

CITY OF MILWAUKIE  
PLANNING COMMISSION MINUTES  
TUESDAY, AUGUST 10, 1999

**COMMISSIONERS PRESENT**

Donald Hammang, Chair  
Judith Borden, Vice-Chair  
Barbara Cartmill  
Tracy Cook  
Mike Miller

**COMMISSIONERS ABSENT**

Doug Ouderkirk  
Howard Steward

**STAFF PRESENT**

Alice Rouyer,  
Planning Director  
John Gessner,  
Associate Planner  
Gary Firestone,  
City Attorney  
Shirley Richardson,  
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, July 20, 1999

4.0 PLANNING COMMISSION MINUTES -- July 27, 1999

No minutes approved tonight.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Howard Thompson  
Property Owner: Howard Thompson  
Location: 3406 SE Olsen Street  
Proposal: Minor Land Partition to create 3 lots; and a Non-Conforming Use application to continue the use of an existing shop for an auto restoration business on Lot 1.  
File Number: MLP-98-06/NCU-98-04  
NDA: Ardenwald

**Chair Hammang** opened the public hearing on the remand order from City Council pertaining to Minor Land Partition MLP-98-06, and Non-conforming Use NCU-98-04. The purpose of these applications is to apply Milwaukie Zoning Ordinance Section 802 and to take evidence on the question of whether the alteration to the existing Nonconforming Use, caused by the Minor Land Partition, results in any more detriment to surrounding properties than the existing use on the property. The criteria to be addressed are found in Section 800 of the Milwaukie Zoning Ordinance.

**Chair Hammang** asked if there were any conflicts of interest or ex-parte contacts to declare. **Barbara Cartmill** stated that she talked at length with Alice Rouyer, Planning Director, regarding facts of the case. City Attorney Gary Firestone indicated that discussions with staff are not considered ex-parte contract. There were no other conflicts of interest or ex-parte contacts declared. He asked if any member of the Planning Commission visited the site; five 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

**Alice Rouyer** reviewed the staff report with the Commission. She reported that this is a remand of a decision made by the Planning Commission in May of this year. At that time, it was decided that the proposal for the Minor Land Partition met all the criteria. The focus of tonight's action will be on the question of the nonconforming use. She reviewed the background of this case with the Commissioners. The question before the Commission is: Does the existing nonconforming use on the site, and the alteration of the nonconforming use (Minor Land Partition) result in increased detriment to surrounding properties around the site?

There is no staff recommendation; however, the staff report allows for three alternatives:

1. Move to approve the Minor Land Partition (MLP) but deny the Continuation of the Non Conforming Use (NCU) on a finding that the NCU, as altered by MLP (addition of another residential building lot) will result in more detriment to surrounding properties.

2. Move to approve the MLP and Continuation of the NCU on a finding that the NCU, as altered by the MLP, will result in no more detriment to surrounding properties.
3. Move to approve the MLP and the continuation of the NCU, subject to conditions of approval that mitigate any increased detriment.

It is Council's interpretation that the creation of this second lot is an alteration to the existing nonconforming use. The Planning Commission must decide if this alteration creates increased detriment to surrounding properties.

#### QUESTIONS FROM THE COMMISSIONERS

**Donald Hammang** asked if the new home would be considered "surrounding property" for the purposes of this case? **Gary Firestone** stated that the use covers the entire property. Surrounding properties means property other than parcels one and two. This is a Minor Land Partition; it allows for division of land and allows each parcel to be sold separately.

**Mike Miller** asked if the access road went all the way to the second parcel? He also asked if the auto-repair business and existing house are on one parcel. **Gary Firestone** stated that this is one parcel. The access road is as indicated in the Staff Report.

**Barbara Cartmill** stated that the parcel is zoned R-7 and asked if the house, which is conforming, could turn an existing approved nonconforming use into an additional detriment? **Gary Firestone** stated that one of the options provided by Staff is that the only thing this permits is additional residential use. The residential use cannot be considered a detriment in a residential district.

CORRESPONDENCE RECEIVED BY STAFF -- None.

