A variance may be granted only in the event that all of the following circumstances exist:

1. 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.

2. 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.

3. 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.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

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

Section 8.04. Time limit. Authorization of a variance shall be void if the building or work approved by such variance is not commenced within 120 days of the date of approval.

Section 8.05. Appeals. Appeals of Planning Commission decisions shall follow the procedures of Section 1000 of the Milwaukie Zoning Ordinance.

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 20, 1992

To: Milwaukie Planning Commission

From: MC Maggie Collins, Community Development Director

Re: Community Development Department Report

Action Requested

For your information.

Discussion

1. Attached is a summary of your comments on the Metro 2040 exercise we did last meeting.

2. Also attached a copy of the invitation sent out to the property owners along the Confluence segment of Johnson Creek. The first meeting is Sunday, October 25th. You are invited to attend if you wish.

3. Also attached is a "think piece" from Urban Land Institute on transportation planning. It poses some thought-provoking notions. You may wish to file this in your light rail study file.

4. Ross Brothers appeal: Mr. Ekerson's attorney has requested LUBA to dismiss that appeal. Leopold appeal: Oral arguments will be heard at LUBA on October 20th.

5. The report requested on the Clark property will be given at the meeting.

cc: C. D. Staff
Dan Bartlett

MILWAUKIE PLANNING COMMISSION

PC COMMENTS RE METRO REGION 2040 STUDY, ROUND 2, PHASE 1
10/14/92

A. PAGE 2 OF TABLOID:

Does forecasting drive this process?
Is growth Metro's objective?
Shouldn't there be mention of "controlling" rather than "managing" growth?

B. PAGE 3 OF TABLOID:

More attention should be paid to preserve existing, already-convenient neighborhoods vs. new neighborhoods
"Country-rural feeling" contradicts urban living style--implies residential style outside UGB
All the other bullets are mutually-supporting
Need to shift more of the transportation money to public transit
Current transit system isn't reliable enough or ubiquitous

C. PAGES 6 AND 7 OF TABLOID:

Residential

Single-family residences look like Street of Dreams--all brand-new dwellings
No inner neighborhood revitalization pictured--residential pictures don't resemble Milwaukie, North Portland, Se Portland, etc.
Is this the fault of the photographer or this process?

Commercial

More representative of the region's actual commercial diversity than the residential photos.

Industrial

Should have more of a tie to the River
Industry pictured is too "clean"

Public and Open Space

Poor photography on the open space photos--didn't pick up on the region's water resources

Question: Did the photos as representative of four major land uses adequately match your image of the future as you recall from your 2040 values exercise?

Low match: 5 members
Medium match: 2 members
High match: 0 members

Comment: The land use categories are correct, but the total of the pictures isn't representative enough.

D. COMMENTS ON CONCEPTS

"A" is not desirable, as it extends out past the UGB and perpetuates future urban design with continued auto-centeredness.

"C" is what will happen anyway.

"B" seems most appealing, but is it logical?

"B" may work, but not necessarily with 500,000 more people. Hey, is our choice to be either L.A. or New York City?

But, "C" is more realistic, based on 500.000 people to accommodate.

If these concepts are based on growth premises, we're all doomed.

E. Metro Question #1:

Answer: No. This Commission has an "odd feeling" that people in vacant office towers downtown are projecting this growth for the region.

Employment centers may change; but these concepts show the same location.

No one is happy with Concept A.

Metro Question #2:

Answer: We are wondering why we have to accept concepts with so much growth forecast. These projections become self-fulfilling.

Myths and FACTS about Transportation and Growth

In many of the most desirable areas of the United States, economic growth has become a two-edged sword: the same new jobs that offer employment opportunities and tax revenues also bring traffic. The inability of many communities to provide adequate facilities has made traffic congestion a leading concern. The problem has been aggravated by a general pullback in federal and state funding, which traditionally has accounted for about three out of every four highway dollars, mostly from fuel taxes and other user charges. Clearly, a reduction in such a major revenue source places an almost impossible burden on local governments to fill the gap.

The question is asked by concerned communities: What is the value of economic development if *(continued)*

it results in more crowded roads and overworked facilities? Even communities that support growth increasingly ask whether it pays for itself. According to the National Council on Public Works Improvement, the nation's infrastructure has been allowed to deteriorate in many areas. This neglect has been caused by increasing demands on government for all types of public services, growing taxpayer resistance to new revenue sources, and the diversion of public works funds from capital improvements to maintenance of existing facilities. The need to serve new residents and workers further exacerbates these problems in some communities.

Even before the automobile, congestion was part of urban living. Over time, the degree of congestion has increased so that today the word itself can strike fear in the heart of a commuter. The challenge is twofold: structuring more efficient development patterns and travel choices, and educating people to the reality that they can no longer live in low-density communities far from their jobs and expect their transportation needs to be met—without congestion.

Improving transportation is further complicated by the public's growing belief that one can do nothing to improve mobility except to question the value of growth. Because travel plays such an important role in daily living, virtually everyone has a perception of and a solution for the problem. Many of these perceptions—though based little on reality—have become entrenched, emerging as popular myths that even professionals find difficult to discredit.

This booklet examines some of the most popular of these myths and offers facts in their stead in the hope that public debate can then be more sharply focused on the true problems and the most effective solutions available to communities. No recommendations are made for particular solutions. Rather, it is hoped the factual information presented will help lead to better decisions. In the end, each community must determine the amount of travel growth it will accommodate and whether it will do so by better managing roads and transit, by expanding facilities, or simply by accepting some increase in congestion.

The main point to remember is that choices *are* available to each community, and by making those choices, each community can take responsibility for shaping its own future.

Myth 1.

