

MILWAUKIE PLANNING COMMISSION  
MINUTES  
TUESDAY, NOVEMBER 10, 1992

COMMISSION PRESENT

Chairman Trotter  
Gordon Jones  
Bill Johnson  
Pat Lent  
Carolyn Tomei

STAFF PRESENT

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

COMMISSIONERS ABSENT

Betty Fulmore  
John Littlehales

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 27, 1992

**Pat Lent** moved to approve the minutes of October 27, 1992 as presented. **Carolyn Tomei** seconded. MOTION CARRIED 5-0.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Richard Morris

Property Owner: Richard Morris

Location: 4308 SE Rio Vista (Tax Lot 5500 of Tax Map T1S, R2E, 31BC)

Proposal: Variance of covered parking requirements (VR-92-12)

**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. Two hands were raised; Chairman Trotter and Commissioner Lent. **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 VR-92-12 is a request for a variance of covered parking requirements. The Applicants purchased the property in July, 1992. The prior owner had purchased the property in 1981. The pre-existing garage, back in 1981, had already been converted into a family living space and the previous owner had left the garage door intact. Because of repairs required to the garage door, the Applicant eliminated the garage door and constructed a new exterior wall with a bay window and a new entry door off the driveway. This was done without permits.

The Applicant was notified of the need for permits and came in to remedy the situation. Because of the prior garage conversion, the Applicant is required to go through a variance process because the Zoning Ordinance requires two off-street parking spaces, one of which must be covered. This is a request for a variance to the covered parking provisions of Section 5 of the Zoning Ordinance. The zone is R-7. There were no pictures provided by Staff of the dwelling.

Most of the housing on Rio Vista is similar housing. Most have built-in one car garages. Staff stepped off the driveway, and the width appears to be approximately 14 feet. This makes it wider than for a normal single car garage, but narrower than the space needed for two-car parking. There is area available that would allow widening of the driveway so that two cars could park, off-street, in the driveway.

There was a question raised about the bay window and setbacks. The Zoning Ordinance allows bay windows which extend out; and the three-foot extension is allowed in the front yard area without affecting setback. This bay window is supported by foundation. With the foundation extending under the bay window, the setback line (20-feet) must start at the base of the new foundation of the window. Using an aerial map, the City Office Engineer estimated that the existing garage face was at the 20-foot setback line with the window encroaching into the setback area. Staff feels that the structure is plus or minus 20 feet. There is no clear indication where the setback line is; this needs to be verified.

Criteria for the variance are in Section 702 of City Zoning Ordinance. There is nothing unique or exceptional, but the Applicant is dealing with a conversion that had taken place several years ago.

Staff recommends approval of VR-92-12 with the conditions as stated in the Staff Report. Staff also recommends a Condition #4, that the driveway be widened to 16-18 feet for side-by-side parking.

#### APPLICANT'S PRESENTATION

Speaking: Richard Morris, 4308 SE Rio Vista, Milwaukie

**Mr. Morris** showed some pictures of houses in the area. None of the examples shown have carports or garages. He talked to neighbors in the area and had them sign a statement that there were no adverse affects caused by his home improvements. This letter and pictures were then submitted to the Commission.

**Mr. Morris** stated that they moved in the house in June. He has spent the last six months cleaning and improving the property. They are in the process of clearing the back yard and cleaning that up.

The bay window was put in by them and they changed the walk-in door. He feels they have improved the area by his home repairs. **Mr. Morris** stated that he had no problem with the requirement to widen the driveway.

#### QUESTIONS FROM THE COMMISSIONERS

**Don Trotter** asked why a bay window was put in. **Mr. Morris** stated that it was a personal preference and thought it tied in nicely with the house design.

TESTIMONY IN FAVOR OF APPLICATION - None.

#### QUESTIONS OR COMMENTS ON THE APPLICATION

Speaking: Allen Brunk, 4304 SE Rio Vista, Milwaukie

**Mr. Brunk** stated that he lived next door. He asked how many people will live in the house; there is a handicapped access. He asked if the garage door was changed to enable the handicapped person to get into the garage. He stated that he was concerned that there was not an opening big enough inside the house to get the handicapped person into the rest of the house.

**Mr. Brunk** voiced concern about the unsightly mess in the backyard.

TESTIMONY IN OPPOSITION - None.

#### APPLICANT'S CLOSING COMMENTS

**Mr. Morris** stated that his stepfather is handicapped and he has a motorized cart. He does not live with them; he comes periodically for visits. As of right now, only he and his wife are living in the house. He does have grown sons that come to visit sometimes in the summer.

QUESTIONS FROM THE COMMISSIONERS

**Pat Lent** asked about handicapped access? **Mr. Morris** stated that there is a garage door and a entry door. The widened driveway would come right up to the entry door which will give access to cart.

DELIBERATION AMONG COMMISSIONERS

**Pat Lent** asked if the widened driveway came under the jurisdiction of the Planning Commission. **Chairman Trotter** stated that in the Ordinance, covered parking is addressed. The driveway would come under the jurisdiction of the Planning Commission.

**Chairman Trotter** voiced concern with the parking space. The Zoning Ordinance requires two spaces off-street, one covered. If the driveway was widened, there would be room for two spaces. The parking space is supposed to be 19-feet in length. He is concerned that the space will be less than 19-feet.

**Chairman Trotter** suggested adding a condition to indicate that the parking space be a minimum of 19 feet in length from the property line to the face of the building.

If this application is approved, the Commission will be granting a variance. There are presently two setback variances on this property. If the bay window is extending into the setback, **Chairman Trotter** is in favor of eliminating the bay window entirely and putting a flat face on the structure. This would result in a "no-worse" condition than before reconstruction of the garage.

**Gordon Jones** stated that it was hard to make a decision when accurate measurements have not been taken. The determination of this variance is dependent on the actual setback figures.

**Gordon Jones** stated that he feels elimination of the bay window is too rigid. This house was built before codes. The Applicant bought the house and it was already converted.

The Building Official has required that the Applicant apply for a building permit. Comments from the Building Inspector are shown on Exhibit 5.

**Pat Lent** stated that because of the pre-existing improvements, this building has physical conditions that are unique. She feels that removal of the bay window would be punitive to the Applicant.

**Mr. Morris** stated that his son-in-law measured the driveway at 31 feet.

Discussion followed on whether the property was unique or exceptional and if allowing the bay window gives the Applicant a privilege that other people don't have by allowing it to extend into the setback area.

Gordon Jones moved to continue VR-92-12 until November 24, 1992, to allow the Applicant and Staff to resolve the difference between the site plan, the as-built plan of the addition showing the door and the bay window, and the Staff's comments on the aerial photograph. Carolyn Tomei seconded. MOTION CARRIED 5-0.

Recess was taken at 7:28 p.m. and the meeting reconvened at 7:40 p.m.

6.0 CONSIDERATION ITEMS - None.

7.0 OLD BUSINESS - None.

7.1 Sign Ordinance Worksession

Chairman Trotter opened the discussion on the Sign Ordinance Workshop.

Page 10

Section 4.01(3) Spelling correction: delete the word "face." "...sign with a per-display surface area..."

Section 4.01(3) This paragraph is administrative and applies to all sign districts, not just residential. This paragraph should be reworded and moved to Section 2.01, Page 6.

Staff was asked to review home occupation signs to see what other jurisdictions may be doing in comparison to our option provisions.

Page 11

Section 4.01(4) Take out last sentence..."No sign in such district shall be illuminated between the hours of 12:00 p.m. and 7:00 a.m."

Page 12

Section 4.02(6) -- Take out last sentence..."No sign in such district shall be illuminated between the hours of 12:00 p.m. and 7:00 a.m."

Concern was raised about daily display signs and whether they should be included in the Sign Ordinance. It was decided that the daily display signs be reviewed thoroughly to allow these signs where they are best suited and needed.

Maggie Collins suggested that it might be favorable to develop a flexible draft for a public hearing. The City would like to get comments from the public on right-of-way issues before making a final decision on the Sign Ordinance.

The Milwaukie Downtown Development Association has reviewed and submitted input to this Ordinance and assumes that it will be approved as written. It was decided that the Planning Commission will review the draft and make changes. After the Planning Commission is satisfied with a final draft, a public hearing will be held to get input from business people and the general public. After input from the public is incorporated, the final revised Sign Ordinance will be submitted to City Council with a recommendation for approval.

Recess was taken at 9:00 p.m and the meeting reconvened at 9:12 p.m.

The Ordinance does not currently include search lights. This item should be added to the prohibited section.

The Ordinance does not have an application section. Consideration was given to language that, "The provisions of this Ordinance shall apply to all signs hereinafter erected, altered, changed, or repaired." Staff will review the language for inclusion in the draft Sign Ordinance.

Daily Display signs were of major concern to the Commission. The difference between an incidental sign and a daily display sign is the time of display; business hours vs. 24/hours day. Incidental signs are strictly limited to on-premise and are not allowed on public right-of-way. It was decided that provisions on incidental signs should be deleted; and proposed restrictions on daily display signs be revised.

Page 13, 15, 16

Delete "incidental signs."

Page 16

Section 5.04(8)(a) Add, "maximum height of 6 feet."

Section 5.04(8)(c) Add, "Daily display signs are not permitted to be placed in required landscaped areas."

Page 19

Section 5.04(1)(b), Add, "The sign is to be set behind the curb so as not to interfere with parking."

Section 5.04(1)(c) Change sentence, "...allow at least 5 feet of unimpeded..."

Section 5.04(1)(d) Staff was asked to review clear vision requirements of the Municipal Code and see how it impacts the daily display signs.

Section 5.04(1)(e) Staff was asked to review quality control for signage in general. Durability/construction standards for all signs need to be reviewed.

Section 5.04(1)(g) Add, "Size: Sign face of 8 s.f. (2X4/2-foot minimum width), with maximum height of 4-1/2 ft."

Section 5.04(1)(h) Add, "One sign per street frontage."

Section 5.04 (2)(c) Change language to reflect that each business has the ability to have one daily display sign, either on premise, or in their right-of-way, or off premise."

Staff was asked to redraft the ordinance using the input and changes suggested tonight. Changes stated on Staff's memo will be incorporated in this revision also. The public hearing will not be held until the draft changes are reviewed and approved by the Planning Commission. A worksession was scheduled for the next meeting, November 24, 1992.

7.2 Request For Leave of Absence for Betty Fulmore

Betty Fulmore has requested a leave of absence until January. Her employment has required that she be unavailable for meetings through January. She would like to remain on the Planning Commission and is planning on applying for reappointment in February.

Carolyn Tomei moved to accept Betty Fulmore's request for leave of absence until the end of her term. Pat Lent seconded. MOTION CARRIED 5-0.

7.3 Planning Commission Bylaws

**Chairman Trotter** continued the discussion on Planning Commission Bylaws until the next meeting on November 24, 1992.

8.0 OTHER BUSINESS

8.1 Springwater Corridor Master Plan

**Chairman Trotter** continued the worksession on the Springwater Corridor Master Plan until the next meeting on November 24, 1992.

8.2 Community Development Department Report - None.

9.0 NEXT MEETING: November 24, 1992


9.1 S-92-03/VR-92-07 (Hoesly) (continuation from 10/27/92)


9.2 Planning Commission Bylaws

9.3 Springwater Corridor Master Plan

CITY OF MILWAUKIE PLANNING COMMISSION  
MINUTES OF NOVEMBER 10, 1992  
PAGE 8

**Carolyn Tomei** moved to adjourn the meeting of November 10, 1992. Pat Lent seconded. MOTION PASSED UNANIMOUSLY 5-0. Meeting adjourned at 11:05 p.m.