#### APPLICANT PRESENTATION

Speaking: Howard Thompson, 4310 SE Franklin, Milwaukie, OR

**Mr. Thompson** asked that the Commission uphold their previous decision on his Minor Land Partition. The Determination of Findings state that the nonconforming use is in the southeast corner of the tax lot. He was required to build a six-foot solid wood fence around this nonconforming use. If the whole lot

is nonconforming, why didn't staff require the fence be placed around the entire lot?

**Mr. Thompson** stated that he is very frustrated with the time, expense, stress, and confusion caused by this application. When he moved into the shop, it was in very bad need of repair. There were no neighborhood association comments then. He has cleaned, repaired, and improved the site.

**Mr. Thompson** stated that some of his neighbors came tonight in support of this application. They would rather see him build a new home and have the repair shop stay than have four more houses. He read letters from these neighbors to the Commission. The letters were submitted for the record.

**Mr. Thompson** stated that most of the complaints have been from one neighbor that no longer lives across from him. He does not feel that there would be a further detriment to the area since he will be living in the home. Traffic will decrease since he will be walking to work.

**Judith Borden** asked if there is anything about the proposed partition that will alter anything about the auto-repair business? **Mr. Thompson** stated that there would be no alterations. The business is enclosed by the fence. He does not see how anything within this area would be more of a detriment to the surrounding area. He provided a sketch of the site with the proposed house.

#### QUESTIONS FROM THE COMMISSIONERS

#### TESTIMONY IN FAVOR

Bill Hupp, 2626 SE Washington Street, Milwaukie, OR

**Mr. Hupp** stated that he has been in business in this town for 20 years. He is a former mayor and served 10 years on the City Council. He has lived in this City for since 1947. He loves this City.

**Mr. Hupp** stated that he is in favor of Mr. Thompson being permitted to build his house on his property and use that property to fulfill his dreams and goals as he desires. He does not understand how the existing house can be considered a nonconforming use. A six-foot fence was required around the business and existing home. There was no detriment found at that time.

Three members of Council felt the Commission erred. He feels that the Commission made the right decision. This existing business has been here for years. He has taken many of his cars there for repair. For years the owners lived and worked right next to his home without a problem. In many documents, the auto repair shop is called an auto restoration business. There is a difference between the two.

Tonight this must stop. This process has gone on way too long and is costing way too much money. Several people are concerned about this application and they have testified.

#### QUESTIONS FROM THE COMMISSIONERS

**Mike Miller** asked about the term "restoration" versus repair. Restoration is restoring old vehicles to their original condition; repair is auto body or engine work. This business is strictly a repair business. **Mr. Hupp** agreed with the definitions.

Speaking: Woodrow Rassmussen, 3433 Olsen, Milwaukie

**Mr. Rassmussen** stated that he has been neighbors with Mr. Thompson for many years. He has lived next to the shop for many years. Mr. Thompson has done a very good job of making improvements to the site. He has no objections to the building of this new home, the business, or the rental. The yard is aesthetically pleasing and noise is not a problem. He stated that he is also speaking for Ms. Chartrod.

#### QUESTIONS FROM THE COMMISSIONERS

Speaking: James Lee, 3405 SE Olsen, Milwaukie, OR

**Mr. Lee** stated that he purchased this home three years ago. His grandfather bought the house in 1960. He has no problems with the shop. He would rather have the repair shop rather than high-density apartments.

**Mr. Lee** stated the person who lived next to him wanted to purchase the proposed site. His offers were rejected. He has complained about the shop since he could not own the property.

QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS OR COMMENTS

Speaking: Linda Rassmussen, 3433 SE Olsen, Milwaukie, OR

**Ms. Rassmussen** asked if the proposed house would be on a separate piece of property? **Alice Rouyer** explained that there was a map in an earlier proposal that had three lots. This has since been modified by Mr. Thompson to the configuration as proposed today. An overhead was shown of the division between the two parcels.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN OPPOSITION

Speaking: Darlene Walsh, 3108 SE Calvin Street, Milwaukie, OR

**Ms. Walsh** stated that she is speaking on behalf of neighborhood association. She pointed out some of the neighborhood concerns

- Any business is a detriment to the neighborhood. She would like to take advantage of this opportunity to have this business taken out of the neighborhood.
- The Neighborhood Association has been given the charge to improve and upgrade the livability of the Ardenwald area. Continuation of a business that increases traffic is not going to make things better. Ardenwald has children that walk to school in this area.
- In defense of the applicant, she feels Mr. Thompson has been given the run-around. She would be angry too. She has been given the different information when she has tried to learn and understand the process.
- The Neighborhood Association has taken up the issue of businesses in residential areas as a whole. There are other examples in Milwaukie. They are not selecting or picking on anyone in particular.
- The Neighborhood Association recommends Option #1 as proposed by Staff. If this application is approved, she would like to have some input on the criteria for having a business of this size in the residential neighborhood.

QUESTIONS FROM THE COMMISSIONERS

**Judith Borden** asked how will this flag lot would result in more of a detriment than the existing use of the property. **Ms. Walsh** stated that the approval will

result in increased traffic, it is in opposition to the Neighborhood's views on flag lots, and businesses detract from the looks of the neighborhood.

**Gary Firestone** asked that Ms. Walsh indicate her conditions or suggestions that she would like included if this application was approved. **Ms. Walsh** stated that conditions could be imposed on traffic volumes, upgrading of the house and property, removal of run-down structure, and required business hours.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS --

**Barbara Cartmill** noted that there was testimony that neighbors had no problem with the traffic generated from the business. She asked Mr. Thompson if there was a traffic count for the number of cars coming and going from the auto-repair shop? **Mr. Thompson** stated that the shop is small. There is only room inside the shop for two cars at a time. Generally, they do not work on more than three to four cars a day. This is nothing compared to the other traffic on Olsen.

**Mr. Lee** stated that he works swing shift and is home during the day. He does not see that much traffic going into the shop. He has a five-year-old son who goes to Ardenwald. He has no problem walking to and from school. As a child, he too went to Ardenwald and lived next door to the shop. There have never been any problems with traffic. There is a sidewalk now. There is no problem with the children walking down the sidewalk to school.

APPLICANT'S CLOSING COMMENTS

Speaking: Howard Thompson, 4310 SE Franklin, Milwaukie, OR

**Mr. Thompson** stated that flag lots are not illegal according to the Zoning Ordinance. This lot does not need a variance. There is good distance between the houses and setbacks.

The shed in the rear of the lot that is in need of repair will have to be removed in order to make room for the proposed home.

**Mr. Thompson** stated that he has tried and tried to please everyone. He is still trying thousands of dollars later. He has spent \$3,000 on this Minor Land

Partition and he is no further along than last summer when he first discussed this application.

One week after the last Planning Commission meeting, he was told that he would be reimbursed for the \$1,600 for the change of nonconforming use fee. After the appeal at City Council, it was found that the City has spent so much time on this application, he would not receive the refund. He feels as he is being held hostage and is very frustrated over this process. There is no change to the use and there will be no more detriment to the surrounding neighborhood.

QUESTIONS FROM THE COMMISSIONERS -- None.

DELIBERATIONS AMONG THE COMMISSIONERS

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

**Chair Hammang** asked if there was a fourth option of not doing anything and letting the business and existing home remain as it is now? **Gary Firestone** stated that the applicant could choose not to do the final plat and keep it as a single lot and continue the nonconforming use. In this situation, the alteration is not executed. The Planning Commission's choice is limited to options #1 through #3.

Discussions followed on how the proposal would be a detriment to the surrounding area. It was the consensus of the Commission that if there is no detriment to the surrounding area now, there is no detriment by the placement of a new home.

**Mike Miller** voiced concern that this may be setting a precedence.

**Tracy Cook** moved to approve MLP-98-06 and continuation of the Non Conforming Use on a finding that the NCU, as altered by the MLP, will result in no more detriment to surrounding properties, subject to the Findings and Conditions as outlined in Exhibit 7. **Barbara Cartmill** seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.  
MOTION CARRIED 5-0.

