

CITY OF MILWAUKIE

MINUTES OF PLANNING COMMISSION

REGULAR MEETING

NOVEMBER 24, 1981

MEMBERS PRESENT:

DON TROTTER
REBECCA SWEETLAND
BOB GUDGEL
JIM LOTZ

ABSENT:

GEORGE CATHEY
TOM BOND
PATRICIA JAMIGAARD

ALSO PRESENT:

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

Mr. Trotter opened the meeting at 7 P.M.; explaining the procedures of the public hearing and stating that the presentation on manufactured housing would be first on the meeting's agenda. Jon Stein introduced Mr. Jim Myers.

SPEAKING: MR. JIM MYERS, representing Edwards Industries.

Mr. Myers said he was at the meeting primarily to educate the public of advantages in mobile home and modular housing. He mentioned the modular units that are being constructed by Edwards Industries are both structurally and aesthetically fit for communities within the City. The basic difference of modular housing and mobile homes is that modular housing is built to meet the Uniform Building Code. Mr. Myers presented the Commission with pamphlets describing the construction of modular homes and materials used. Modular homes are constructed in the factory in two halves, on wood floor joists, then transported to the site. They are built with shake roofs and cedar siding and designed with a french gable roof, which gives the appearance of a more conventional home. Mr. Myers presented slides of several model homes, their factory in Wilsonville, and sites of several subdivisions with nicely landscaped modular homes.

Mr. Myers said because the modular units are constructed inside where the materials stay clean and are controlled; the units are built by licensed constructors there is a savings of almost 15% of the cost of a site-built home, which are constructed in approximately 45 days less time, yet built identically to a home constructed on site. A foundation is constructed before the modular unit is brought to the site then it is permanently affixed to that foundation.

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Topaz mentioned Staff had invited another person to speak to the Commission regarding construction of mobile homes.

Mr. Trotter asked if there was anyone in the audience who had questions. Mayor Joy Burgess asked if the price ranges of modular units is comparable to that of conventional homes. Mr. Myers answered, yes. Mayor Burgess asked what the average square footage of the modular unit is. Mr. Myers said the average was 1400 sq.ft.

Mr. Trotter asked if there were any more questions, there was not response.

The Commissioners thanked Mr. Myers for his presentation.

Mr. Trotter mentioned that notice had been posted at the door indicating the public hearing for Calvin Ritchey VR-81-23 to allow variance from Section 3.01.3.j of the Zoning Ordinance to permit residential construction of two homes on a 2.7 acre parcel located at the southeast end of Waverly Heights Subdivision, east of Cambridge Lane, Northwest of Waverly Greens Apartments until January 12, 1982, which is the next scheduled Planning Commission Meeting. This postponement was at the Applicant's request.

APPLICANT'S RESPONSE:

SPEAKING: Mr. Roger Mundorff, representing Calvin Ritchey.

Mr. Mundorff stated the Applicant requested that his application be reviewed before the majority of the Commissioners, and asked to postpone the hearing.

Mr Eades explained the background relative to this application's reconsideration. Applicant was considering filing an appeal with the Council until Mr. Eades suggested the request be reconsidered by the Planning Commission in order to evaluate all the evidence relating to this application. The Commissioners agreed by consensus to postpone the public hearing until December 8.

3.1 CITY OF MILWAUKIE PUBLIC WORKS AND FIRE DEPARTMENT C-81-15; C-81-16
11022 S.E. 37th Avenue, Milwaukie, Oregon 97222

PROPOSAL:

1. Request to construct a 24' x 30' double-car garage to house a Fire Department rescue vehicle, near the intersection of 37th and Railroad Avenues.
2. Request to construct a domestic water well pumphouse on the west side of an existing parking lot, northwest of the administration building.

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Jon Stein presented the Staff Report.

Mr. Trotter asked Staff if the setback requirement of 30' from centerline and additional 20' front yard setback has been met. Topaz explained the access driveway is on 37th Avenue which does not require the additional 30' setback.

