

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, APRIL 14, 1998

COMMISSIONERS PRESENT

Mike Smith, Chair
Donald Hammang
Tim Havel
Mike Miller
Charles Stoudt

STAFF PRESENT

Susan Heiser,
Senior Planner
Shirley Richardson,
Hearings Reporter
Jim Brink
Public Works Dir.
Ruthanne Bennett
Civil Engineer

COMMISSIONERS ABSENT

Terry LaRocque

1.0 CALL TO ORDER

Chair Smith called the meeting to order at 6:00 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- None

4.0 PLANNING COMMISSION MINUTES -- March 24, 1998.

Tim Havel moved to approved the minutes of March 24, 1998, as corrected.
Charles Stoudt seconded. MOTION CARRIED 3-0 with two abstentions.
Donald Hammang and Mike Miller were not at that meeting.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: David Church
Property Owner: North Clackamas School District
Location: 5325 SE Logus
Proposal: Community Service Overlay to install two 28'x64' modular
classroom units, each containing two 900 sq.ft. classrooms.
File Numbers: CSO-98-03, TPR-98-05

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Chair Smith opened the public hearing on File Number CSO-98-03 to install two modular classroom units at Lewelling Elementary School, and Transportation Planning Review TPR-98-05 for compliance with the Zoning Ordinance. The application must be consistent with the City of Milwaukie Zoning Ordinance and Comprehensive Plan. The criteria to be addressed are found in Sections 302, 321, 500 and 1400 of the Zoning Ordinance and Chapter 4-Land Use, of the Milwaukie Comprehensive Plan.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site? Two hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report.. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Susan Heiser reviewed the Staff Report with the Commission. The North Clackamas School District proposes to install two 28 ft. by 64 ft. modular classroom units, each containing two 900 sq. ft. rooms at Lewelling Elementary School. Overheads were shown of the subject site and surrounding area.

One of the two classroom units is proposed to be placed at the site in July 1998, and the other sometime in the future. This will provide additional classroom space to compensate for classrooms lost in program improvements and to accommodate increasing enrollment.

The site is located in the City's R-7 Zoning District. Public facilities are allowed in any Zoning District with the approval of a Community Service Overlay permit for specific improvements.

The proposal has been reviewed for compliance with the Comprehensive Plan, Zoning Regulations, special CSO standards for schools, and Transportation Planning Review.

This application meets the Public Facilities goal to develop and maintain a timely, orderly and efficient arrangement of public facilities and services to serve urban development. There is adequate parking and vegetation provided for the site. Because this is a remodel to an existing site, TPR requirements provide that 10% of the construction be put towards pedestrian improvements.

Staff is recommending that the Commission approve CSO-98-01 and TPR-98-05 based on the Staff Report findings and conditions of approval in Exhibit 1.

QUESTIONS FROM THE COMMISSIONERS

Tim Havel asked if a time limit could be imposed on the building of the second modular unit? **Susan Heiser** indicated that five years is a typical time limit for completion of a phased project.

Charles Stoudt asked if the trailers/modular units are considered permanent structures? **Susan Heiser** stated that the structures need to be on a permanent foundation and tied down so they would be considered permanent modular buildings.

Donald Hammang asked what constitutes whether the street improvements are made now or deferred? **Susan Heiser** stated that the Public Works Department makes that determination. Developer agreements are signed so that when the improvements are done along the whole street, the Applicant will participate.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: Dave Church, North Clackamas School District, 12451 SE Fuller Road, Milwaukie 97222

Mr. Church stated that Staff has done a good job explaining the project. He displayed a map of the site and explained and pointed out the proposed improvements. Their intention is to develop two classrooms in one unit (20'x64') 20 feet off the back of the existing building. At a future date, a second classroom unit will be installed. Enrollment fluctuations in the district are hard to predict. There is in-fill growth and a resurgence of enrollment. They feel it is prudent to request a second unit should the growth warrant it and not have to come back before the Commission in a short period of time.

The proposed five-year time frame for the completion of the second building is agreeable to them. There are about 484 students at Lewelling. A Special-Ed class is being conducted in the Staff Room and the Staff is up on the stage. Before and after school day-care was using the stage, and now they are using any available

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space throughout the building. The first building would house two classrooms; one to accommodate growth, and the other to shift things back so Staff can be back in the Staff Room.