Recess was taken at 7:55 and the meeting reconvened at 8:03 p.m.



APPLICANT PRESENTATION

Speaking: Charles Denkers, 522 SW 5th Avenue, Portland

**Mr. Denkers** provided color Xerox copies of the photos. He views this area as a transitional area. The transition goes from commercial automotive repair business, to the residential use to the west. He has tried to position the garage to the furthest portion of the lot where it will least effect surrounding areas.

There is another design modification to the roof. He would like to add gables at each end. This will eliminate the flat facade of the building.

**Mr. Denkers** stated that he has read the Staff Report and concurs with its contents. He asked that the issue of drywells be dealt with between staff and the applicant. **Gary Firestone** stated that this could be conditioned. **John Gessner** stated this is something that the Engineering staff would decide prior to issuance of the building permit.

QUESTIONS FROM THE COMMISSIONERS

**Mike Miller** asked if this garage would be for residential use only? **Mr. Denkers** stated that there would be no commercial activity on at this site. He will use the garage to work on his own vehicles.

TESTIMONY IN FAVOR

Speaking: Darlene Walsh, 3108 SE Kelvin Street, Milwaukie

**Ms. Walsh** stated that she is speaking on behalf of the Ardenwald Neighborhood Association. This application was discussed by the Land Use Committee and is one that they like to see in the neighborhood. This will improve and upgrade the existing structure. The Neighborhood Association is in support of this application.

QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

#### QUESTIONS FOR CLARIFICATIONS

**Mike Miller** asked how much property on residential portion must be left in natural or vegetative state? **John Gessner** stated that footprints cannot exceed 30% of the total lot area in the R-7 Zone and 15% of the area must be left for landscaping.

APPLICANT'S CLOSING COMMENTS -- None.

#### DELIBERATION AMONG COMMISSIONERS

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

Condition #6 was revised to read:

The site plan shall be amended to show the following prior to issuance of the building permit. All work must be completed before issuance of any Certificate of Occupancy.

- a. Roof drain connections to the proposed drywell for both the garage and existing structure;
- b. inverted siphon catch basin [to collect drainage from the new paved area] discharging to a drywell, subject to the review and approval of the Public Works Department;
- c. driveway construction details showing inverted crown or sloped section with a berm on one side to direct stormwater to the catch basin.

Additional Finding #5, "The Commission finds that the final architectural design may be as submitted as proposed during the public hearing to include a hip roof. Minor changes in design may be made as long as they comply with all applicable building standards and subject to the review of the Planning Director."

**Tracy Cook** moved to approve Conditional Use CU-99-03 for the construction of an 884 square foot garage as a non-commercial, residential accessory use located at 3123 SE Olsen Street and adopt the staff recommended findings and conditions of approval as amended tonight. **Mike Miller** seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.  
MOTION CARRIED 5-0

- 6.3 Applicant: Sturgis, Bates & Klein  
Property Owner: Sturgis, Bates & Klein  
Location: Riverway Lane  
Proposal: Realign the southern 1/3 of Riverway lane -- a private road located in the Natural Resource Overlay Zone.  
File Number: NR-99-03  
NDA: Historic Milwaukie

**Chair Hammang** opened the public hearing on Natural Resource Review NR-99-03; and Willamette Greenway Overlay Review WG-99-01, to allow for Riverway Lane road improvements. The criteria to be addressed are found in Section 320 and 322 of the Milwaukie Zoning Ordinance

**Chair Hammang** asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. **Chair Hammang** asked if any member of the Planning Commission visited the site; three hands were raised. None of the Commissioners 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

**John Gessner** reviewed the Staff Report with the Commission. The Applicant is seeking approval to relocate the southern dogleg of Riverway Lane approximately 15-feet to the north within the former rail bed of the Portland Traction Company. Construction includes minor surface grading, placement of crushed rock base and asphalt paving to 10 feet wide for a length of approximately 258 feet. Overheads were shown of the subject site and surrounding areas.