Steve Hall said the facility will be more closely oriented to 37th Avenue than Railroad Avenue, the setback requirement will be met.

Steve Hall commented on the request of the Public Works Department. He mentioned there has been a change in the law which allows the State control of water distribution and water facilities instead of Federal EPA. He read the portion of Oregon Administrative Rule 33.42 which stipulates restrictions for water supplies. Several other sites have been considered but were not compatible because of physical or legal constraints.

The Public Works Department agrees to the stipulations for landscaping and request a variance for the parking stalls.

Ms. Sweetland asked Steve Hall to explain the functions of an automatic telemetry system. Mr. Hall said the system is used as a device to measure the operations of each station and relays information to a central control. Ms. Sweetland asked Mr. Hall what affect there would be if the well were within 100' of the sewer main. Mr. Hall explained there would probably be very little affect because a thick layer of clay would have to be penetrated before contamination would occur.

SPEAKING: Rick Ryan, Assistant Fire Chief

Rick Ryan explained this location had been chosen because of the close proximity to major arterials. Construction of the additional garage is the best and most feasible method of providing a facility for the new rescue vehicle. Sirens and lights will be used during emergency calls approximately three or four times during a 24-hour period. The Milwaukie Historical Society has given permission to use their parking lot for overflow parking.

Mr. Trotter asked Rick Ryan to explain why such a large garage is needed. Rick Ryan said it is necessary to have an area large enough to work around the vehicle and to open the doors to full extension. Remodeling will be done in the existing building to provide sleeping facilities for the extra personnel; file cabinets will be moved to the garage storage area.

Mr. Trotter asked if there was anyone in the audience who wished to testify in favor or in opposition to the request.

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SPEAKING: Christa McDonald, Milwaukie Historical Society

Ms. McDonald was concerned about the noise and vibration level during the process of well drilling. She asked, would the windows in the street-car be replaced if they are broken due to vibration.

Steve Hall explained the method of well drilling would be cable-tool, which does not vibrate or cause excessive noise during the well drilling process. He assured Ms. McDonald the glass would be replaced if broken because of any noise vibration.

Mr. Trotter asked if anyone else had questions or comments regarding the application, there was no response.

THE PUBLIC HEARING CLOSED AT 8:05 P.M.

Mr. Trotter asked Rick Ryan if a 16' wide garage door was necessary.

Rick Ryan said they had reconsidered the width of the door and feel that a 12' fiberglass door will be sufficient.

Mr. Lotz MADE A MOTION TO APPROVE C-81-15; C-81-16 with Findings and Conditions as stated in the Staff Report. Mr. Gugdel Seconded the Motion.

Mr. Trotter Made a Motion to add Condition #4 to the Main Motion that would require the request for the garage structure meet the criteria of Zoning Ordinance, Section 4.10.3. The Motion failed for lack of Second.

THE MAIN MOTION CARRIED 4 - 0.

FINDINGS:

1. The proposed uses comply with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2, Coordination, Policies #1 and #2, Page 77.
 - B. OBJECTIVE #4 - Water Service, Policies #1 and #2, Page 77.
 - C. OBJECTIVE #8 - Police and Fire Services, Policy #1, Page 79.
2. Benefits outweigh the negative impacts.
3. The site will be appropriately landscaped where needed.
4. The proposed uses will be compatible with adjacent residences and the Milwaukie Museum.
5. There are no feasible alternatives.
6. The Variance is the minimum necessary.
7. Traffic conflicts will be minimal.

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CONDITIONS:

1. Drainage, utilities, exterior lighting, pavement to be approved by the Public Works Department.
2. Submit landscape plan, including buffering of the proposed structures.
3. Provide emergency vehicle signing, east and west of the garage.

