

CITY OF MILWAUKIE  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING  
APRIL 13, 1982

MEMBERS PRESENT:

DON TROTTER  
REBECCA SWEETLAND  
PATRICIA JAMTGAARD  
GEORGE CATHEY  
JOHN LITTLEHALES  
AL LIANE

STAFF PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR  
JON STEIN, ASSOCIATE PLANNER  
STEVE HALL, PUBLIC WORKS DIRECTOR

MEMBERS ABSENT:

BOB GUDGEL

Mr. Trotter opened the meeting at 7 p.m., and explained proceedings of the public hearings.

Ms. Sweetland stated she wanted to remove herself from the panel during the public hearing of Mr. DeKanter's request, to avoid the appearance of a conflict of interest.

- 3.1 PRC-82-3; ZC-82-3 TOD DEKANTER; DONALD POLLOCK  
LOCATION: Southwest side of Kellogg Lake,  
east of McLoughlin Blvd.  
(T.1s, R.13, Sec. 36 CC, T.L. 100, 200, 201, 202)

PROPOSAL:

Request to consider Comprehensive Plan Map Amendment  
from County Medium-Density Residential to City Medium-  
Density Residential.

Request to consider Zone Change from County MR-1,  
Residential City R-3, Residential.

Jon presented the Staff Report. Mr. Trotter explained procedures of the applicant's request. The public hearing was not to consider proposed land use, but to apply comparable zoning to the recently annexed property.

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SPEAKING: MR. TOD DEKANTER, 720 N.E. 34th Place, Canby, Oregon  
Representing Mr. and Mrs. Pollock

Mr. DeKanter stated that his client, Mr. Pollock is considering developing the site as housing for the elderly. He understands that if the request is approved the procedures require that application be made to the Planning Commission for a Conditional Use to allow construction within the Willamette River Greenway, and that Elderly Housing would also necessitate a Conditional Use Request.

Mr. Trotter asked if there was anyone else in the audience who wished to testify in favor or in opposition to the request. There was no response.

The Public Hearing was closed.

Mr. Cathey asked if there had been further correspondence with Clackamas County regarding Zone Change Requirements.

Jon said Staff had consulted with the City Attorney to clarify requirements of the Dual Interest Area Agreement.

Mr. Liane asked if the future development would be designed exclusively for the elderly.

SPEAKING: MR. POLLOCK, 10211 S.E. Barbur Blvd., Portland

Mr. Pollock said there is a possibility that future development would not be designed for elderly housing.

Mr. Cathey MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF PRC-82-3; ZC-82-3, as per the Findings presented in the Staff Report and based upon the lack of negative public testimony; Mr. Littlehales SECONDED THE MOTION, MOTION CARRIED UNANIMOUSLY.

FINDINGS:

1. The proposed Plan Designation and Zone Change complies with the following elements of the Comprehensive Plan:
  - A. OBJECTIVE #4 - Dual Interest Area Plan Compatibility, Policy 1, Page 88.
  - B. OBJECTIVE #2 - Residential Land Use: Density, Policy 4.B,C, Page 28.
2. The City Comprehensive Plan Designation would match the County Comprehensive Plan Map Designation.
3. The City R-3 Residential Zoning would match the present County MR-1 Zoning.
4. The R-3 Zone designation complies with Section 2.06.2 of the Zoning Ordinance.

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FINDINGS: (CONTINUED)

5. The proposed multi-family use is an allowed use in the County and City.
6. Public Testimony.

Ms. Sweetland rejoined the Planning Commission.

3.2 C-82-2; VR-82-5 MICHAEL HENLEY; DOUGLAS TITRUD  
LOCATION: 3405 S.E. Harrison, Milwaukie

PROPOSAL:

1. Conditional Use Request to establish photographic studio at 3405 S.E. Harrison Street.
2. Variance Request to provide four parking spaces that are 9' within the public right-of-way of 34th Avenue rather than required five parking spaces out of the right-of-way.