There are no sensitive resources in the project or surrounding areas that will be affected by the construction. Impacts from the construction activities will not adversely affect any protected upland habitat, wetland or riparian areas.

There is a small soils pile that is subject to discussion. If it impacts the riparian or upland areas of the property, it should be removed. Otherwise the soils pile should be stabilized.

QUESTIONS FROM THE COMMISSIONERS

**Mike Miller** asked how large is the soils pile. **John Gessner** stated that it is about ten yards. It consists of unconsolidated vegetated debris and possibly some gravel.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Gary Klein, 3115 NE 58th Avenue, Portland

**Mr. Klein** stated that his former address was 10795 SE Riverway Lane, and he plans on moving back to that location in the near future. He pointed out the railway bed on the overhead. This is an old railway bed that was used for a train that ran to Oregon City for many years. There was a bridge that ran across Johnson Creek. One side of the railroad bed has been purchased by the City of Milwaukie. There is blacktop on the bed and it is now being used as a bikeway from Milwaukie to the boatramp. They are planning to do something very similar. There was an old bridge that connected to Lava Drive.

**Mr. Klein** stated that he has read the Staff Report and concurs with its contents. They have been working with Pendleton for over two years to acquire this property.

QUESTIONS FROM THE COMMISSIONERS

**Barbara Cartmill** asked if this is part of a planned pathway with other cities? **John Gessner** stated that the City of Milwaukie has expressed some interest in the purchase of his property to the east. This might be a potential connection with planned pathways. He is not aware of any active plans to purchase the property.

**Mike Miller** asked if the soils pile had been graded? **Mr. Klein** stated that the pile is sloped along the edge of the drop on the end. It will just go down further to the bottom of the berm. It is outside the 100-year flood plain.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS

**Tracy Cook** asked how this would be maintained?

Speaking: Carl Bates, 10719 SE Riverway Lane

**Mr. Bates** stated that a maintenance road agreement has been designed so if there were any repair, all affected property owners would vote on it.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

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

**Tracy Cook** moved to approve applications NR-99-03 and WG-99-01 for relocation and reconstruction of approximately 258 feet of the southern leg of Riverway Lane and adopt the staff recommended Findings and Conditions of Approval. **Mike Miller** seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.

MOTION CARRIED 5-0.

6.4 Applicant: City of Milwaukie  
Property Owner: N/A  
Location: N/A  
Proposal: Amend the Zoning Ordinance to add Section 1500 --  
Boundary changes to allow for future annexations,  
consistent with Oregon Revised Statutes and Metro Code.  
File Number: ZA-99-01  
NDA: All

**Chair Hammang** opened the public hearing on an amendment to the Zoning Ordinance, ZA-99-01 to allow for the addition of Section 1500 -- Boundary Changes. There was no one present except the Commissioners and staff. The rules that apply to a legislative hearing are in effect and all persons present know these rules.

## STAFF REPORT

**Alice Rouyer** reviewed the Staff Report with the Commission. These are new rules that apply to boundary changes/annexations to the City. These changes are consistent with the Oregon Revised Statutes and Metro regulations.

This proposed Ordinance describes a procedure for someone to go through if they were to propose annexation to the City, or a boundary change. The Expedited Process would allow an uncontested application for automatic zone change and Comprehensive Plan designation to be applied to their property in accordance with the suggested table. The request would go straight to City Council, bypassing a public hearing. It would require adoption by City Council.

Staff recommends that the Commission recommend that City Council adopt Exhibit A, Section 1500 of the Milwaukie Zoning Ordinance, "Boundary Changes."

## QUESTIONS FROM THE COMMISSIONERS

**Donald Hammang** asked why one of the checks is being removed from the system? **Alice Rouyer** stated that there are instances where an expedited process is favorable, such as when property owners have failing sewer systems and need to get into the City quickly for access to services. These proposals are non-controversial and would create no problems. There should be a process in place to accommodate this need.