This improvement will allow the students to have a better classroom opportunity in a more appropriate classroom situation as they expand and grow at this facility. The cost of improvements will total about \$60,000. There will need to be about \$6,000 in improvements to meet the Transportation Planning Rule requirements. They propose improve the existing bike storage area with bike racks and locking facilities and develop a new paved area with racks for storage. There will be two separate bike parking areas, one to accommodate the kids coming in from the south and one are to accommodate the kids from the asphalt path to the north.

The Planning Commission has the option of requiring frontage improvements on Logus Road. **Mr. Church** indicated that Public Work's suggestion to do a developers agreement and do a future improvement is more feasible for them. There is 390 feet of street frontage on Logus Road. It could cost \$100,000 or more to do the frontage improvements; the classroom improvements are only \$60,000. They would like to defer the frontage improvements to Logus Road.

The bond issue for the school district includes a bond for a gymnasium facility. If the bond is passed, it includes enough money to do the frontage improvements on Logus Road.

QUESTIONS FROM THE COMMISSIONERS

Chair Smith asked if the space between the two modules would be secured? **Mr. Church** stated that fences are put on both ends to keep the kids from going between the buildings.

Chair Smith asked if one-hour walls are allowable under the Building Codes? **Mr. Church** stated that he checked with the Public Works Department and they stated that in this case, five-feet between walls would be allowed.

Charles Stoudt asked if this Application was subject to review by the Fire Department? **Susan Heiser** stated that because these are modular units, they are not subject to Fire Department approval, only Building Department approval.

Charles Stoudt noted that a 4-6 foot barrier is required between any play areas and adjacent residential areas. Is there something in existence now that meets this

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requirement? **Mr. Church** stated that there is a 28-foot buffer from the existing building and the property line with green space, trees and buffering. Adjacent homes have residential fences on the property lines. This helps mitigate the impacts on the neighborhood.

Charles Stoudt asked if there was a play area 120 feet to the right of the proposed unit. **Mr. Church** stated that there is play equipment in other areas. The area in question is grassy turf. He pointed out the play areas on the map.

Donald Hammang stated that he would like to see 10 feet between the buildings. **Mr. Church** stated that ten feet between the buildings would be acceptable to him.

Mike Miller asked if the walkway from the play area to the buildings would be covered? **Mr. Church** stated that they are not proposing to cover these walkways. He pointed out on the map which areas of the sidewalk would be covered.

Tim Havel noted that mitigating procedures are to be used to cover the equipment on the outside of the units. He feels that Condition 2 is requesting more of a sound buffer than an aesthetic buffer? **Mr. Church** stated that some sound absorbing material can be used to cover the shiny equipment.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Smith closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Amendments to the Staff Report:

- Condition #1, add new sentence, "... Lewelling Elementary School. The first modular unit shall be installed in 1998, and the second modular unit must be completed by September, 2003..."
- Condition #2, modify first sentence to read, "...All of the mechanical equipment shall be enclosed and/or provided with a sound and visual buffer."
- Condition of Approval #6 & #7, replace the term "trailer" with "modular unit."
- Item #6, add sentence to end, "...The second modular unit shall have a minimum of 10-ft. clearance between them.

Tim Havel moved to approve CSO-98-03 and TPR-98-05 based on the four findings listed on Page 6 and subject to the Conditions of Approval in Exhibit 1 of the Staff Report as amended tonight. **Charles Stoudt** seconded. MOTION CARRIED 5-0

Chair Smith asked that Staff review the Building Department's requirement for five feet between buildings and draft up comments for Commission review.

- 6.2 Applicant: Thomas Sears
Property Owner: Roger Wooley, DMD
Location: 11080 SE Oak Street
Proposal: Community Shopping Center review to construct a 2,718 sq. ft. office building at a vacant site at the Milwaukie MarketPlace Shopping Center.
File Numbers: CSC-98-01, TPR-98-04

Chair Smith opened the public hearing on File Number CSC-98-01, an action to construct an office building on a vacant site at the Milwaukie MarketPlace Shopping Center and Transportation Planning Review, TPR-98-04. The Application must be consistent with the City of Milwaukie Zoning Ordinance and Comprehensive Plan. The criteria to be addressed are found in Sections 315.3, 500 and 1400 of the Milwaukie Zoning Ordinance; and Chapter 4-Land Use, of the Milwaukie Comprehensive Plan.

