

CITY OF MILWAUKIE
MINUTES OF PLANNING COMMISSION
REGULAR MEETING
APRIL 28, 1981

MEMBERS PRESENT:

Don Trotter
Rebecca Sweetland
Jim Lotz
Tom Bond
Patricia Jamtgaard

STAFF PRESENT:

Topaz Faulkner, Planning Director
Carol Mitchell, Secretary
Steve Hall, Public Works Director

MEMBERS ABSENT:

George Cathey
Bob Gudge

1. CALL TO ORDER

The regular meeting was called to order by Don Trotter, President, at 7:09 p.m. Mr. Trotter explained to the audience the procedure the Planning Commission follows for Public Hearings.

2. PUBLIC HEARINGS

2.1 FRANKCO OIL SERVICE STATION CONVERSION C-81-3

Request to use vacant Franko Oil Service Station for a battery sales and service business.

Topaz presented the Staff Report, pointing out that the building had been vacant since 1974, except for brief periods when small businesses were operated at the site. Public utilities have been connected and verified by the Public Works Department. The site will be landscaped, building painted and a sign installed. One street access will be closed, allowing traffic to enter only from the south-bound traffic on McLoughlin Boulevard. There has been a change in the name of the proposed business. The name will be "Battery Exchange" instead of Standard Battery. To reduce the danger of traffic access at the site an additional condition (#9) has been added to the Staff Report, requiring a sign to be installed permitting right turns only when exiting the business.

SPEAKING: TOM WRIGHT of Mackenzie/Saito and Associates,
1680 S.E. Bancroft, Portland (Representing the Applicant)

Mr. Wright presented a letter signed by surrounding neighbors in favor of the use of this building for a battery sales and service business. He said the applicant was in complete agreement with the Staff Report. The area would be improved by

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planting ivy on the hillside as a landscape buffer and regular landscape maintenance would be provided. He mentioned they would not remonstrate against the proposed loop-trail system along Johnson Creek. They have no conflict with the recommendation on the left turns from Harrison Street. The small shed located under the billboard on the property will be upgraded and used for storage of batteries.

Mr. Trotter asked if anyone wished to speak in favor of the request.

SPEAKING: MEL VERN, 323 S.E. Harrison #40, Milwaukie

Mr. Vern spoke in favor of the request to establish a business on the site.

Ms. Sweetland asked him what type of plants he intended to plant and was he in agreement with the section of the Comprehensive Plan relating to restricted use of natural areas along Johnson Creek. Mr. Vern said the area along the creek would continue to be maintained as the other areas and he intended to plant arborvitae.

SPEAKING: MELVIN S. BASS, Milwaukie

Mr. Bass spoke in favor of the request, saying that the property has been a health and fire hazard for a long time. There have been people living there and it is generally an eyesore.

There was no one else wishing to speak in favor or in opposition to this request.

THE PUBLIC HEARING CLOSED AT 7:20 p.m.

Mr. Lotz made a Motion to accept the application as per the findings of the Staff Report and with the addition of Condition #9, a "Right Turn Only" sign to be posted at the exit point of the site. Ms. Jamtgaard Seconded the MOTION, It Carried UNANIMOUSLY.

FINDINGS:

1. The proposal complies with the following elements of the Comprehensive Plan:

- A. OBJECTIVE #9 - Downtown Office Center, Policy 3, Page 39.
- B. OBJECTIVE #10 - McLoughlin Boulevard, Policies, #1, #2, and #3, Page 40.
- C. OBJECTIVE #1 - Floodplain, Page 12.
- D. OBJECTIVE #1 - Ecologically Significant Natural Area, Page 14 and 15.
- E. OBJECTIVE #2 - Open Space, Page 15 and 16.

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2. The following elements of the Zoning Ordinance will be complied with:

- A. Section 4.14 - Minimum Vegetation
- B. Section 5.03.8.b - Design Requirements will be complied with.
- C. Section 5.01.2.b - Off-Street Parking Requirements.

3. Adverse comments have not been received.

CONDITIONS:

- 1. All utilities, street improvements, curbs, sidewalks to be approved by Oregon Department of Transportation and Milwaukie Public Works Department.
- 2. Procedures for fire protection to be approved by the Fire Department.
- 3. Provide a landscape buffer on crest of the hillside, west of the chain-link fence.
- 4. Submit a landscape plan showing a variety of landscape materials to be used in the planting areas.
- 5. Submit plans for irrigation and maintenance of landscaped area.
- 6. Structure is to have earth tone colors.
- 7. Provide sign details in conformance with the Sign Ordinance.
- 8. Provide public access easement on the east side of Johnson Creek to be improved to the City standards when a loop-trail system is developed, or dedication to the City of the property located west of the chainlink fence.
- 9. Post a "Right Turn Only" sign at the exit point of site.

