

MEETING OF SEPTEMBER 17, 1963

The regular meeting of the Milwaukie Planning Commission was held on the seventeenth day of September, 1963. The meeting was called to order by Chairman W. Henry Stewart. Present: W. Henry Stewart; Commissioner, John O. Sheldahl; David Strauss, Cecil Nickles, Commissioner, Earl S. Burdick; Marvin Shrock, Max Thompson, Joseph M. Bernard Jr. Commissioner Roger Hollingsworth came in later in the evening. Absent: Commissioner Paul Baer. It was moved by Nickles, seconded by Burdick that the minutes of the regular meetings of the Commission held on the twentieth day of August, 1963, and the minutes of a special meeting of the Commission held on the thirteenth day of September, 1963 be not read at this meeting. Motion carried and so ordered.

Mr. Raymond Gitch, who had previously complained of a horse running loose on his property, reported to the Commission that the horse was now fenced in and had given him no further trouble and that he had no objection to the horse if it was properly housed and not allowed to run at large and that he would withdraw the complaint made to the Planning Commission on August twentieth. Mrs. Anna Wilcox, owner of the horse, stated that she had rented a pasture for the horse during the summer, that it had not been on her property during this time, that she had proper fence and shelter for the horse and asked to be permitted to keep the horse on her property. It was moved by Burdick and seconded by Shrock that the permit to keep a horse on her property be continued for Mrs. Wilcox. Motion carried and so ordered.

Mr. Paul Hager reported to the Commission that he had two milk goats, one chicken, and fifteen or twenty wild ducks on his property at 2736 Washington Street, and that his little girl was drinking goats milk under a doctor's advice. It was moved by Bernard and seconded by Burdick that a temporary revokable permit be given Paul Hager to keep two milk goats on his property. Motion carried and so ordered.

Commissioner Bernard presented a sample copy of "Application for permit--New structures", issued by the County Planning Commission, a copy of which is sent to the County Health Department. Mr. Bernard stated that the County Health Department requested that Milwaukie give the same information as required by the County Planning Commission especially where septic tanks are used. Chairman Stewart appointed the following committee to make investigation and recommendation to the Commission: Max Thompson, David Strauss, and Cecil Nickles.

Mr. George Deering presented plans and plot plan for a duplex dwelling which he proposed to build on a 100' X 120' lot, (a part of tax lots 14 and 15 Hathaway D.L.C.). Following that, all set-back requirements had been observed. It was moved by Nickles and seconded by Strauss that the City Manager be authorized to issue the permit for this duplex. Motion carried and so ordered.

Mr. John Phillips, 4136 Washington Street, came before the Commission on behalf of Helen G. Simpson, Henry and Hazel English, and himself and requested that the zone be changed from 3-R-1 to 3-R-2 on the following properties:

- Lots 1 to 15 inclusive, block 78, Minthorn Addition to the City of Portland.
- Lots 41 to 46 inclusive, block 78, Minthorn Addition to the City of Portland.
- Lots 1 to 5 inclusive, Block 73, Minthorn Addition to the City of Portland.

It was moved by Nickles and seconded by Shrock that the request be granted and a hearing be held on October 4, 1963 at 7:00 p.m. and that notice of same be published September 26, 1963 and October 3, 1963. Motion carried and so ordered.

Mr. Joseph Gauger came before the Commission and explained the need of improvement of Beckman Avenue from Railroad Avenue to Park Avenue. Mr. Gauger explained that the present roadway was twenty feet wide, asked if he could persuade the property owners along the west side of the road to give twenty feet off the east side of their property, making the road forty feet wide, would the forty foot road be accepted as a public street? Mr. Gauger explained why no property could be taken from private property along the east side of the road and stated that not all the owners along the west side had agreed to give the twenty feet. It was moved by Nickles and seconded by Burdick that the commission accept Beckman Avenue from Railroad Avenue to Park Avenue on the condition that property owners along the west side of the street give twenty feet off the east side of their property to be used for street purposes. Motion carried and so ordered.

Mr. Alvin M. Hamlin laid before the Commission a request, signed by the owners of lot 1, block 1, Leo Addition (Charles M. and Elsie Farrier) requesting that the zone on lot 1, block 1, Leo Addition be changed from industrial to commercial zone. It was moved by Burdick and seconded by Nickles that the Planning Commission initiate a change of zone, from Industrial zone to Commercial zone for lot 1, block 1, Leo Addition and that the hearing be held on October 4, 1963, at 7:30 p.m. Motion carried and so ordered.