  
\_\_\_\_\_  
Don Trotter,  
Chairman

  
\_\_\_\_\_  
Shirley Richardson,  
Hearings Reporter

**AGENDA**  
**MILWAUKIE PLANNING COMMISSION**  
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.  
Tuesday, November 10, 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 27, 1992
  - 3.2 City Council Minutes: October 20, 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: Richard Morris  
Property Owner: Richard Morris  
Location: 4308 SE Rio Vista (Tax Lot 5500 of Tax Map T1S, R2E, 31BC)  
Proposal: Variance of covered parking requirements (VR-92-12)
- 6.0 Consideration Items - None
- 7.0 Old Business
  - 7.1 Sign Ordinance worksession (ZA-92-01) (continued)
  - 7.2 Request for leave of absence - Betty Fulmore
  - 7.3 Planning Commission bylaws
- 8.0 Other Business
  - 8.1 Springwater Corridor Master Plan
  - 8.2 Community Development Department Report
- 9.0 Next Meeting: November 24, 1992
  - 9.1 S-92-03/VR-92-07 (Hoesly) (continuation from 10/27/92)
  - 9.2 Sign Ordinance public hearing (ZA-92-01)

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

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**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.

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**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.

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**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 DEPARTMENT  
STAFF REPORT

DATE: November 10, 1992  
FILE: VR-92-12

APPLICATION: Variance of Covered Parking Requirements for an Existing Residence Zoned R-7

APPLICANT: Richard Morris

PROPERTY OWNER: Richard Morris

LOCATION: 4308 SE Rio Vista  
(Tax Lot 5500 of Tax Map T1S, R2E, 31BC)

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PROPOSAL

The Applicant desires a variance to the covered parking requirements of Section 501.1.A of the Zoning Ordinance in order to replace garage doors with a wall and bay window for an already converted garage.

DISCUSSION

The Applicant has indicated that he purchased the house this year (July of 1992). The prior owner submitted a letter (Exhibit 2) that his family purchased this house in 1981 and discovered that the existing built-in garage had already been converted to living space although the garage door had been retained. This additional ground level usable space had actually been a factor in their purchase of the property. The Applicant proceeded to remove the garage door and replace it with a new exterior wall and bay window. This activity was observed by City Building Inspection staff who contacted the Applicant and notified him of the need for permits. The Applicant is attempting to comply with applicable City permit requirements as part of this variance.

City staff have reviewed prior records and have noted no prior approvals for the original conversion of garage space. That action was contrary to covered parking requirements of Section 501.1.A of the Zoning Ordinance.

FINDINGS

1. The proposal is to allow a variance of the covered parking requirements of Section 501.1.A of the Zoning Ordinance. This section requires single family residences to provide two off-street parking spaces, one of which must be covered. The Applicant desires to remove the garage door and provide a permanent exterior wall with a bay window. He states the interior of the garage was already converted for residential space prior to 1981 when the previous owner purchased the house.
2. The house in question is located at 4308 SE Rio Vista and is a ranch style home south of and facing Rio Vista within an R-7 zoned area.
3. Criteria for variances are those of Section 702 of the City Zoning Ordinance. Section 702 states:

A variance may be granted only when the Planning Commission or Community Development Director finds that practical difficulty, or unnecessary hardship, which is inconsistent with the spirit and intent of the Comprehensive Plan and of this Ordinance for the applicable zone, would be created by a strict and literal interpretation of its provisions with respect to the property in question.

4. Section 702.1.A requires consideration:

Whether the property in question has unique, exceptional or extraordinary conditions which do not apply generally to other properties in the vicinity. Such conditions shall relate to the land or physical characteristics of the development as distinct from uses allowed in the zone, or from the personal conditions or economic circumstances of the applicant.

In response, the Applicant has indicated that the garage had already been converted to residential space when he purchased the house in 1992. The garage door was left in place although an interior wall was placed behind it. The garage door was deteriorating, however, and needed removal.

The majority of houses in the vicinity have usable garages although, as with other neighborhoods, it is becoming more common to park personal vehicles in the driveway and utilize the garage for storage, shop or other space.

5. Section 702.1.B requires consideration:

Whether the request is the minimum necessary to permit the applicant to enjoy the use of his property in a manner substantially the same as others in the same zone, so that the applicant will not be granted a special privilege.

In response, the Applicant stated that the garage door was in ill repair and was out of character with the garage conversion already in place. The Applicant's family also has a handicapped member who requires ground level accessibility that the garage conversion offers.

The Applicant has also informed staff that he does not feel he should be held accountable for a prior owner's actions. He did not convert the garage initially. He only wants to improve the house's appearance by removing the garage door and constructing an acceptable substitute.

He feels no special privilege is being granted because he is taking steps to rectify the situation (applying for variance and building permits). In addition, many other neighbors in the area are not parking within their own garages now, and he has more than adequate driveway area to meet off-street parking needs.

6. Section 702.1.C requires consideration:

Whether there are feasible alternatives which would obviate the need for the variance, or overcome the difficulty with less adverse effects upon other properties.

The Applicant has indicated that no options are open to him. He did not elaborate on this issue. However, staff has reviewed the house and lot configuration for this site and determined that a new carport or garage could not be constructed on this site without variance. The house (see Exhibit 1-site plan) is long enough that it currently has substandard sideyards. The wider side yard (which R-7 requires to be 10 feet) is actually 5.5 feet. The shorter side yard (which R-7 requires to be 5 feet) is actually 1 foot or less. The front yard is 31 feet. A garage or carport extension in front of the ex-garage would extend well into the R-7 required 20 foot front yard area. Such an extension would be out of character with surrounding dwellings.

An extension off the back of the house is possible, although elevation differences may create construction problems. The Applicant considers this option to be not feasible due to the desire to keep the usable space at one level for handicapped access ease.

The Applicant prefers not to consider the option of removing the conversions already accomplished within the former garage. As stated above, this conversion was already in place when he and his family purchased this house. City staff have no findings to dispute this claim and have no indications as to when the actual conversion took place.

7. Section 702.1.D. requires consideration:

Whether the variance would have benefits to the applicant which would outweigh its adverse effects upon other properties or the public welfare.

The Applicant responds that this property was specifically purchased for ground-level entry for handicap purposes. The work the Applicant desires to complete at this time (exterior wall and bay window) would upgrade the appearance of the house and the area as well.

Staff has not identified adverse effects by this conversion. The Applicant currently has adequate off street parking capacity in the existing driveway. The exterior wall and bay window addition is in keeping with the current exterior style and appearance of this house. Not having a usable garage will not be consistent with the neighborhood; however, extending a carport addition off the front of the former garage would be even more inconsistent. In addition, there is a growing trend to use garages for storage, shop or other purposes which in turn requires off street parking to be located within driveway areas.

Finally, if this variance is not approved, the Applicant could be required to reconvert the garage back to a garage, even though he contends he purchased it already converted. Such a requirement the Applicant feels is excessive, and would greatly restrict his family's space utilization abilities with this house.

8. The City Office Engineer has indicated that Public Works records do not show whether or not this house is hooked up to sewer. Therefore, a dye test will be required prior to building permit issuance (see Exhibit 4). The Office Engineer also has reviewed aerial maps for the site and believes that although the site plan shows a front yard distance of 31 feet to the street, the actual distance to the right-of-way (property line) may be closer to 20 feet. This would further restrict the potential for covered parking in front of the converted garage area.
9. The City Building Official has responded (Exhibit 5) that if the variance is approved, the Applicant would have to apply for a building permit that includes not only the exterior wall/bay window, but also the internal conversion already in place (without permit).

### CONCLUSIONS

The conversion of the garage without permits occurred prior to the Applicant's purchase (according to the Applicant). Staff has no reason to dispute this. This conversion creates an unusual situation not common within the area.

No alternatives appear feasible because of the current size of the house and its location on the property.

This situation does not appear to create any adverse effects for the neighborhood while it creates benefits to the Applicant in the form of greater utilization of interior space.

Staff agrees that it does not seem proper to require the Applicant to remove the garage conversion when no adverse effects have been identified associated with the conversion. Such a requirement may result in creating a hardship for the Applicant.

### RECOMMENDATION

Staff recommends approval of VR-92-12, a variance of covered parking provisions, based on the findings above and subject to the following conditions:

1. The conversion and exterior wall/bay window completion shall be subject to City building code provisions and follow building permit requirements.
2. A sewer dye test will be required subject to City Public Works requirements.
3. This variance shall be in effect for a period of 1 year as per the provisions of Section 1013 of the City Zoning Ordinance. If items 1 and 2 are not completed by November 10, 1993, or a written request for extension received by that date, this approval shall expire.

### EXHIBITS

1. Site Plan
2. Letter from Previous Owner
3. Sketch of Exterior Wall/Bay Window
4. Memo from City Office Engineer
5. Memo from City Building Official
6. Area Map

DK:jpg



Aug 29, 1992

To Whom it may concern,

When my wife, Marlene and I moved into 4308 SE Rio Vista in <sup>Milwaukee, WI</sup> March of 1981 the house had no garage, but only a facade which looks like a garage door. This garage door facade had some time in the past been walled up from within. insulation - two-by-fours, storage shelves and even a 9x10 room had been constructed in the area where a garage had once been. Beyond the little room was the laundry room and activity room.

Sincerely

Keith Kuhn  
636-8126

EXHIBIT #	2
DATE	11/10/92
SUBMITTED BY	Applicant
RECEIVED	VR-92-12

1" = 2'