Discussion followed on the possibility of gaining twice the amount of land. This could be an advantage to some. Potentially, neighbors still in the County could have two lots next to them in the City, without any say in the situation.

**Judith Borden** stated that the provision that relates to Non-unanimous Triple Majority Consent Provision (Page 1500-2) was very hard to understand. She asked if it could be rewritten in simpler terms? **Gary Firestone** stated that staff would rewrite the provision.

**Mike Miller** asked what happens if there were three properties (A-B-C) and only two of the properties that want to be annexed? What avenue does the property "B" owner have to oppose the annexation? **Gary Firestone** stated that A and C can bring B in if they own half the property, half the value. The City can decide to

deny the petition if B comes in and makes the case that annexation is not appropriate.

Discussions followed on modifications to the proposed Ordinance:

- 10% change limit on the zone where it is changing
- Concerns about R-20, R-10 and R-4, R-4.5
- An expedited process for emergencies -- next available meeting
- Expanded notification zone -- more than 150 feet

**Mike Miller** moved to recommend that City Council adopt Exhibit A, Section 1500 of the Milwaukie Zoning Ordinance, "Boundary Changes" with the deletion of Section 1504. Further, change the language for the Non-unanimous Triple Majority Consent Provision and redraft specific criteria for an expedited process for review and comment by the Planning Commission at a future meeting. **Tracy Cook** seconded the motion.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.  
MOTION CARRIED 5-0.

**Tracy Cook** moved to recommend to Council the proposed Annexation Ordinance, Exhibit A, Section 1500 of the Milwaukie Zoning Ordinance, "Boundary Changes," deletion Section 1504 "Expedited Process" with revised language for Section 1502(A)(2) as follows:

"By written consent filed with the City for majority of the landowners in the territory to be annexed. The land owned by the consenting landowners must total over half the areas of the land in the territory to be annexed and must have an assessed value totaling more than half of the assessed value of the land in the territory to be annexed."

**Mike Miller** seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.  
MOTION CARRIED 5-0.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS  
8.1 Tree Ordinance

**Mike Miller** asked for a copy of the draft Tree Ordinance.

8.2 Lewelling Grade School

**Donald Hammang** asked for an update of the Lewelling School project. **John Gessner** stated that there is a proposal for Lewelling Grade School to sell off the southeast corner of the site, located off Willow Street, to be developed as a subdivision. **Donald Hammang** voiced concern about the mitigation of wetlands on this property.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.1 **Historical Resources Commission Report** -- No Report.

10.2 **Community Development Director Report**

**Commission Calendar.** **Alice Rouyer** stated that there would be a City Council joint worksession on August 30, 1999, to discuss Planning Commission goals. It was decided that Barbara Cartmill will present Goal #2, Mike Miller will present Goal #3, and Donald Hammang will present the other goals.


**Alice Rouyer** will be giving an update about the Urban Forestry Program at this worksession.

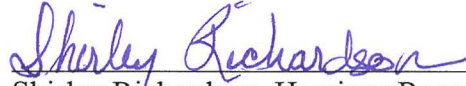
A joint session with City Council is tentatively scheduled for September 20th/21st to discuss Title 3 – Natural Resource Overlay update project.

11.0 NEXT MEETING -- September 14, 1999  
11.1 CU-99-02 - Harwood -- International Way

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**Barbara Cartmill** moved to adjourn the meeting of August 10, 1999. **Mike Miller** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 10:15 p.m.

  
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Donald Hammang, Chair

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



## 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 Planning Department office at 786-7600.**

#### Milwaukie Planning Commission:

Donald Hammang, Chair  
Judith Borden, Vice Chair  
Barbara Cartmill  
Tracy Cook  
Mike Miller  
Doug Ouderkirk  
Howard Steward

#### Community Development Department Staff:

Martha Bennett, Community Development Director  
Alice Rouyer, Planning Director  
John Gessner, Associate Planner  
Vacant Position, Assistant Planner  
Jeanne Garst, Office Assistant  
Marcia Hamley, Office Assistant  
Shirley Richardson, Hearings Reporter