

SPECIAL MEETING OF NOVEMBER 28, 1950

A special meeting of the Planning Commission of the City of Milwaukie, was held on the twenty-eighth day of November 1950.

The meeting, which was called for the purpose of a hearing on a petition requesting the useage of two and one-half acres of Lot "B" Cogswell's Addition, for church purposes, was called to order by Chairman Jones.

Present: Chairman J.W. Jones; Secretary R.C. Williams, Commissioners W. Henry Stewart, James Swaggerty, Cecil Nickles, Fred Sperr, E.L. Kirkpatrick and Morris Martin. Clerk Ellen Martin. Absent: Commissioner Maynard Egge.

Mr. Jones explained, for the benefit of all present, the personnel and duties of the Planning Commission, and read the petition opposing the use of the property in question, for church purposes. He then asked that the case be presented.

Mr. Vinnie Bell presented the plea for the Presbyterian Church, showing a plan of the proposed church and a plot plan with a large parking area already planned and enough room for additional parking area to be put in condition for parking if and when it would be needed. Mr. Bell stated that the church would be set back from the street at least seventy-five feet, that the present large residence on the property would be improved and brought up to required specifications as to stressing the floors, fire escape etc. and that the Presbytery would use the building to meet in until the church building was ready for occupancy, when the residence would serve as the manse. Mr. Bell stated that when the church was started it would be completed and it was anticipated this would be done in the next three years.

Mrs A. Inabnit, 3105 Lake Road, read the following protest.

Gentlemen:

I and the other persons who have signed this document are property owners within the legal area which entitles them to protest against granting a permit to use the property at about 31st & Lake Road in Milwaukie for church purposes. We signed a previous protest against the granting of this permit and it is now in your records of the case. This is our second protest which is voiced as verbal objections as expressed by the persons who have affixed their signatures hereto and will respond to their names when called by you as being present and verifying their signatures approving the added objections contained herein, which are stated as follows:

1. The church which is asking for the permit in the present application is the same and it is the same property which your Honorable Body denied a permit to use for church purposes last Spring. The only difference we can learn is the former owner Mr. Sawtelie had transferred title to the present applicant who is negotiating with the same church group. The Planning Commission rejected the previous petition in a conclusive manner and that decision should have been accepted as final by the present applicant, including both the property owner and the church group. It is an injustice for them to repeat their application at this time and cause the surrounding property owners the annoyance and inconvenience of going through the protest procedure again.

2. Our objections to using the designated property for church purposes, in addition to those previously recited, are the proposed site for the church is located on a heavy traveled and narrow main highway to the east without any cross streets nearby, and regardless of any claims, promises or statements by the petit-

ioners or others, every prudent individual, nearby property owner and others, will have to admit after viewing the property and circumstances surrounding it that members attending any church services, especially on Sundays when through traffic on Lake Road is exceedingly heavy, will not observe instructions to park their cars in a reserved space but will use both sides of Lake Road and it will be readily seen this will create not only a hazard to persons and invite collisions but will also result in traffic congestions. It has been found these conditions take place in other cities where churches are located along main traveled arteries such as Lake Road.

3. The reasons previously recited with respect to dangers of traffic hazards and congestion of automobile travel on Lake Road, regardless how emphatic statements to the contrary are made by the petitioners and their spokesmen, will certainly take place if the permit is granted, and this condition will tend to greatly depreciate the value of all surrounding property belonging to the objectors and others, and for this added reason we request your body reject the present application in a conclusive manner.

This combined protest is being read for the benefit of all persons present and is submitted in writing with signatures of the adjoining property owners within the legalized area for the purpose of being incorporated in the minutes and official record on the hearing of the case.

Respectfully submitted by:

Martha J. Inabnit, Al. Inabnit, Caroline Olsen, Henry Bisio, Lillie Bisio, Armand Bisio, John Cartasegna, Mrs John Cartasegna, Chris Dritsas, Elsie Rodin, S.E. Rodin.

Rev. Vogt, of the Presbyterian Church, suggested that if there were "NO PARKING" signs placed along Lake Road in the vicinity of the church, that there would be legal control of the parking and therefore the residents could be assured that no one would park in front of their property.

Mr. A. Inabnit voiced his disapproval of any parking signs along the street, he also pointed out that cars parked there would cause a dangerous condition.