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Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare? **Donald Hammang** stated that previously he has served on the Wetlands Conservancy and Hector Campbell Neighborhood Association. During that time, he worked with the builder and property owner about improvements to their landscape plan. He asked if there were any objections to his voting on this Application. **Chair Smith** asked the Planning Commission and the Applicant if they objected to Donald Hammang participating in this hearing. There were no objections. There were no other ex-parte contacts or conflicts of interest declared.

Chair Smith asked if any member of the Planning Commission visited the site? Tree hands were raised. **Mike Miller** noted that he spoke to the property owner at the site, but nothing was said that would prevent him from participating in this hearing. No one else who had visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Susan Heiser reviewed the Staff Report with the Commission. The Applicant proposes to construct a 2,718 sq.ft. dental office at a vacant site on the south east side of the Milwaukie MarketPlace Shopping Center. The site is located within the City's Community Shopping Commercial Zoning District.

Overheads were presented of the subject site and surrounding area. The Milwaukie MarketPlace was developed in 1989 under the CSC regulations. This site, along with the offices to the east, were subdivided and approved for dental office development in 1994 under S-94-01, CSC-94-01, and NR-94-02.

Analysis as outlined in the Staff Report demonstrates that the proposed dental office meets the criteria for a Community Shopping Center and Transportation Planning Review approval. Staff suggests approval of CSC-98-01 and TPR-98-04 based on the findings listed and the recommended conditions of approval in Exhibit 1.

QUESTIONS FROM THE COMMISSIONERS

Chair Smith asked if the wetlands are being mitigated? **Susan Heiser** stated that an original review was done in 1994 and wetland plantings were required adjacent to the waterway. These were planted when the two dental offices to the south

were constructed. More plants are required for this proposal. The boundary was set at the 1994 hearing, and a 10-foot setback was approved at that time.

Mike Miller asked why there were no references in the Staff Report to the Transportation SDC fee? **Susan Heiser** explained that this is not included because the Applicant had submitted his building permit plans before this fee went into effect. It is not applicable to this project.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: Tom Sears, 11080 SE Oak Street, Milwaukie

Mr. Sears stated that he has read the Staff Report and concurs with its contents. He is in agreement with the additional recommendation for landscaping.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked about removal of the blackberries on site? **Mr. Sears** stated that the blackberries will be removed and the wetland area will be cleaned up and will be aesthetically pleasing throughout the area.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Smith closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Mike Miller recommended that the waterway be protected by a barrier so there is no run-off while improvements are being made. He would like to see some type

of fencing to protect the waterway while it is being replanted. **Susan Heiser** stated that Condition #12 requires an Erosion Control Plan and detailed measures on how the wetlands will be protected.

Charles Stoudt asked for clarification of the stripping between the dental buildings and across the roadway. **Susan Heiser** stated that there is a walkway across 37th Street. It may be warranted to request a walkway along the frontage of the dental buildings.

Amendments to Staff Report:

-- Condition #12 , add a sentence, "Wetland protection shall be in place prior to removal of any vegetation on the site."

Charles Stoudt moved to approve CSC-98-01 and TPR-98-04 based on the eight findings on Page 9 of the Staff Report and subject to the Conditions of Approval contained in Exhibit 1 as amended tonight. **Tim Havel** seconded. MOTION CARRIED 5-0.

6.3 Applicant: Walter & Emma Huber
Property Owner: Walter & Emma Huber
Location: 2100 Sparrow Street
Proposal: Conditional Use and Willamette Greenway review to construct two single family residential homes on two legal lots.
File Number: CU/WG-98-01

Chair Smith opened the public hearing on File Number CU/WG-98-01, an action to allow the construction of two single-family residential homes. The Application must be consistent with the City of Milwaukie Zoning Ordinance and Comprehensive Plan. The criteria to be addressed are found in pages 4WG-1 to 5 of the Milwaukie Comprehensive Plan Willamette Greenway Element and Sections 303, 320.6 of the Milwaukie Zoning Ordinance

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site? One hand was raised. No one who visited the site saw anything different from what is reported in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Susan Heiser reviewed the Staff Report with the Commission. The Applicant proposes to construct two single-family dwelling units within the Willamette Greenway Overlay Zone. Overheads were shown of the subject site and the surrounding area.