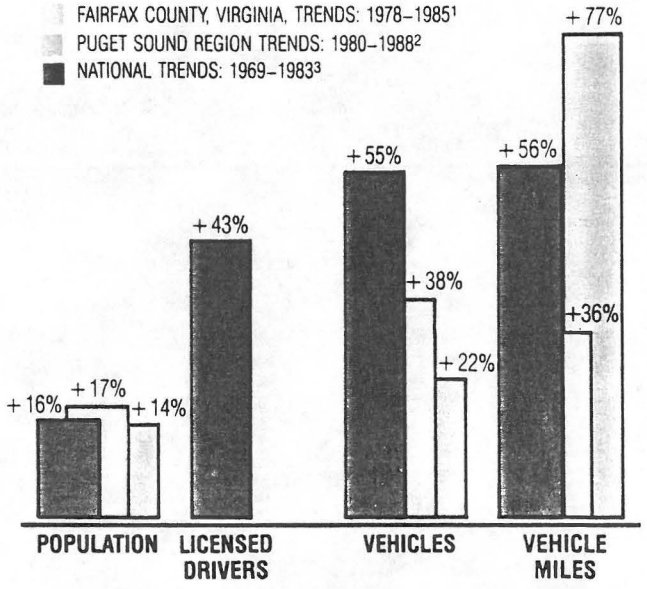
Stopping development will stop traffic growth.

The common tendency is to associate all increased traffic with new development. Even during periods of rapid growth, however, traffic has grown faster than development. The nation's increasing mobility is due to both social and economic changes—growth in the number of jobs, women in the workforce, disposable income, and cars; and a suburbanizing lifestyle that requires more travel than that of its city counterpart. These trends came together during the 1970s as the baby boom generation entered the prime working years. Had this generation been no more auto-oriented than its parents, the amount of driving would have increased only 25 percent.[1] Between 1969 and 1983, total highway travel increased 56 percent—more than three times the growth in overall population, and twice the increase in the number of persons of driving age.[2] More people were driving and were also more likely to own their own cars. In other words, the average person was driving more: per capita driving increased 17 percent between 1969 and 1983. It is estimated that during the 1970s and early 1980s, growth in population, housing, and employment accounted for about one-third of the increase in highway travel, while two-thirds was attributed to increased per-capita travel.[1] Census data show that even in areas of the United States where the population has declined, employment levels and travel have increased. While new development obviously brings new traffic to an area, the growing mobility of the population has a more far-reaching effect on travel growth.

FACT 1.

Even with no new development, traffic would increase due to the population's growing mobility.

Mobility Trends



1. **Source:** Fairfax County Office of Research and Statistics.
2. **Source:** Seattle *Times*/Seattle *Post Intelligencer*, "Suburban Crawl," April 16, 1989.
3. **Source:** U.S. Department of Transportation, *Personal Travel in the U.S.*, Vol. I (Washington: D.C.: author, 1986.)

Myth 2.

Growth is unpredictable and therefore adequate planning is not possible.

There is a widespread feeling that growth is occurring in areas where it could not have been anticipated, and therefore could not have been planned for. In fact, the spread of development into more remote suburban and rural areas has rarely come as a surprise. New York City was decentralizing by the 1850s. During the 1950s, virtually all of the population increase in the largest 27 metropolitan areas occurred in the suburbs. Between 1960 and 1980, two-thirds of the job growth was in the suburbs. In most cases, this growth has been a logical extension of existing market trends. There were early harbingers that such a phase was beginning—a small shopping center, a research laboratory, or the assembly of land. Land speculation has been an early indicator that something was about to happen. But all too often officials were unable, or unwilling, to accept the realities of growth and communicate them to the community. The result—growth occurs without the transportation facilities needed to support it.

FACT 2.

Growth generally is predictable; plans made in advance are essential to cope with it.

Myth 3.

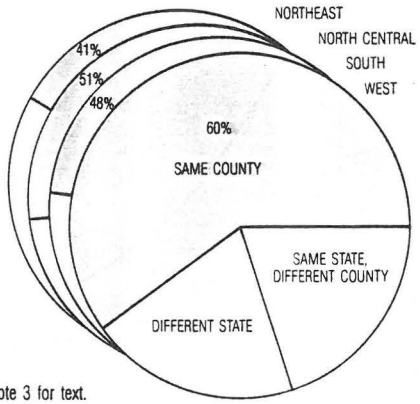
Growth in a community primarily serves newcomers.

Many attitudes toward growth are shaped by the notion that the houses and office buildings built to serve it are occupied primarily by new residents. Charging newcomers for the facilities needed for growth appeals to elected officials as a means to gain revenue without alienating voters. It can also placate community attitudes by assuring existing residents that newcomers are paying their fair share. But how can a "new" resident or worker in an area be identified? Contrary to the usual assumption that anyone who moves to a new home or works in a new office building is a newcomer, a large share of new housing and office space is purchased or leased by existing members of the community. A 1988 national survey of new homebuyers found that half of them—ranging from 41 percent in the Northeast to 60 percent in the West—already lived in the county where they purchased their new homes.[3] U.S. Census Bureau statistics show similar trends for all household moves. In many communities, most of the growth is due to natural increases in the existing population.

FACT 3.

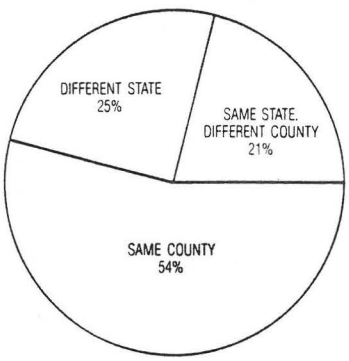
Much of the development in growing areas is needed to serve existing residents, not people moving in.

Prior Residence of New Homebuyers



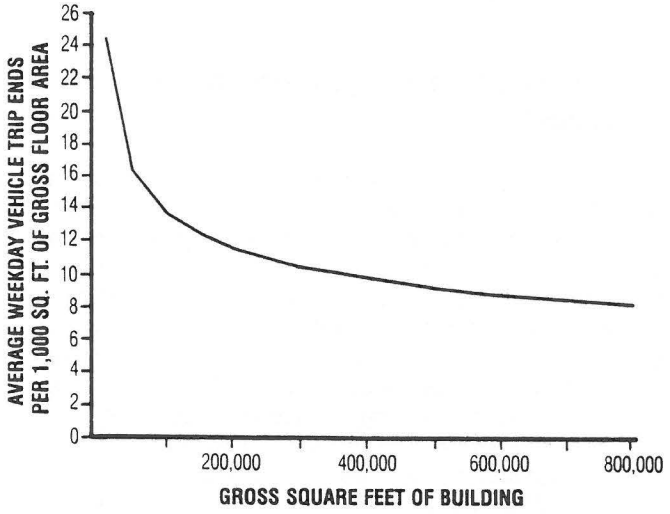
Source: See Note 3 for text.