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- 3.2 ANNEXATION A-81-4; ZONE CHANGE ZC-81-6; PLAN MAP AMENDMENT PRC-81-3
BERNICE LYNCH, Applicant; ELLISON MORGAN, BERNICE LYNCH, Owners
12374 S.E. Oatfield Road, Milwaukie (T.L. #600, Sec 36DC, Tls, RLE)

PROPOSAL:

1. Request to consider petition from Ellison Morgan and Bernice Lynch for annexation of property at 12374 Oatfield Road, north of Kellogg Creek and east of Oatfield Road to obtain City water and sewer.
2. Request to consider Comprehensive Plan Map Amendment from County Low-Density Residential to City Low-Density Residential.
3. Request to consider Zone Change from County R-7 to City R-7, Residential.

Jon Stein presented the Staff Report.

Mr. Trotter asked Staff if proper notification had been sent to residents surrounding the property within the Dual Interest Area. Topaz answered, yes. Mr. Trotter asked Staff if Oatfield Road would be included in the annexation. Steve Hall said, if it abuts the annexation it can be annexed with the property. It would be logical to include Oatfield Road in this annexation which would provide continuity of control on Oatfield Road from Kellogg Creek to Lake Road.

APPLICANT'S PRESENTATION:

SPEAKING: TOM REMLEY, 1121 J.Q. Adams, Oregon City, Oregon

Mr. Remly mentioned the parcel is unique because of the historical background. It was an old estate dating back to 1911. The County had agreed to a Planned Unit Development of 7 or 8 lots, Zoned R-7. Preservation of the unique species of trees on the property is of primary concern to the owners.

Mr. Trotter asked if there was anyone in the audience who wished to testify in favor or opposition or make any remarks regarding the annexation request.

SPEAKING: DAN HILDERBRAND, 12381 S.E. Gilford Drive, Milwaukie

Mr. Hilderbrand said he had been involved since the initial application with the County of Clackamas. Mr. Hilderbrand asked why there are two separate issues being considered, that of plot plan approval and that of a zone change for the property.

Topaz explained the plot plan had only been included for the Commission's information as to what had been considered in the previous applications before the County. The City has a two-step process for a Planned Development Approval, and Applicant must comply with the City regulations which are different from those of the County.

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SPEAKING: NORM HAYES, 12431 S.E. Gilford Drive, Milwaukie

Mr. Hayes said he owns property adjacent to the subject property. He asked the Commission why the property had not been considered for annexation in the R-10 Zone rather than R-7.

Mr. Trotter explained the County zone is R-7. The Low-Density Designation would allow either R-7 or R-10, the City R-7 and R-10 are comparable with those zones in the County.

Mr. Hayes asked the Commission if the property could be annexed to the R-10 Zone. Mr. Trotter said the Commission could recommend that to the City Council.

Mr. Trotter asked if there were any more questions regarding the impact of this annexation. There was no response.

Mr. Trotter asked if the Applicant or his representative had any closing comments.

SPEAKING: TOM REMLEY, 1121 J.Q. Adams, Oregon City, Oregon

Mr. Remley mentioned the primary reason for requesting R-7 Zoning was to provide buildable lots within the restrictions of allowing preservation of the existing unique trees.

Mr. Gudgel suggested the Commission consider R-10 Zoning for the property to be in keeping with the surrounding properties.

Mr. Lotz agreed with Mr. Gudgel stating the City Limit Boundaries would be equalized if the property is zoned R-10.

Mr. Trotter asked Staff if the Zone Change had been a recommendation by Staff or had it been requested by the Applicant. Topaz said the Applicant had requested the property be zoned R-7.

Mr. Trotter asked the Applicant if there was any objection to zoning the property R-10.

SPEAKING: BERNICE LYNCH, Co-Owner and Applicant

Ms. Lynch said she desires to have a total of five lots for development. A six-lot development was approved by the County and agreed to by the Oakridge CPO. The existing home is a 70-year old, 5,000 sq.ft., structurally sound, English country home valued at over \$100,000. Ms. Lynch desires to divide the property into five lots: the existing home to be one one lot exceeding 20,000 sq.ft.; two lots of 10,000 sq.ft.; and two lots of 8,000 sq.ft. She was not certain the the R-10 Zoning would allow this type of partitioning.