Mr. Trotter asked if any of the Commissioners wished to declare a conflict of interest; there was no response. Jon presented the Staff Report.

Mr. Trotter asked Staff how much wider the proposed parking lot would be than the existing driveway. Jon said it would be approximately 6' wider.

Ms. Jantgaard asked Staff what traffic conflicts were anticipated. Steve said, the Staff Report states improvements would be a 32' wide street, curb to curb. When developed, this would encroach into the parking area more than the existing oil-mat street which is about 24' wide and increases a potential for vehicle conflict and allows less room for maneuvering.

Ms Jantgaard asked if 5' of the current right-of-way were vacated and then the street were constructed it would then essentially be moved to the west. Steve said, "In either case the 60' or 50' right-of-way, with improved street to 32', the conflict would increase the same amount, because of the geometrics of the physical relationship of the road that would be built and the pad for parking would not change."

Mr. Cathey mentioned his willingness to remove himself from the panel if there was anyone who felt there would be a conflict of interest because of his profession as land surveyor. There was no response and Mr. Cathey continued with the panel during the public hearing.

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Ms. Sweetland asked if the Fire Department still had a policy against the use of bark dust. Jon said a policy had not been formalized; there had only been a recommendation discouraging excessive use of bark dust because of fire danger. The applicant had indicated there would be a lawn area on the site.

Mr. Littlehales asked Staff to clarify the property line shown on the site plan. Steve said the aerial photos with the superimposed property lines indicate a potential conflict in property line, and should be verified by a land survey.

Mr. Trotter mentioned Staff had received one piece of correspondence with petition signed by 26 persons, from Mr. Harold Peterson, 10609 S.E. 34th Avenue, Milwaukie, in opposition to the request. The Commissioners took a few minutes to read the letter.

SPEAKING: MICHAEL HENLEY, 2045 S.E. Washington, Milwaukie

Mr. Henley said the building that his downtown business is currently located in is too small, and does not have appropriate surroundings to serve as background for outdoor photographs. He wants to purchase, instead of leasing a building for his business. Mr. Henley said his studio will be officially open only 32 hours a week.

Ms. Sweetland asked if the residence would still have a residential appearance after remodeling. Mr. Henley presented a proposed floor plan showing modifications.

Mr. Liane asked if the home had been sold. Mr. Henley said the sale of the home was contingent upon approval of this application.

SPEAKING: LAWRENCE MANN, 3360 S.E. Aldercrest Rd., Milwaukie  
Representing, Century 21 Real Estate

Mr. Mann stated the property is now listed with his office at the same price that it was sold two and one-half years ago. After the home was sold to Mr. Titrud, the zoning was changed but he was not aware of the Zone Change at that time. The original zone would have allowed a photo studio on the premises, and the sale of the home is based upon the allowed use as requested by the applicant.

SPEAKING: HAROLD PETERSON, 10609 S.E. 34th Avenue, Milwaukie

Mr. Peterson said the traffic from 32nd to 36th Avenues is highly congested, and the 146 cars per week he estimated would be related to this business would have considerable impact on the traffic flow.

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SPEAKING: WAYNE NOONCHESTER, 10588 S.E. 34th Avenue, Milwaukie

Mr. Noonchester said his home is next to the site mentioned. He said the road condition of 34th Avenue is extremely poor, additional vehicles would only further deteriorate its condition.

SPEAKING: BILL HUPP, 2626 S.E. Washington, Milwaukie

Mr. Hupp said the studio has been in the City for almost a quarter of a century and he feels it should stay in the City because it is the only studio in Milwaukie.

SPEAKING: HAROLD PETERSON

Mr. Peterson said that the applicant stated additional parking could be acquired by renting space from Albertsons. However, the store's policy will not allow useage of the parking lot for use other than parking for their patrons.

