

PLANNING COMMISSION MINUTES

REGULAR MEETING

JULY 27, 1982

MEMBERS PRESENT:

DON TROTTER
GEORGE CATHEY
AL LAINE
JOHN LITTLEHALES
BOB BROWN
PATRICIA JAMTGAARD

STAFF PRESENT:

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

MEMBERS ABSENT:

REBECCA SWEETLAND

GUEST SPEAKER: BURTON WEIST, HOME BUILDERS ASSOCIATION

Mr. Weist said that he has been working with the Home Builders Association, Governmental Affairs Division as a Staff Planner assisting the local governments. Mr. Weist presented a booklet titled The White Paper, a summary of the home market of today and the future.

Housing is getting more expensive in terms of the percentage of disposable income spent. The average new home buyer is spending 37% of disposable income on housing, up from 10 years ago of 25%. By the end of the decade 50% of a family's disposable income will be spent on shelter. Another prediction is home ownership will continue to increase. Multi-family housing is becoming extremely difficult to produce because the money for investment is not as plentiful. Forty percent of the population will not be able to afford their own home, new or used. Rents have failed to increase and in some areas have actually declined. It is even more difficult for a developer to approach a banking institution and justify construction based on cash flow when rents do not cover the debt service to a unit.

Small inexpensive dwellings under \$50,000. and large very expensive dwellings over \$150,000. are to be the housing trend for the future. Homes within the \$80,000. range with all the amenities simply are not selling. It is not anticipated these types of homes will constitute any appreciable part of the housing market in the future. Builders will be constructing more expensive custom pre-sold homes, with the majority of the market being homes of \$60,000 and under.

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Financing in the "80's" will be fluctuating between 10% and 12%, with the money available for builders at "two over prime." The amount of time a builder must take to get his construction permit becomes really critical forcing the completed construction time to approximately 45 days. At that point the supplier will carry the construction costs. A builder cannot afford to borrow money for construction at the high interest rate for a period of six months before occupancy. The average home buyer is no longer protected by the government, the passbook savings accounts will not longer provide mortgages at 2% below the prime rate. The prime rate will continue to be higher unless there will be a dramatic change. The Home Builders Association has incorporated a company called Builders Mortgage Company, which will pool pension funds and make them available on a nonprofit basis to members. There will be more money available through this means by other corporations. In terms of where a builder gets the money and the financial arrangements there will be a drastic change in the role of financial institutions. Cities will be faced with the dilemma of providing sewer and water services for new construction and repairs. Cities in the past have relied on funds from the builders for city services. If the 1½% Limitation passes there will be adverse impacts, limiting Cities of a means of assessing property. The entire market has been thrown out of line with the basis of L.C.D.C regulations and the Urban Growth Boundary. It is important for Cities to provide space for continued growth or they will become deteriorated for lack of new development.

Zoning has its benefit but must not be confused with Planning. Many communities tend to rely on the Zoning Ordinance to fulfill the expectations of the city. Another problem are tract developments, with miles of houses that look alike, created by rigid setbacks and regulations. The applicant usually takes the path of least resistance when dealing with City Standards. Many times these regulations form a pattern of unattractive rows of houses. If Cities want innovative housing and varied neighborhoods then a good PUD Ordinance should be set into effect that provides time limits for approvals. PUD's allow jurisdictions more freedom of control for design and facilities within a development. It is however essential that the developer be assured of certain time limits for processing his application. City Ordinances should be written with a positive point of view, listing what is expected and giving incentives for desired development. The appeals process has continued to be a problem. There is a bill before the legislature that would change the current process which allows citizens to oppose new construction for all most any reason. Too many projects are being held up because of an appeal. There should always be a fee for appeals, but must be at a rate feasible to the community. Administrative approvals should be more fully utilized to cope with the extensive amount of time to process an application.

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Developers are encouraged through the Association's publication IN-SITE Magazine. Working with various jurisdictions to provide further understanding among developers and city administration has proven to be successful.

The STREET OF DREAMS, in Tualatin, is presented this year with a focus on solar energy and awards given for innovation. Mr. Weist said the Association would be glad to arrange a tour of homes. The development does not have all of the setback restrictions and yet is very attractive.

Mr. Trotter called the meeting to order at 7:00 p.m.