2.2 COMPREHENSIVE PLAN REVIEW

Mr. Trotter, referring to the minutes of March 24, 1981 Planning Commission Meeting, said he wanted to clarify that the Commission had referred the following items to the Consultant, when hired:

ITEM I: Duplex, Tri-Plex, Multi-Family, and Common-Wall Dwelling.

The proposed wording developed by the Consultant should include all these dwelling types.

ITEM IV: Limitation of Nonindustrial Development in the Manufacturing Zones.

The suggestion was that nonindustrial uses should be allowed only when associated with prime industrial uses; and that Section 313.2 and 314.2 of the Zoning Ordinance, Conditional Use should be deleted.

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SPEAKING: SONNA DURDELL, Vice President of Koll Business Center

Ms. Durdell stated that her main concern was how "prime industrial use" is determined. Some of the space in the industrial complexes is being occupied by offices associated with sales, service and distribution. Industry has changed from the heavy machinery operations to computerized offices.

Mr. Trotter asked for comments from the Commissioners. Mr. Bond said they should simply let the market place decide what kind of business will be located in an industrial park. Topaz explained that nearby cities are running out of industrial acreage. Manufacturers want to stay close to the Portland business area for a variety of reasons. Milwaukie needs to have more manufacturing jobs for its people, to keep them in the City.

Mr. Trotter said that it had been mentioned the paramount reason the land should be preserved is for primary purposes, yet all the deletion is talking about are Conditional and Outright Uses. In General Uses such things as Agriculture, Horticulture, Drive-Ins, things that are not in any way connected with Industrial Use are permitted. Since the Commissioners were not considering this issue, Mr. Trotter asked why they were discussing it now.

Topaz explained these were the opinions of the Comprehensive Plan Review Committee Members. The Commissioners are not limited to comments on these issues alone. She said that she agreed with Ms. Durdell and Mr. Trotter's opinions.

Mr. Trotter said he agreed with Mr. Bond. Most prime industrial land is served by railroad spurs and direct access to the manufacturing zone. It would be to the benefit of the economy to provide higher skilled manufacturing jobs from this prime land than the public receiving semi-pay-rate office jobs.

Mr. Trotter suggested the issue be sent to the consultant for study. There was a consensus among the Commissioners to have this reviewed by the consultant.

Ms. Jamtgaard asked what percentage of a complex would be considered for a nonindustrial use. Mr. Trotter said criteria would have to be considered upon approval of a Conditional or Outright Use as to whether a barbershop or sandwich shop would be allowed, depending on the need of the people in the industrial park.

Mr. Trotter made a Motion to have the Consultant review this issue, Mr. Lotz Seconded the Motion; it carried UNANIMOUSLY.

ITEM V: Limitation on the Number of Density Bonus Percentages that may be added together for a single development.

Ms. Jamtgaard asked for a brief explanation of this Item. Topaz explained there are three or four types of density bonuses. The Committee felt the criteria should be limited to prevent adding bonuses together.

Mr. Lotz made a Motion to accept the Committee's recommendation and submit it to the City Council; Mr. Bond Seconded the Motion. Mr. Trotter said the wording on Senior Housing should be changed to include Retirement and Handicapped Housing. The Motion passed UNANIMOUSLY.

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ITEM VI: Encouragement of Energy Conservation

There was discussion on the inclusion of a requirement for insulation. It was pointed out that the Building Code requires insulation; this was not a planning problem, but a stipulation that is imposed and should be enforced by the Building Department. The Commission's basic purpose relates to land use, not energy conservation or useage.

Topaz said under the current plan there is no flexibility unless the property owner request a variance to the setback requirements.

Ms. Sweetland mad a Motion to accept Item #6 and amend it to the Comprehensive Plan. Mr. Trotter Seconded the Motion, it Carried UNANIMOUSLY.

ITEM VII: Automatic Staff Review of Conditional Use permits in the event of ownership change.

There was discussion about automatically reviewing Conditional Uses if the property changes ownership; as few owners are aware that there has been a Conditional Use placed on the property and the conditions that have been required are not maintained.