Mr. Ellis Ek, appraiser for the Federal Housing Authority, also appraiser for the Administration of Veteran's Affairs, appeared as an expert witness. Mr. Ek stated that he had been in the real estate business for thirty years. He stated that the first three questions usually asked by purchasers of property were:

1. The proximity of the property to transportation and schools
2. The proximity of the property to churches
3. The proximity of the property to a shopping center.

He also stated that the stability of property in any city relies on churches, that he had appraised many thousand plots of land for both F.H.A. and Administration of Veterans Affairs and that he could not see that there would be any depreciation of any property values because of the use of this property for church purposes. Mr. Jones questioned Mr. Ek regarding the parking area provided in the plot, to which Mr. Ek pointed out that there was plenty of land back of the house for future parking when needed.

Mr. A.D. Newman, Portland realtor was called upon and testified as follows: He was a member of the Portland Realty Board, the National Real Estate Board, has been in the real estate business for thirty years, has appraised property for the Government and has appraised thousands of pieces of property for individuals. Mr. Newman stated that since adequate parking space had been provided in this case, that particular problem and its bearing on the case was eliminated. He stated that in all his years in the real estate business, he could not recall one case where a church had caused the depreciation of property values but on the contrary he had known of cases where a premium was paid to be near a church. He stated that a church may narrow the scope of purchasers, but not devalue a property. That his salesmen are instructed to carry maps showing the proximity of churches to the property they are selling.

Mr. Newman stated that he had talked with many prominent real estate dealers in Portland and not one of them could recall a case where property values had been lowered because of a church. He then stated that his firm were the realtors handling this property and that he felt the Commission should know this. Mr. Jones questioned Mr. Newman as to whether or not his testimony was based upon his honest opinion regardless of the fact that he was an agent in this particular case. Mr. Newman replied that his personal interest had no bearing on the facts he had recited in his testimony.

Mrs. Zenas Olsen, 916 29th Street stated that she lived within a block of the Christian Church at 28th and Harrison Streets and she and her neighbors felt that the church was an asset to the community though it was still incomplected.

Judge Day, of Portland, read from Oregon Laws, 1932 on Page 515, the decision of the Oregon Supreme Court in the case of the Arch Diocese of the Catholic Church versus the City of Portland and Mayor George L. Baker, that neither the Planning Commission nor the City Council had a right to disallow a church or school in a residential district, unless it was shown to be a detriment to public health and safety, morale or in violation of existing ordinances. He also read a similar decision by the United States Supreme Court, which mentioned the Oregon Case.

Chairman Jones then called upon the Commission to vote, admonishing them that they were each to vote according to his own conviction, bearing in mind that their decision should be based upon the evidence presented at this hearing, with the understanding that the Commission reserves the right to invoke similar restrictions as were placed upon their recommendation in the case of the permit for the Evangelical Church. Mr. Jones stated that a vote of yes would favor the granting of the petition. A called vote showed the following results: Yes: J.W. Jones, James Swaggerty and Morris Martin. No: R.C. Williams, Henry Stewart, Fred Sperr, Cecil Nickles and E.W. Kirkpatrick.

Mr. Williams explained before voting that he wished to renew a statement he had made before, "That he would not vote favorable to any structure being placed on property where there was objection to the same" in the neighborhood. Mayor Sperr stated that he too would like to explain his vote, "That he was elected by the people and since there were a majority of names on the objecting petition, he would be governed thereby".

At this time the majority of persons attending the meeting left the room. Mr. Jones requested the Commission members to remain as there was other business to come before them at this time.

Mr. Jones explained to the Commission that through his attendance at the League of Oregon Cities he had learned what other cities were planning in the way of extending present streets and planning new streets in present vacant properties in an effort to eliminate dead end streets, traffic congestion, and make for better fire control. The urgent need of extending streets in Milwaukie was discussed. It was moved by Nickles and seconded by Williams that the Commission recommend to the City Council that Campbell Street be extended northerly along the westerly right-of way for S.P. R.R. to Harrison Street, and that they take steps immediately for the opening of same. The motion was carried unanimously and was so ordered.

After careful study of the map it was moved by Nickles and seconded by Williams that the Commission recommend that the following streets be extended as follows: 28th Street to be extended from the north side of Lake Road northerly to the School property. 30th, 31st and 32nd Streets to be extended southerly, parallel with 33rd Street from their southerly terminus in Quincy Addn to Lake Road. The motion was unanimously carried and so ordered.

On motion duly made and carried the meeting adjourned,

Ellen Maarten
Clerk

R. C. Williams
Secretary.

Dead end Street
extensions