SPEAKING: DAVE HANSON, 4855 S.E. Lincoln, Portland, Oregon

Mr. Hanson said he has talked to the manager of Albertson who gave verbal approval for parking. He had also contacted the Operations Manager, Larry Earnest, who also gave verbal approval. The store will not give written approval for parking lot use because of liability coverage in case of accident.

SPEAKING: MICHAEL HENLEY

Mr. Henley mentioned there was a total of 17 families who signed the petition. The address is a Harrison Street address and most of the patrons will not be using 34th Street for access.

The Public Hearing Closed.

Mr. Cathey asked if that section of 34th Avenue was an asphalt or oil-mat surface. Steve said it was an oil-mat roadway.

Mr. Cathey asked Staff to clarify the statement Mr. Noonchester made in reference to street improvements along 34th Avenue. Steve said that if street improvements for that section of 34th Avenue were agreed upon it was at a time before he became the Public Works Director.

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Mr. Liane stated in his opinion it was unnecessary to involve the adjacent property owners in consideration of 5' street vacation. The photo-studio should be located in the downtown area where the traffic can be accommodated and help fill the vacant business locations on Main Street. Available housing stock would be reduced, and available business space in the downtown area would be wasted.

Mr. Littlehales asked if there was any way that parking would be located to the rear of the property by way of 34th Avenue. Mr. Trotter suggested that wording be incorporated within the business sign indicating parking to the rear of the property.

Mr. Cathey asked what the outright uses are in the R-3 Zone. Mr. Trotter read the uses permitted within the R-3 Zone.

Mr. Trotter said the applicant had implied that if he could not purchase property to relocate the photo studio then he could consider moving his business out of the city.

Mr. Cathey asked Steve Hall what the traffic count is on Harrison Street. Steve said, based on 1977 traffic count, at the location of 32nd Avenue, east to west, there were 9,000 vehicles per day in both directions. At 42nd Avenue and Harrison Street, both directions, the traffic count is 8,500 per day. Increase over the last five years is estimated at less than 10%. A road of this type can carry about 2,000 vehicles per hour.

Mr. Cathey said he was aware of traffic backup on Harrison Street due to the train crossings and Expressway traffic. Steve said until reconstruction of the intersection at Harrison Street and the Expressway takes place, the traffic will continue to be congested. This problem will be minimized by allowing through traffic in both lanes and by the use of an automatic traffic signal.

Mr. Cathey said he supported directional signs that indicate off-street parking. The applicant should not remonstrate from any street improvements on 34th Avenue.

Mr. Cathey asked Staff what the off-street parking requirements are for this use. Jon said the Zoning Ordinance allows Staff to base parking requirements on the square footage of the building. The computation in this case is five parking spaces.

Steve Hall suggested that a Developers Agreement be included as a Condition for future improvements on 34th Avenue.

There were comments among the Commissioners regarding the extension of the cement driveway to the roadway surface.

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Mr. Trotter MADE A MOTION TO APPROVE C-82-2; VR-82-5 with the Findings listed in the Staff Report and amended by testimony regarding parking, traffic and that the site is on Tri Met bus route, and proposal of four parking places instead of five with Condition #6 to read: Submit sign details including directions to parking to be approved by Staff. Condition #7 to read: Applicant will not remonstrate against street improvements should they occur. Mr. Cathey SECONDED THE MOTION.

Mr. Cathey said Condition #2 should be amended to read: . . . relative to the right-of-way line.

There was no objection. Ms. Sweetland said that she was concerned about Condition #5, with specific reference to the use of bark dust. Topaz mentioned the ordinance states bark dust should be kept to a minimum.

THE MOTION CARRIED, 5 - 1, Mr. Liane voting in opposition.