A letter was received from Sandra Anderson-Keleher voicing concerns about potential flooding and the handling of drainage for these sites. She would also like to have a buffer on the east property line.

This Application is consistent with the Objectives and Policies of the Comprehensive Plan and meets the requirements of the Willamette Greenway and Conditional Use sections of the Zoning Ordinance. Staff recommends approval of the proposed CU/WG-98-01.

QUESTIONS FROM THE COMMISSIONERS

Charles Stoudt asked why this application is included in the Willamette Greenway area? **Susan Heiser** stated that the Amadeus Restaurant is located up the hill and it is visible from the waterway. These properties fall between the restaurant and the waterway, so were included in the WG Zone.

Tim Havel asked how the water is being diverted to prevent impact of drainage in this area? **Jim Brink**, Public Works Director/City Engineer, City of Milwaukie, stated that additional storm drainage was installed in Island Station about six months ago. Additional catch basins were installed on Sparrow Street to take the drainage from 22nd Avenue and routes it north along 21st Avenue. The drainage from the two proposed houses to the ditch will be handled by the additional basins and pipe installed. A Developer's Agreement is being requested of the property owner for future improvements.

Donald Hammang asked why there are drainage ditches in these areas and not drywalls? **Jim Brink** explained that a drywall is required if the drainage cannot be piped to the street. In this case, it will be piped to the street-side ditch. At this location, it is more effective to pipe the water out to the ditch and let the storm stretcher in the street handle the water than to put it back into the ground.

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Charles Stoudt asked about the concerns of the neighbor concerning the flooding danger and privacy retaining wall? **Jim Brink** noted that the additional water on this site is not enough water to provide a flooding danger to the concerned neighbor. **Susan Heiser** stated that there are no standards that require a privacy retaining wall.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: Elma Huber 2130 SE Sparrow, Milwaukie

Ms. Huber stated that they have lived at this residence for 31 years. She stated that the flood, a couple years ago, was the first time there has been water in her basement. The water was in the basement of the neighbor also. This is probably the reason for Ms. Anderson-Keleher's concerns. There is quite a distance between her and this neighbor; there should be no problems at all.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked if consideration was given to piping the water to the catch basins rather than running it to the street ditch? **Ms. Huber** stated that this water does flow to the storm drains. They have met all the requirements of the Public Works Department.

Speaking: Walt Huber, 2131 SE Sparrow, Milwaukie

Mr. Huber stated that some of the trees mentioned in the Staff Report are not on his land. He indicated that with the drainage as proposed now, the concerned neighbor will have less water coming onto her property. This should result in a better condition for her.

Mr. Huber stated that the trees along the property line will obscure the view of the proposed development. Two trees, however, will be cut in order to allow for the driveway.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS -- None

APPLICANT'S CLOSING COMMENTS -- None

DELIBERATION AMONG COMMISSIONERS

Chair Smith closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Changes to the Staff Report:

- Condition #2, change wording in first sentence, "...The proposed development shall "not impact" any of the large, maturing Western Red Cedar and Douglas fir trees."
- Condition #4, add the date of memo to end, "...listed in the Staff Report, Public Works Department memo dated March 30, 1998, Exhibit 9."

Mike Miller moved to approve CU/WG-98-01 based on the seven findings as indicated on Page 7 and subject to the Conditions of Approval in Exhibit 1 of the Staff Report as amended tonight. **Hamming** seconded. MOTION CARRIED 5-0.