2x4 facial

2x6 Studs on 16" centers

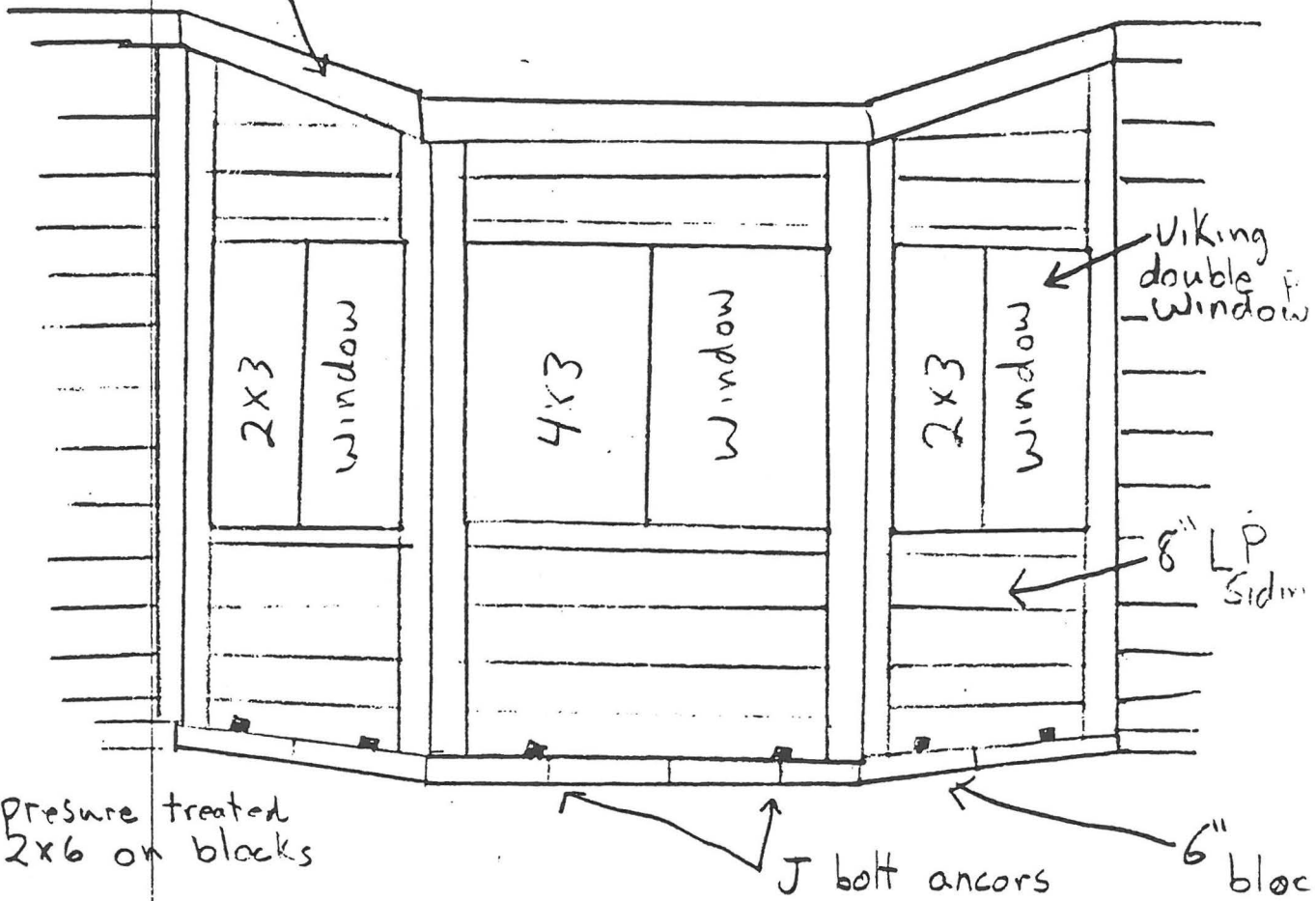


EXHIBIT #	3
DATE	11/10/92
SUBMITTED BY	Applicant
RECEIVED	UR-92-10

MEMORANDUM

TO: PLANNING

FROM: Paul Roeger *PR*  
Office Engineer

RE: VR-92-12  
4308 S.E. Rio Vista Street

DATE: October 1, 1992

RECEIVED

OCT 01 1992

PLANNING

This house is currently connected to City water and a sewer permit was issued, however, we do not have a record of inspection on the sewer connection. Therefore, before issuing any building permit a dye test must be done to determine if the house is connected to City sewer.

Rio Vista Street is an existing curbed street without sidewalk. Storm drainage for the street currently runs west on the surface to 42nd Avenue and then enters a ditch along the east side of 42nd Avenue and flows south to Railroad Avenue.

In reviewing the aerial maps it appears that the house is constructed closer to the property lines than allowed by setback standards. This is an R-7 zone and requires one 5-foot side yard and one 10-foot side yard. The west side yard is less than 10-feet and the east side yard appears to be considerably less than 5-feet because the roof overhang appears to be right on the property line. The front yard setback appears to be right at the required 20-feet. Therefore, there is no room to build a covered parking space on either the side or the front of the house.

Public Works has no objection to the variance but would like to do the dye test to determine sewer connection.

EXHIBIT #	<u>4</u>
DATE	<u>11/10/92</u>
SUBMITTED BY	<u>Steph</u>
RECEIVED	<u>VR-92-12</u>

October 1, 1992

TO: Planning Department

FROM: Building Department  
Jim Mishler

SUBJ: VR-92-12, Alter residence

The application mentions an access door - Handicap Entrance but I do not see such a door on the drawing that was submitted with the application, only a bay window and facade. If the reason for this variance is to provide a handicap access, it should be shown on the drawing.

If this variance is granted, the applicant will need to apply for

a building permit for the window and building face, along with the

changes that were completed to the inside. This would include the

removal of the 9 x 10 room and the laundry room or whatever was removed or added.

The granting of this variance would not have any negative effect on meeting minimum building code standards.

EXHIBIT #	<u>5</u>
DATE	<u>11/10/92</u>
SUBMITTED BY	<u>Stef</u>
RECEIVED	<u>VR-92-12</u>

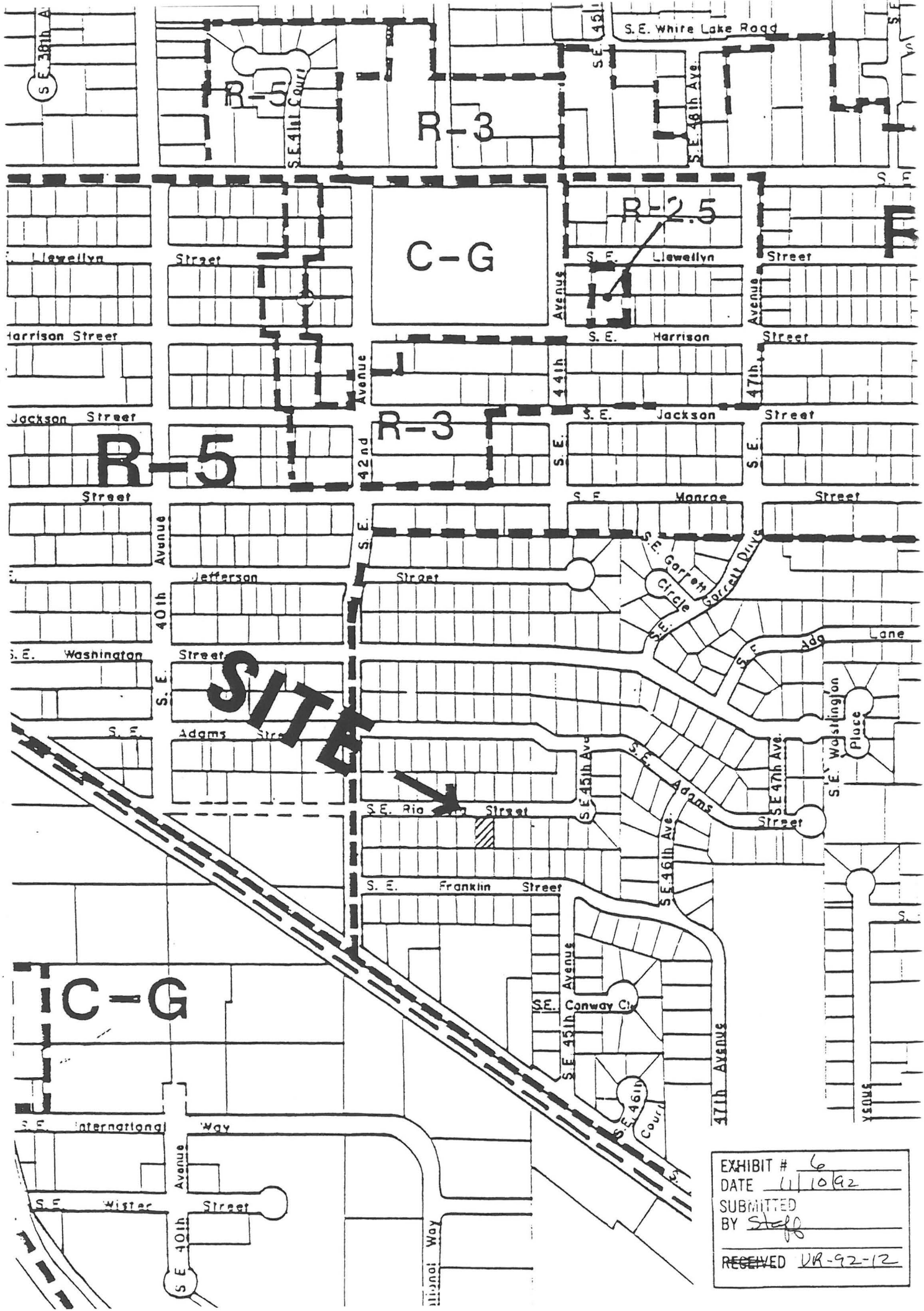


EXHIBIT #	6
DATE	11/10/92
SUBMITTED BY	Staff
RECEIVED	UR-92-12

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S E JOHNSON CREEK BLVD

TELEPHONE 652-4410

## \*\*\*MEMORANDUM\*\*\*

### COMMUNITY DEVELOPMENT DEPARTMENT November 10, 1992

TO: Milwaukie Planning Commission  
THRU: *MC* Maggie Collins, Community Development Director  
FROM: *Dave* Dave Krogh, AICP, Associate Planner  
RE: Continued Sign Ordinance Update Worksession

#### BACKGROUND

On October 27, 1992, the Planning Commission had a worksession on Draft 2 (the blue copy) of the City Sign Ordinance update. The Commission indicated a preference to address update concerns beyond the constitutionality and right-of-way sign issues that Staff had been focussing on. Therefore, the Commission postponed indefinitely a public hearing on the Sign Ordinance update and commenced to analyze Draft 2 page-by-page in order to address all concerns.

As of the end of the October 27 worksession, the Commission had reviewed and recommended changes to staff on Pages 1-9 of Draft 2. The Commission will continue with the review commencing with Page 10 at the worksession of November 10. Staff will produce a new draft (Draft 3) for review at the conclusion of the Commission's page-by-page review.

#### ADDITIONAL DISCUSSION

As part of the Planning Commission's worksession on October 27, items of clarification were requested of Staff. Two items for Staff to research were "awning signs" and "window signs", how other jurisdictions treat these sign types, and what Staff recommends for standards.

#### Awning Signs

Of the 7 ordinance samples that Staff has obtained for review, only 3 deal with awning signs.

- The American Planning Association (APA) Planning Advisory Service Bulletin No. 419 "Sign Regulation" includes a model ordinance which lumps

awnings and canopies into the same category in terms of signage. It suggests a minimum sidewalk or ground level clearance to the bottom of the awning/canopy of 8 feet and a maximum allowable sign face area to not exceed 25% of the vertical area of the awning/canopy.

- Multnomah County allows awning signs with a face area limit 1 square foot of sign area per 1 foot of occupancy frontage up to a maximum sign area per occupancy of 32 square feet.
- The City of Portland allows awning signs and signs hung under awnings as long as height clearance is at least 8.5 feet, and, area of sign per occupancy is allowed to be at least 32 square feet or larger depending upon street frontage and whether or not the occupancy already has a free-standing sign.

Based upon the Staff's review of the above, Staff suggests a new definition and standards for "awning signs" as follows:

- New definition (No. 23, Page 3 of Draft 2):

**Sign, Awning.** "Awning sign" means a sign which is painted onto, attached to, or affixed to, the surface of an awning or canopy, or is suspended underneath an awning or canopy.

- Add to Sign District Sections 4.02-4.05:

**Awning sign.**

- a. **Area.** The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning or canopy, is 25% of the surface of the awning or canopy measured in vertical distance times length. For a sign hung or suspended underneath an awning or canopy, the sign shall not exceed in area 1 square foot per 1 lineal foot of awning or canopy length.
- b. **Height and/or clearance.** An awning sign may not extend higher than the point at which the roof line intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning or canopy on which signage is hung or displayed is 8 feet from the sidewalk or ground level to the lowest portion of the awning, canopy, or suspended sign, whichever is lowest.
- c. **Number.** One awning sign per frontage per occupancy is permitted.

### Window Signs

Of the 7 sample ordinances Staff has reviewed, 4 have provisions for window signs.