Prior Residence of All Movers: 1975–1980



Source: 1980 U.S. Census, *City and County Data Book* (Washington, D.C.: U.S. Department of Commerce, 1983).

Trip Generation Rates for Office Buildings



Source: Institute of Transportation Engineers, *Trip Generation*, 4th edition (Washington, D.C.: author, 1987).

Myth 4.

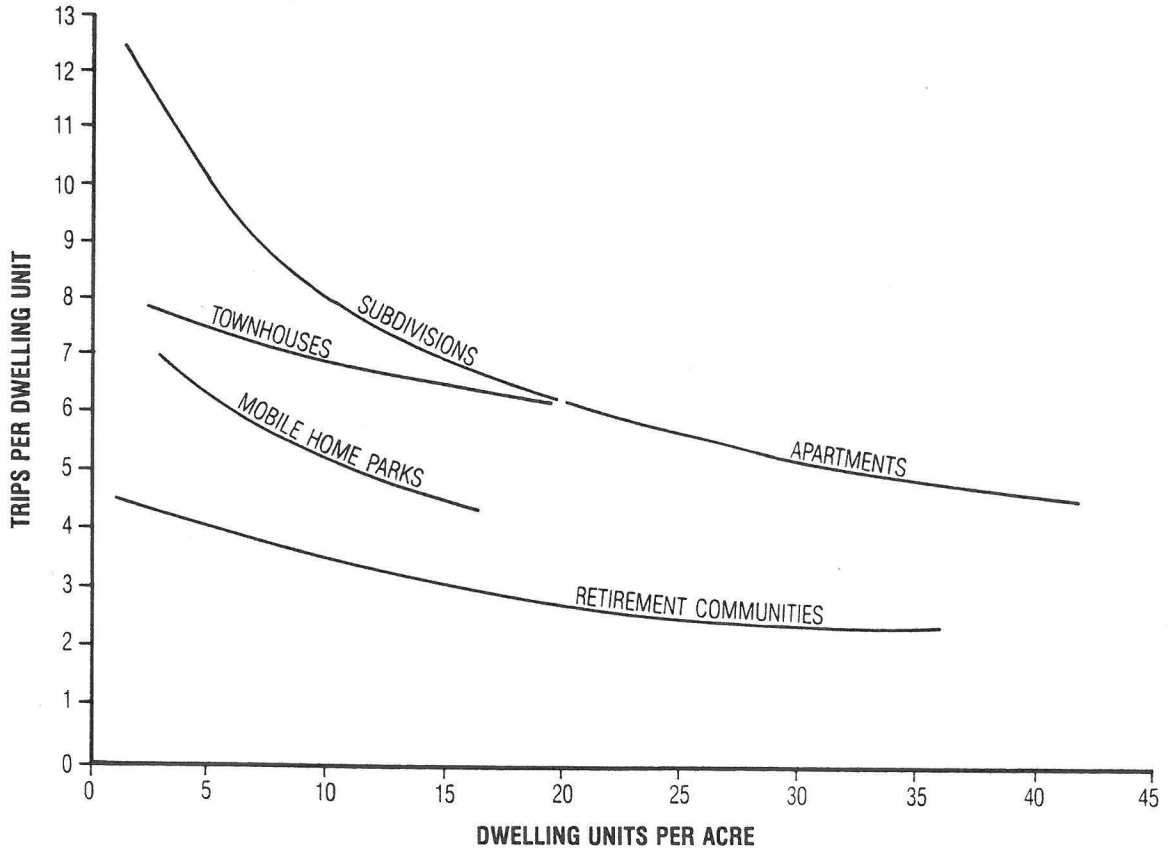
Reducing densities will reduce traffic.

Reducing the density of development through zoning may seem like one way to reduce traffic. Obviously, a three-story building on a site will generate fewer trips than eight stories of the same floor plan. But traffic does not respect boundaries, and such a policy, while limiting traffic at individual sites, causes sprawl—a low-density, auto-dependent development pattern. Thus, a reduction in traffic in one area is likely to be matched by traffic increases elsewhere—unless density is reduced over an area so extensive that it decreases the total level of market development. In addition, research shows that higher-density residential and office projects generate fewer driving trips and more transit use per unit than do low-density projects.[4] (Density is necessary to provide the critical mass needed to support transit.) Moreover, clustering uses in mixed-use centers makes possible a pedestrian orientation, with shopping, services, restaurants, and recreation within walking distance.

FACT 4.

Limiting density of development does not reduce traffic except in the immediate area. Lower-density residential, retail, or office projects generate more, not less, overall traffic.

Residential Trip Generation Rates



Source: 1964–1970 Research Studies, California Division of Highways, District 4.

Myth 5.

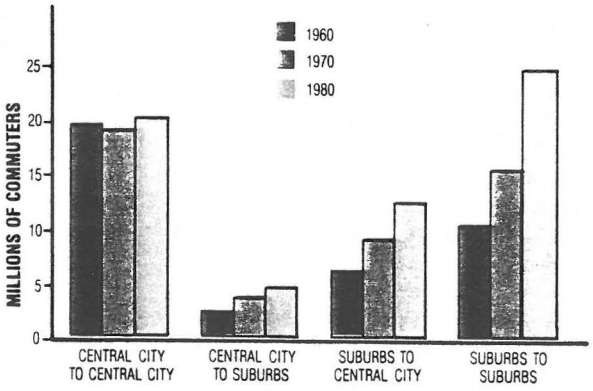
Urban transportation's major challenge is improving commuting to downtown jobs.