FINDINGS:

1. The proposal with Conditions complies with the following elements of the Comprehensive Plan:
  - A. OBJECTIVE #1 - Economic Development, Policy 2, Page 35.
  - B. OBJECTIVE #2 - Employment Opportunity, Policies 1 and 2, Page 36.
2. All applicable Ordinances will be complied with.
3. The site will be cleaned up, building appearance, and landscaping improved.
4. The parking area will be screened from the residences to the north and east.
5. Visual, noise and air pollution impacts would be minimal.
6. Loss of open space would be minimal.
7. The volume of customers would be low.
8. There will be no clear vision obstructions and circulation conflicts.
9. Most traffic will use Harrison Street as the primary ingress and egress point.
10. Emergency vehicle access is adequate.

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FINDINGS: (CONTINUED)

11. Use of natural material and earth-tone color for sign and building improvements will blend in with adjacent uses.
12. Thirty-Fourth Avenue has a 60' right-of-way rather than the typical 50' right-of-way.
13. The lot size, width and position of house are unique conditions.
14. The variance is the minimum necessary without reducing open space and a 5' street vacation on the east side of 34th Avenue.
15. The proposal is a feasible alternative.
16. Benefits outweigh adverse impacts.
17. The site is on Tri-Met bus route.

CONDITIONS:

1. Drainage, utilities, pavement improvements and procedures for fire protection to be approved by the Public Works and Fire Department.
2. Submit survey by registered land surveyor to determine actual depth, size and position of house relative to property line.
3. Examine feasibility of seeking additional off-street parking within 200' of property.
4. If house is within right-of-way, Applicant may seek street vacation of portion of 34th Avenue right-of-way, details to be determined on result of survey and City Public Works requirements.
5. Submit details of landscape plan to be approved by Staff.
6. Submit sign details including directions to parking to be approved by Staff.
7. Submit Developers Agreement for street improvements.

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3.3 C-82-3 CLACKAMAS COUNTY COMMUNITY CORRECTIONS, Applicant  
OREGON LIQUOR CONTROL, Property Owner

LOCATION: 9200 McBrod Avenue, Milwaukie

PROPOSAL:

Request to use existing vacant State Corrections facility for consolidated State Work Release and County Residential Center operation, into one complex housing non-dangerous felon adult offenders.

The Planning Commission's action will be a land use decision. The type and number of felons housed at the site will be reviewed by the City Council.

Jon present the Staff Report.

Mr. Trotter asked Staff to indicate where the property owned by OLCC is located and to clarify the conflict regarding the property. Steve said the City is primary leasor of the property for park purposes, from OLCC, which runs from Ochoco to the south side of the corrections facility on McBrod. That property which is used by the Clackamas County Corrections Facility is subleased from the City with approval from OLCC to the user.

Jon mentioned a letter had been received from the County Corrections facility.

SPEAKING: TERRY GASSAWAY, 4839 S.E. Naef Rd., Milwaukie  
Director of Clackamas County Corrections

Mr. Gassaway said that the facility in question has been closed for about one and a half years. He mentioned there is an extra mobile home that has been placed on the property approximately five or six years ago.

Ms. Jamtgaard asked if the mobile home is being used for day use and overflow facility. Mr. Gassaway said there is no one spending the night in the facility. He said that in 1978 the County assumed all responsibility of State corrections within Clackamas County. Since that time, the State has closed that facility, and a new conditional use has been applied for in direct relationship to the County's proposed use. The program requires that all persons at the center must be employed.

SPEAKING: MR. BOB KENNEDY, 2936 Monroe Street, Milwaukie

Mr. Kennedy said his business is located very near this facility. He said he concurred with Staff in favor of the request.

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SPEAKING: SCOTT TAYLOR, 925 North Pine, Canby

Mr. Taylor said he is the present manager of the County residential facility. He mentioned this extra unit would provide better service for those at the facility for both overflow demands and those progressing through the program.

Mr. Trotter asked if there was any one else present who wished to speak in favor or opposition to the request; there was no response.

The Public Hearing Closed.

Mr. Trotter suggested that an additional Condition <sup>be THAT the</sup> ~~reference to approval~~ of the type and number of felons would be approved by the City Council.