- APA's "Sign Regulations" model ordinance requires a sign permit for window signs and limits them to 25% of the window area.
- Multnomah County exempts window signs from permits.
- The City of Portland exempts window signs from permits except if they are lit. Then they must conform to sign lighting standards.
- The City of Tualatin allows temporary window signs without permit up to a window area of 35%. Permanent window signs require permit, must go through an architectural review, and are limited to 1 per building tenant with a window area maximum of 20%.

As can be seen from the above examples, there does not seem to be a consistent method among neighboring jurisdictions for dealing with window signs. At the October 27 worksession, several concerns were voiced over the City getting involved with internal signage (i.e. signs mounted inside the window). Staff suggests the current proposal as a compromise. That is, window signs would be exempted from permits in commercial and industrial zones as long as no more than 50% of the window was left uncovered and as long as lighting was not included that would distract vehicular traffic.

### MISCELLANEOUS ISSUES

The Planning Commission discussed several additional issues, a few of which Staff will respond to at this time.

The Commission noted that sidewalk benches are addressed in Chapter 12.20 of the Milwaukie Municipal Code and asked if those provisions could be included within the Sign Ordinance. Staff recommends against this because of the nature of Chapter 12.20. This Chapter is not dealing exclusively with sidewalk bench advertising. It is primarily dealing with the issue of sidewalk benches, how one is obtained and installed, maintenance requirements, etc. The issue of advertising on the bench is actually a secondary issue. Similarly, specific bench dimensions are provided as an indicator to the size of the bench advertising. Therefore, a cross reference provision within the Sign Ordinance to Chapter 12.20 would be adequate for purposes of sidewalk bench placement. This reference is currently proposed in Draft 2 in Section 3.01.5 on Page 7.

**Memo to Planning Commission - Continued Sign Ordinance Update**  
**November 10, 1992**  
**Page 4**

The Commission also raised the issue of sign lighting and whether the standards listed should be updated. Staff has not completed its analysis of this issue as yet, but will bring information to the Commission at its earliest opportunity.

Finally, two sections of the Milwaukie Municipal Code are referenced in Draft 2. These are attached as Exhibits 1 and 2.

**EXHIBIT**

1. Municipal Code Chapter 12.20 - Sidewalk Benches
2. Municipal Code Chapter 12.16.020 - Right-of-Way Permits

DK:jpg

12.20.010

**Chapter 12.20****SIDEWALK BENCHES****Sections:**

- 12.20.010 Purpose.
- 12.20.020 Permit—Required.
- 12.20.030 Permit—Issuance—  
Property owner  
approval.
- 12.20.040 Size and anchoring  
requirements.
- 12.20.050 Bond or insurance  
required.
- 12.20.060 Maintenance.
- 12.20.070 Permit—Fee.
- 12.20.080 Prohibited writing or  
illustration.
- 12.20.090 Permit—Revocation.
- 12.20.100 Removal of bench.
- 12.20.110 Violation—Public  
nuisance—Removal.
- 12.20.120 Violation—Penalty.

**12.20.010 Purpose.**

Under the conditions set forth in this chapter and upon payment of all fees provided for in this chapter, it shall be lawful for any firm, person, association or corporation to place and maintain on sidewalks or sidewalk parking strips, benches for the free use and accommodation of persons awaiting transportation, and whereon may be displayed the name, address and character of the business, calling or enterprise of any person, firm, corporation or institution. (Ord. 1289 § 1, 1974)

**12.20.020 Permit—Required.**

Permits for the purpose set forth in this chapter shall be issued by the city manager of the city and shall be valid for the remainder of the fiscal year of the city, all such permits expiring on July 1st following the date of their issuance. (Ord. 1289 § 2, 1974)

**12.20.030 Permit—Issuance—  
Property owner approval.**

Before the issuance of any such permit, the written and signed approval of the owner, lessee and/or tenant of the property abutting the location of each such bench shall be obtained and filed with the city recorder, together with the written application of the applicant, accompanied by a sketch of the proposed bench, showing its size, design and proposed location. The approval of the owner, lessee or tenant shall apply only during the life of the ownership, lease or tenancy. Upon a transfer of ownership, change of lessee or tenant, new written signed approval shall be obtained and filed with the city recorder of the city. The city manager may either deny or allow such permit. In determining whether or not to allow such permit the city manager shall consider the possibility of congestion at the location of such bench, any hazards it may create to pedestrian or vehicular traffic, and the impairment of vision at or near intersections of persons operating motor vehicles upon the streets. In the event the manager denies such permit he shall file a brief written statement stating his reasons therefor and shall file the same with the city recorder and send a copy thereof to the applicant. Any applicant may, within ten

days after the mailing of such notice, appeal to the council of the city, and if he fails so to do, the decision of the city manager shall be deemed final. (Ord. 1289 § 3, 1974)

**12.20.040 Size and anchoring requirements.**

No bench shall be more than forty-two inches high, nor more than two feet six inches in width, nor more than eight feet overall, and in every case each bench shall be firmly bolted, anchored or otherwise secured to the surface of the sidewalk or parking strip in such a manner as not to tip or be readily movable. (Ord. 1289 § 4, 1974)

**12.20.050 Bond or insurance required.**

Before the installation of any such bench or benches, the applicant shall obtain and file with the city recorder as to any and all such benches an indemnity bond or policy of insurance issued by a bonding company or insurance company licensed to do business in the state insuring the city and the abutting property owner, and further any tenants or lessees, against any and all claims for damages to persons or property that may result through the placing or maintaining of any such bench or benches, in the amount of not less than twenty-five thousand dollars for injury to any one person, nor more than fifty thousand dollars for any one accident or injury to person, and not less than five thousand dollars for damage to property. (Ord. 1289 § 5, 1974)

**12.20.060 Maintenance.**

All such benches shall be kept and maintained in good and substantial state

of repair, and shall be painted frequently enough to keep them sightly and attractive. (Ord. 1289 § 6, 1974)

**12.20.070 Permit—Fee.**

Every application for a permit to install any bench shall be accompanied by an annual fee of five dollars for each and every bench asked by the permit, which shall cover the entire cost for the remainder of the fiscal year of the city, that terminates on July 1st of each year, which such fee shall be in addition to the annual license fees to do business in the city. (Ord. 1289 § 7, 1974)

**12.20.080 Prohibited writing or illustration.**

It shall be unlawful to place or knowingly permit to remain on any such bench any offensive matter or thing, writing, inscription, sign, symbol, illustration or matter or thing of whatever kind or nature and, all persons responsible for the installation or maintenance of any such bench are charged with the duty of keeping each bench unblemished and free of offensive matter or thing, and for failure to do so, the permit issued for such bench shall be subject to summary cancellation by the manager of the city, in which case notice shall be given and filed with the city recorder as provided for upon a denial of original application. No advertisement or sign on any bench shall display the words "Stop," "Look," "Drive In," "Danger," or any other word, phrase, symbol or character which may interfere with, mislead or distract traffic. (Ord. 1289 § 5, 1974)

**12.20.090 Permit—Revocation.**

Any permit granted under the provisions of this chapter may be revoked, or renewal thereof denied, for any violation of any of the provisions of this chapter or for any fraud or misrepresentation in the application, or for any reason which would have been grounds for denial of the application. If the abutting owner withdraws his consent to the continued maintenance of any bench and gives written notice thereof to the city manager, then at the expiration of the current term of the permit a renewal of the permit shall be denied. Any permit issued under this chapter shall be cancelled and revoked if the permittee shall fail to install the bench within sixty days after the date of the issuance of the permit. The application shall be canceled and denied, or temporarily revoked, as the case may be, if sixty percent of the property owners and/or tenants living in or occupying any real property within two hundred feet of the locations of the bench or benches, object or protest to the same. (Ord. 1289 § 7, 1974)

**12.20.100 Removal of bench.**

Upon the termination of any such permit, whether by lapse of time or for any other reason, the person or persons, firm, corporation or association responsible for the installation or maintenance of such bench, shall at his or their own risk and expense, remove such bench, and shall leave the site thereof in a clean and sightly condition, and in as good a state of repair as the same was when such installation was made or thereafter be put by the city. If the permittee shall fail to remove any such bench within twenty

days after the termination of such permit, the city may remove such bench from the street area and may destroy or otherwise dispose of such bench at its discretion, and without any liability or responsibility to the permittee or any other person who may own or have an interest in and to the same; and the permittee shall thereupon pay the city a penalty of twenty-five dollars to cover the costs of such removal. (Ord. 1289 § 10, 1974)

**12.20.110 Violation—Public nuisance—Removal.**

A. No person, firm, corporation or other entity shall cause a bench to be placed or maintained on a public sidewalk or parking strip without first obtaining a permit under this chapter.

B. Any bench placed or maintained on a public sidewalk or parking strip prior to the issuance of a permit under this chapter is declared a public nuisance and the city manager or his designate may summarily remove and dispose of such bench without any liability to the city or its employees or officers. Any bench removed pursuant to this section may be redeemed by the owner within ten days after removal by payment of five dollars for each bench so removed. (Ord. 1289 § 12, 1974)

**12.20.120 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of violation of this chapter, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars. (Ord. 1503 § 1 (part), 1981; Ord. 1289 § 11, 1974)

12.16.010

**Chapter 12.16**

**DRIVEWAYS**

**Sections:**

- 12.16.010 Definitions.
- 12.16.020 Permit—Required.
- 12.16.030 Permit—Application.
- 12.16.040 Permit—Issuance.
- 12.16.050 Driveway approaches and curb cuts.
- 12.16.060 Industrial driveway approaches and curb cuts.
- 12.16.070 Width of driveway approach apron.
- 12.16.080 Construction standards.
- 12.16.090 Areas of limited street improvements.
- 12.16.100 Removal of abandoned driveway approaches.
- 12.16.110 Sufficient parking required.
- 12.16.120 Variances granted when.
- 12.16.130 Right of appeal.
- 12.16.140 Specifications and drawings.
- 12.16.150 Violation—Penalty.

**12.16.010 Definitions.**

For the purpose of this chapter, the following definitions shall apply:

A. "Apron" means that portion of the driveway approach extending from the gutter flow line to the sidewalk section and lying between the end slopes of the driveway approach.

B. "Curb return" means the curved portion of a street curb at street intersections or

the curved portion of a curb in the end slopes of a driveway approach.

C. "Driveway" means an area on private property where automobiles and other vehicles are operated or allowed to stand.

D. "Driveway approach" means an area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property, such as a parking area, a driveway, or a door at least seven feet wide, intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or the curb return, and the sidewalk section.

E. "End slopes" means those portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron, either by means of a sloping surface or by means of a curb return together with the area between the projected tangents of the curb return.

F. "Sidewalk section" means that portion of the driveway approach lying between the back edge of the sidewalk and the apron, plus the end slopes measured at the front edge of the sidewalk. (Ord. 1175 § 1, 1968)

**12.16.020 Permit—Required.**

No person, firm or corporation shall remove, alter or construct any curb, sidewalk, driveway approach, gutter, pavement, or other improvement in any public street, alley or other property owned by or dedicated to or used by the city and over which it has jurisdiction to regulate the matters covered by this chapter, without first obtaining a permit from

the city and no permit shall be granted until the applicant shall file with the city engineer for his approval two copies of a drawing showing the location and size of all such proposed improvements to serve the property affected. (Ord. 1175 § 2, 1968)

#### **12.16.030 Permit—Application.**

Application for permits to construct such improvements shall be made to the city engineer on forms provided for that purpose. A permit fee as approved by the city council shall accompany each application. (Ord. 1175 § 3, 1968)

#### **12.16.040 Permit—Issuance.**

Before approving the drawing of such improvement and issuing the permit, the city engineer shall determine that the proposed improvement is in conformance with the provisions and standards set forth in this chapter. The standards as set forth shall be deemed a part of this chapter. (Ord. 1175 § 4, 1968)

#### **12.16.050 Driveway approaches and curb cuts.**

A. No driveway approach shall be permitted to encompass any municipal facility. Under the permit provided for in this chapter, the applicant may be authorized to relocate any municipal facility, including any within the limits of a curb return which may be encroached upon or allowed providing that the applicant shall bear the cost of the relocation of the municipal facility.

