

CITY OF MILWAUKIE
MINUTES OF PLANNING COMMISSION
REGULAR MEETING
July 8, 1980

Members present:

Don Trotter, president
Tom Bond
George Cathey
Bob Gudgel
Bob Kennedy
Jim Lotz

Also present:

Steve Hall, Public Works Director
Topaz Faulkner, Assistant Planning Director
Jon Stein, Assistant Planner
Greg Eades, City Attorney
Francie Baker, Secretary

Member excused: Leo Bauman

1. CALL TO ORDER

The July 8, 1980 meeting was called to order at 7:03 p.m. by President Don Trotter.

2. CONSENT AGENDA

2.1 Approval of minutes of June 24, 1980 regular meeting.

3. PUBLIC HEARINGS

3.1 VR-80-14 Hydronix, Inc., applicant. Floyd Chapman, property owner. Continuance of request to reduce number of on-site parking spaces from 16 to 8 for 16 employees and to allow a cluster of eight 90 degree angle parking spaces directly abutting a public street rather than the maximum four in M-G, General Manufacturing zone at 2425 S.E. Ochoco Street.

The Public Hearing was opened at 7:08 p.m. Jon Stein presented additional alternatives staff has worked on which staff feels would reduce or eliminate the variance request by the applicant. No correspondence for or against the application was received.

Speaking: Mr. Floyd Chapman, Hydronix, Inc.

Mr. Chapman proposed alternatives providing for 7 angle parking spaces adjacent to Ochoco Street, and preservation of the tree. He conceded that the loading dock indicated in the original site plan was too close to the adjacent home, and therefore will not be located in that position. Mr. Chapman has also spoken to two property owners regarding off-street parking facilities, which gives him two choices for parking although no lease agreement has been signed yet. The Public Hearing was closed at 7:17 p.m.

The commissioners commended Mr. Chapman for helping to come up with alternative solutions to the problem. Concern was expressed over adequate assurances for guaranteed parking as to long-term leases and how they would be handled, particularly if Hydronix hires more employees in the future and if the neighbor, Irv Leopold decides to expand his business, how it would affect the lease. Mr. Chapman also stated more landscaping would be added. He said that three to five years parking lease is reasonable. Steve Hall suggested tying the variance to the length of the lease, then review by commission, leaving flexibility with property owners. IT WAS MOVED and SECONDED, to approve VR-80-14

by allowing a cluster of 7 parking spaces directly backing onto Ochoco Street with conditions that adequate space for 9 additional parking spaces be furnished to the city with the lease and with second condition that the variance be reviewed at change of ownership or expiration of lease. The general agreement of the commission was that backing onto Ochoco Street is a situation similar to the rest of the industrial sites around that area and no extra benefits would be given ~~that are~~ not presently utilized by others in the same area. MOTION PASSED 5-0 with Gudgel abstaining.

4. AUDIENCE PARTICIPATION

There was no audience participation.

5. CONSIDERATION

- 5.1 C-79-12 William C. Covington, applicant. Walter A. & Eunice Swan, property owners. Request for 6-month extension of expired Conditional Use (C-79-12) to build duplex on 10,000 sq. ft. parcel on west side of 29th Avenue, north of Boyd Street.

Jon Stein gave brief synopsis of events, recommending denial of a request for extension of the Conditional Use because the Conditional Use has expired twice and conditions of approval have not been met. The original application was approved for a Minor Land Partition and Conditional Use to build a duplex on a 10,000 sq. ft. portion of a 17,000 sq. ft. lot. The new ordinance has different requirements than the old one and does not allow duplexes in single family zones. According to Steve Hall, staff was advised by the City Attorney that there was no alternative other than to deny. The suggestion to the applicant was to submit a new Minor Land Partition application with a Conditional Use application for single family attached units and a Variance for substandard lot areas for each single family unit to concur with the current Comprehensive Plan Zoning Ordinance.

Speaking; Mr. William Covington, applicant.

Mr. Covington stated he was not the original applicant, since he purchased the 10,000 sq. ft. lot in September, 1979 when he reapplied for the same under the old ordinance and was approved with conditions. Due to problems with the seller and with financing, the sale was closed in December, 1979 and he was under the assumption the six-month period was from the date of purchase.

After discussion, IT WAS MOVED by Gudge1, SECONDED by Lotz, to deny extension of C-79-12 since it is no longer a duplex lot and could not fit the requirements of the old code or the present one. MOTION CARRIED unanimously by those present. Don Trotter advised the applicant he has the right to appeal to the City Council within 15 days.

Findings:

1. The Conditional Use has expired twice.
2. The conditions of C-77-25 and C-79-12 have not been met.
3. The Conditional Use was approved under the former Zoning Ordinance which had different requirements from the new ordinance.

5.2 VR-80-15 LeRoy R. Colby, applicant and property owner. Request to postpone provision of required (1) covered parking space for a house at recently partitioned parcel east of 11466 S.E. Linwood Ave. until 63rd Ave. is improved. A variance of 0 covered parking spaces rather than 1 in R-7, Residential zone.

Jon Stein gave staff report, recommending denial for reasons stated in the staff report. No correspondence was received for or against the request.