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Mr. Gudgel stated that if the existing home were destroyed for some unforeseen reason the complete plan would then be changed. It would be far more advantageous to have the property zoned R-10. Variances could be granted to allow construction for the appropriate lot sizes.

Mr. Trotter mentioned the Commission was not guaranteeing the Applicant that the current plot plan would also be approved if the property is approved for R-10 Zoning. Variances are approved when criteria have been met. Mr. Lotz said the testimony presented proved that R-10 Zoning was definitely the appropriate zone for this property.

Mr. Gudgel made a MOTION TO APPROVE A-81-4, ANNEXATION OF Tax Lot #3600; PRC-81-3 INITIATING COMPREHENSIVE PLAN AMENDMENT FROM COUNTY LOW-DENSITY TO CITY LOW-DENSITY RESIDENTIAL; ZC-81-6 ZONE CHANGE FROM COUNTY R-7 TO CITY R-10 RESIDENTIAL to take place if and when the property is annexed to the City, subject to Findings stated in the Staff Report as revised.

Ms. Sweetland asked if the Willamette Greenway Zone touches this property. Topaz said the Greenway Zone does not follow the creek even though it does include the entirety of the Kellogg Lake.

Mr. Trotter asked if the Main Motion was to include Oatfield Road. Mr. Gudgel answered, his intent was to include Oatfield Road annexation within the Main Motion.

Mr. Eades suggested that the Applicant has perhaps received certain indications from the Commission relative to their request and the lot size allowances within the R-10 Zone. The issue should be limited to whether or not the development is compatible with the surrounding zoning.

Mr. Hall asked Mr. Eades if the granting of R-10 Zoning would be considered by the County as a real estate taking of value. Mr. Eades said no, the Commission has the authority under the provisions of the Comprehensive Plan to recommend appropriate zoning for proposed annexations. Mr. Trotter mentioned the City Attorney's function is to advise the Commission of problems that he foresees relative to any application.

Mr. Gudgel suggested the public hearing be reopened to allow further testimony from the public.

Mr. Lotz said the Planning Commission's action is composed of consideration for density, size of lots and a compatible zoning for the surrounding area.

Mr. Trotter mentioned the action was not to approve the number of lots, but to consider whether or not the property should be annexed to the City and what the appropriate zone would be.

Ms. Sweetland said, her main concern is which zone would be more protective for the Creek. Mr. Trotter said both R-7 and R-10 Zones provide protection for the floodplain area.

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Mr. Trotter asked Staff to explain the division between County R-7 and the City R-10 on the site plan. Topaz explained that County R-7 is applied only to the subject property and the County Zoning adjacent to it is all R-10.

Mr. Gudgel Made a Motion to return to the Main Motion, Ms. Sweetland Seconded the Motion. Mr. Trotter Made a Motion to add Finding Number 8, to the Staff Report, as follows: The revised Site Plan designated the property City R-10 because the property is bounded on two sides by City R-10 and one side by County R-10. THE MAIN MOTION CARRIED 4 - 0.

Mr. Trotter explained to the audience that this application is not subject to appeal, however there would be another public hearing before the City Council.

FINDINGS:

1. The proposed annexation would satisfy public need for additional housing.
2. The annexation will not adversely effect health, safety and welfare of the community.
3. The petition complies with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policies #2.A and B, Page 28.
 - B. OBJECTIVE #4 - Neighborhood Conservation, Policy #5, Page 31.
 - C. Would match Low-Density Land Use Designation.
4. Annexing the parcel would reduce the irregularity of the City Limit Boundary.
5. The annexation will follow Kellogg Creek, the natural southern boundary.
6. City R-7 Zoning would match the present County R-7 Zoning.
7. The annexation complies with the Dual Interest Area Agreement.
8. The revised Site Plan designates the property City R-10 because the property is bounded on two sides by City R-10 and one side by County R-10.

