

CITY OF MILWAUKIE
MINUTES OF PLANNING COMMISSION
REGULAR MEETING
MARCH 24, 1981

MEMBERS PRESENT:

Don Trotter
Rebecca Sweetland
Jim Lotz
Tom Bond
Bob Gudgel

ALSO PRESENT:

Topaz Faulkner, Planning Director
Jon Stein, Associate Planner
Carol Mitchell, Secretary

MEMBERS EXCUSED:

Leo Bauman
George Cathey

1. CALL TO ORDER

The regular meeting was called to order by Don Trotter, President, at 7:05 p.m. Mr. Trotter added three items under Other Business of the evening's agenda.

- 7.1 Memorandum on Occupational Title
- 7.2 Memorandum on Conservation of Written Material
- 7.3 Planning Commission Elections

Mr. Trotter explained the procedure the Planning Commission follows for Public Hearings.

2. PUBLIC HEARINGS

- 2.1 C-81-2 GEORGE EIVERS, 12045 S.E. Stanley Avenue, Milwaukie, Oregon
Request to add a 40-bed residential care facility and a 29-space parking lot to the south side of the existing Milwaukie Convalescent Center.

Jon Stein presented the Staff Report. Presently the Milwaukie Convalescent Center, a 34-space parking lot and service drive, and a horse corral occupy the property. The property is zoned R-7, Residential. The applicant will provide adequate parking for the patients and employees. One of the concerns has been the preservation of the cluster of trees on the property. The Planning Department recommended that the Commission approve the addition to the residential care facility, on the basis of the findings and conditions.

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- SPEAKING IN FAVOR:- GEORGE EIVERS, 12045 S.E. STANLEY, MILWAUKIE, OREGON
Home Address: 1881 S.E. Exeter Drive, Portland, Oregon

Mr. Eivers explained the present Convalescent Hospital was erected in 1962, and opened January 1963. Of the 68-bed capacity, 41 per cent (28 Persons) are recipients of public welfare. The parking lot will be redesigned to save the cluster of trees and will work with the City on compliance with other recommendations. Mr. Eivers has part ownership (60%) of the land so designated; the hospital corporation also owns approximately 2 acres to the southwest of the Fox Fire Addition. The proposed addition would primarily serve patients who only need custodial care at less expense than those patients now being served who need complete nursing care.

Ms. Rebecca Sweetland asked if the existing portion of the facility was a nursing home or residential care facility. Mr. Eivers said that it was a nursing care facility. She also asked if there had been any studies to show the potential use of the proposed extension of their facility. Mr. Eivers said recently five of his own patients have left the Milwaukie Convalescent Center and moved to other facilities providing their custodial needs. Ms. Sweetland asked if this institution had met a Certificate of Need. Mr. Eivers expressed that the corporation was not about to spend money for this project unless they were convinced there was a need for it. This is a private institution receiving no subsidies from any governmental unit. Ms. Sweetland asked if he would comply with the Condition #9, regarding the replacement of trees on a one-for-one basis. Mr. Eivers stated he would be more than willing to comply to this request.

Mr. Trotter asked the Commissioners to take a moment to read the letter that was presented by Mr. Eivers, from the Department of Human Resources Health Division, dated April 14, 1980, which commends the Milwaukie Convalescent Center for providing quality patient care.

SPEAKING IN FAVOR: JERRY BURN, 12154 S.E. Grove Loop, Milwaukie, Oregon

Mr. Burn said that a business of this type would be an advantage to the neighborhood as compared with a new housing development.

Mr. Trotter asked to have the Condition #2 revised to read:

Increase width of service driveway on the west side of the building to 20' and connect to the south parking lot as per Fire Department memorandum.

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Mr. Jim Lotz asked Mr. Steve Hall, Public Works Director what the proposed improvements are for Stanley Avenue. His reply was that there is not much that can be done to improve Stanley Avenue because the grades of the roadway are extremely irregular. To do the job correctly the road would have to be designed, torn out and rebuilt completely. Resurfacing the street would not be beneficial because the overlay would soon break up due to underground water in existing roadway. Major storm drainage would be extremely costly. However, the storm drainage on the property would connect to the existing system in the Fox Fire Subdivision along with drywells. The Public Works Department did not request any specific improvements. Mr. Lotz expressed his concern for pedestrian traffic along Stanley Avenue where there is no sidewalk and the drainage of the street would be hazardous. Mr. Trotter then suggested that the proposed sidewalk be extended to connect with the existing sidewalk along the old driveway. Mr. Hall explained that to do this type of construction the entire road would have to be designed to provide a sidewalk that would fit into future road construction plans. Mr. Bob Gudgel suggested that a sidewalk be installed somewhere between Stanley Avenue and the building. Mr. Hall said the sidewalk could be an asphalt paved sidewalk along the property line on private property.

Mr. Lotz asked what the proposed drainage system would be for Railroad Avenue. Mr. Hall replied that drainage for Railroad Avenue had not been considered in this application because the proposed building does not extend or abut to the boundary of Railroad Avenue.

Mr. Trotter asked the applicant, Mr. Eivers, what his comments are concerning his experience with the necessity of providing a walking path for patients. Mr. Eivers explained that there is sufficient walking area on the grounds now, however he would have no objection to putting a walkway wherever necessary. The proposed addition will include another covered walkway adjacent to the building providing more walking space for the patients under supervision. Mr. Eivers complimented the Staff on the thorough job of compiling all the information necessary. Public Hearing was closed at 7:50.

Mr. Trotter suggested that Condition #3 be revised to read:

Provide sidewalk to Stanley Avenue and pedestrian circulation plan within the site, to be approved by Staff.

Mr. Lotz commented that in the past he had noticed that many of the employees walk to work via Stanley Avenue and it would be beneficial to include plans for a sidewalk to Stanley Avenue.

Mr. Gudgel made a motion that the Commission approve the application C-81-2 based on the Staff Report and findings subject to Revised Conditions #1 - #9. Mr. Trotter seconded the motion. The Commission VOTED UNANIMOUSLY (5 - 0) TO APPROVE the application.

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PROPOSED FINDINGS:

1. The proposal complies with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #3, RESIDENTIAL LAND USE DESIGN, PAGE 29.
 - B. OBJECTIVE #6, HOUSING ASSISTANCE, POLICIES 4 and 5, PAGE 33.
2. The following Sections of the Zoning Ordinance will be complied with:
 - A. SECTION 6.01.11 HOSPITAL, SANITARIUM, REST HOME OR NURSING HOME.
 - B. SECTION 5.01.1.F OFF-STREET PARKING
 - C. SECTION 5.03.8.A OFF-STREET PARKING AND LOADING
 - D. SECTION 3.02.3.I MINIMUM VEGETATION
3. Adverse comments have not been received.

CONDITIONS:

1. Utilities, drainage, roadway and pedestrian improvements to be approved to specifications of Public Works Department.
2. Increase width of service driveway on west side of building to 20'.
3. Provide sidewalk to Stanley Avenue and pedestrian circulation plan within site, to be approved by Staff.
4. Dedicate a 5' strip of land along the west side of Stanley Avenue for public right-of-way.
5. Submit developer's agreement for street improvements of Stanley Avenue.
6. Provide street pavement and drainage improvements along the developed Stanley Avenue frontage to specifications of Public Works Director.
7. Submit a landscape plan showing a variety of landscape materials that buffers site to be approved by the Planning Department.
8. Work with Staff to save cluster of cedar and spruce trees.
9. Any trees that are removed shall be replaced on a one-for-one basis with compatible species.

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2.2 COMPREHENSIVE PLAN REVIEW

Topaz explained that the information presented to the Commission was the same as that reviewed during the last meeting, although the format had been improved. The information submitted is that which the Comprehensive Plan Review Committee had voted to have brought before the Commission for consideration. Several of the members of the Comprehensive Plan Review Committee were in the audience and another member had sent a letter which was presented to the Commissioners. Mr. Trotter asked to have a minute to read Mr. Nick Napp's letter.

ITEM A. ACCESSORY STRUCTURE OR ACCESSORY USE

Topaz explained that other jurisdictions seem to be using a standard definition for this Item and the Planning Department had not devised a better one. Topaz said that it was necessary to have the definitions to clarify the standards of the Zoning Ordinance. Mr. Trotter expressed that these definitions even though they serve a beneficial factor to the Zoning Ordinance can cause confusion. Mr. Trotter felt that since this item in the past has caused confusion it should therefore be deleted. Ms. Sweetland made a Motion to delete the definition of Item "A" from the Zoning Ordinance, Mr. Trotter seconded the Motion.

Mr. Bond mentioned that deleting this Item could create more problems than could be eliminated with the definition. Topaz stated that she had just received a confirmation to employ a consultant who will rewrite the Zoning Ordinance. If the commissioners have any questions or specific points of review they want to recommend for consideration Topaz will submit them to the consultant.

Mr. Trotter said that the City Council had requested the Planning Commission to clarify the difference between Accessory Structure and Accessory Use and that since the Proposed Definition did not do this then the Motion on the floor should be voted on.

Another Motion was made by Ms. Sweetland to refer this Item to the consultant to determine the impact if this Item were deleted. Mr. Trotter seconded the Motion. The MOTION FAILED 3 - 2.

The Main Motion was voted on, to delete the definition Item "A", Accessory Structure or Accessory Use from the Zoning Ordinance. The MOTION CARRIED 3 - 2.

ITEM B. CHURCH

Topaz read the proposed wording.

SPEAKING: Mr. Don Kopp, Harrison Street, Milwaukie

Mr. Kopp said that the wording was confusing with respect to the difference between a church and the church building. He felt that the definition was

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partially incorrect, and the wording "church building" should be used to clarify the definition of church.

Topaz mentioned that the Commission had decided at the last meeting to make reference to the church structure in the definition.

Mr. Trotter explained that if the words "church building" were used then a revision would be necessary every place it is mentioned in the Zoning Ordinance.

Mr. Lotz suggested the Planning Commission use the same definition that is used by the Uniform Building Code. Mr. Trotter stated that action on Item "B", definition of Church would be postponed until after the break during which Staff could consult the UBC.

ITEM C. FAMILY

Topaz explained that the word "family" had been suggested for deletion from the Ordinance primarily because of the consideration for group homes for the elderly as an alternative housing form.

Mr. Gudgel said that the word "family" is consistently mentioned throughout the Ordinance and there would be no advantage to deleting the word from the Ordinance.

Mr. Lotz said that most neighborhoods hope to exclude communal living by choosing to use the word "family" in the description of dwellings. He did not foresee any problems with senior group housing relating to the description of a family.

SPEAKING: Gene Lambird, 12006 S.E. McLoughlin Blvd.

Mr. Lambird said that if the definition were deleted there would be opposition or contention regarding the business of rooming houses. It would then become necessary to approve a Conditional Use on each home where expenses are shared. Mr. Lotz made a motion to deny the proposed wording (to keep the Current Wording) and Mr. Gudgel seconded it. MOTION CARRIED 3 - 2; the recommendation was disapproved.

ITEM D. FENCE, SIGHT OBSCURING

Topaz read the proposed wording.

SPEAKING: Paul Yang, 9500 S.W. Barbur Blvd., Portland

Mr. Yang asked if plastic materials had been considered. Topaz said that plastic material had not previously been considered. Mr. Trotter asked if there was

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comment on this matter, if plastic materials should be considered in the definition of fence, sight obscuring. Mr. Gudgel said that perhaps wording should be deleted from the definition describing the materials used in construction of a fence. Topaz explained that it was necessary to specify the type of materials a fence is made of, so as to differentiate between a hedge and a fence. Time is the factor which determines whether or not a living hedge is a sight obscuring fence.

Mr. Lotz made a Motion the word "plastic" be inserted to the proposed definition of "fence". The MOTION CARRIED 5 - 0.

ITEM E. HEDGE, SIGHT OBSCURING

Topaz explained the reason for this specific definition was to eliminate problems occurring when a developer plants seedlings rather than larger plants when a hedge has been requested by the City. The height specification mentioned in the proposed wording relates to thickness or density of the hedge rather than just the height limitation.

The Motion was made by Mr. Lotz to accept the proposed change to the Zoning Ordinance. The MOTION CARRIED 5 - 0.

ITEM F. HISTORIC SITE:

Topaz read the proposed wording, and made note to the memorandum regarding the Historic Site Criteria. Mr. Trotter said that the criteria should be included in the definition for Historic Site. Topaz then read the wording of the criteria relative to Historic Site. She said there is a historic sites inventory in the Comprehensive Plan, however there are very few items on the inventory.

SPEAKING: Don Kopp

Mr. Kopp felt that the wording in the criteria would make the definition more complete and was in favor of having the Historic Site Criteria inserted in the Comprehensive Plan.

Mr. Trotter made a Motion that the Commission recommend to the City Council that the proposal be implemented by inserting the new Historic Site Definition Section 1.03 and the Historic Site Designation Criteria to Section 10.08 of the Zoning Ordinance. The Motion was seconded by Ms. Sweetland, and CARRIED 5 - 0.

ITEM G. MOBILE HOME

Topaz explained that the proposed wording was taken from the Oregon State Housing Department. She read the proposed wording.

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SPEAKING: Don Kopp

Mr. Kopp stated that the wording "easily moveable" implies that the home is not stationary; he suggested the words "originally moveable" be used. Topaz expressed her agreement with Mr. Kopp's statement. Mr. Gudgel said that the wording should stay the same because a mobile home is easily moveable compared to a conventional home.

Mr. Bond stated that only during the time the home is moved to the site the home is in a moveable state; after the home is approved it is then not in a moveable state.

Mr. Trotter said the major difference between a conventional home and a mobile home consists of the permanently installed steel beams supporting the home, which continues to keep the structure in a moveable state.

SPEAKING: John Palmer

Mr. Palmer expressed his concern that the Committee could become suspect for establishing the criteria of mobile homes, and the effect may be the incorrect definition of a mobile home.

SPEAKING: Gene Lambird

Mr. Lambird felt the major difference is that a manufactured home is taxed as a residence, and since it is necessary for a mobile home to be moved once a year to escape taxation the wording is correct in the sense of moveability.

Mr. Lotz made a motion for the Commission to accept the wording as proposed by the Committee. The Motion was seconded by Ms. Sweetland and CARRIED 5 - 0.

ITEM H. PREFABRICATED/MODULAR STRUCTURE

Topaz explained that the primary difference between this Item and the previous Item was that in this case prefabricated/modular housing must conform to the standards of the Uniform Building Code. She then read the proposed wording.

There were no questions or discussion from the Commissioners or the Staff. Mr. Gudgel made a motion that the proposed wording be accepted and recommended to the Council. The Motion was seconded and CARRIED 5 - 0.

At 8 p.m. a ten minute recess was called. The meeting reconvened at 8:10 p.m.

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Topaz stated that reference had been made to the Uniform Building Code and there was no definition of the term "church" in the reference manual. Rebecca Sweetland made the Motion that the proposed definition of the word "church" be accepted and recommended to the Council. The Motion was seconded. Mr. Lotz said that the I.R.S. can change the tax laws and the definition may be ambiguous with respect to using one's home as a church for tax shelter purposes. MOTION CARRIED 4 - 1, Mr. Lotz voting in opposition.

ITEM I. DUPLEX

Topaz explained the reasons for the proposed change were the requests Staff has received for both conversions of larger homes to duplexes and for new duplexes on large single lots that cannot be partitioned to allow zero lot line attached housing. The major change between a single-family attached and a duplex is that a duplex would allow two units on one lot.

Topaz read and explained the proposed wording and the method of implementation. Mr. Trotter expressed his concern on the future impact parking requirements may have on increased lot size and the potential need for a second driveway. Topaz said that it has not been necessary in her experience, to have additional driveways.

Mr. Bond asked if presently a single-family attached or a duplex is an Outright Use or Conditional Use in an R-5 Zone. Topaz said that single-family attached is an Outright Use in the R-5 Zone.

SPEAKING: Paul Yang

Mr. Yang stated that we are now in an era when it has become increasingly difficult for developers to construct affordable housing. He felt that duplex housing should be encouraged because it is an economic use of the land and also provides as a thoroughly viable vehicle for small investors. Often a person will buy a duplex unit, live in one and rent the other unit out. The management and maintenance operation is fairly simple. Financing is easier to acquire, designs resemble single-family homes, and duplexes have all the amenities of a single-family home. Since the trend of ownership is to share the expense, the wording "usually for rent" should be stricken from the proposed wording. Most often duplex units are smaller in square footage than single-family residences and therefore eliminate the possibility of overburdening the coverage of a lot. Because of the compensatory factor of increasing the lot size the coverage most generally would not be more than that of a single-family home.

Jon Stein mentioned that the proposal would eliminate or at least reduce the number of future flag lots because generally it would be easier to obtain a Conditional Use as opposed to a Minor Land Partition for a flag lot.

Mr. Gudgel stated, that he was in agreement with Mr. Yang in relation to the deletion of the wording "usually for rent", because the purpose of the Commission is to focus on land use, not ownership.

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Mr. Lotz recalled the number of irate citizens who attended the C.P.R.C. meetings complaining of the development of duplex housing in the essentially single-family neighborhoods. Most of these citizens felt that multiple housing should be restricted to certain areas within the City.

There was lengthy discussion on the impact of multiple housing on various neighborhoods throughout Milwaukie. Several of the Commissioners felt that conditions within the City had not changed in the period of one year to require a complete revision of the Comprehensive Plan.

Mr. Bond made a Motion to delete the words "usually for rent" and to disapprove the Items A and C. The Motion was seconded. There was further discussion relating to whether or not the lot size increases would accommodate for the density of multiple housing. The suggestion was made for these issues to be submitted to a consultant for further consideration of the impact of the proposed wording on the Zoning Ordinance. The Motion was made to withdraw the previous Motion on the floor and submit the issue to a consultant for further consideration. The Motion was seconded. The decision was made to continue the discussion on the Comprehensive Plan Review on April 14, 1981. The Regular Meeting of the Planning Commission will be held at the Milwaukie Community Center at 7 p.m. and when the meeting is in recess the Commissioners will move to Milwaukie City Hall for a reconvening of the meeting in the Council Chambers.

4.1 CONSIDERATION:

PARK PROPOSALS FOR PUBLIC LAKE ACCESS ON THE KRONBERG PROPERTY
Since there have been no requests yet for the Kronberg property the memorandum presented would serve as an informational item on the Kellogg Lake Property.

SPEAKING: Gene Lambird

Mr. Lambird said that he supported the Staff's recommendation to establish a policy for development of Kellogg Lake.

4.2 CONSIDERATION:

Request by School District #12 for vacation of an undeveloped portion of 47th Street currently used as school playing field.

Even though the Planning Commission does not take action on a street vacation a procedure has been established to inform the Commission when such action would be presented to the City Council.

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5.0 OLD BUSINESS .

5.1 APPEAL OF C-81-2 REVEREND JAMES THOMPSON, Applicant, for Linwood Alliance Church.

The City Attorney in conjunction with Don Miner, the applicant's attorney, will be preparing findings of fact for the City Council to consider at their next meeting according to the decision made on March 17, 1981. The indication has been that the Council will sustain the action taken by the Planning Commission to allow the placement of the mobile home on the church property.

6.2 MINUTES OF THE PLANNING COMMISSION - MARCH 10, 1981

Ms. Rebecca Sweetland mentioned that there had been a spelling error in the speaker's name, Gene Lambird, which had been spelled "Lambert."

7.1 PLANNING COMMISSION OCCUPATION MEMORANDUM

Mr. Trotter asked who had requested the information and what was the purpose of compiling this information. Topaz explained the request had come from the City Manager's Office because there is a section in the Ordinance that states not more than two of the Commissioners may have the same occupation.

7.2 MEMORANDUM ON PLANNING COMMISSION PACKETS .

Mr. Trotter suggested that Staff notify the Commissioners if material delivered should be retained and perhaps when the material will be referred to in the future. The Commissioners agreed and accepted this to be a current procedure in the handling of printed material. A suggestion was made to have the materials 3-hole punched and recycled, by leaving with the Staff, if they did not wish to hold them in a personal file.

7.3 OFFICERS ELECTIONS

Mr. Trotter read the policy dated March 30, 1980 stating, Officers should be elected at a regular meeting in April of each year. Since the Commission is now meeting twice a month, and the term expires in May, the elections will be held on the second meeting in April. The Commissioners were in agreement to have the elections on April 28.

MEETING ADJOURNED AT 11:00

Donald L Trotter

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AGENDA

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- 1.0 CALL TO ORDER
- 2.0 PUBLIC HEARINGS:
 - 2.1 C-81-2 GEORGE EIVERS, 12045 S.E. STANLEY AVENUE
Request to add a 40-bed residential care facility and a 29-space parking lot to the south side of the existing Milwaukie Convalescent Center.
 - 2.2 COMPREHENSIVE PLAN REVIEW
- 3.0 PUBLIC COMMENT
- 4.0 CONSIDERATION:
 - 4.1 PARK PROPOSALS FOR PUBLIC LAKE ACCESS
- 5.0 OLD BUSINESS
- 6.0 CONSENT AGENDA
 - 6.1 MINUTES OF CITY COUNCIL - FEBRUARY 26, 1981
 - 6.2 MINUTES OF PLANNING COMMISSION - MARCH 10, 1981
- 7.0 OTHER BUSINESS