6.4 Applicant: City of Milwaukie
Property Owner: City of Milwaukie
Location: Johnson Creek & Brookside Drive
Proposal: Natural Resource review to relocate an existing outfall on Johnson Creek to a new location 600 ft. down stream.
File Number: NR-98-01

Chair Smith opened the public hearing on File Number NR-98-01, an action to allow the relocation of existing outfall to a new location downstream. The Application must be consistent with the City of Milwaukie Zoning Ordinance and Comprehensive Plan. The criteria to be addressed are found in Section 322.7 of the Milwaukie Zoning Ordinance; Chapter 3-Environmental and Natural

Resources, of the Milwaukie Comprehensive Plan; and Ancillary Document - Johnson Creek Resources Management Plan.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site? Three hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Susan Heiser reviewed the Staff Report with the Commission. The Applicant proposes to relocate an existing outfall on Johnson Creek to a new location approximately 600 feet downstream in order to improve drainage to the area around Brookside Drive. Overheads were shown of the subject site and the surrounding area.

The Brookside storm sewer relocation project is the first of the drainage improvements identified in the 1997 Storm Water Master Plan to be constructed. The second phase of this project will include drainage improvements to portions of the Milwaukie Bowl area, specifically from Howe Street north to Meadowcrest Court.

Staff suggests that the findings demonstrate that the drainage outfall relocation proposed complies with the City Comprehensive Plan and Zoning Ordinance requirements for approval of a Natural Resource Overlay. Staff recommends approval of NR-98-01.

QUESTIONS FROM THE COMMISSIONERS

Charles Stoudt asked if Metro had a flood control plan for Johnson Creek?
Susan Heiser stated that the Johnson Creek Water Shed Council is the primary review agency for improvements to Johnson Creek.

CORRESPONDENCE

Susan Heiser reported that there were a lot of inquiries from neighbors curious about what is going on but no written comments were received.

APPLICANT PRESENTATION

Speaking: Ruthanne Bennett, Civil Engineer, City of Milwaukie

Ms. Bennett stated that she has read the Staff Report and the Public Works Department is in agreement with the report and conditions of approval.

QUESTIONS FROM THE COMMISSIONERS

Chair Smith asked if the 48" pipe at the outfall point is open? **Ms. Bennett** stated that the pipe will be flush with the bank. There have been discussions about a need for a grate of some type so that small animals and children could not get into the pipe. This grate would have to have some sort of opening, however, for maintenance.

Tim Havel asked if the concerns about pollutants coming out of the springs as expressed in a letter dated March 23rd from Patty and Dean Seawell has been investigated. **Ms. Bennett** stated that the pollutants are from the street. The springs drain on to Brookside Drive and pick up pollutants. If the water was piped directly to the catch basin, it would not pick up these pollutants.

TESTIMONY IN FAVOR

Speaking: Patty Seawell, 4715 SE Brookside Drive, Milwaukie

Ms. Seawell stated that with the water running along the curb, it picks up a lot of gas and pollutants and then this is carried into the Creek. The proposed relocation of the outfall will solve the problem.

Ms. Seawell stated that she does support the project and hopes that the basins will be sized correctly to adequately support both phases of this project.

QUESTIONS OR COMMENTS -- None

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS

Tim Havel asked if the City considered a compost buffer zone placed near the outfall to filter out pollutants in a natural way? **Ruthanne Bennett** stated that this alternative has not been discussed. The Department would like to know more about it so that it can be considered. A compost buffer will be reviewed for feasibility in this project.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Smith closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

- Condition #1, change first sentence to read, "...NR-98-01 approval shall be for the relocation of the Brookside drainage outfall to a new site 600 feet "downstream" of the existing location..."
- New Condition 5, "...The outfall pipe shall be fitted with a grate or other protective device to prevent animals and children access."
- New Condition #6, "...The Applicant shall investigate alternatives to minimize possible pollutants from entering Johnson Creek."

Tim Havel moved to approve NR-98-01 based on the three findings as indicated on Page 7 and subject to Conditions of Approval as listed in Exhibit 1 as amended tonight. **Donald Hammang** seconded. MOTION CARRIED 5-0.