B. At street intersections no portion of any driveway approach, including the

end slopes, shall be permitted within fifteen feet of the property lines, or the point of intersection of extended property lines.

C. The width of the driveway approach shall be within the limits established by standard details which are a part of this chapter.

D. No driveway approach shall be less than five feet from the side property line projected except in cul-de-sacs, without approval and written permission of the city. The end slopes may encroach within the five-foot restricted area.

E. Where there is more than one driveway approach serving a property, the spacing between the end slopes of the driveway approaches shall not be less than twenty feet. (Ord. 1175 § 5, 1968)

#### **12.16.060 Industrial driveway approaches and curb cuts.**

All curb cuts and driveway approaches in industrial areas shall be by city-approved design to meet the requirement of industrial area to be served. (Ord. 1175 § 6, 1968)

#### **12.16.070 Width of driveway approach apron.**

The width of driveway approach aprons shall meet the requirements of the standards within this chapter. (Ord. 1175 § 7, 1968)

#### **12.16.080 Construction standards.**

A. All driveway approaches between the curb line and the property line shall be constructed of portland cement concrete, except as provided in this chapter.

12.16.080

B. The concrete thickness of the driveway approach, including the sidewalk section shall be at least six inches. (Ord. 1175 §§ 8, 9, 1968)

**12.16.090 Areas of limited street improvements.**

A. Where concrete sidewalks have not been installed, the applicant shall be required to construct the driveway approach from curb line to the applicant's premises.

B. Where standard gutter and curbs have not been installed, the apron and driveway approach may be constructed of the same material used for surfacing the driveway. Pursuant to the permit provided for in this chapter, applicant may surface the driveway approaches within the right-of-way by extending the area between the curblines and the existing pavement with the same material as the street pavement. The applicant shall grade that portion between the curblines and existing pavement in such a manner as to not impede surface drainage along the street. The cost of this portion of the pavement between the curblines and existing pavement shall be borne by the applicant. (Ord. 1175 § 10, 1968)

**12.16.100 Removal of abandoned driveway approaches.**

In the event a person, firm or corporation shall make an application for a relocation of a driveway approach and abandon an existing driveway approach, the applicant shall remove the driveway and replace the curb to a standard curb section at his own expense. (Ord. 1175 § 11, 1968)

**12.16.110 Sufficient parking required.**

No permit for the construction of driveway approaches shall be issued unless sufficient parking area is provided on the property served, entirely within the property lines. (Ord. 1175 § 12, 1968)

**12.16.120 Variances granted when.**

The city is authorized to grant in writing variances from the regulations and requirements of this chapter, provided it is first determined that the following conditions are present:

A. That the variance requested arises from peculiar physical conditions not ordinarily existing in similar districts in the city, or is due to the nature of the business or operation upon the applicant's property;

B. That the variance requested is not against the public interest, particularly safety, convenience and general welfare;

C. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants; and

D. That the terms of this chapter will work unnecessary hardship upon the applicant property owner or tenant. (Ord. 1175 § 13, 1968)

**12.16.130 Right of appeal.**

Any person, firm or corporation who is aggrieved by the denial of permit may appeal to the city council for relief. (Ord. 1175 § 17, 1968)

**12.16.140 Specifications and drawings.**

Specifications and driveway approach details on file with the city recorder shall be deemed a part of this chapter. (Ord. 1175 § 18, 1968)

**12.16.150 Violation—Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter, or causing, permitting or suffering the same to be done shall be fined not more than one hundred dollars. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. (Ord. 1503 § 2 (part), 1981; Ord. 1175 § 15, 1968)

RECEIVED  
NOV 02 1992  
PLANNING

Don Trotter, Chairman  
Planning Commission  
City of Milwaukie  
Milwaukie, Oregon 97222

Re: Position on Planning Commission

Dear Don:


This is to reiterate our conversation of yesterday regarding my continued position on the commission.

As I stated to you and Maggie, I have accepted a temporary position in Astoria which should last 2-4 months depending on their need for further consultation.

Because I would like to continue on the board and sign up for another four years in February, I would appreciate your holding my position open for me until I am back in Portland. As you both confirmed last night, this would not be a problem. Should this change, please notify me at my home address or at my work address listed below.

Thanks again,


Sincerely,

  
Betty Fulmore  
Crestview Health and Specialty Care Center  
263 West Exchange  
Astoria, Oregon 97103

\*\*\*MEMORANDUM\*\*\*

COMMUNITY DEVELOPMENT DEPARTMENT

November 3, 1992

To: Milwaukie Planning Commission  
From:  Maggie Collins, Community Development Director  
Re: Community Development Department Report

Action Requested

For your information.

Discussion

1. Springwater Corridor Master Plan. Attached is a copy of the material sent to the City Council for action. Thom Kaffun, the new Parks District Planner and I will be meeting next week to organize the process of official consideration of the Master Plan as an amendment to the Comprehensive Plan.
2. The City Council made construction of Ardenwald Park one of its Goals this year. Don Robertson has been working with OTAK on a grading plan for the property. I will bring this to you as an information item at your November 10th meeting.
3. Some dead trees are slated to be removed at the Public Safety Building site (in the southwest corner). The project manager is submitting a revised landscaping plan to mitigate the tree removal by augmenting tree plantings when the construction is completed. We should have a drawing to show you on Tuesday.

cc: C.D. Staff  
Dan Bartlett

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS


6101 S.E. JOHNSON CREEK BLVD

TELEPHONE: 652-4410

\*\*\*MEMORANDUM\*\*\*

COMMUNITY DEVELOPMENT DEPARTMENT

October 30, 1992

To: Milwaukie City Council  
Thru: Dan Bartlett, City Manager  
From:  Maggie Collins, Community Development Director  
Re: Letter of Support--Springwater Corridor Master Plan

Action Requested

For Consideration and Action.

Discussion

The Springwater Corridor Master Plan is scheduled for Portland City Council adoption on November 12, 1992. As one of the jurisdictions affected by the Master Plan, Milwaukie Community Development staff was notified and sent a preliminary draft of the proposed Master Plan. But because Portland is temporarily out of copies of the final Master Plan, staff has not proceeded ahead with our public hearing process for consideration of this Plan. (Staff proposal is to consider adoption of the Springwater Corridor Master Plan as an ancillary document to the Milwaukie Comprehensive Plan.)

In the meantime, we are recommending that a letter of support be sent to Portland, endorsing the general concepts of recreational use and development for the Springwater Corridor. There will be ample opportunity to consider specific design ideas for portions of the Springwater Trail in Milwaukie. Like most Master Plans, this one does not include detailed design proposals for each square foot of the Trail itself.

Preview of Master Plan Concepts

However, the Master Plan does set out general concepts that are proposed to be applied to the property.

Attached are some excerpts to help understand what will be reviewed in greater detail through the City's planning review process.

Exhibit A. This map illustrates the portion of the Springwater Trail that lies within the current City Limits of Milwaukie. The Trail is depicted in green; the City Limits, in yellow.

Memo to City Council  
October 30, 1992  
Page 2

- Exhibit B. This map illustrates the entire Springwater Corridor Trail, and Milwaukie's location relative to the whole. Also included is a general description of the contents of the Master Plan.
- Exhibit C. These are excerpts from the Master Plan document, describing the Vision Statement, and on the evolution of this linear property into the Springwater Corridor. Milwaukie's role and policies regarding this project are discussed on pages 7 and 8.
- Exhibit D. The proposed use of the Springwater Corridor property is for trails, including equestrian. A set of goals that address a wide array of community concerns received from public input are excerpted from the Master Plan.
- Exhibit E. Summary of Milwaukie Comprehensive Plan Statements relating to the Springwater Line (now called "Corridor").

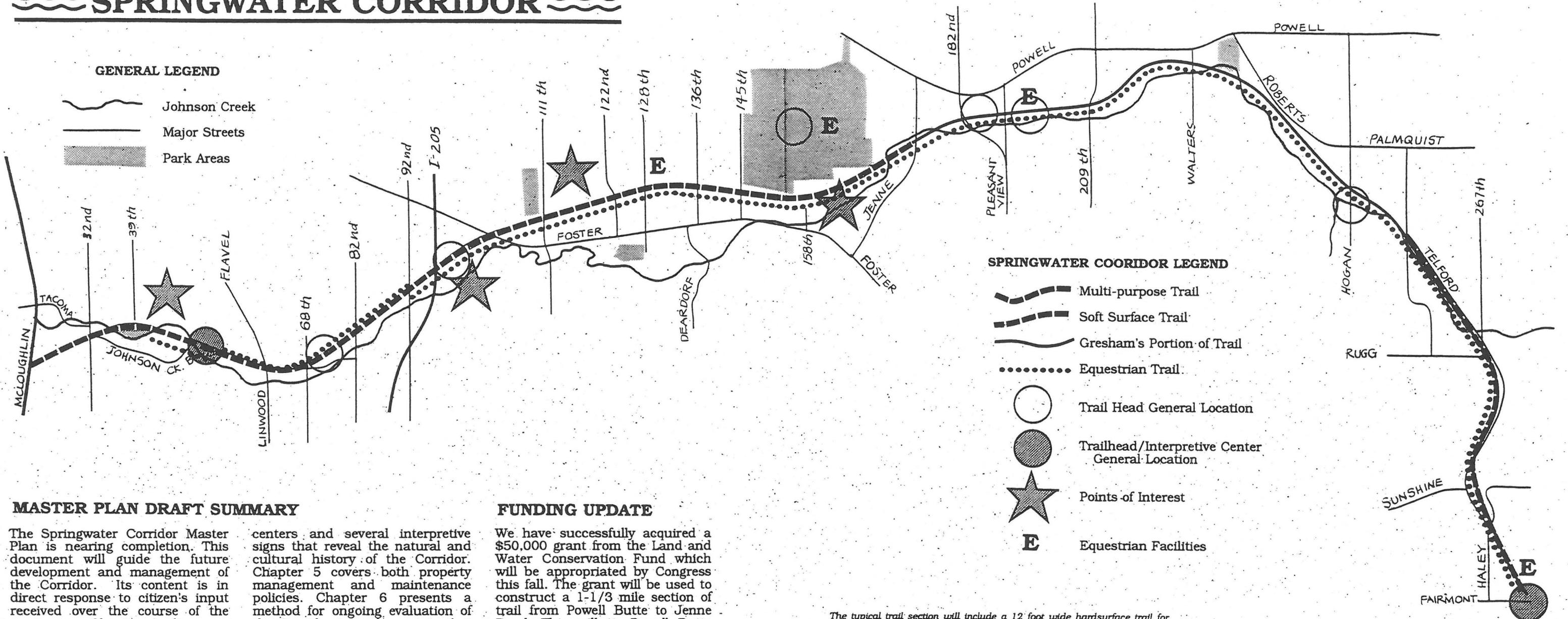
Staff Recommendation

The City will be working with Portland project staff for Milwaukie review of the proposed Master Plan. An interim letter of support for this Master Plan is consistent with the City's Comprehensive Plan Policies, and indicates that we are continuing in a supportive role. A draft Letter is attached for your consideration.

cc: Mary Ann Cassin, Portland Parks Project Manager  
Roger Brown, North Clackamas Parks and Recreation Dist. Director



# SPRINGWATER CORRIDOR



## MASTER PLAN DRAFT SUMMARY

The Springwater Corridor Master Plan is nearing completion. This document will guide the future development and management of the Corridor. Its content is in direct response to citizen's input received over the course of the past year. Chapter 1 discusses the relationship of the Corridor to the 40 Mile Loop, defines the roles of numerous governing jurisdictions the Corridor passes through, and covers other existing plan documents that lend support to developing the Corridor for recreation. Chapter 2 gives a geographic, historic and socio-economic summary of the Corridor and its immediate surroundings. Projections of the anticipated type and number of trail users are contained in this chapter. Chapter 3 documents the public involvement process used to arrive at the master plan. Chapter 4 provides a detailed description of the proposed improvement along the Corridor. These improvements include a 12 foot wide, fully accessible hardsurface trail, a separate equestrian trail, four trailheads (two of which will accommodate equestrians), safety improvements at intersections, two interpretive

centers and several interpretive signs that reveal the natural and cultural history of the Corridor. Chapter 5 covers both property management and maintenance policies. Chapter 6 presents a method for ongoing evaluation of the Corridor to make certain that the Corridor is meeting the needs of the trail users and surrounding property owners.