3.2 GEORGE EIVERS C-82-11
12045 SE Stanley Avenue, Milwaukie

PROPOSAL:

Request to build a 64-bed residential care facility and a 18-space parking lot to the south side of the existing Milwaukie Convalescent Center.

Jon presented the Staff Report. Mr. Cathey said even though he has had business dealings with Mr. Bartel in the past he felt he could review the application objectively. There were no objections to Mr. Cathey remaining on the panel.

SPEAKING: RAY BARTEL, 2515 SE Harrison, Milwaukie

Mr. Bartel said that he is representing the Applicant. He felt the addition would have no adverse impacts on the community with noise or stress on the street conditions. There is a waiting list of persons in need of residential care. Mr. Bartel presented a site plan showing the existing structure, additional parking and the proposed driveway with turnaround for Staff and Visitors near the main entrance. Persons that are ambulatory would have need for some sort of intercom system to the nearby facility. The building design will conform to the slope of the land, but will basically be a two-story building. He mentioned the addition will be the same style of architecture as the existing facility, keeping with the residential flavor and pattern. Mr. Bartel said the applicant is in agreement with the Staff Report with the exception that the sidewalk would extend out past the existing one.

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CONDITIONS: C-82-11

1. Utilities, drainage, roadway and pedestrian improvements to be approved by the Public Works Department.
2. Provide sidewalk to Stanley Avenue from building and parking lot.
3. Dedicate a 5' strip of land along the west side fo Stanley Avenue from the north property line to the south end of the developed area.
4. Provide full half-street improvements along the west side of Stanley Avenue from the north property line to the south end of the developed area.
5. Work with Staff to save cluster of cedar and spruce trees.
6. Any trees that are removed shall be replaced on a one-for-one basis with compatable species.
7. Submit a landscape plan, to be approved by Staff, showing a variety of landscape materials compatable with existing vegetation that buffers site.

3.3 JOHN POLKA, Applicant and Property Owner VR-82-11
10394 SE 40th Avenue, Milwaukie

PROPOSAL:

Request to build a 960 sq.ft., 30' x 32' double-car garage 6' from the east property line rather than minimum 20' and 3' from the north property line rather than minimum 5'. A rear yard setback variance of 14' and side yard setback variance of 2' is requested.

Jon presented the Staff Report, and Alternative to the Commission.

APPLICANT'S RESPONSE:

SPEAKING: ROBERT RUSSELL, 4091 SE Adams, Milwaukie
Representing Mr. Polka

During the time of application and meeting with Staff he found he could meet all the requirements of the Zoning Ordinance. The alternative he suggested involved shifting the plans for the garage and driveway over to avoid removing a tree. He explained the proposed garage is a premanufactured structure, with precut trusses, to change the size of the garage would be extremely expensive.

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There were comments regarding street improvements for the west side of Stanley Avenue. Mr. Bartel said they would agree to half-street improvements on Stanley Avenue.

The public hearing closed at 7:20 p.m.

Mr. Cathey asked Staff if there had been any consideration for a bus stop at the Convalescent Center. Mr. Hall said there were no bus routes on Stanley Avenue or Railroad Avenue.

Mr. Cathey made a Motion to approve C-82-11, with modified Condition #6 to read: Any trees that are removed shall be replaced on a one-for-one basis with compatible species.

Mr. Trotter Seconded the Motion, and Made a Motion to amend the Main Motion to read: Approve request to build a 64-bed residential care facility and a 18-space parking lot to the south side of the existing Milwaukie Convalescent Center. Condition #7 to be revised to read: Submit a landscape plan, to be approved by Staff, showing a variety of landscape materials compatible with existing vegetation and that buffers site.

Mr. Cathey Seconded the Motion, the amendment was approved unanimously, the Main Motion also carried unanimously.

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.

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Mr. Cathey made a Motion to Approve Alternative #1, VR-82-11:

The 2' side yard variance will be eliminated, and rear yard variance reduced from 14' to 8' by shifting the garage 6' west and 2' south. There would be 25' of separation between the garage and house and improved access. There would be no impact to the existing vegetation. The garage would be more than 25' from the house to the east, and 23' from the house to the northwest.

Additional Finding #12 to read: Location will provide a space for garden with solar access.