According to the 1980 U.S. Census, there were twice as many suburbanites commuting to suburban jobs in metropolitan areas as there were to jobs in the central cities. Between 1960 and 1980, intrasuburban commuting accounted for 57 percent of the increase in metropolitan commuting.[5] Although the downtowns of our major cities are generally the most important single destination, they no longer are the dominant location for jobs; less than 8 percent of regional workers—ranging from 3 percent in Los Angeles to 10.9 percent in San Francisco—are employed in the 10 largest urbanized areas.[6] The new transportation challenge is how to meet the diverse needs of suburban destinations. In addition, nonwork trips are becoming a larger share of travel. In 1983, the number of miles traveled to earn a living, including work-related business, was only 27 percent of daily travel in metropolitan areas.[7] Moreover, during rush hours in large regions, much of the growth in auto traffic has been for nonwork trips. By 1983, it was estimated that in urban areas of at least 3 million people, travel on the roads during the evening rush hour was almost evenly divided between commuting and nonwork trips. For a typical area, the central business district commuter probably represents less than 10 percent of all highway travelers during the heaviest rush hour.

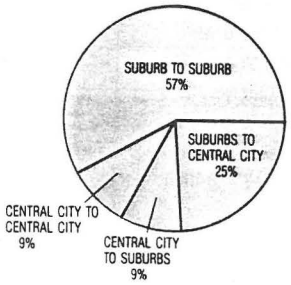
FACT 5.

In most growing areas, a diversity of transportation needs—dispersed suburban employment, reverse commutation, and nonwork travel—are as important, if not more important, than the problem of downtown commutation.

Relative Sizes of Main Flow Markets for Commuting: 1960–1980

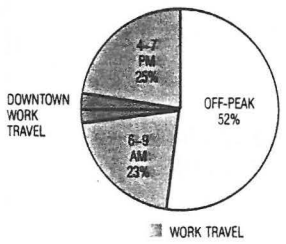


Shares of the Total Increase in Commuters by Market: 1960–1980



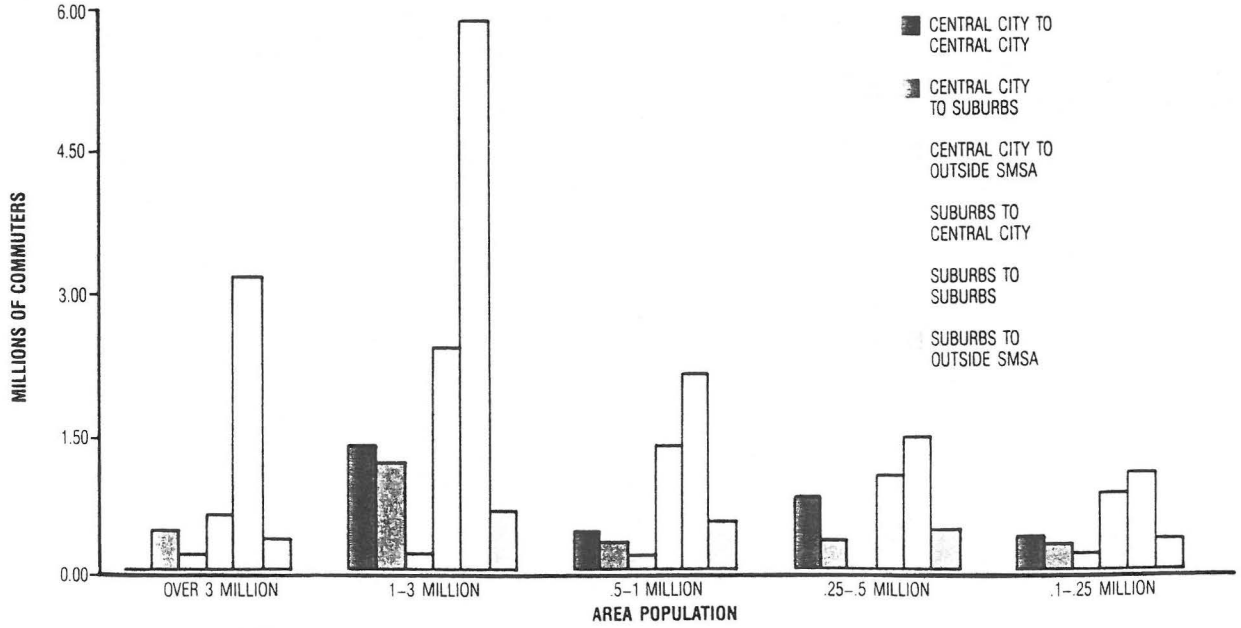
Source: Alan E. Pisarski, *Commuting in America* (Westport, Connecticut: Eno Foundation for Transportation, Inc., 1987).

Weekday Auto Travel in Regions with More Than 3 Million Population: 1983–1984



Source: Compiled from 1983 Nationwide Personal Transportation Study data, U.S. Department of Transportation; Peter Gordon, Ajay Kumar, and Harry Richardson, "Peak Spreading: How Much," unpublished paper, University of Southern California, 1988; ULI estimates, assuming 10 percent of employment in central business district.

Where Commuter Growth Occurred: 1960–1980



Source: Alan E. Pisarski, *Commuting in America* (Westport, Connecticut: Eno Foundation for Transportation, Inc., 1987).

Myth 6.

Suburbanites will not ride buses.

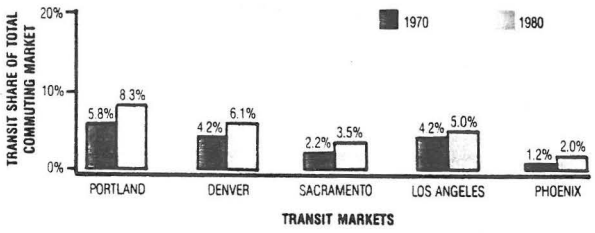
Many local officials believe that suburbanites will not ride buses because they consider them slow, unreliable, and designed primarily for poor central city residents. This myth is used frequently to justify new rail systems, which are thought to cater to a higher-income, more mobile suburban market. In fact, an analysis of national data for 1983 found that there were as many bus riders with annual household incomes over $30,000 a year as there were riders with incomes below the poverty level of $10,000. Moreover, between 1970 and 1980, while the number of suburban residents working in cities increased by 55 percent, transit maintained its share (the only market in which it did so) at slightly over 11 percent.[8] Since most of the growth in suburban-to-city commuting was in western and southern cities served exclusively by bus transit, suburbanites clearly will ride the bus where good service is provided.