Copies of the discussion draft master plan have been distributed to both our agency and citizen steering committees and are being reviewed. A public meeting has been scheduled in late October to get any additional input you may have. After this is complete, the next step will be to obtain formal adaption by City Council. The master plan will be presented to Portland City Council in early November. (See "Important Upcoming Meetings"). Mark your calendars. You're all welcome to attend.

If you would like a copy of the discussion draft master plan, please contact George Hudson (796-6183) or Mary Anne Cassin (796-5229) at the Park Bureau. We'd be glad to hear from you!

## FUNDING UPDATE

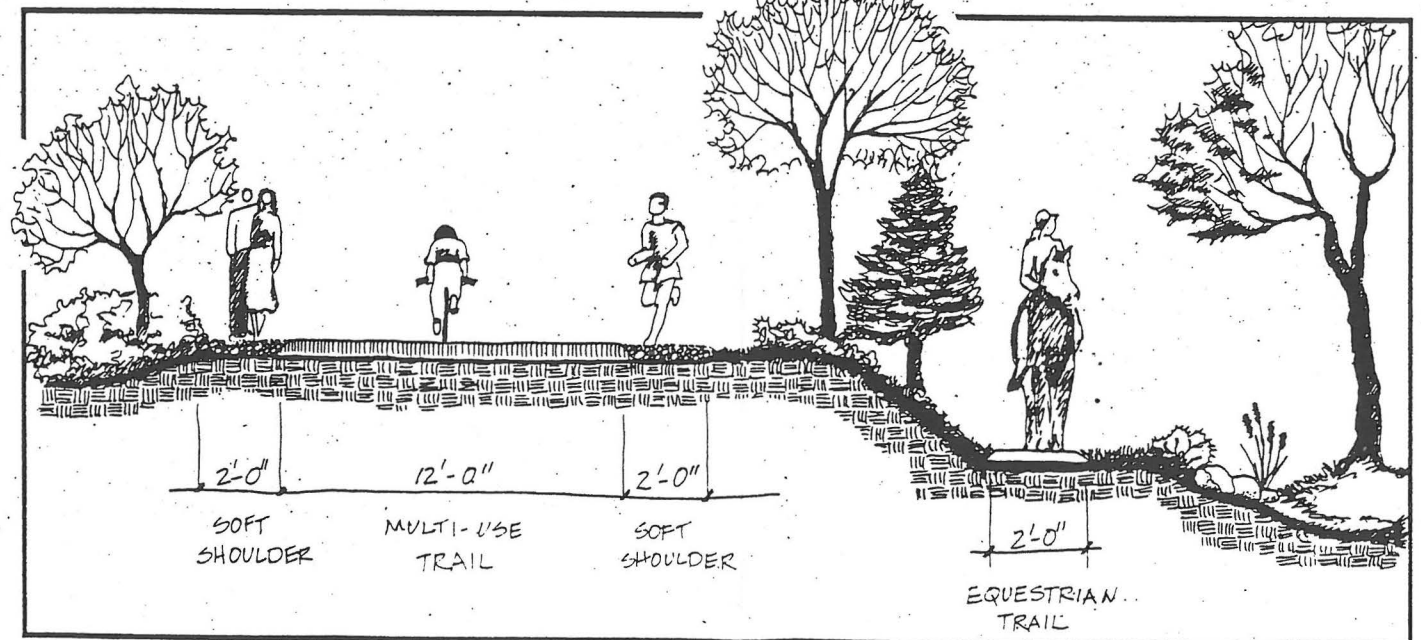
We have successfully acquired a \$50,000 grant from the Land and Water Conservation Fund which will be appropriated by Congress this fall. The grant will be used to construct a 1-1/3 mile section of trail from Powell Butte to Jenne Road. This will tie Powell Butte into trail improvements already completed by Gresham. We expect this section of trail will be well used since Powell Butte is already a popular destination for hikers, mountain bikes and equestrians.

We are waiting patiently to hear from the Oregon Department of Transportation (ODOT) regarding funding from the "Intermodal Surface Transportation Efficiency Act," (ISTEA). Initially, ODOT was to make funding decisions in July, but that has now been pushed back to January of '93. ODOT has established a committee to determine criteria for project selection, then ODOT will be able to start evaluating the hundreds of requests they have received. We are optimistic of receiving ISTEA funding because the Springwater Corridor was rated top priority by METRO. Hopefully, all the hard work we did this past spring will pay off.

## SPRINGWATER COORIDOR LEGEND

- Multi-purpose Trail
- Soft Surface Trail
- Gresham's Portion of Trail
- Equestrian Trail
- Trail Head General Location
- Trailhead/Interpretive Center General Location
- Points-of Interest
- Equestrian Facilities

The typical trail section will include a 12 foot wide hardsurface trail for walkers, hikers, joggers, and bicycles; and a separated equestrian trail. We expect the trail to be popular. The extra width of the hardsurface trail should accommodate all of the different uses we anticipate.



## VISION STATEMENT

*The Springwater Corridor preserves natural surroundings in an area where few natural spaces remain. It creates a refuge from urban bustle and the dangers of automotive traffic by linking city neighborhoods and rural communities with trails designed for walking, bicycling and horseback riding. Meeting community needs for beauty, recreation and safety drive planning and upkeep of the Corridor, and are essential to making it an inviting natural refuge and recreation asset.*

*The Corridor gives direct access to trails along the Willamette River and to a variety of parks in southeast Portland, Boring and Gresham, as well as to wilderness trails in the Mount Hood National Forest. Ultimately, it will connect to the Pacific Crest Trail.*

*The Springwater Corridor is more than a recreation resource: crossing Johnson Creek nearly a dozen times, it preserves an environment in which wildlife native to Johnson Creek, the last free-flowing stream in urban Portland, can thrive after years of neglect. Residents and visitors can better appreciate the heritage of nearby communities by enjoying historical markers along the Corridor telling stories of the railroad, European settlers, and indigenous people who once depended on the land and Johnson Creek as a waterway and source of life.*

*The Corridor creates a major new non-motorized transportation route linking two counties and four cities together.*

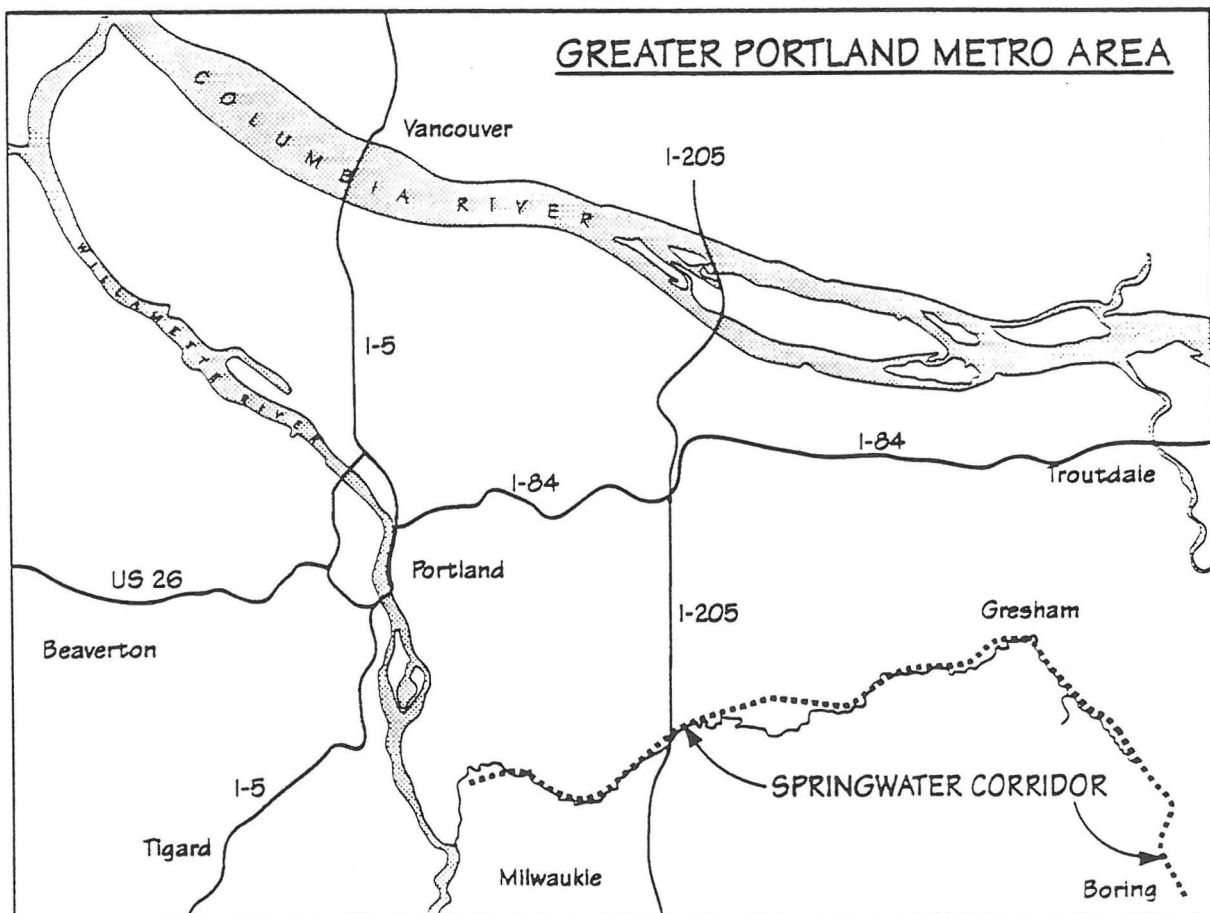
*The Springwater Corridor invites residents and visitors of all ages to meet, play, contemplate nature, and learn more about the city we live in.*

# CHAPTER 1

## INTRODUCTION

The Springwater Corridor extends from SE McLoughlin Boulevard to the community of Boring; it was originally developed in 1903 for rail service. The corridor was also known as the Portland Traction Company line, the Cazadero line, and the Bellrose line. It was acquired by the City of Portland Park Bureau in February, 1990 as part of the 40 Mile Loop.