Ms. Sweetland asked if there is a time limitation applied to a Conditional Use. Topaz answered, No, not under the Milwaukie Ordinance even though some jurisdictions do have a five-year limitation. Ms. Sweetland mentioned that many times it is difficult to tell when the business or property ownership changes. Mr. Trotter said he agreed with the Staff, the responsibility should be assumed with the property; a variance criteria should be incorporated into the proposal.

Ms. Sweetland made a Motion to accept the recommended revision of Section 6.02.04 Mr. Lotz Seconded the Motion, it Carried UNANIMOUSLY.

ITEM VIII: Re-establishment of a Design Review Board

The Committee felt the Design Review Process is needed and the Board should be re-established. The members should include persons from professions in the architectural field, realtors, and other land related disciplines. Topaz explained that the former Board was dissolved due to the City Council's cutting of the \$1,000. appropriation for traveling expences. There are persons willing to serve on the Board without recompense, and the same Ordinance could be reinstated with current amendments.

Mr. Trotter stated that he would like to review the Design Review Ordinance before it is sent to the City Council for approval.

Mr. Lotz made a Motion to re-establish the Design Review Board, the Motion was Seconded by Ms. Sweetland. The Motion Carried UNANIMOUSLY.

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ITEM IX: Upzoning of all Serviced parcels to match plan designation.

Topaz stated that there are parcels not zoned in keeping with the plan. At the time the Plan was adopted, the City decided to upzone on a parcel-by-parcel basis when the property owner demonstrates that the parcel is serviced. The Comprehensive Plan Review Committee felt all the vacant parcels should be upzoned to match the plan designations.

Mr. Lotz said it is a burden to the owner who owns a parcel of land to get upzoned and another burden to sell his property contingent upon approval of upzoning by the City Council. There would be a substantial difference in a higher zone. There was general agreement from the other Commissioners.

Mr. Lotz asked Topaz what her recommendation was. She recommended the vacant parcels be upzoned to match the current plan designation.

Mr. Trotter said the Commission has an obligation to the City to make the best use of this property without adding a cost to the property owners. M. Bond mentioned upzoning could impose more taxes for property owners.

Mr. Trotter made a Motion to have the map revised by adding all vacant parcels to the upzoning that will match the plan designations on a case-by-case basis. Mr. Lotz Seconded the Motion, it Carried UNANIMOUSLY.

2.3 SIGN ORDINANCE AMENDMENT

COMPREHENSIVE PLAN REVIEW - PUBLIC HEARING NOTIFICATION

of - Staff is currently required to mail notification of a public hearing to the property owners within five lots or 500 feet of the exterior boundaries of the property affected. This has caused a great deal of trouble in part because postage rates have increased and the budget has been cut. In addition, the radius in a dense area can mean more than 100 notices. Staff suggest reducing the radius to 250 feet for public mailing notifications (the normal for many jurisdictions) signs posted at each site by the property owner. There would be a definite advantage of using large 2' x 4' signs in front of the property, especially when notice involves apartments where renters are extremely difficult to notify.

Ms. Sweetland asked if the notice would still be printed in the newspaper. Topaz said the notice would still be printed for those issues that require a printed notification, however she has encouraged the reporters to cover the issues in brief narrative because few people read public notices.

Mr. Trotter spoke of the advantages of requiring the applicant to post the signs on his own property. The signs would be located in such a way that they could be seen clearly without obstructions.

Mr. Lotz mentioned in some instances where an applicant is fearful of opposition he may not post the signs at all.

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Mr. Bond suggested if there is any expense in notifying the public it should be passed on to the applicant. Whenever there is an expense, administrative or otherwise, it should be passed on.

Mr. Trotter asked how the fees for applications compared with those of other jurisdictions.

Topaz stated that the new fees were generally the same as those of other jurisdictions in the area. However, the fees do not cover the total expense involved in notice and preparation of a Staff Report. The expense varies and cannot be figured for individual applicants.

Mr. Trotter asked to have the notification issue reviewed by the Consultant.

Topaz mentioned there had been numerous complaints about "garage sale" signs not being removed, and at times they block clear vision at intersections. The Sign Ordinances should be revised. Signs erected within the right-of-way or any street, have a location, shape, or color animation or message likely to be confused with any traffic control device or create a distracting or hazardous condition for motorists should be removed. The problem of enforcing an Ordinance relative to "garage sale" signs was mentioned, as the Enforcement Officer would be terminated in response to the budget cuts.