Additional Finding #13 to read: No adverse testimony received. Mr. Trotter made a Motion to amend the Main Motion to include Findings #1 - 13, as discussed by the Commissioners with the exception of Finding #5, to be deleted; Condition #5, to read: Remove clear vision obstructions at the driveway entrance to specifications of Public Works Department, to be incorporated in the Developer's Agreement.

Mr. Brown Seconded the Motion, it carried unanimously.

FINDINGS:

1. The lot size is significantly larger than a typical single-family lot in an R-7 Zone.
2. Most houses to the east, west and north have oversized rear yards.
3. The alternative is the minimum necessary that would allow adequate space for covered vehicle storage.
4. There would be little impact on the existing vegetation and additional open space preserved.
5. The garage would be more than 45' from the house to the northeast and 29' from the house to the northwest.
6. The 12' rear yard would provide an additional buffer and useable recreation space.
7. The proposal is supported by OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31, of the Comprehensive Plan.
8. There is adequate space for a future increase in the roadway right-of-way. A setback variance will not be required.

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FINDINGS: CONTINUED

9. There is a 6' high site-obscuring wood fence around the periphery of the parcel and extensive vegetation to the north and east.
10. Public Works does not anticipate an increase in traffic on King Road, west of 42nd Avenue. King Road, west of 42nd Avenue is designated a local street, reducing the need for significant street widening and an increase in right-of-way.
11. Location will provide space for garden with solar access.
12. No adverse testimony received at public hearing.

CONDITIONS:

1. Pavement, driveway location, drainage, utilities, and procedures for fire protection to be approved by the Public Works, Planning and Fire Departments.
2. Pave driveway to City Standards to the edge of the street pavement.
3. Submit Developer's Agreement for roadway improvements on King Road and 40th Avenue to specifications of the Public Works Department.
4. Design and locate the driveway to preserve the existing cluster of trees.
5. Remove clear vision obstructions at the driveway entrance to specifications of Public Works Department, to be incorporated in the Developer's Agreement.

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- 3.4 BROD AND MCCLUNG, Applicant PR-82-3; VR-82-10
CLAYCO COMPANY, Property Owner
9800 S.E. McBrod Avenue, Milwaukie

PROPOSAL:

Request to allow construction of a 60' x 60' metal building within the Floodway Fringe of the Flood Hazard Zone of Johnson Creek at 31' floor elevation, rather than minimum 34'. A floor elevation variance of 3' is requested.

Jon presented the Staff Report and explained the meaning of the one-hundred year floodplain.

APPLICANT'S RESPONSE:

SPEAKING: Mr. Mellinger, 9800 SE. McBrod, Milwaukie
Representing the applicant.

Mr. Mellinger, explained that a few years ago a building was approved to be built at the 31' level but since that restriction has changed. He explained that the proposed building would be concrete instead of metal, would house mechanical equipment and nothing would be based on the floor of the structure.

Mr. Hall explained there were two options to the applicant's request, either build the building 1' above the one-hundred year flood level or meet the floodproof requirements of the building within the Floodplain area.

The applicant mentioned that it would be difficult to build at the 34' elevation because the heavy equipment that will be assembled in this area would have to be moved up a ramp manually.

Mr. Trotter made a Motion to continue the Public Hearing until August 24, 1982 unless applicant requests an alternative time, the Commission agreed.

The Commission recessed for ten minutes.

- 3.5 MILTON CEGLOWSKI, Applicant VR-82-12
DORIS YOUNG, Property Owner
10993 SE Oak Street, Milwaukie, Oregon

PROPSOAL:

Request to allow parking space setback of 0' rather than minimum 4'6" from the east property line, gravel surfacing for driveway and parking lot, rather than required asphalt or concrete surfacing, and 16' wide driveway rather than 20'.

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CONTINUED:

MILTON CEGLOWSKI, VR-82-12

Jon presented the Staff Report.

APPLICANT'S RESPONSE:

SPEAKING: MARTY WELCH, Far West Landscaping
Contractor's License #115, State of Oregon

Mr. Welch said he had been hired by the applicant to landscape and pave the property. He mentioned two parking stalls would be sufficient for use of the property, but would agree to providing another space. He suggested that the proposed fence be eliminated from the plans as it would only pose a problem with cars backing into it. Installing a hedge would not be good choice because the State of Oregon maintains the easement in front of the property along Highway 224, and they have a tendency to be sloppy in their mowing procedures. He suggested landscaping with poles of varied height (8" to 14") that would be buried in the ground about 6' bordering the landscape area.

There were comments among the Commissioners regarding the best barrier to accommodate the unique piece of property.

Mr. Trotter made a Motion to approve VR-82-12, Site Variance of 0' lot line setback along the north property line, parking spaces to be the depth of 16', and driveway 15' rather than minimum 20', maneuvering aisle to the north-end of the parking lot rather than 22' for 90' parking spaces, Findings proposed by Staff, Condition #1 to be revised to read: Drainage, driveway and vehicular maneuvering area to be designed and paved to specifications of the Public Works Department, sewer connection to be confirmed by the Public Works Department; Condition #5 to read: Barrier to vehicular traffic along south property line to be installed to Staff's specifications. Ms. Jamtgaard Seconded the Motion; it carried unanimously.

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FINDINGS: VR-82-12

1. The guard rail is a unique condition decreasing the useable area for vehicular access and off-street parking.
2. The size, location and lot configuration limits the location of the access driveway and parking stalls.
3. The recommended alternative would provide adequate access and a vehicle maneuvering area. The driveway would be 15' wide and the parking stalls 11' wide and 16' deep. On-site vehicle maneuvering would improve.
4. Traffic volume would be low and fire equipment access is available from Oak Street.
6. The proposal is supported by the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Employment Opportunity, Policies #1 & #2, Page 36.
 - B. OBJECTIVE #2 - Land Use, Page 82.
7. The property and area will be upgraded.
8. The property is suited for office use. It is adjacent to a heavily traveled arterial. Privacy is minimal and noise, air and light pollution are high.
9. Scattered shrubs and grass ground cover, within the right-of-way of Highway 224 to the south, and sight-obscuring fence along the north property line help buffer the property
10. No adverse testimony at public hearing.

CONDITIONS:

1. Drainage, driveway and vehicular maneuvering area to be designed and paved to specification of the Public Works Department.
2. Provide site-obscuring fence along length of both property lines.
3. Bark dust does not total more than 25% of landscape area; to be confined to planting beds.
4. Provide nonilluminated sign details to be approved by the Planning Department.

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5.1 C-81-12; C-81-13
GORDON NICHOLS, Previous Applicant
DAVE ROHLS, New Applicant
Drake Street, Milwaukie

PROPOSAL:

Request modification of Conditional Use to allow a 22' wide driveway, rather than the minimum 24', to serve two mobile homes on flag-shaped parcels.

Jon presented the Staff Report and background of the application.

APPLICANT'S RESPONSE:

SPEAKING: DAVE ROHLS, 10105 SE Sandy Blvd., Portland

Mr. Rohls explained his reason for the request was to preserve the open space along the property line which has a steep slope to the land.

Mr. Trotter made a Motion to approve the modification to C-81-12; C-81-13, based on Findings and Condition, the Motion carried unanimously.

CONDITION:

Conditions of C-81-12; C-81-13 will remain valid, for a 22' driveway on the site rather than the required 24' driveway.

3.1 C-82-6
STATE OF OREGON HIGHWAY DIVISION, Applicant and Owner
East side of 24th Avenue, North of Stubb St.,
South of Ochoco Street.

PROPOSAL:

Request to construct an 80' x 80' metal building to be used for offices and storage of highway maintenance vehicles.

Mr. Trotter said because there was not an audience present the Commission would suspend with the Public Hearing Procedure. Jon presented the Staff Report.

Mr. Hall said the pedestrian crosswalk would be located at 24th Avenue and Ochoco Street. The paved area would be used for vehicle storage, and employee parking would be across from Stubb Street.

Jon said sign details would be reviewed by Staff, even though the State has their own sign code.

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Mr. Cathey made a Motion to approve C-82-6, based on Staff Report Findings and Conditions. The Motion was Seconded, and carried unanimously.