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5.1 COMPILATION OF AMENDMENT TO THE ZONING ORDINANCE

Topaz suggested the definition of OAR 660-07-000, Section 77.109 -- Redevelopable Land be added to the definition section of the Zoning Ordinance. An Amendment to the Public Notice Provisions enacting newspaper notice restriction, mailing notices to property owners within 250', and posting a sign on the site was considered for the Zoning Ordinance.

Topaz mentioned the Commission consider addition to Section 10.05 - D., regarding notification to adjacent property owners after action of the Planning Department, in order to inform the public of current development within their immediate area. There was consensus of the Commissioners that the Ordinance provide protection for the adjacent property owners notification and opportunity to appeal the Planning Commission's decision.

Larry Conrad presented proposed additions to the Comprehensive Plan, which provides for a periodic update and review with specific amendments based on a set of policies. There was discussion reflecting the opinions of the Commissioners regarding support for a capital improvements program. There was a suggestion that more explicit wording for a capital improvements program be proposed before submittal to the City Council. Mr. Trotter suggested there be a statement indicating what sections of the Plan the proposed Policies are intended to reflect.

5.2 PROPOSAL FOR APPEALS PROCEDURE

Greg Eades mentioned the proposal had been considered by the City Council and the Planning Commission at the September 22, 1981 Planning Commission Meeting. The primary reason for this proposal is to provide the Applicant every opportunity to present all the evidence and information concerning his application to the Planning Commission, which is the governing body with the most expertise in functions of land use planning. There were comments that if there is a provision for reconsideration the neighbors would have the opportunity, whether in favor or opposition, to state their opinions.

5.3 EXTENSION OF VARIANCE REQUEST VR-81-6
Steven R. Hankins, 21945 S.E. Donna Ct., Boring, Oregon 97009

Request to provide four parking spaces rather than required five spaces for a proposed 1,612 sq.ft. office building. The variance request is for one parking space.

Mr. Hankins request a six-month extension because the landscaping had not been completed.

Mr. Trotter made a MOTION TO APPROVE EXTENSION OF SIX-MONTHS FOR VARIANCE REQUEST VR-81-6. Ms. Sweetland Seconded the Motion; it CARRIED UNANIMOUSLY.

THE MEETING ADJOURNED AT 10:25 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 C-81-15; C-81-16
CITY OF MILWAUKIE PUBLIC WORKS AND FIRE DEPARTMENT
11022 S.E. 37th Avenue, Milwaukie, Oregon 97222

PROPOSAL:

1. Request to construct a 24' x 30' double-car garage to house a Fire Department rescue vehicle, near the intersection of 37th and Railroad Avenues.
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3.2 Annexation A-81-4; Zone Change ZC-81-6; PLAN MAP AMENDMENT PRC-81-3
BERNICE LYNCH, Applicant; ELLISON MORGAN, BERNICE LYNCH, Owners
12374 S.E. Oatfield Road, Milwaukie (T.L. #600, Sec 36DC, Tls, RLE)

PROPOSAL:

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3. Request to consider Zone Change from County R-7 to City R-7, Residential.

- 3.3 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 on 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.

- 4.0 PUBLIC COMMENT
- 5.0 CONSIDERATION
- 5.1 COMPILATION OF AMENDMENT TO ZONING ORDINANCE
- 5.2 STREET VACATION
- 6.0 CONSENT AGENDA
- 6.1 CITY COUNCIL MINUTES - NOVEMBER 3, 1981
- 7.0 OLD BUSINESS
- 8.0 OTHER BUSINESS
- 8.1 MOBILE AND MANUFACTURED HOME PRESENTATION (7:00 P.M.)
- 8.2 GOALS
- 8.3 ANNEXATION POLICY RELATED TO PROVISION OF CITY SERVICES