6.5 Applicant: City of Milwaukie
Property Owner: City of Milwaukie
Location: 71st & Harmony Road
Proposal: Community Service Overlay review for pump station and associated access road improvements on a public site along Harmony Road.
File Number: CSO-98-02

Chair Smith opened the public hearing on File Number CSO-98-02, an action to allow the construction of a pump station and associated access road improvements on a public site along Harmony Road. The Application must be consistent with the City of Milwaukie Zoning Ordinance and Comprehensive Plan. The criteria to

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be addressed are found in Section 302 and 321.10 of the Milwaukie Zoning Ordinance; and Chapter 4-Land Use, and Chapter 5-Public Facilities, of the Milwaukie Comprehensive Plan.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare. **Mr. Miller** stated that he was asked to review this property for a mitigation plan for preventing viewing of this particular station from Harmony Road and residences in the area. This plan was submitted to the Public Facilities Manger and the plan is being considered. He feels that he should step down from making a decision on this hearing. He left his seat and joined the audience.

There were no other ex-parte contacts or conflicts of interest declared. He asked if any member of the Planning Commission visited the site? Three hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Susan Heiser reviewed the Staff Report with the Commission. The Applicant proposes to construct a 10-foot wide gravel access road along 163 feet of public property in order to gain access to a water intertie that connects the City of Milwaukie Water System with the Clackamas River Water System. Overheads were shown of the subject property and surrounding area.

Staff feels that analysis demonstrates that the proposal contained in CSO-98-02 complies with the City Comprehensive Plan and Zoning Ordinance requirements for approval of a pump station and access road as a Community Service Overlay use. Staff recommends approval of CSO-98-02.

QUESTIONS FROM THE COMMISSIONERS

Tim Havel noted that this is a steep grade. He asked if there would be erosion problems as a result of this project? He asked if slope stability issues have been considered for after the road is installed? **Susan Heiser** stated that an Erosion Control Plan will be provided, along with revegetation in this area. The Public works Department has reviewed this application and has no concerns about possible future problems with the road.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: Jim Brinks, Public Works Director, City of Milwaukie

Mr. Brink stated that he would like to see the light mentioned in Condition #3 positioned so that it is 10 feet above the top of the pole. It was suggested that the condition be reworded to focus on the glare and not the height of the lamp.

Mr. Brink stated that the access road slopes from east to west. There will be no erosion problems because the road itself will be flat. Water collected on the road will go to the sidewalk. It may end up that a culvert will have to be placed to take the water across the gravel so that none of the runoff goes out onto Harmony Road. The road will not be cut into the side of the hill; it will follow the natural contours of the grade.

Mr. Brink stated that a silt fence will be installed during the construction of the road. It will stay until the vegetation has adequately grown.

QUESTIONS FROM THE COMMISSIONERS

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS -- None

APPLICANT'S CLOSING COMMENTS -- None

DELIBERATION AMONG COMMISSIONERS

Chair Smith closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Changes to Staff Report:

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Condition #3, change wording, "...The new light shall be located and shielded so it will not glare on adjacent properties."

Condition #6, add sentence "...Alders or other fast growing trees shall be planted along the base of the fill area to reduce sediment flow downstream.

Charles Stoudt moved to approve CSO-98-02 based on the three findings as outlined on Page 7 and subject to the nine Conditions of Approval as indicated in Exhibit 1 as amended tonight. **Donald Hammang** seconded. MOTION CARRIED 5-0.

Mr. Miller then returned to his seat on the Commission.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

Chair Smith asked Staff to draft a letter to be sent to both Bryan Cosgrove and Pat Lent commending them for their service to the Planning Commission.

Donald Hammang noted the concerns stated in a letter from Sandra Anderson-Keleher regarding dirt left across the street from their home on 20th Street. He asked that the City review this situation for a code violation.

9.0 OLD BUSINESS

9.1 Light Rail Study Update

Mike Miller reported that he attended portions of the City Council meeting concurrently being held at PSB. There were discussions on the proposal, alternate routes and the potential impacts on the City of Milwaukie. The next Planning Commission meeting will be a joint worksession with City Council where Metro will make a presentation on Light Rail.

10.0 OTHER BUSINESS/UPDATES

10.1 Historic Resources Commission Report. None.

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11.2 **Clackamas Regional Center Area Plan Report** -- **Chair Smith** reported that the subcommittees are still in sessions to complete their project work. His last subcommittee meeting will be this Thursday.

11.3 **Community Development Department Report**

Susan Heiser noted that City Council will be hearing Comprehensive Plan amendments and Zone Ordinance amendments (CPA-98-03/ ZA-97-03/ ZC-97-03) next Tuesday, April 21, 1998. She asked that a Planning Commission representative attend this hearing. **Chair Smith** stated that he would try to attend. **Mike Miller** stated that he would also attend the meeting.