What about high-growth cities? The most striking examples are five cities in the West—Portland, Denver, Sacramento, Los Angeles, and Phoenix—in which, during the 1970s, the number of transit commuters more than doubled as a result of substantial transit investment combined with fast-growing commuter markets. (See graph.) An excellent way to provide high-speed suburban transit service with buses is through exclusive busways on freeways. Some of the more successful of these projects bring suburbanites into downtown New York, San Francisco, and Washington, D.C.[8] Each of these facilities carries over 50,000 daily riders—more than the new light rail systems opened during the 1980s.

FACT 6.

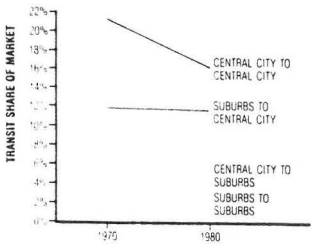
Suburbanites will ride buses when the service is reasonably fast and convenient.

Change in Transit Share for Cities with Greater Than 100 Percent Growth in Transit Commuting: 1970–1980



Source: U.S. Department of Transportation, *Journey to Work Trends: Based on 1960, 1970, and 1980 Decennial Censuses* (Washington, D.C.: author), pp. 6–11.

Trends in Relative Transit Use Home-to-Work Travel: 1970–1980



Source: U.S. Department of Transportation, *The Status of the Nation's Local Mass Transportation: Performance and Conditions*, report to Congress, data redrawn from Figure 3-1 (Washington, D.C.: author, 1988).

Myth 7.

Overall, new rail transit systems are needed to reduce traffic congestion.

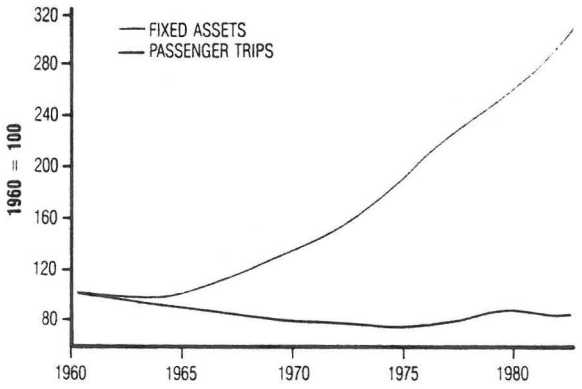
It is believed that in high-growth areas with low levels of transit ridership, major capital investments in new rail systems will reduce driving substantially. Newly emerging cities in the South and West believe they can build rail systems that will serve their downtowns and focus development in the same way that those of New York, Boston, Chicago, and Philadelphia have done. But the facts indicate otherwise. Even in San Francisco and Washington, which seemed to be logical candidates for subways, the systems that opened in the 1970s have had mixed success. Both systems have played important roles in serving their downtowns, although less significant than hoped by their planners. In both regions, however, most of the job growth has been in the suburbs, where a rail system cannot compete with the car. Therefore, neither system has been able to increase the overall percentage of commuters using public transportation, and the traffic problems in the suburbs of each city have become legendary.

Where does rail transit work? An intensive study of criteria for new transit systems found that the travel volumes needed to justify fixed guideway systems are: dense residential corridors, high levels of downtown employment, and low levels of car ownership.[9] Many of the newer Sunbelt cities considering rail systems fill none of these criteria. Although that study found that 10 cities had a potential for new light rail systems, a 1988 Urban Mass Transportation Administration (UMTA) report identified nine other cities with systems in the planning stages that did not meet the initial criteria.[8] Moreover, the light rail solution has been proposed in many other cities that have not begun formal systems planning studies. While these cities clearly are concerned about congestion, this particular option is diverting attention from more effective solutions.

FACT 7.

Rail transit works best in high-density cities that already have it. It is an expensive and ineffectual way to reduce congestion in a city that does not develop around rail transit.

Trends in Urban Transit Fixed Assets and Passenger Trips



Source: National Council on Public Works Improvement, *Fragile Foundations: A Report on America's Public Works* (Washington, D.C.: author, 1988).

Myth 8.

New roads should not be built, because they will only fill up with traffic.

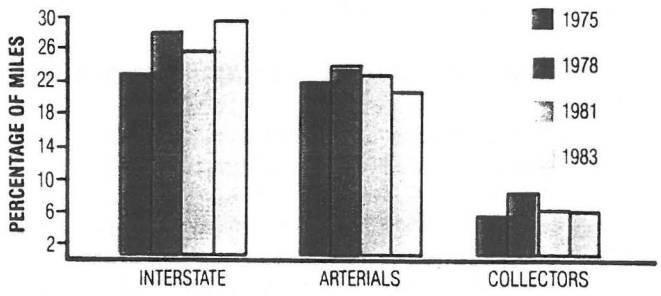
A prevailing belief is that a new road that attracts a large volume of traffic has not been a good investment because it generates increased travel without relieving existing facilities. The weakness of this argument becomes clear if it is applied, say, to new schools (they just fill up with students) or libraries (they only fill up with books). The fact that a new highway is well used demonstrates its success in offering a shorter or cheaper route for users; or access to new markets for industry; or better job, housing, or shopping opportunities for travelers. Not surprisingly, a new road in a congested area will attract traffic, especially when there has been little new construction. Attracting traffic and relieving other facilities are exactly what it was supposed to do. The Federal Highway Administration has calculated that each $1 invested in improving the interstate highway system saves $5 in costs to users—a substantial economic benefit.[10] Clearly, great economic value is attached to highway improvements.

Many also believe that new roads encourage growth, opening up areas to unintended development. Certainly, that is a possibility and must be dealt with according to the specific situation. An extensive number of highway impact studies was compiled in 1976 and summarized to show not only some of the traffic benefits, but also the economic and social advantages of highway improvements.[11] Perhaps the most comprehensive lesson can be gained from a look at the U.S. interstate highway system—funded through the Highway Trust Fund established in 1956—which now carries one-fifth of all highway travel in the United States. It was not until 1982 that one-half of the urban interstate travel had begun to occur on roads rated as congested during peak hours. As the standard period for design is 20 years, the planners of the interstate highway system were generally "in the ball park." Moreover, the latest federal highway statistics show that out of 11,200 miles of interstate roads in urban areas, only 5,200 experienced traffic volumes greater than 70 percent of capacity during peak hours.[12] With many areas struggling with the problem of congested traffic arteries, the argument that building new roads is not part of the solution makes no sense.

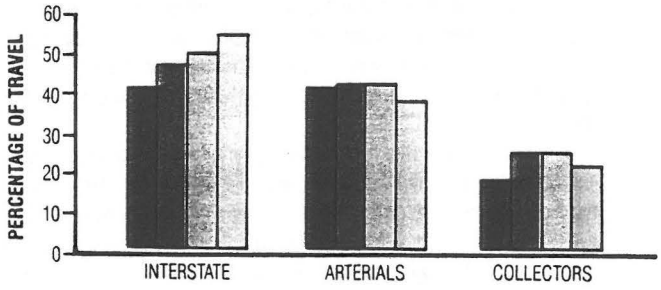
FACT 8.

Highway improvements are essential to a balanced regional transportation system. Their use is an indication of the need for them, not a sign of their failure.

Congestion Based on Percentage of Total Miles*



Congestion Based on Percentage of Total Travel*



* Congestion = Vehicle-to-capacity ratio greater than 0.80 during peak periods.

Source: U.S. Department of Transportation, *The Status of the Nation's Highways: Conditions and Performance*, report to Congress (Washington, D.C.: author, 1987).

Myth 9.

Highways can no longer be built in urban areas.

This myth is sometimes related to Myth 8, and is subscribed to by many highway critics as well as some transportation professionals. People believe that the problems involved in building metropolitan highways are insurmountable. In addition to the normal difficulties encountered in building highways in established areas, today's engineers must cope with resentment over past projects that were insensitive to the surrounding community. This myth has spread to the suburbs as well, even affecting areas where roads have been planned and rights-of-way have long been set aside. A general decline in funding nationwide, the cost of land and construction, and growing sensitivity to environmental and community impacts will continue to rule out highway improvements in many areas.

But the facts demonstrate that highways are still being built, even though they may require substantially more effort than in the past. Recent experience shows cases in which highway improvements have overcome considerable opposition, as well as those for which there was significant support.

The most difficult facility to build is a downtown freeway, as illustrated by the defeat of the controversial Westway project in Manhattan. Nonetheless, there are cities that have overcome considerable political and financial problems to build highway projects even in built up areas—typically as part of the interstate system. These include Boston with the $3.5 billion reconstruction of the Central Artery, and Los Angeles with the $1.8 billion construction of the Century Freeway. Such projects are expensive and controversial, but while there are differences of opinion about whether they make sense, they demonstrate that given sufficient political support and money, they still can be built.

In Phoenix, citizen attitudes toward freeways have changed as the difficulty of accommodating growth almost entirely on an arterial highway network has become apparent. As a result, voters have approved a sales tax increase in order to build a 233-mile freeway system with the $5.8 billion the increase will produce.

In Orange County, California, private initiative has combined with changes in state legislation to create three new toll road corridors that are planning to spend $2 billion—almost half of it from development fees. Plans for a similar project in Denver are to build E-470 as a toll road, with substantial contributions of land and fees from the private sector.

In suburban or fringe locations, where land is cheaper, impacts less damaging, existing highways primarily two-lane roads, and political sentiment considerably more favorable, highways can still be built. Perhaps the most troubling aspect of this particular myth is that it can easily become a self-fulfilling prophesy.

FACT 9.

New roads can, and are, being built in urban areas all over the United States.

Myth 10.

People must change their attitudes so that they depend less on the automobile.

Frequently expressed is the opinion that much of the problem in resolving traffic congestion is due to America's fixation with the car. If it were possible to change this attitude, it is argued, it would be possible to change travel behavior, making people more willing to carpool, ride buses, or walk to work.

In fact, transportation analysts have recognized that consumer choices are made based on rational comparisons of time and cost, rather than on abstract values or attitudes. (See graph on next page.) Thus, calling on citizens to reduce their driving and conserve oil imports as their patriotic duty has little effect. But raising the price of gas will quickly encourage them to consider measures of conservation. A survey of commuters who drive alone in highly congested Silicon Valley found that, contrary to beliefs, fewer than one in 10 were—that is, described themselves as—die-hard car lovers. The remainder drove because they needed their cars—for picking up children, for work-related or personal business, or because of problems with the alternatives (the bus takes too long, carpools are difficult because of different schedules or other problems). When asked how they coped with growing congestion, most commuters said that they tried to avoid travel during rush hours and that they changed routes to avoid congestion.[13] A similar approach was reported in New Jersey, where four out of 10 commuters said they had changed their time of travel—many by 30 minutes or more.[14] In both cases, however, a sizable share of commuters was willing to consider alternatives.

FACT 10.

Commuters' choices are based on comparisons of cost and convenience, not on abstract values. It is not attitudes that must be changed, but the relative service and cost of options offered to commuters.