The strategy for acquisition was innovative: prior to the sale of the property, the Oregon Department of Transportation (ODOT) was required to replace the Springwater Line rail bridge and to purchase easements along McLoughlin in order to widen the roadway. Since abandonment of the rail line meant that these expenses were not needed, purchase of the entire right-of-way resulted in nearly \$ 900,000 in savings. As part of the purchase



## 2 SPRINGWATER CORRIDOR MASTER PLAN

agreement, ODOT turned the property over to the City of Portland. In addition, while still preserving the possibility of using the corridor in the future for rail, the Portland Traction Company was able to abandon a line that showed increasing losses.

The corridor is part of a much longer rail system that extended beyond McLoughlin and Boring: on the west side of McLoughlin it paralleled the Willamette River into downtown Portland (this section is currently an operating short line freight operation known as the East Portland Traction Company) and on the south side of Boring it continued to Estacada (this section was abandoned 60 years ago and is currently held by the State of Oregon).

Master planning for the Corridor began in 1991. The project was managed through the Park Bureau's Planning Section, with the active involvement of citizens, other agencies, Commissioner Lindberg's office, the Johnson Creek Corridor Committee, and the Operations Division of the Park Bureau.

### A. Purposes of the document

This document will:

- Guide the design and development of the Springwater Corridor toward becoming a premier recreation corridor;
- Establish policies that relate to managing and maintaining property within the Corridor;
- Record the history of the Corridor to date;
- Document the plan process and establish a schedule for review of the plan and its implementation;

### B. The 40 Mile Loop & the Springwater Corridor

The 40 Mile Loop is a concept which dates back to 1903, when a group of Portland boosters hired the renowned landscape architectural firm of the Olmsted Brothers to develop a master plan for parks and boulevards in the city. The resulting Olmsted Plan formalized the city's early commitment to the development of parks and open spaces into a meaningful park system.

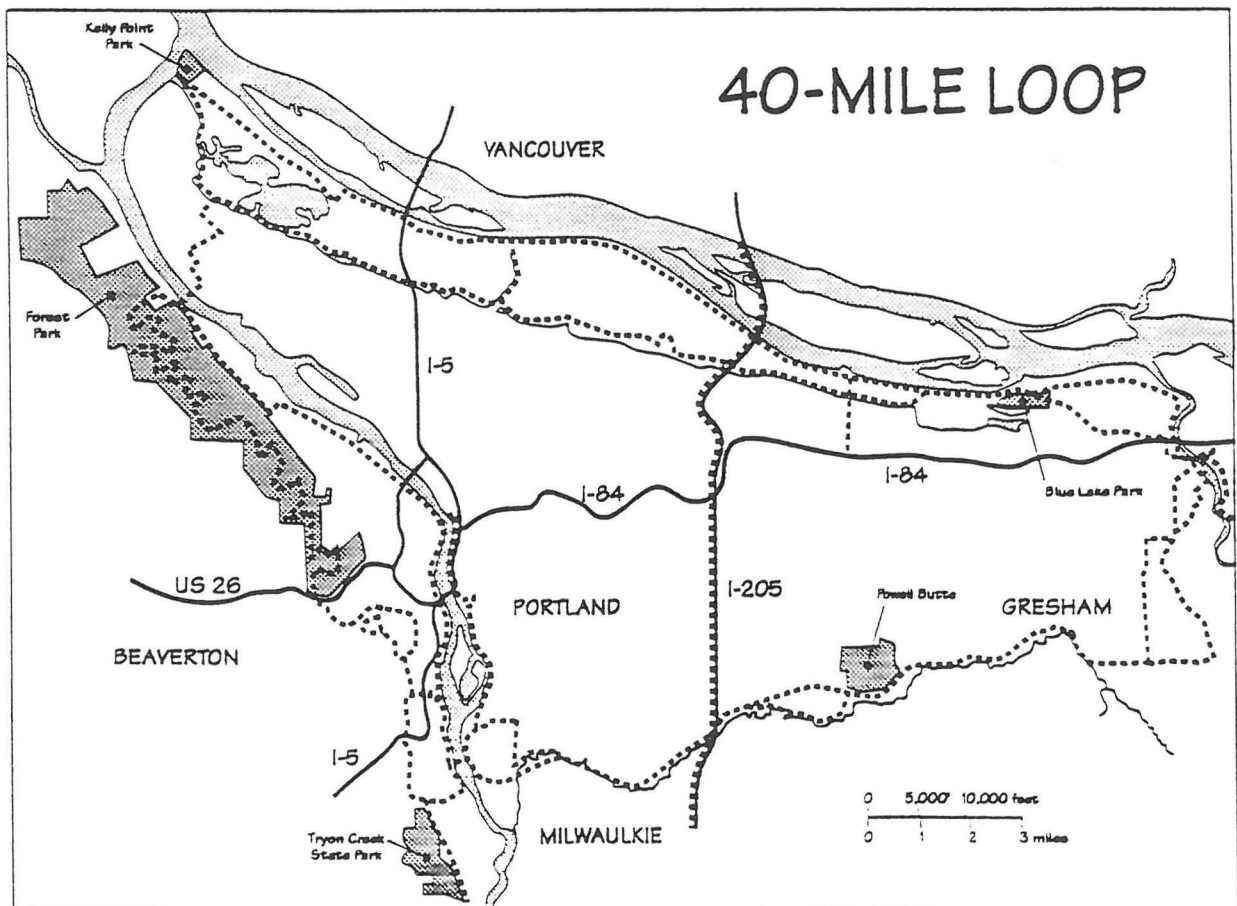
During the last 90 years, the Olmsted Plan has served both as a continuing inspiration and as the source of the park legacy we enjoy today. Laurelhurst Park, Mt. Tabor Park, and Terwilliger Parkway, to name a few, were part of the Olmsted Plan. A key organizing element of that plan was the notion that the links between parks were just as important as

the parks themselves. One of the primary linkages was a trail ringing the boundaries of the city. At that time, this was a distance of approximately 40 miles, hence the name, 40 Mile Loop. Today the 40 Mile Loop is more than 140 miles long.

After its initial conception, development of the Loop stalled for many years. Bits and pieces were added, but the concept was never fully embraced. It wasn't until the late 1970's that the idea resurfaced in force. At that time, the State Parks Division of the Oregon Department of Transportation convened a group of interested citizens, organizations, and local governments to see if the Loop could begin to meet existing and emerging recreation needs in the urban area.

Out of that assembly came the 40 Mile Loop Land Trust, a private, non-profit group organized specifically to guide the project toward completion and to function as a land trust for the purposes of assembling necessary land and/or easements. Its first action was to develop a master plan for the Loop. The product of that effort was a system that wrapped around the urbanized portions of Multnomah County, taking advantage of scenic corridors and waterways.

By 1985, the Land Trust had laid the groundwork for the passage of a resolution by two of the major jurisdictions involved in the Loop, Portland and Multnomah County, calling for the implementation of the master plan by 1995. Even though the Loop is 100 miles



longer than originally designed, the region has actually made substantial progress toward its development, with the Marine Drive Trail, the Wildwood Trail, Marquam Nature Park, and the Willamette Greenway being the most complete sections of the Loop.

With the addition of the property along the Springwater Corridor, the last major gap in the Loop was closed. The 16.5 mile-long Springwater Corridor will connect the southeast quadrant of the metropolitan area, paralleling Johnson Creek and extending the Loop from the Sellwood area through Gresham to Troutdale and Boring.

For many years, this part of the Loop has been the most challenging to complete. Until recently, the railroad was still operating in the Corridor. Johnson Creek, an alternate southern route, was designated by Portland's Comprehensive Plan as the location for the 40 Mile Loop, but it is almost entirely privately owned and developed with residential uses close to the creek.

The Springwater Line is ideal for providing a southeast connection. For the most part, it is well-separated from both road right-of-way and neighboring residential areas. The route it travels is a scenic one, encompassing wetlands and buttes, agricultural fields and pastures, residential and industrial neighborhoods. It runs close to Johnson Creek, one of the last free flowing creeks in the urban area, crossing it ten times in its course to the Willamette River. The parks and open spaces it passes next or near to include Oaks Bottom Wildlife Refuge, Oaks Amusement Park, Sellwood Riverfront Park, Johnson Creek Park, Sellwood Park, Tideman Johnson Nature Park, Beggar's Tick Marsh, the I-205 bike path, Leach Botanical Garden, Bundy Park, Powell Butte Nature Park, and Gresham Main City Park.

The smooth, even grade required for the passage of trains will be ideally suited to hiking and biking long distances. In addition, the grade will be easy for the elderly, disabled, and parents pushing strollers. The right-of-way can accommodate a variety of uses, since it varies in width from 60' to 200'; most of it is 100' wide.

In addition, ownership of the 10.8 mile-long section south of Boring to Estacada is currently held by the State. This section of the Springwater Line was abandoned 60 years ago and acquired by the Oregon Department of Transportation 20 years ago. The Springwater Corridor, when linked with the State's section, not only serves the needs of the 40 Mile Loop, but also offers the real possibility of a trail connection from the Pacific Crest Trail through the Mt. Hood National Forest, directly to downtown Portland. The section south of Boring is discussed for context purposes but is beyond the scope of this document.

### C. Governing Jurisdictions

The City of Portland owns the Springwater Corridor, even sections that lie outside of the city limits. This arrangement was devised because of conditions applied during property acquisition; the rail line is protected from reversionary property interests because of an "interim trails use" clause applied during the rail abandonment process. The "interim trails use" clause protects against reversionary interests because technically, the line is not abandoned. It is to be used as a trail in the interim, but remains an intact rail corridor should the future need for rail service arise. This process was facilitated by having a single agency be the receiving party.

The City of Portland includes several policies in its Comprehensive Plan that relate to the Springwater Corridor, including:

- Policy 6.6, Urban Form: Street and pedestrian connections should be provided between new and existing neighborhoods and to activity centers.
- Policy 6.10, Barrier-Free Design: Transportation facilities shall be accessible to all people. All improvements to the transportation system (traffic, transit, bicycle and pedestrian) in the public right-of-way shall comply with the Americans with Disabilities Act of 1990.
- Policy 6.11, Pedestrian Network: Plan and provide for a pedestrian network in order to increase the modal share of pedestrian travel to 10 percent over the next 20 years.
- Policy 6.12, Bicycle Network: Plan and provide for a bicycle network in order to increase the modal share of bicycle travel to 10 percent over the next 20 years.
- Policy 6.22, Right-of-Way Opportunities: Preserve existing and abandoned rail rights-of-way and examine their potential for future rail freight, passenger service, or recreational trail uses.

In addition, the Far Southeast District Policy Statements include:

- Policy No. 3, Bicycles and Pedestrians: Promote pedestrian access throughout the District with emphasis given to provisions for arterial crossings. Street improvements and traffic management improvements should be designed to accommodate bicyclists and pedestrians.

In addition, the Bureau of Parks & Recreation has an adopted parks master plan, titled *Parks Futures*, which includes the following policies that relate to the 40 Mile Loop:

## 6 SPRINGWATER CORRIDOR MASTER PLAN

- Policy 1.10: Coordinate and integrate the City's parks and trail system with plans for bikeways, street improvements, and mass transit.
- Policy 8.6: Develop and maintain a citywide trail system that links parks, open spaces, the Willamette Greenway, bikeways, the 40 Mile Loop, other trails, and public attractions.