Ms. Sweetland MADE A MOTION TO APPROVE C-82-3 with the proposed Findings and Conditions as per testimony. Ms. Jamtgaard SECONDED THE MOTION IT PASSED UNANIMOUSLY.

FINDINGS:

1. The proposal complies with the following relevant elements of the Comprehensive Plan:
  - A. OBJECTIVE #1 - Floodplain, Policy 4, Page 12.
  - B. OBJECTIVE #2 - Open Space, Policy #1, 3, 4, and 6, Page 15-16.
2. The stream bank will be maintained.
3. The use will not have further impact on the Significant Natural Area and Flood Hazard Zone of Johnson Creek.
4. Landscaping will be trimmed.
5. The building will be cleaned and painted where needed and site appearance improved.
6. Minimum landscape requirements are exceeded.
7. Granting the Variance would have little negative impact on adjacent properties.
8. Offenders will not have vehicles resulting in a surplus of parking stalls.

CONDITIONS:

1. All utilities, drainage, landscape, building, sign, and site improvements to be approved by Staff.
2. Extend bark dust path the length of the east boundary with Johnson Creek to the north property line.
3. Type and number of ~~defendants~~ <sup>OCCUPANTS</sup> to be approved by City Council.

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6.0 CONSENT AGENDA:

Planning Commission Minutes of Meetings: March 9, and March 23, 1982 were approved by consensus.

8.0 OTHER BUSINESS

8.1 Commission Election

The Planning Commission will hold an election at the first meeting in May, for President and Vice President.

8.2 Information of Proposed McLoughlin Blvd. widening.

Topaz mentioned a work session with the Council is being held and no decisions will be made in the immediate future regarding the McLoughlin project.

8.3 Mr. Hugh Brown, City Manager

Mr. Brown briefly thanked the Commission for their time and efforts in cooperating with Staff.

8.3 Land Use slide show from OSU Extension Service.

Jon presented the slide show. Transcription of narrative is available upon request.

THE MEETING ADJOURNED AT 9:30 P.M.

AGENDA

PLANNING COMMISSION MEETING

APRIL 13, 1982

1.0 CALL TO ORDER

2.0 PROCEDURAL QUESTIONS

3.0 PUBLIC HEARINGS

- 3.1 PRC-8203; ZC-82-3 TOD DEKANTER; DONALD POLLOCK  
LOCATION: Southwest side of Kellogg Lake,  
east of McLoughlin Blvd. \ (T.1S, R.1E, Sec. 36 CC, T.L.100, 200, 201, 202)  
PROPOSAL: Request to consider Comprehensive  
Plan Map Amendment from County Medium-  
Density Residential to City Medium-Density  
Residential.

Request to consider Zone Change from County  
MR-1, Residential City R-3, Residential.

- 3.2 C-82-2; VR-82-5 MICHAEL HENLEY; DOUGLAS TITRUD  
LOCATION: 3405 S.E. Harrison, Milwaukie

PROPOSAL:

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- 3.3 C-82-3 CLACKAMAS COUNTY COMMUNITY CORRECTIONS  
OREGON LIQUOR CONTROL  
LOCATION: 9200 McBrod Avenue, Milwaukie

PROPOSAL:

Request to use existing vacant State Corrections facility for consolidated State Work Release and County Residential Center operation, into one complex housing non-dangerous felony adult offenders.

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4.0 PUBLIC COMMENT

5.0 CONSIDERATION

6.0 CONSENT AGENDA

*P.C. Minutes 3-9-82; 3-23-82 \**

7.0 OLD BUSINESS

7.1 Review of Draft Zoning and Development Code - DEFINITIONS.

8.0 OTHER BUSINESS

8.1 Information of proposed McLoughlin Blvd. widening.

8.2 Update on information comparing H.U.D. and U.B.C. Codes.

8.3 Land Use slide show from OSU Extension Service.