A delegation of citizens were present at the meeting who were both for and against the kindergarten at 11895 Thorne Street. The Chairman had requested them to retire to the assembly room and requested Attorney Sheldahl to hear them and advise them as to what could be done about the kindergarten. Upon returning to the Commission meeting, Attorney Sheldahl reported to the Commission that he had explained the Commission's position in this matter and that the type of information they were seeking should come from their attorneys. Mr. Warren F. Haynes, 11810 Thorne Street stated that they were here to register a protest against a kindergarten in the area, stating that it had caused a traffic problem. There were other residents along Thorne Street who registered the same complaint. There were several citizens present who had enrolled their children in the school and they admitted that on the first day there was some confusion, but since then, the traffic necessary to deliver and pick up children had been running smoothly and the mothers driving the cars had used the Davis driveway to turn around. Mr. Davis stated that the city patrolmen had done a good job of protecting property and controlling traffic. "The first day was a mess, since then we have had no problem. I feel the neighbors themselves have created the problem. I am sure the patrolman can give you an unbiased report." Commissioner Nickles suggested that the Commission talk with the City Patrolman who had been on the kindergarten assignment and that no action be taken on this matter until after he had been heard.

Mr. O. J. Love, 4404 Logus Road, requested a revokable permit to place a trailer house to be used as a temporary dwelling on his property. Mr. Love stated that the trailer house would be out of sight of any passer-by. Attorney Sheldahl read that portion of Ordinance #481 prohibiting trailer houses. Mr. Love stated that there were several trailer houses in town and pointed out one in particular in his neighborhood. Mr. Love was advised that the zoning ordinance was in the process of being re-written and was assured the section pertaining to trailer houses would be brought up to present-day standards.

Mr. Sam Phillips, 8445 McLoughlin Boulevard, came before the Commission on behalf of Mr. William Leppert, owner of lot 50, Sellwood Gardens, and requested that the zone on this property be changed from 3-R-1 zone to Commercial zone. It was moved by Nickles and seconded by Burdick that the Commission initiate proceedings to change this zone and that the hearing be set for October 4, 1963 at 7:15 p.m. Motion carried and so ordered.

Mrs. Allen J. DeLay, 8835 - 31st Street, came before the Commission and requested a permit to pasture a horse on the south 175 feet of lot 1, block 2, Bonnie View Acres. It was moved by Strauss and seconded by Shrock that a revokable permit be granted subject to proper shelter and proper set-back of fences; (twenty feet back from the property line on the street side of the property except where dwellings already along the street have an established set-back line, then the fence to be lined up with residences). Motion carried and so ordered.

It was moved by Nickles and seconded by Bernard that the Planning Commission recommend to the City Council that an ordinance prohibiting electric fences in Milwaukie be written. Motion carried and so ordered.

The motion made at the special meeting of the Commission on September 13, 1963, with regard to a church being located at 3339 Filbert Street was again taken up from the table. It was moved by Bernard and seconded by Nickles that the motion be amended as follows: "That a permit for the "Open Bible Church" to be placed on lot 14, block 1, Appleby Acres be granted on the following condition: that the set-back conform to the plot plan submitted; that the parking spaces conform to the plan submitted; that any expansion be subject to their acquiring additional property; that the plans for the church be presented with proof that they have sufficient funds to finish the outside of the building; and that they finish the parking area with blacktop pavement; and that the property be fenced on the north, east, and west sides." Motion carried and so ordered.

City Manager, Max Thompson, on behalf of Allred Construction Company laid before the Commission plans and plot plans for two four-plex residences which they propose to build on parts of lots 10 and 11 Windemere, and requested that they be approved and that the Commission recommend that a building permit be granted. All set-back requirements had been observed. The plot plan showed twelve parking spaces. It was moved by Nickles and seconded by Shrock that the City Manager be authorized to issue building permits for the two four-plex dwellings. Motion carried and so ordered.