In addition, Resolution No. 33937 was adopted by the City of Portland and Multnomah County with the intention to implement the 40 Mile Loop Master Plan by 1995.

Many other jurisdictions have played an active role in securing the property and will sponsor implementation of the plan. This section will describe the relationship between the jurisdictions and the role they play in managing the property.

The State of Oregon through its Parks and Recreation Department expects to use the Springwater Corridor as a model for an urban rail-trail conversion. The model includes the planning, design and development process for other possible rail-trail conversions in urban and suburban settings in Oregon.

In addition, as the Boring to Estacada section of the Springwater Corridor is under State ownership, the State will play a lead role in the development of that section. This will not occur until the Springwater Corridor is fully developed into Boring, and adjacent property owners south of Boring view recreational development of the Corridor as a positive change.

Through its Parks and Recreation Department, the State has designated the 40 Mile Loop as an Oregon Recreation Trail. The designation is codified in Oregon Administrative Rule 736-09-010(1). Oregon Revised Statutes (ORS) 390.950 to 390.990 authorize the department to declare regionally and statewide significant recreation trails as Oregon Recreation Trails. The Department has declared the 40 Mile Loop to be a regionally significant recreation trail.

While the designation brings no protective or financial commitment status by the state, the 40 Mile Loop is in the Oregon Recreation Trails System Plan. Therefore, it would receive priority consideration if and when state trail grants are forthcoming.

The U.S. Forest Service - Pacific Northwest Region has a goal of actively cooperating and working with Portland and other local communities to develop links between urban trails and transportation systems and National Forest trails and transportation systems.

The Mt. Hood National Forest plans to develop a physical link between the Pacific Crest National Scenic Trail and the Springwater Corridor trail via a planned trail along the Clackamas River. Planning and design for this linkage have started, with construction

scheduled to begin in 1995. An eight mile section of the linkage trail is already in place between Fish Creek, a tributary of the Clackamas River, and Indian Henry Campground. Another five mile section is also in place between Rainbow and Riverside Campground along the Upper Clackamas River above Ripplebrook.

[map]

Tying the Clackamas River Forest Service trail with the State-owned Springwater right-of-way at Estacada will require an easement across land managed by Portland General Electric. The Mt. Hood Forest has begun negotiations with PGE, and started design work on this section.

The Mt. Hood National Forest is a mosaic of recreation opportunities scattered over one million acres of forest land draped over the north Oregon Cascade Mountains. Mt. Hood, at 11,235', is the dominant feature of the Forest. There are 1300 miles of trails in the Mt. Hood National Forest. These range from paved and "boardwalk" trails accessible to all users to primitive trails in the 187,000 acres of wilderness suitable to only the most hearty. The Mt. Hood National Forest is also working with the Chinook Trail Association to provide trail ties between the Forest and the Portland metropolitan area and other communities along the Columbia River within the Columbia Gorge Scenic Area.

The Gifford Pinchot Forest is also working with the Chinook Trail Association to provide trail ties between the Forest and the Vancouver urban area and other communities along the Columbia River within the Scenic Area. It is planned to tie the Washington segments of the Chinook Trail system to the Oregon segments, thus providing a link to the Portland metropolitan area.

The City of Gresham manages 4.5 miles of the corridor that passes within Gresham city limits. Gresham was the first jurisdiction to gather funds for implementation through passage of a 1988 Parks Acquisition and Development bond measure. Portland and Gresham have signed an intergovernmental agreement that specifies roles and responsibilities for maintenance and management of the Gresham section. Improvements within Gresham city limits were designed after an extensive master plan process that involved hundreds of citizens. Gresham's Master Plan is included as Appendix A.

The City of Milwaukie has expressed interest in assisting the development of the Springwater Corridor, both inside and outside Milwaukie City limits. Very little of the Springwater Corridor is actually inside Milwaukie's City limits.

Several policies in Milwaukie's Comprehensive Plan relate to the 40 Mile Loop including:

- The City will participate with the appropriate agencies in implementing the proposed 40 Mile Loop system, a State Recreational Trail.

## 8 SPRINGWATER CORRIDOR MASTER PLAN

Under Milwaukie's Comprehensive Plan's Transportation Element, the Springwater Corridor is specifically referred to under this objective:

- To develop a pedestrian/bikeway system which connects local activity centers such as parks, schools and activity centers.

The following policy supports that objective:

- The City will support the proposed 40 Mile Loop as a means to meet regional needs for pedestrian paths and bikeways.

Under the Recreational Needs Element, the following policy is included:

- The Parks and Recreation Master Plan should address the idea of connecting the riverfront area to the proposed 40 Mile Loop trail system with a southern arm extending to North Clackamas Park.

North Clackamas Parks and Recreation District has completed draft plans for neighborhood parks within the district. A portion of the Springwater Corridor runs through the district in the Southgate/Town Center neighborhood. The neighborhood's Parks Advisory Board supported development of that portion of the Corridor in its area.

Clackamas County Planning and Economic Development Division supports planning for development of the Springwater Corridor. Plans for funding, development, operations and maintenance will be developed in coordination with affected county divisions and other jurisdictions.

Clackamas County contains policies in its Comprehensive Plan, Chapter 9, Open Space, Parks and Historic Sites, that relate to trails. Under Parks and Recreation, subsection 5.2, *Development Needs*:

An urban trail system for both walking and bicycling, especially in conjunction with the development of neighborhood and community parks. Use should be made of open space linkages along creek and river banks, ridgelines, and existing right-of-ways. Open space dedication at the time of development will be used as a means of completing this trail system.

Multnomah County continues to be actively involved in planning and implementing segments of the 40 Mile Loop, including Springwater Corridor. The Springwater project is an outstanding example of a public partnership to realize a significant addition to the regional trail system.

Much of the 40 Mile Loop in East Multnomah County has been developed by the County Transportation Division. The County is working with the cities of Portland and Gresham to plan and develop Springwater. The Corridor will be made safer for users through signing and striping where it crosses County roads. A trailhead is being constructed as part of the County project to replace the old Hogan Road bridge at Johnson Creek (within Gresham city limits). Portions of Springwater located in Multnomah County but outside of incorporated cities can be developed cooperatively as funds become available.

Multnomah County's Bicycle Master Plan stresses working with other local, regional and state governments, and the 40 Mile Loop Land Trust to coordinate trail planning and development.

METRO is involved through the Metropolitan Greenspaces Program. In cooperation with local governments, it is engaged in planning a system of trails of regional significance throughout the Metropolitan Region. Using the 40 Mile Loop as a model, the regional system provides a series of continuous trails which encircle the urbanized area of the region. One of the major objectives of the Greenspaces Regional Trail System is to incorporate natural features in the landscape, define alignments along natural corridors, and to take advantage of interpretive and educational opportunities as part of the recreational experience.

The Metropolitan Greenspaces Master Plan identifies the Springwater as one of the premier trails in the region, and one which is high on the priority list for capital improvements. It meets all of the criteria for regional significance and is consistent with all policies defined in the Greenspaces Master Plan. Metro staff is currently in the process of defining first steps in implementation of regional trails and greenways. While the final decision on the priorities will be made by the Greenspaces Technical Advisory Committee, cooperation with the City of Portland and Clackamas County on improvement of the urban and rural sections of the Springwater is clearly among the top priorities in the region.

The Metropolitan Greenspaces Trails and Corridors Working Group determined that there is a need to establish trail standards for various types of uses. Trail standards will assure consistency in development throughout the region and maintain similar construction and management techniques. The urban portion of the Springwater will certainly set the standard for high capacity multi-use recreational trails, and the rural portion could become a model for low impact multiple-use trails developed in a natural area setting.



**CHAPTER 4****THE PLAN****A. Goals**

The development of the Springwater Corridor Master Plan is in direct response to a set of goals established from citizens' input at the first round of public meetings. These goals are as follows:

- Preserve the linear integrity of the corridor. Acquire new lands adjacent to the corridor as available and as appropriate.
- Minimize conflicts between user groups as much as possible through design and a management plan.
- Celebrate and interpret the cultural and geographic history of the Corridor.
- Enhance and preserve the natural resources of the Corridor.
- Allow the Corridor to serve as an alternative transportation route.
- Provide a safe and inviting environment throughout the Corridor. Provide a high standard of maintenance.
- Serve the widest possible array of user groups.
- Utilize the Corridor to join the communities and recreation sites it travels through, by maximizing involvement opportunities in planning, developing and maintaining the Corridor.
- Maintain positive impacts to adjacent properties.
- Provide for a range of recreational activities throughout the Corridor.
- Create funding options and develop a phasing plan to complete development as soon as possible.
- Develop a clear and comprehensive signage system in order to orient and educate users.
- Encourage responsible use of the Corridor with respect for adjacent properties.

**MILWAUKIE COMPREHENSIVE PLAN STATEMENTS**

**RELATING TO THE SPRINGWATER LINE**

Very little of the Springwater Line is actually inside Milwaukie's City Limits. However, for several years, the City has expressed interest in assisting the development of the Line, both inside and outside the City Limits, as a regional recreation facility. The following excerpts from the City's Comprehensive Plan illustrate this concept.

A. The Milwaukie Comprehensive Plan contains this objective:

To protect the open space resources of Milwaukie  
to improve the quality of the environment.

Under this objective, the following policy has been adopted:

The City will participate with the appropriate agencies  
in implementing the proposed 40-Mile Loop System, a  
State Recreational Trail.

B. The Springwater Line is specifically discussed under the Rail section of the Comprehensive Plan's Transportation Element. It is cited as an important segment of land needed for pedestrian trails and bicycle paths. The specific objective is:

To develop a pedestrian/bikeway system which connects  
local activity centers such as parks, schools and  
activity centers.

Under this objective, the following policy is listed:

The City will support the proposed 40 mile loop as a  
means to meet regional needs for pedestrian paths and  
bikeways.

C. The Springwater Line is also discussed in the Recreational Needs Element of the Comprehensive Plan. For Citywide recreational planning, the following policy is included:

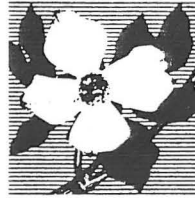
The Parks and Recreation Master Plan should address the  
idea of connecting the riverfront area to the proposed  
40-mile loop trail system with a southern arm extending  
to North Clackamas Park.



Maggie Collins  
Community Development Director  
4/16/92

# DRAFT

## CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S E JOHNSON CREEK BLVD

TELEPHONE 652-4410

November 3, 1992

Ms. Mary Ann Cassin, Project Manager  
Portland Park Bureau  
1120 SW Fifth Avenue, Rm. 1302  
Portland, OR 97204-1933

Re: Proposed Springwater Corridor Master Plan

Dear Mary Ann:

The Milwaukie City Council has reviewed the Mission Statement and general goals and concepts included in the Springwater Corridor Master Plan. Based on this review, and on the policies in the Milwaukie Comprehensive Plan, we are relaying this letter of support for Portland City Council adoption of this Master Plan.

It is our understanding that you and your staff will be working with Milwaukie's review process so that we can take formal action on the proposed Master Plan in the near future.

In the meantime, we congratulate you on the successful efforts you have made to involve affected property owners and jurisdictions in the initial planning stages for this recreational facility. We are happy to be involved with the planning and implementation of a valuable local and regional addition to our recreational options.

We look forward to further collaborative efforts involving the proposed Master Plan.

Sincerely,

Craig Lomnicki, Mayor  
City of Milwaukie

cc: Portland Commissioner Mike Lindberg  
Roger Brown, Director, North Clackamas Parks and Recreation Dist.