

City of Milwaukie  
PLANNING COMMISSION REGULAR MEETING  
January 2, 1979

The regular meeting of the Milwaukie Planning Commission was held on January 2, 1979, in the Council Chambers of Milwaukie City Hall. The meeting was called to order at 7:02 p.m. by Mark Landis, President.

Members present: Mark Landis Tom Bond  
Tom Foeller Jim Lotz  
Louie Monetti Bob Gudgel  
Bob Kennedy

Also present: Cy Nims, Planning Director Myer Avedovech, City Attorney  
Jon Stein, Assistant Planner Steve Hall, Public Works Director  
Janet Call, Secretary

The pledge of allegiance was recited by those present.

IT WAS MOVED by Lotz, SECONDED by Monetti, to approve the minutes of the November 28, 1979 regular meeting and the December 12, 1978 special meeting. MOTION CARRIED unanimously, and so ordered.

PUBLIC HEARINGS

C-78-13 North Clackamas School District No. 12, applicant. Request to construct a 3,500 sq. ft. addition on the east side of existing school administration building in R-10, Single Family Residential, zone located at 4444 S.E. Lake Road.

Public Hearing opened at 7:05 p.m., with notices mailed to residents of property within 250 feet of the subject property. Staff report, recommending approval of request with six conditions, was submitted by Jon Stein.

Speaking in favor: Michael D. Pinion, Director of Physical Plant,  
North Clackamas School District

Representing applicant: Bill McDonald, Attorney at Law  
10851 S.E. Main Street, Milwaukie

Mr. McDonald raised a question regarding the developers agreement that must be signed for future improvement of Freeman Road south of the driveway entrance and for future storm drainage improvement. Steve Hall explained that it is part of the conditions of the application and the conditional use approval is contingent upon signing this agreement.

Representing applicant: Charles Selig, Selig/Henslee Architects & Planners  
213 S.W. Ash Street, Portland

Mr. Selig asked that the Paragraph One of the Public Works memo dated December 5 be omitted as a condition of the approval due to the fact that the parking lot will not be permanent and because the grades on Freeman Road are not properly established at this time.

The Public Hearing was closed at 7:16 p.m. IT WAS MOVED by Foeller, SECONDED by Kennedy, to approve the 3,500 sq. ft. addition to the Administration Building and modify parking standards from required 56 to 55 spaces with the first six

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conditions listed in the staff report of C-78-13, with the first condition amended to omit the last six words ("and conform to the attached memorandum."). MOTION CARRIED unanimously, and so ordered.

ZC-78-10 Sevilla and Opa Salazar, applicants. Request to change zone from R-10, Single Family Residential, to A-3, Apartment Residential, zone on parcel of land comprised of 1.7 acres located at northeast corner of intersection of Lake Road and 43rd Avenue.

Public Hearing opened at 7:20 p.m., with notices published and mailed as required to residents of property within 250 feet of the subject property. Staff report, recommending denial of request, was given by Jon Stein.

Representing applicant: Dale Rader, Attorney at Law  
1201 S.W. 12th, Portland

Mr. Rader did not concur with the staff report and so discussed, suggesting approval of this request.

Speaking in opposition: John Freeman, 10952 S.E. 21st, Milwaukie

Mr. Freeman commented that he would like to see single-family residences continued along 43rd Avenue; is in favor of the Alternative Nos. 3 and 4 listed in the staff report; he would like to see landscaping that is compatible with the Forest Hill Estates Planned Development; street improvements should be shared along 43rd Avenue as well as any other improvements necessary; and he felt any zone change projects in this area should be subject to Planning Commission design review. He felt a common access driveway off of 43rd Avenue would not be suitable, out of principle and potential problems.

Present to speak: Cliff Hamlow  
15985 Lake Forest Boulevard, Lake Oswego

Rebuttal: Dale Rader, Attorney at Law, representing applicant

The Public Hearing closed at 7:47 p.m. After much discussion, IT WAS MOVED by Lotz, SECONDED by Gudgel, to deny ZC-78-10 and allow the applicant to resubmit an application without fees if done so within three months, for reasons cited in the staff report and for the following: *and recommend to the city manager that the applicant be allowed*

[amended]  
1-23-79]

The Freeman Planned Development was accepted after much study, debate and opposition. Surveys show that until the new Comprehensive Plan is finished, the majority of residents want to slow down the building of multiple units in the City of Milwaukie. The Freeman Planned Development was adopted with the thought that it was going to be a buffer to stop the spread of multiple-family units to the west. It was stated at that time that it would be a buffer to preserve the single-family character in that area. The entire westerly portion and a good portion of the easterly side of 43rd Avenue is zoned single family, and it is a classical attempt to get a transition from high to low density. In previous testimony it was stated that multi-family was not compatible in the surrounding areas and that the Freeman Planned Development was not to be used as a wedge to continue the spread of multi-family units. It was felt that an alternative using a transitional approach would be more acceptable, such as having single-family housing along 43rd Avenue and increased density on the east portion of the Salazar property.