It was moved by Nickles and seconded by Shrock that the following resolution be adopted:

RESOLUTION NUMBER P.C.7-1963

WHEREAS, after due consideration of the minimum requirements for general welfare as established by Ordinance No. 481, as amended, of the City of Milwaukie, Oregon, and after consideration of the need for multiple family dwellings within the City, and the necessity of rezoning certain areas of the City occasioned thereby, and

WHEREAS, after careful consideration of the development and expansion of commercial activities within the City, and the necessity for rezoning certain areas of the City occasioned thereby, and

WHEREAS, the owners of the real property described hereunder have, in writing, requested that the said properties be rezoned from their present classifications to the Multiple Family Zone, and to the Commercial Zone, the City Planning Commission of the City of Milwaukie, Oregon, has determined that it is now necessary and advisable to initiate proceedings to accomplish the rezoning of the following properties, to-wit:

Lots 1 to 15 inclusive, Block 78, MINTHORN ADDITION TO THE CITY OF PORTLAND
 Lots 41 to 46 inclusive, Block 78, MINTHORN ADDITION TO THE CITY OF PORTLAND
 Lots 1 to 5 inclusive, Block 73, MINTHORN ADDITION TO THE CITY OF PORTLAND

so as to withdraw and remove said property from Zone 3-R-1, as established by the Zoning Ordinance of the City of Milwaukie, Oregon, as amended, and incorporate and include the same within the 3-R-2 Zone as established by said Ordinance.

AND to accomplish the rezoning of the following properties, to-wit:

Lot 1, Block 1, LEO ADDITION

so as to remove and withdraw said property from the Industrial Zone, as established by the Zoning Ordinance of the City of Milwaukie, Oregon, as amended, and incorporate and include the same within the Commercial Zone as established by said Ordinance.

AND to accomplish the rezoning of the following property, to-wit:

Lot 50, SELLWOOD GARDENS

so as to remove and withdraw said property from Zone 3-R-1, as established by the Zoning Ordinance of the City of Milwaukie, Oregon, as amended, and incorporate and include the same within the Industrial-Commercial Zone as established by said Ordinance.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY PLANNING COMMISSION of the City of Milwaukie, Oregon, that by virtue of the foregoing and by virtue of the provisions of Section 9 of the Zoning Ordinance of the City of Milwaukie, Oregon, as amended, that proceedings be and the same hereby are initiated by said City Planning Commission, to accomplish the rezoning of the above described properties so as to remove and withdraw the said properties from Zone 3-R-1 as established by the said Zoning Ordinance, and from the Industrial Zone as established by the said Zoning Ordinance and to incorporate and include the following properties within the 3-R-2 Zone as established by said Ordinance.

Lots 1 to 15 inclusive, Block 78, MINTHORN ADDITION TO THE CITY OF PORTLAND
 Lots 41 to 46 inclusive, Block 78, MINTHORN ADDITION TO THE CITY OF PORTLAND
 Lots 1 to 5 inclusive, Block 73, MINTHORN ADDITION TO THE CITY OF PORTLAND

AND to incorporate and include the following property within the COMMERCIAL ZONE, as established by the said Ordinance.

Lot 1, Block 1, LEO ADDITION

AND to incorporate and include the following property within the Industrial-Commercial Zone as established by said Ordinance.

Lot 50, SELLWOOD GARDENS

BE IT FURTHER RESOLVED that the 4th day of October, 1963 be and the same hereby is fixed as the date and hours of seven (7:00) o'clock; seven-fifteen (7:15) o'clock and seven-thirty (7:30) o'clock P.M. Pacific Daylight Savings Time and the same are hereby fixed as the times, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, be and the same is hereby fixed as the place at which a public hearing shall be held to afford the owners of said real properties, persons particularly interested, and the general public an opportunity to be heard on the question of the zone changes hereby initiated.

BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, be and he hereby is authorized and directed to cause notice of said public hearing to be published in the Milwaukie Review, a local newspaper published in Milwaukie, Oregon, and a newspaper of general circulation within the municipality. Such notice shall be published once within the week within which the public hearing is to be held, as provided by ORS.227.260 and as provided by Section 9 of the Zoning Ordinance of the City of Milwaukie, Oregon.

Adopted this 17th day of September, 1963.

W. Henry Stewart, Chairman

Attest:

Paul Baer, Secretary

Motion carried and so ordered.

On motion duly made and carried, the meeting adjourned.

Paul E. Baer.
Paul Baer, Secretary

Attest:

Ellen Martin
Ellen Martin, Clerk