Speaking: Mr. Dale Henningson, builder, and son of Mr. and Mrs. Colby

Mr. Henningson explained the house was built this spring, positioned on 15,000 sq. ft. lot facing 63rd Street so that the proposed street can be utilized when it goes through. He stated that the expense would be impractical in view of the temporary need for a covered parking area. At present the house meets all the requirements for a double flag lot with the 24 ft. road going back, and it is the intent of the applicant to install a blacktop surface adjacent to the existing road. IT WAS MOVED by Trotter, SECONDED by Bond, to approve VR-80-15, with the condition that the requirement for one off-street parking space would be met when S.E. 63rd is improved. MOTION PASSED 4-2 with Lotz and Gudge1 voting against.

Findings:

1. The variance is the minimum necessary to permit use of the property in the same manner as others in the zone.
2. There are no feasible alternatives.

5.3 David Nywall--use of tires as retaining wall at 3736 S.E. Monroe Street

Jon Stein explained that problems could develop from building a retaining wall of used tires. He quoted section 4.01 of the Zoning Ordinance which relates directly to fences, retaining walls, and aesthetics. Staff has some reservations regarding the actual appearance of the wall. The applicant has indicated he would provide a type of screen such as ivy, which would eventually cover the retaining wall.

Mr. Nywall presented correspondence received from the Department of Commerce, Clackamas County, Department of Environmental Quality, Metropolitan Service District, and a petition of agreement signed by his adjacent neighbors. Mr. Nywall explained how he would compact the soil to fill the tires.

Concern was expressed by some commissioners about setting a precedent where this procedure will be accepted as a standard in the community.

Speaking for applicant: Mr. Ken Williams, industrial engineer
7734 S.E. Roseann, Portland, Oregon

Mr. Williams spoke of tire walls prominent along coast areas in Oregon. He indicated that since the backyard is such a problem, the tires were a practical solution and could not be viewed from the front of the property.

The consensus of the commission was no objection to the application and that this item was the concern of the Building Department.

7. OTHER BUSINESS

7.1 PCP-80-9 Inclusion of all related correspondence in Planning Commission packets was adopted by consensus of commission.

7.2 Summary of City Council action on Johnson Creek Flood Control

As requested by the Planning Commission, Topaz Faulkner reviewed the City Council minutes on the subject. Beginning in November, 1978, the City of Portland requested that Milwaukie and all other jurisdictions through which Johnson Creek runs, join them in co-sponsoring a petition to Metropolitan Service District and agree on interim guidelines for flood control. The Milwaukie City Council unani- mously passed a motion to endorse it. In October, 1979 the Council heard a presentation from a M.S.D. staff person who was also chairperson of the Johnson Creek Task Force. At that time the Council voted unanimously to accept the interim guidelines for storm water run-off in Johnson Creek basin. In December, 1979, a resolution was passed stating city support for the L.I.D. to resolve flooding problems in Johnson Creek. In May, 1980 mention was made that Phase I would cost the city a total assessment of \$838.99 for the 11 city-owned parcels. In June, 1980, the Council heard a motion that the city request exemption from the assessment, which failed to pass. On June 9 a special meeting was held during which a motion was passed that the city submit to M.S.D. its remonstrance on all 11 city properties on the formation of Johnson Creek Local Improvement District.

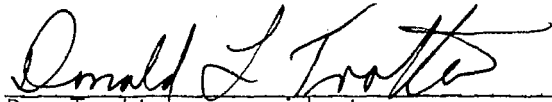
Steve Hall explained how 51 percent of property owners would have had to vote against participation in order to defeat the L.I.D. Bob Kennedy said it appears to some people that the city is against the whole idea, since the city did not take a stand advocating it at the time they voted to remonstrate. Steve said with Council given only 11 days notification, there was not time to go through channels, and therefore it was not passed for budgetary reasons. The commissioners agreed that it would have been a good idea for the city to imply their support of the L.I.D. concept at the time of the Council action.

Regarding the role of the Planning Commission in relation to the City Council, Don Trotter said he has spoken with the City Manager, the Mayor, and Councilwoman Nickel, who are sympathetic, and he discussed with them the Planning Commission as a standing committee similar to what a legislative body would have, and using the Planning Commission as a research source. These three people have indicated they would attempt to be more diligent in passing items along to the Planning Commission for review as time permits. The City Manager has stated he will be present at the next Planning Commission meeting to give a briefing on waterfront development, and answer any questions on that. Don said the commission has the responsibility also to send memos of advice to the Council without necessarily waiting for a request if there is an issue falling under Planning Commission jurisdiction the members feel is important enough to offer advice on.

Don said since the aforementioned persons spoken to are aware of the situation, a letter to the Council from the Planning Commission is not needed at this time.

Don also said he attended a seminar on the role of the Planning Commissioner in June, where a suggestion was made that the Planning Commissioners have responsibility for follow-up action, to see where their decisions have made impact on the community. Don said it is important to specify when particular items of concern are in conditions given to applicant rather than leaving a generalized statement, such as preserving particular trees.

The meeting was adjourned at 9:12 p.m.



Don Trotter, president

ATTEST:



Francie R. Baker, Secretary

CITY OF MILWAUKIE PLANNING COMMISSION
AGENDA
July 8, 1980
7:00 p.m.

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6. OLD BUSINESS
7. OTHER BUSINESS
 - 7.1 PCP-80-9
 - 7.2 Summary of Council action on Johnson Creek Flood Control (verbal)