MOTION CARRIED unanimously, and so ordered.

VR-78-19 Dan Pistoresi, applicant. Request for a variance for no frontage on a public street, but which abuts a private roadway, so that a 6-lot subdivision (S-78-9) may proceed.

Public Hearing opened at 8:05 p.m., with notices mailed to property owners within 250 feet and in the Waverly Heights area. Staff report, recommending continuance of consideration so that the decision can be integrated with decisions to be made under S-78-9, was given by Jon Stein.

Correspondence was received opposing the variance request from:

LeRoy B. and Helene M. Staver, 9908 S.E. Cambridge Lane  
Mrs. M.E. Mielke, 10252 S.E. Cambridge Lane  
Mrs. Robert F. Dwyer, 1500 S.E. Waverly Drive  
C.G. and Elizabeth F. Dimon and Elizabeth S. Fitzgibbon,  
9900 S.E. Cambridge Lane  
Kaspar T. and Carolyn Locher, 10131 S.E. Cambridge Lane

Correspondence was received from Frederic A. Yerke; Miller, Anderson, Nash, Yerke & Wiener; 900 S.W. Fifth Avenue; Portland. Mr. Yerke is an attorney being retained by certain residents of Waverly Heights in connection with this request. He asks that the decision be postponed until further information can be gathered.

Correspondence in favor of the variance request was received by T.L. Havlicek; 1520 S.E. Eton Lane; Milwaukie.

Representing applicant: William Keller, Attorney at Law  
1504 S.E. Eton Lane

Mr. Keller presented a memorandum concerning justification for the variance.

Representing applicant: Gregg Weston; Compass Corporation  
6564 S.E. Lake Road

Mr. Weston presented a memo regarding Cambridge Lane Traffic Analysis, indicating he felt that anticipated traffic increases would not significantly impact the traffic safety or operations of Cambridge Lane.

Speaking against: Steve Stone; 10230 S.E. Cambridge Lane

Mr. Stone served as spokesman for the large group of residents in attendance. His points covered: the issue whether the street is public or private should not be a consideration for approving or not approving the variance; the development allowed in 1976 was only one unit and not six as in Elaine's Park; the increased traffic raises some concerns; relating to the matter of time delay, the residents do not feel responsibility toward relieving the applicant's economic problems. The residents do concur with staff in recommending continuance of this request.

Present to speak: Jim Havlicek; 1520 S.E. Eton Lane  
Charles Dimon; 9900 S.E. Cambridge Lane

Mr. Dimon suggested that the road condition would deteriorate considerably and pose safety hazards with the construction equipment necessary to develop this subdivision.

Rebuttal: William Keller, representing applicant.

Public Hearing closed at 9:00 p.m. After discussion, IT WAS MOVED by Bond, SECONDED by Kennedy, to continue recommendation of VR-78-19 for reasons in the Staff Report. The MOTION WAS AMENDED by Bond as follows: The Planning Commission will not vote on any of the matters (VR-78-19, S-78-9 and a general policy) until the Planning Commission is ready to vote on all three issues. AMENDMENT TO MOTION WAS WITHDRAWN by Bond. MOTION WAS AMENDED by Bond as follows: VR-78-19 is to be continued so that the decision can be integrated with the decision of S-78-9 and with respect to development of property at the end of Cambridge Lane and so that consideration of all three matters be held prior to a vote on any one of the three. MOTION FAILED for lack of a second. IT WAS MOVED by Gudge, SECONDED by ~~Kennedy~~ Foeller to table the motion until the general meeting on February 27, 1979. MOTION PASSED with Foeller, Gudge, Lotz and Monetti voting aye and Kennedy, Landis, and Bond voting no. It was consensus of the Commission to bring all the issues up at the February 27th meeting.

Meeting was recessed at 9:30 p.m. and reconvened at 9:40 p.m.

#### CONSIDERATION

S-78-9 Dan Pistroesi, applicant. Request for preliminary plat approval of a 6-lot subdivision at the south end of Cambridge Lane, located on Tax Lot 100, Waverly Heights.

Jon Stein gave staff report. After discussion it was decided to have a work session on January 16th to discuss the matters before a decision is rendered February 23, 1979 on the VR-78-19 that has been tabled.