Ms. Sweetland made a Motion to adopt the proposed wording. Mr. Trotter Seconded the Motion. The Motion Carried 3 - 2. Mr. Bond and Mr. Lotz voting in opposition.

4.1 REQUEST FOR EXTENTION ON EXCEPTION (E-80-1)

Ms. Daly wrote a letter requesting a six-month extension due to lack of financing. The Extention was granted, by a Unanimous Vote.

5.1 DECISION OF CITY COUNCIL ON ANNEXATION A-80-7

The City Council has decided to hold a Denovo Public Hearing for the annexation issue on May 5, 1981.

5.2 RIVERFRONT GUIDELINE ADOPTED BY CITY COUNCIL

The City Council approved one of Mr. Draggoo's schemes, with some revisions, for the Riverfront Project. Mr. Draggoo will be returning with a plan that incorporates the guidelines proposed by the Council.

5.3 SCHEDULING OF A PRESENTATION OF THE TIMED TRANSFER STATION

Topaz has asked Mr. Mike Kyte to attend the Planning Commission Meeting of May 26, to make a presentation on the Time Transfer Station. He will be scheduled as the first speaker.

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7.1 ELECTION OF PLANNING COMMISSION PRESIDENT, AND VICE PRESIDENT.

It is the established procedure to hold the election the last meeting in April of each year.

Ms. Sweetland nominated Don Trotter for President. Secret ballots were passed out, votes were cast, and Topaz collected the ballots. The vote was Unanimous, Mr. Trotter would continue his services as President of the Planning Commission.

Mr. Lotz nominated Mr. Bond to serve as Vice President, there were no other nominations. The vote was Unanimous, Mr. Bond will serve as Vice President of the Planning Commission.

7.2 LETTER OF THANK TO LEO BAUMAN

Leo Bauman will receive a letter of appreciation from the City Council. Patricia Jamtgaard will hold the position of Planning Commissioner until February 1985.

7.3 SELECT REPRESENTATIVE FOR ECONOMIC DEVELOPMENT MEETING ON MAY 14, 1981

Mr. Lotz volunteered to attend the Economic Development Meeting on May 14, 1981.

7.4 NEW PLANNING FEE SCHEDULE

Topaz explained the fees had been increased to a level comparable with jurisdictions of similar size in this area.

7.5 HISTORIC SITES BROCHURE

Topaz present a draft of the brochure that had been prepared. There was discussion about the proposed uses and the cost of printing the brochure.

7.6 PLANNING CONSULTANT

Topaz mentioned that R.F.P. letters had been sent to three potential consultant agencies, and replies have been received from all three.

Topaz is compiling a synopsis of these consultants for the Commissioner's review.

THE MEETING ADJOURNED AT 10:10 p.m.

Donald L Trotter -8-

AGENDA
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- 1.0 CALL TO ORDER
- 2.0 PUBLIC HEARINGS:
 - 2.1 FRANCO OIL SERVICE STATION CONVERSION C-81-3
Request to use vacant Franko Oil Service Station for a battery sales and service business.
 - 2.2 ZONING ORDINANCE AMENDMENTS
 - 2.3 SIGN ORDINANCE AMENDMENT
- 3.0 PUBLIC COMMENT
- 4.0 CONSIDERATION.
 - 4.1 REQUEST FOR EXTENSION ON EXCEPTION E-80-1
- 5.0 OLD BUSINESS
 - 5.1 DECISION OF CITY COUNCIL ON ANNEXATION A-80-7
 - 5.2 RIVERFRONT GUIDELINES ADOPTED BY CITY COUNCIL
 - 5.3 SCHEDULING OF A PRESENTATION ON THE TIMED TRANSFER STATION
- 6.0 CONSENT
 - 6.1 CITY COUNCIL MINUTES OF 4-7-81
- 7.0 OTHER BUSINESS
 - 7.1 ELECTION OF PLANNING COMMISSION PRESIDENT
 - 7.2 LETTER OF THANKS TO LEO BAUMAN
 - 7.3 SELECT REPRESENTATIVE FOR ECONOMIC DEVELOPMENT MEETING ON MAY 14, 1981
 - 7.4 NEW PLANNING FEE SCHEDULE
 - 7.5 HISTORIC SITES BROCHURE