Selected Surveys of Solo Drivers Willing to Consider Alternatives

	PERCENTAGE OF DRIVERS WILLING TO CONSIDER:		
	RIDESHARING	**VANPOOLING**	**TRANSIT**
New Jersey (urban)[1]	54%	63%	N/A
San Jose, CA[2]	54%		68%
Connecticut[3]			32%
Through neighbor or coworker	63%[4]		
Through employer	43%[4]		

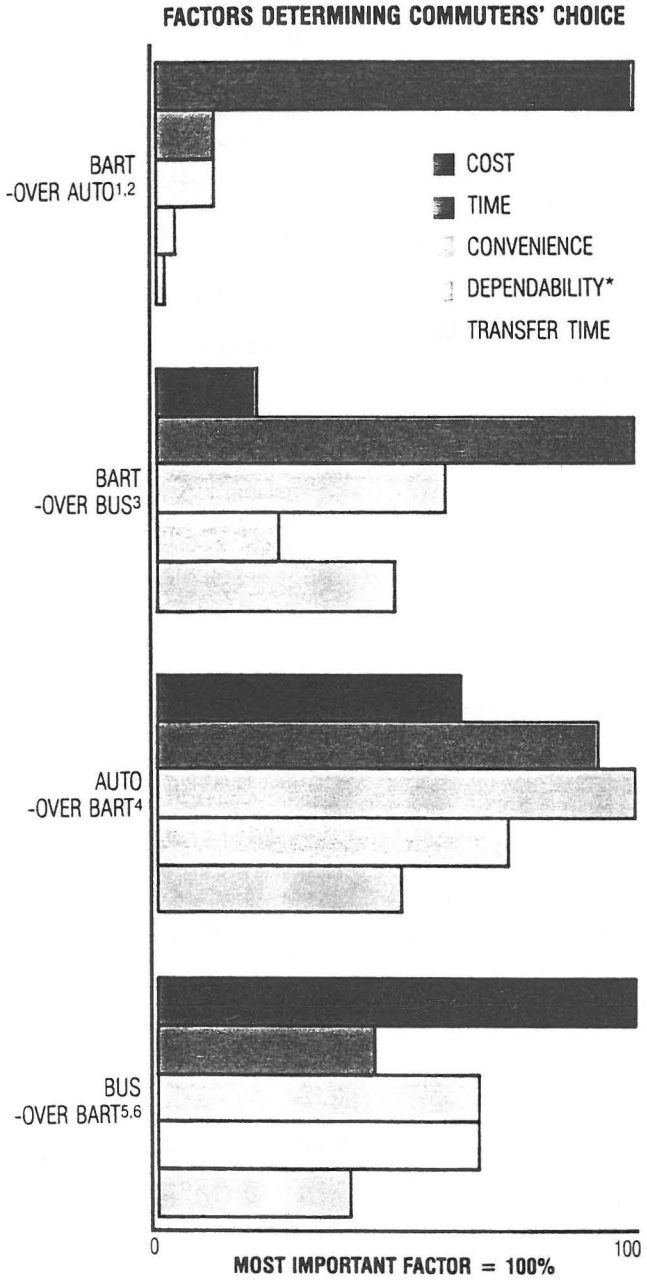
[1]Eagleton Institute for Politics, *The Crowded Road: A Survey of New Jerseyans' Opinions about Transportation, Growth, and Development* (New Brunswick: New Jersey: State University of New Jersey, 1988).

[2]Crain and Associates, *Santa Clara County Solo Driver Commuters: A Market Research Study* (Los Altos, California: author, 1984).

[3]Mount Vernon Research Associates, *State of Connecticut Statewide Transportation Study: Public Opinion Research Executive Summary*, for Connecticut Department of Transportation and Creamer Dickson Basford, Inc. (Wethersfield, Connecticut: author, 1988).

[4]Combined ridesharing and vanpooling.

Relative Importance of Different Factors in Choice of San Francisco Bay Area Commuting—Auto, Bus, or BART: 1977



PRIMARY REASONS FOR CHOICES

[1]LOWER COST OF A BART TRIP

[2]CAN AVOID DRIVING IN TRAFFIC AND ELIMINATE PARKING PROBLEMS

[3]TRAVEL TIME SAVINGS

[4]CONVENIENCE AND TIME SAVINGS

[5]CHEAPER

[6]GREATER DEPENDABILITY OF BUS

* Note that during this survey period, BART was not operating at its full service level. Since then, the frequency of trains, the operating speeds, and the reliability and capacity have been improved substantially.

Source: Metropolitan Transportation Commission, *BART in the San Francisco Bay Area: The Final Report of the BART Impact Program*, for the U.S. Department of Transportation, Washington, D.C., 1979.

Myth 11.

We should not make capital investments because they will be outmoded by new technology.

The hope is that a technological "fix" will some day offer a more convenient, less environmentally damaging alternative to urban travel than today's mix of cars, buses, and trains. But for now, no such fix appears to be on the horizon. A recent National Research Council study concluded that the primary means of transportation, at least until the year 2020, will continue to be private vehicles and buses.[15] Research is underway to develop advanced technology to make the vehicle, highway, and operator more efficient. Like most new technologies, however, this one will likely be introduced incrementally—for example, by converting an existing facility or by gradually expanding the system. Although telecommunications and home offices will allow more people to work at home and avoid commuting, this option is not likely to affect more than a small percentage of travelers. In fact, between 1960 and 1980, changing patterns of work have resulted in a decline of 2.4 million people who regularly work at home. These changes have been caused by a migration of jobs to the suburbs, where walking is much less likely; and a decline in farming, an ideal walk-to-work occupation.[5]

FACT 11.

Transportation options for the near future will be much like those available today. We should continue to work with these options while seeking better technologies for the more distant future.

Notes

[1]Trends in driver licensing and components of travel from ULI analysis of data from U.S. Department of Transportation, Federal Highway Administration, *Personal Travel in the United States: A Report on Findings from the 1983–1984 Nationwide Personal Transportation Study* (Washington, D.C.: U.S. Department of Transportation, 1986).

[2]U.S. Department of Transportation, Federal Highway Administration, *Highway Statistics: 1969* and *Highway Statistics: 1981*, Table VM-1 (Washington, D.C.: author, 1969, 1981).

[3]National Association of Home Builders, *What Home Buyers Want*, special survey tabulations (Washington, D.C.: author, 1989).

[4]Institute of Transportation Engineers, *Trip Generation*, 4th edition (Washington, D.C.: author, 1987), pp. 887, 1,151.

[5]Alan E. Pisarski, *Commuting in America: A National Report on Commuting Patterns and Trends* (Westport, Connecticut: Eno Foundation for Transportation, Inc., 1987).

[6]Peter Gordon, Ajay Kumar, and Harry Richardson, "Congestion, Changing Metropolitan Structure, and City Size," *International Regional Science Review* (Morgantown, W. Virginia: University of W. Virginia, forthcoming).