A-78-5 Dale G. and Evelyn June Ottenbacher, applicants. Petition for annexation of property on north side of International Way, northwest of Harmony Road

Staff report recommending approval but not suggesting zoning at this time was given by Jon Stein. After discussion it was commented that both M-L and M-G zones would be suitable to the applicant. IT WAS MOVED by Lotz, SECONDED by Foeller to recommend to the City Council that A-78-5 be annexed to the City of Milwaukie for the reasons given in the staff report. MOTION CARRIED unanimously.

S-77-5 Eden Glade Addition. Ed Lucas, applicant. Request for final plat approval of 7-lot subdivision in R-7, Single Family Residential, zone on the north side of King Road approximately 450 feet east of 49th Avenue.

Staff report recommending approval of final plat was given by Jon Stein. IT WAS MOVED by Kennedy, SECONDED by Gudge to approve S-77-5 as it satisfies all the conditions set forth in the staff report. MOTION CARRIED unanimously.

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E-78-1 James Brinsfield, applicant. Request for Exception in a C-L, Limited Commercial, zone to allow a boat sales operation located between abandoned railroad right of way and commercial structures on the east (abutting McLoughlin Boulevard) and the Willamette River on the west.

Staff report recommending denial of request was given by Jon Stein. In the staff report of January 2, 1979, Condition No. 2 is to be changed to a notation since the issuance of a business license is not part of the Exception application.

Representing applicant: Jim Cobb, owner of property  
7795 S.W. Northvale Way, Portland

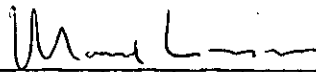
Mr. Cobb submitted information refuting staff reports of 1-2-79 and 10-24-78.

Speaking in favor: Jim Brinsfield, applicant  
4360 Mark Kelly Court, Milwaukie

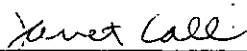
After considerable discussion, IT WAS MOVED by Kennedy, <sup>Gudgel</sup> ~~Lotz~~ to continue E-78-1 until the January 23, 1979 meeting, and at that time the decision will be contingent upon whether a fill permit has been filed or not, and whether applications are filed related to WG, FH, etc. MOTION PASSED, with Lotz voting against.

It was decided to consider the items under Other Business at the work session on January 16, 1979.

Meeting adjourned at 11:05 p.m.

  
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Mark Landis, President

ATTEST:

  
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Janet Call, Secretary

City of Milwaukie  
PLANNING COMMISSION REGULAR MEETING AGENDA  
January 2, 1979

1. Call to Order: 7:00 p.m., Council Chambers, City Hall, 10722 S.E. Main Street
2. Minutes of November 28, 1978 Regular Meeting and December 12, 1978 Special Meeting
3. Audience Participation
4. PUBLIC HEARINGS

C-78-13 North Clackamas School District No. 12, Applicant. Request to construct a 3,500 sq. ft. addition on the east side of existing school administration building in R-10, Single Family Residential, zone located at 4444 S.E. Lake Road.

ZC-78-10 Sevilla and Opal Salazar, applicants. Request to change zone from R-10, Single Family Residential, to A-3, Apartment Residential, zone on parcel of land comprised of 1.7 acres; Tax Lots 900 and 901, Sec. 31, T1S, R2E located at northeast corner of intersection of Lake Road and 43rd Avenue.

VR-78-19 Dan Pistoresi, applicant. Request to permit a public street to access onto a private street in an R-10, Single Family Residential, zone. VR-78-19 is submitted in conjunction with a request for a 6-lot subdivision at the south end of Cambridge Lane, located on Tax Lot 100, Waverly Heights.

5. CONSIDERATION

S-78-9 Dan Pistoresi, applicant. Request for preliminary plat approval of a 6-lot subdivision at the south end of Cambridge Lane, located on Tax Lot 100, Waverly Heights.

A-78-5 Dale G. and Evelyn June Ottenbacher, applicants. Petition for annexation of property on north side of International Way, northwest of Harmony Road (Tax Lot 1400, Sec. 31, T1S, R2E).

S-77-5 Eden Glade Addition. Ed Lucas, applicant. Request for final plat approval of 7-lot subdivision in R-7, Single Family Residential, zone on the north side of King Road approximately 450 feet east of 49th Avenue.

6. OLD BUSINESS

E-78-1 James Brinsfield, applicant. Request for Exception in a C-L, Limited Commercial, zone to allow a boat sales operation. Located between abandoned railroad right of way and commercial structures on the east (abutting McLoughlin Boulevard) and the Willamette River on the west.

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7. OTHER

- A. Senior Citizen Housing
- B. Parking Requirements vs. Business License
- C. Commercial Recreation, Definition
- D. Report, Janet Addition
- E. Report, status of Multi-Family special review ordinance
- F. Report, Milwaukie Junior High Parking Lot, non compliance
- G. Report, Macomber non compliance