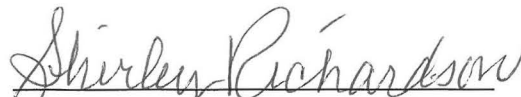
Planning Commission Elections **Susan Heiser** announced that elections will be on the agenda for the April 28th Planning Commission meeting.

Ex-parte Contacts **Susan Heiser** reported that at the May 26th worksession, attorneys will be present to review ex-parte contacts and conflicts of interest.

12.0 Next Meeting -- April 28, 1998

Charles Stoudt moved to adjourn the meeting of April 14, 1998. **Tim Havel** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:22 p.m.


Michael Smith, Chair


Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie City Hall, 10722 SE Main
Tuesday, April 14, 1998
6:00 pm

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Information Items	Information Only
4.0	Planning Commission Minutes: March 24, 1998	Motion Needed
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings	
6.1	Applicant: David Church Owner: North Clackamas School District Location: 5325 SE Logus Proposal: Community Service Overlay to install two 28'x64' modular classroom units, each containing two 900 sq. ft. classrooms. File Number: CSO-98-03, TPR-98-05 NDA: Lewelling Staff Person: Dan Pava/Susan Heiser	Discussion and Motion Needed
6.2	Applicant: City of Milwaukie Owner: City of Milwaukie Location: Johnson Creek & Brookside Drive Proposal: Natural Resources review to relocate an existing outfall on to Johnson Creek to a new location 600 ft. down stream. File Number: NR-98-01 NDA: Lewelling Staff Person: Susan Heiser	Discussion and Motion Needed
6.3	Applicant: Thomas Sears Owner: Roger Wooley, DMD Location: 11080 SE Oak Street Proposal: Community Shopping Commercial review to construct a 2,718 sq. ft. office building at a vacant site at the Marketplace Shopping Center. File Number: CCS-98-01, TPR-98-04 NDA: Milwaukie Business/Industrial Staff Person: Susan Heiser	Discussion and Motion Needed
6.4	Applicant: City of Milwaukie Owner: City of Milwaukie Location: 71st & Harmony Road Proposal: Community Service Overlay review for pump station and associated access road improvements on a public site along Harmony Road. File Number: CSO-98-02 NDA: Linwood Staff Person: Susan Heiser	
6.5	Applicant: Walter & Emma Huber Owner: Same Location: 2100 Sparrow Street Proposal: Conditional Use and Willamette Greenway review to construct two single family residential homes on two legal lots. File Number: CU/WG-98-01 NDA: Island Station Staff Person: Dan Pava/Susan Heiser	
7.0	Worksession - None	
8.0	Discussion Items This is an opportunity for discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
9.1	Light Rail Study Update	Information Only
10.0	Other Business/Updates	
10.1	Historic Resources Commission Report	Information Only
10.2	Clackamas Regional Center Area Plan Report	Information Only
10.3	Community Development Report	Review and Comment
11.0	Next Meeting - April 28, 1998	
11.1	VR-97-07 - Alford (Continued from March 24, 1998)	
11.2	Light Rail DEIS Joint Council and Planning Commission Work Session	

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

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. **STAFF REPORT.** EACH HEARING STARTS WITH A BRIEF REVIEW OF THE STAFF REPORT BY STAFF. THE REPORT LISTS THE CRITERIA FOR THE LAND USE ACTION BEING CONSIDERED, AS WELL AS A RECOMMENDED DECISION WITH REASONS FOR THAT RECOMMENDATION.
2. **CORRESPONDENCE.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE WHICH HAS BEEN RECEIVED SINCE THE COMMISSION WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION, FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 786-7650.

Milwaukie Planning Commission:

Michael Smith, Chair
Bryan Cosgrove
Tim Havel
Terry LaRocque
Pat Lent, Vice-Chair
Charles Stoudt

Community Development Department Staff:

Mike Swanson, Interim Comm Development Director
Dan Pava, Senior Planner
Susan Heiser, Senior Planner
Janet Wright, Assistant Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter