

CITY OF MILWAUKIE

MINUTES OF PLANNING COMMISSION

REGULAR MEETING

DECEMBER 8, 1981.

MEMBERS PRESENT:

DON TROTTER
TOM BOND
PATRICIA JAMTGAARD
GEORGE CATHERY

MEMBERS ABSENT:

REBECCA SWEETLAND
JIM LOTZ
BOB GUDGEL

ALSO PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
JON STEIN, ASSOCIATE PLANNER
CAROL LEE, SECRETARY
STEVE HALL, PUBLIC WORKS DIRECTOR
GREG EADES, CITY ATTORNEY
RICK RYAN, ASSISTANT FIRE CHIEF
LARRY CONRAD, PLANNING DEPARTMENT INTERN

Mr. Trotter opened the meeting at 7:10 P.M.; explaining there would be a change in procedure because Mr. Ritchey had asked Mr. Roger Mundorff to represent him with a new proposal to the Planning Commission. Mr. Trotter said Mr. Mundorff would be allowed to speak first, presenting the new proposal.

Mr. Cathey asked the Commission to excuse him temporarily because of conflict of interest, and left the panel.

3.1 VR-81-23 Calvin Ritchey; Robert Schram
Applicants and Property Owners

Property Location: Southeast end of Waverly Heights Subdivision,
east of Cambridge Lane, northwest of Waverly Greens Apartments.

PROPOSAL:

Request to allow Variance from Section 3.01.3.j of the Zoning Ordinance to permit residential construction of a 2.7 acre parcel that does not abut a public street. If the Variance is granted, the Applicant proposes to Minor Land Partition the site into three lots, with single-family residences on two. The request is identical to the proposal (VR-81-20) reviewed by the Planning Commission at the October 13, 1981 Meeting. This request was postponed at the request of the Applicant at the November 24, 1981 Planning Commission Meeting.

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APPLICANT'S RESPONSE:

SPEAKING: MR. ROGER MUNDORFF, 11050 S.E. 21st Avenue, Milwaukie
Representing Mr. Calvin Ritchey

Mr. Mundorff said the Waverly Heights area consists of over 30 very elite homes, served by private roadways, and the homeowners wish to keep this very uniquely secluded atmosphere by retaining the private roadway. The Applicant has another alternative, Mr. Mundorff submitted a site plan to the Commission indicating a proposed emergency access road through the Ritchey property from Waverly Court to Cambridge Lane. There will be a gate installed in the existing fence which will remain locked and only the Fire and Police Departments would have the key. This road would not be accessible to the public.

Mr. Mundorff said in his opinion a gate could be provided for emergency access within the provisions of the deed restriction, and the City would not be held responsible for any adverse action if the variance is granted. A petition was submitted to the Commission with signatures of surrounding residents in the Waverly Heights area, however these people were not aware of the new proposal to provide an access road. Mr. Mundorff mentioned this access road would be beneficial to the entire area and would allow the Fire Department a means of maneuverability within the area during training routines and actual fire emergencies. The Applicant is willing to assume the cost of providing this road and feels he is complying with the Commission's primary concern to provide emergency access to Cambridge Lane. Mr. Mundorff said, it is unlikely that the neighbors will ever support the reconstruction of Cambridge Lane, because it would have a definite impact on the characteristics of the area.

Ms. Jamtgaard asked Mr. Mundorff what the width of the proposed access road would be. Mr. Mundorff said, it would be constructed according to the regulations set by the Fire Department, which would be approximately 10' wide. The road will be a paved, one-way road passing through the grove of trees near the existing garage and property line.

Mr. Trotter said the Commission had received letters from Mr. Ted Laszlo and Mr. Jean DeLord in favor of the proposal and another from Mr. and Mrs. Justice indicating opposition because of the traffic hazards along Cambridge Lane.

Topaz mentioned that the Commission had previously stated several other concerns, some of which include traffic hazards and health and safety factors. Rick Ryan, Assistant Fire Chief presented a video tape, which had been taken recently, showing the fire truck on a routine training mission in the Waverly Heights area. It was very evident that the driver had difficulty maneuvering the fire truck through the curved roadways. It would have been an impossibility for the fire truck to pass another vehicle, and, it was necessary to back into another driveway to turn around.

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Mr. Trotter asked Staff, what is the width of each lane on Cambridge Lane. Rick Ryan said, at some points the roadway is not wider than 7 or 8 feet. Steve Hall said the average is about 7 feet per lane, total width 15 feet on the average.

Mr. Trotter asked if there was anyone in the audience who wished to speak in favor or opposition to the variance request. Mr. Trotter suggested that the public hearing be continued until January 12, 1982 which is the next scheduled Planning Commission Meeting in order to allow the Staff time to research the new proposal and produce a Staff Report reflecting their opinions. Mr. Trotter asked if there was anyone present who would not be able to attend the next meeting, that wished to testify.

SPEAKING: John DeLord, 10127 S.E. Cambridge Lane, Milwaukie

Mr. DeLord said, he lives across from the Ritchey property and is quite well-aware of the litter and loitering on the property, especially during the summer months. He also mentioned the extreme fire danger because of tall grass and weeds. He said the fire road would reduce the hazards for the fire trucks and would benefit the entire area. Mr. DeLord suggested the Commission thoroughly consider the application and grant a variance for the proposal.

SPEAKING: JERRY CORRIGAN, 10,000 S.E. Cambridge Lane, Milwaukie

Mr. Corrigan said, he was in favor of granting the request because the lot would better serve the owners with two homes located there than to have lots that are a complete nuisance to the community. Mr. Corrigan mentioned he had submitted a letter to the Commission in support of the previous proposal. He felt the proposal should be granted now so that the Fire Department would be able to begin using the fire road for access to the area, as soon as it is constructed. He mentioned that additional homes would reduce the tax load of other property owners in the area.

SPEAKING: MS. MARY DORIS RITCHEY, 15361 S.E. Clackamas River Road, Oregon City

Ms. Ritchey stated that it was important for the Commission to remember the majority of the neighbors are in favor of the request; there are only a very few persons opposed to the request.

Mr. Trotter asked if there was anyone else who wished to testify, there was no response.

Mr. Trotter made a MOTION TO CONTINUE VR-81-23 until January 12, 1981 to allow Staff time to review the new proposal. The Motion Failed for lack of Second.

Ms. Jamtgaard asked Staff if they had prepared new alternative. Topaz said Staff had prepared alternatives relative to Mr. Ritchey's prior request, but that Staff had not seen this proposal prior to the meeting.

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Mr. Trotter made a MOTION TO CONTINUE VR-81-23 until the Planning Commission Meeting of January 12, 1982 to allow the Staff time to analyze the new proposal and its impacts, if any, on the Applicant's request. Ms. Jamtgaard Seconded the Motion.

Mr. Trotter said, testimony will be accepted, at that time, regarding any new evidence relative to the proposal to add a fire access road.

Mr. Mundorff said the fire access road is not an additional proposal, it has been considered as an alternative. The Applicant did not intend to construct both a fire access road and an emergency vehicle turnaround. The Planning Commission will have the opportunity to choose the safest alternative. Mr. Trotter said the Commission has a policy that allows the Staff two weeks to research and prepare information concerning any proposal.

The MOTION CARRIED 3 - 0, Mr. Cathey abstaining.

Mr. Cathey resumed his position on the panel.

3.2 AMENDMENTS TO THE COMPREHENSIVE PLAN, PLAN MAP, ZONING
ORDINANCE, AND ZONING MAP.

The Commission had concerns regarding Ordinance #1437, Section 4, OBJECTIVE #1, Policy 10.B, Page A-7 of the proposed Comprehensive Plan Amendments. Topaz said the Capital Improvements Program is mentioned on Page 8 of the Comprehensive Plan, which itemizes the City's integrated programs.

Mr. Trotter made a Motion to modify the proposed wording of Ordinance #1437, Section 4, OBJECTIVE #1, Policy 10.B, Page A-7 to read: Pursue funding of capital improvements program for the construction of public facilities and service elements for the City.

Mr. Bond Seconded the Motion and the CARRIED 4 - 0.

Zoning Ordinance Amendments #1438:

There were comments regarding the description of "movability" of mobile homes. It was suggested the the first sentence of the definition in Section #2, Mobile Home be modified to read: A shelter manufactured in a factory and transported to a site. The first sentence of the definition for Modular Housing should also be modified to read the same for consistency. Section #4 - C, (6.03.04) should be modified to read: The Planning Staff shall automatically notify of Conditions attached to Conditional Use Permits in the event of a change in ownership or business. Section #6, Page A-4 should be worded to indicate that upzoning is included in the map revisions. Mr. Trotter suggested full notification should be sent to property owners with the upzoning areas. A fact sheet with justifications should be submitted to the Council. Section #7 - (Section 4.17.01) - Design Review Board should be modified to read: The Design Review Board should be made up of members of the following professions . . .

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Mr. Eades suggested that Section 4.17 - Design Review Board be in a separate Ordinance. The Commission concurred that Item #7 of the Proposed Ordinance #1438 be deleted. Mr. Trotter made a Motion to recommend to the City Council the proposed Ordinance #1438 as modified by the Staff and Planning Commission. Ms. Jamtgaard Seconded the Motion; it carried unanimously.

6.1 CITY COUNCIL MINUTES - NOVEMBER 17, 1981

6.2 PLANNING COMMISSION MINUTES - OCTOBER 17, 1981

It was mentioned the Findings for PD-81-2, had not been included in Page 2 of the Planning Commission Minutes.

7.1 PLANNING COMMISSION FUNCTIONS - ORDINANCE NUMBER 1106

Mr. Bond commented that in his opinion it is not necessary to have seven members on the Planning Commission and the length of service requirement is too long.

Mr. Trotter said that seven members are necessary because it was rare to have everyone in attendance.

Mr. Cathey said he felt as though the public is still being served even though quite often there are several members absent from the panel. He also said that it does take some time to learn all the requirements necessary to do a good job.

7.2 BRUN-MORELAND-CHRISTOPHER - UPDATE OF PREVIOUS APPLICATION

Jon Stein mentioned the Applicant had withdrawn his application because the current economic situation had created lack of interest.

8.1 REORGANIZATION PROPOSAL AND ANALYSIS

Topaz presented a brief review of the current proposal of City Government Reorganization.

THE MEETING ADJOURNED AT 10:45 P.M.

AGENDA

MILWAUKIE PLANNING COMMISSION

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1.0 CALL TO ORDER

2.0 PROCEDURAL QUESTIONS

3.0 PUBLIC HEARINGS

3.1 VR-81-23

CALVIN RITCHEY; ROBERT SCHRAM - Applicants and Property Owners
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PROPOSAL:

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3.2 AMENDMENTS TO THE COMPREHENSIVE PLAN, PLAN MAP, ZONING ORDINANCE, AND ZONING MAP.

4.0 PUBLIC COMMENT

5.0 CONSIDERATION

6.0 CONSENT AGENDA

6.1 CITY COUNCIL MINUTES - NOVEMBER 17, 1981

6.2 PLANNING COMMISSION MINUTES - OCTOBER 27, 1981

7.0 OLD BUSINESS

7.1 PLANNING COMMISSION FUNCTIONS - ORDINANCE NUMBER 1106

7.2 BRUN-MORELAND-CHRISTOPHER - UPDATE OF PREVIOUS APPLICATION

8.0 OTHER BUSINESS

8.1 REORGANIZATION PROPOSAL AND ANALYSIS