FINDINGS: C-82-6

1. The proposal with conditions complies with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #1 - Economic Development, Policies #2 and #5, Page 35.
 - B. OBJECTIVE #2 - Employment Opportunity, Page 35.
 - C. OBJECTIVE #5 - Industrial Impact, Page 36.
2. All applicable ordinances will be complied with.
3. Noise impacts will be minimal.
4. Clear vision will be maintained.
5. Signalized access is available at Ochoco Street and McLoughlin Blvd.
6. The property and area will be improved. The two-story brown structure will have vertical grooved metal siding.
7. Access to the site is available from Stubb and Ochoco Streets, and 24th Avenue.
8. The parcel is flat and conducive for a warehouse and office use.
9. Public utilities are available.
10. Adequate employee parking is available within a large existing parking directly south of Ochoco Street.
11. Visitor parking is provided along the south side of the property.
12. The parcel will be fenced and security lighting provided.
13. A variety of landscape materials will be provided enhancing the appearance of the property.
14. Pedestrian access is indicated.
15. Vehicle access will be designed to minimize circulation conflicts.
16. No adverse testimony at the public hearing.

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CONDITONS:

1. Sign details to be approved by Staff.
2. Provide landscaping that buffers the site, to be approved by Staff.
3. Utilities, drainage, streets, sidewalks, curbs, other improvements and procedures for fire protection, to be approved by the Public Works and Fire Departments.

8.0 OTHER BUSINESS:

There was some discussion about public notice and posting of signs on site. Some small signs may be provided and should be used for public notice. It was suggested that a fee be charged to the applicant for use of the sign, at the time of application.

Topaz mentioned the work being done on a video tape of the downtown redevelopment program for Milwaukie. A tour of developments within the Milwaukie area and STREET OF DREAMS Exhibit will prove to be informative for all the Commissioners. Staff will provide the Commission with further information of their current projects and exact date of home tour as soon as available.

The Meeting Adjourned at 9:30.

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- 1.0 CALL TO ORDER
- 2.0 PROCEDURAL QUESTIONS
- 3.0 PUBLIC HEARINGS
 - 3.1 STATE OF OREGON, HIGHWAY DIVISION C-82-6
9002 S.E. McLoughlin Blvd, Milwaukie.
PROPOSAL:
Request Conditional Use Permit to construct
80' x 80' metal building to be used for offices
and storage of highway maintenance vehicles.
 - 3.2 GEORGE EIVERS C-82-11
12045 S.E. Stanley Avenue, Milwaukie
PROPOSAL:
Request to build a 64-bed residential care facility
and a 18-space parking lot to the south side of
of the existing Milwaukie Convalescent Center.
 - 3.3 JOHN POLKA VR-82-11
10394 S.E. 40th Avenue, Milwaukie
PROPOSAL:
Request to build a 960 sq.ft., 30' x 32' double-car
garage 6' from the east property line rather than
minimum 20' and 3' from north property line rather
than minimum 20'. A rear yard setback variance
of 14' and side yard setback variance of 2' is
requested.
 - 3.4 BROD AND MCCLUNG, APPLICANT PR-82-3; VR-82-10
CLAYCO COMPANY, PROPERTY OWNER
9800 S.E. McBrod Avenue, Milwaukie
PROPOSAL:
Request to allow construction of a 60' x 60'
metal building within the Floodway Fringe of the
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- 3.5 MILTON CEGLOWSKI, APPLICANT VR-82-12
DORIS YOUNG, PROPERTY OWNER
10993 S.E. Oak Street, Milwaukie, Oregon
PROPOSAL:
Request to allow parking space setback of 0'
rather than minimum 4'6" from the east property
line, gravel surfacing for driveway and parking
lot, rather than required asphalt or concrete
surfacing, and 16' wide driveway rather than 20'.
- 4.0 PUBLIC COMMENT
- 5.0 CONSIDERATION
- 5.1 C-81-12; C-81-13 GORDON NICHOLS
NEW APPLICANT, DAVE ROHLS
Drake Street, Milwaukie
PROPOSAL:
Request modification of Conditional Use to allow
a 22' wide driveway, rather than the minimum 24'.
- 6.0 CONSENT AGENDA
- 6.1 City Council Meeting Minutes: June 29, and July 6, 1982
- 6.0 OLD BUSINESS
- 8.0 OTHER BUSINESS
- 8.1 LAND USE PRESENTATION BY BURTON WEISE,
HOME BUILDERS ASSOCIATION AT 6:00 P.M.