[7]U.S. Department of Transportation, *Personal Travel in the U.S.*: Vol. 1 (Washington, D.C.: author, 1986).

[8]U.S. Department of Transportation, Urban Mass Transportation Administration, *The Status of the Nation's Local Mass Transportation: Performance and Conditions*, report to Congress (Washington, D.C.: author, 1988).

[9]Boris Pushkarev and Jeffrey Zupan, *Urban Rail in America: An Exploration of Criteria for Fixed Guideway Transit*, for U.S. Department of Transportation, Urban Mass Transportation Administration (Washington, D.C.: U.S. Department of Transportation, 1980).

[10]American Association of State Highway and Transportation Officials, *Keeping America Moving: The Bottom Line* (Washington, D.C.: author, 1989).

[11]U.S. Department of Transportation, *Social and Economic Effects of Highways* (Washington, D.C.: author, 1976).

[12]U.S. Department of Transportation, Federal Highway Administration, *Highway Statistics: 1977*, Table HM-61 (Washington, D.C.: author, 1977).

[13]Crain and Associates, *Santa Clara County Solo Driver Commuters: A Market Research Study* (Los Altos, California: author, 1984).

[14]Eagleton Institute for Politics, *The Crowded Road: A Survey of New Jerseyans' Opinions about Transportation, Growth, and Development* (New Brunswick, New Jersey: State University of New Jersey, 1988).

[15]Transportation Research Board, *A Look Ahead: Year 2020* (Washington, D.C.: author, 1988).

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ULI–the Urban Land Institute is an independent, nonprofit research and educational organization incorporated in 1936 to improve the quality and standards of land use and development.

The Institute is committed to conducting practical research in the various fields of real estate knowledge; identifying and interpreting land use trends in relation to the changing economic, social, and civic needs of the people; and disseminating pertinent information leading to orderly and more efficient use and development of land.

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Johnson Creek

CORRIDOR COMMITTEE

"A partnership of citizens, businesses and public agencies taking action to improve the Johnson Creek watershed"

Citizen Groups
Friends of Johnson Creek
Landowners & Friends of Johnson Creek (LOAF)
Oregon Trout
Portland Audubon
Wetlands Conservancy
40 Mile Loop Land Trust
Stream Reach Working Groups
Representing the Confluence, the Canyon, Bell Station, I-205 Connection, the Mills, the Gardens, Powell Butte Valley, Gresham Greenbelt and Upper Creek

Sponsoring Agencies
City of Gresham
Parks & Recreation
City Engineering
City of Happy Valley
City of Milwaukie
Community Development
City of Portland
Bureau of Environmental Services
Bureau of Parks & Recreation
Clackamas County
Dept. of Transportation & Development
Dept. of Utilities
Multnomah County
Park Services
Engineering
Transportation Division

Resource Agencies
METRO
Planning & Development
State of Oregon
Dept. of Environmental Quality
Division of State Lands
Dept. of Fish & Wildlife
City of Portland
Bureau of Planning
Environmental Protection Agency
Affiliation for identification only

Correspondence

Johnson Creek Corridor Committee
P.O. Box 8607
Portland, OR 97207

The Johnson Creek Corridor Committee and the City of Milwaukie invite you to the first meeting of the Confluence Working Group

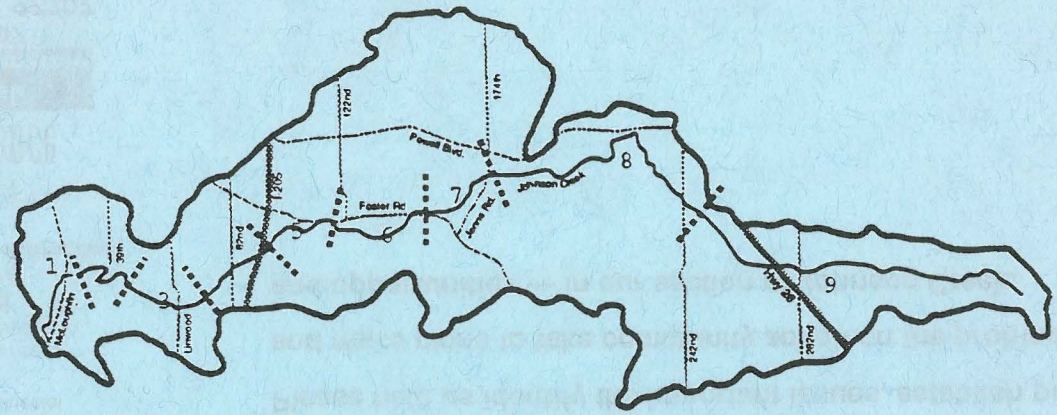
hosted by JCCC Member Howard Dietrich, Property Manager of Oregon Worsted, Inc.

WHEN: **2 to 4 p.m. on Sunday, October 25th**

WHERE: **the upstairs classroom at the new Mill End Store, 9701 S.E. McLoughlin Boulevard Milwaukie, Oregon (at Milport Road across from the Southgate Theatre Complex)**

What would we want to do with our section of Johnson Creek if we had all the money and resources we needed to make the change? What is the single most important step we wish we could take to help the creek now? What's keeping us from taking that step?

Please help us identify the important issues, establish priorities, and make plans to take community action on the problems — and opportunities — in our section of Johnson Creek.



"The Confluence" is the section of the Johnson Creek basin between 28th Street and the Willamette River.

c/o City of Milwaukie
10722 SE Main
Milwaukie OR 97222

Johnson Creek
CORRIDOR COMMITTEE

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Dear Neighbors,

Johnson Creek has serious problems, especially in our stream section (called "the Confluence").

Please come and spend two hours brainstorming for ideas on how we can support basin-wide efforts to improve the creek and make responsible use of its unique resources.

Milwaukie City Council
Mayor Craig Lomnicki and Councilors Roger Hall, Rob Kappa, Bob Knudsen and Jean Schreiber

Howard Dietrich
Johnson Creek Corridor Committee, Confluence Stream Reach Liaison