

PLANNING COMMISSION MINUTES

REGULAR MEETING

JUNE 11, 1985

MEMBERS PRESENT

JOHN LITTLEHALES, CHAIRMAN
BETTY ROHOLT
DON TROTTER
JAN FITZGERALD
ROBERT KNUDSON

MEMBERS ABSENT

AL LIANE
JOHN FOSTER

STAFF PRESENT

LORI MASTRANTONIO-MEUSER
ASSOCIATE PLANNER
ANNE NICKEL,
DEVELOPMENT COORDINATOR
STEVE HALL,
PUBLIC WORKS DIRECTOR
MARY NEWELL,
HEARINGS REPORTER

1.0 Mr. Littlehales called the meeting to order at 6:35 P.M.

2.0 PROCEDURAL QUESTIONS.

There were no procedural questions.

3.0 PUBLIC HEARINGS

3.1 APPLICANT: Emmett W. Shields
PROPERTY OWNER: Emmett W. Shields
LOCATION: East of Linwood Avenue and west of 66th Avenue,
just north of Montgomery Estates
PROPOSAL: Applicant requests preliminary plat approval of
a 9-lot subdivision. (TL 6300 of Tax Map 1 2E 32BB)
S-85-02.

Mr. Littlehales pointed out that there were only five Commissioners present. Mr. Knudson, declaring a conflict of interest, withdrew from consideration on the application of Emmett Shields. Mr. Littlehales appointed Anne Nickel as a fifth, non-voting member of the Commission in order to fill the quorum.

Lori gave the Commissioners a revised plat and presented the staff report. Lori emphasized that the Staff recommended that sidewalks should be part of the deed restriction for Lots 2 and 3 of Block 2 of Montgomery Estates in order to notify owners of the lots that they are responsible for putting in the sidewalks.

Lori noted that a change had been made in the Staff Report (Pg. 2). She stated that the fire hydrant located at the east corner of 63rd and Montgomery Drive would serve the cul-de-sac area and not the entire subdivision. She indicated that an additional hydrant might be required.

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Mr. Littlehales questioned the possible use of the fire hydrant located at 64th and the property line. Steve indicated that was only a 4-inch line and not adequate to serve the area. He felt it would be up to the Fire Department to decide this.

Mr. Littlehales requested a definition of "centerline monumentation." Steve replied that they were survey markers used to designate the centerline in streets and intersections and were used for reference for future City or private surveys.

APPLICANT'S RESPONSE

SPEAKING: Ned Leland, 1605 SE 146th Court, Vancouver, WA
Representing Tom Burk, Engineer, and Mr. Shields

Mr. Leland stated that the Staff Report and recommendations were acceptable to his client. He added that most of the specifications required in the Staff Report were standard for a subdivision.

Regarding the sidewalks, Mr. Leland doubted that it would be necessary for a deed restriction but indicated that it was acceptable.

TESTIMONY IN SUPPORT OF THE APPLICATION

There was no testimony in support.

QUESTIONS OR COMMENTS

There were no questions or comments.

TESTIMONY IN OPPOSITION

There was no testimony in opposition.

CLOSING OF PUBLIC HEARING

Mr. Trotter asked if a fire hydrant should be included in Condition No. 3. Steve indicated that the requirement for an additional fire hydrant would be included.

Mr. Trotter requested Staff to expound on the deed restriction. Lori explained that her concern was that the houses would be built before the street was constructed and Condition No. 6 was to insure that the property owners were aware that they were required to put in the sidewalks. Lori confirmed that the lots in question were Lots 2 and 3 of Montgomery Estates and not the property being considered in the application. She said that this developer would be required to put in 63rd Court, which is the cul-de-sac plus the stem to Montgomery Estates. Lori stated the Mr. Dierking has dedicated the 40-foot right-of-way for the street and this developer is required to put in the street

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Lori reiterated that her major concern was that the property owners of lots adjacent to the stem be aware that they were responsible for the construction of sidewalks in front of their property. She suggested it might be more appropriate for Staff to indicate it on the Building Permit, and suggested that Staff would speak to Mr. Dierking about having the restriction filed with the deed.

Mr. Trotter pointed out that there was a contradiction between two conditions in the Staff Report: Condition No. 2 requiring the developer to construct the sidewalks, and Condition No. 6 requiring the property owners to construct the sidewalks. Steve suggested deleting "and sidewalks" from Condition No. 2 and adding a second sentence: "Sidewalks will be installed at the time of building construction."

Lori suggested that Condition No. 6 be eliminated. Mr. Trotter concurred.

Mr. Trotter expressed favor with the proposal because there were no variances and it met all the standards.

Ms. Roholt moved to approve S-85-02 with three findings and recommendations as listed, #1 as is, #2 amended to delete "and sidewalks" and an additional sentence, "The sidewalks as per specifications of Public Works Department will be installed at the time of the construction of homes.", and Conditions 3, 4, and 5, as stated, and deleting Condition No.6.

Mr. Littlehales seconded the motion, but proposed an amendment to Condition No. 5 adding a statement: "Street lighting plan and Street tree plan are required at the time the final plat is submitted." He indicated this would insure that the conditions of the plat approval had been met. Ms. Roholt concurred. Mr. Leland expressed approval of the changes in the conditions.

THE MOTION CARRIED UNANIMOUSLY.

3.2 APPLICANT: Emmett Shields
PROPERTY OWNER: Emmett Shields
LOCATION: 11161 SE Maplehurst, Milwaukie
PROPOSAL: Annexation of 6½ acres to obtain city services for future development. (TL 100 & 200 of Tax Map 1 2E 32BC, TL 7800 of Tax Map 1 2E 32BB) A-85-01.

Mr. Littlehales indicated that Mr. Knudson was excluded from this matter also due to a conflict of interest. Lori was appointed as the fifth, non-voting member of the Commission.

Anne Nickel presented the Staff Report. Anne noted a correction to the report stating that the size of the development is 2.13 acres rather than 2.3 acres.

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Anne explained that this property was being considered for annexation because all three conditions relating to the Triple Majority application have been met. These conditions are: 50 per cent of the property owners, who also are 50 per cent of the land owners, and also have 50 per cent of the assessed value.

Correspondence from Don and Darlene Willis, 6507 SE Monroe, was introduced in opposition of the application.

APPLICANT'S RESPONSE

SPEAKING: Ned Leland 1605 SE 146th Court, Vancouver, WA
Representing Tom Burton, and Mr. Shields.

Mr. Leland feels that the annexation would be good for Mr. Shields in that it would provide services that cannot be provided by Clackamas County. He also stated that the annexation would be beneficial to the surrounding property owners.

Mr. Littlehales asked where the two single-family residences were located. Anne indicated that Tax Lot 200 was Mr. Shields' personal residence and that a residence was located just behind it.

SPEAKING: Mr. Shields

Mr. Shields stated that one residence was located on Tax Lot 200 and the other was located on approximately Lot 21.

TESTIMONY IN FAVOR OF THE ANNEXATION

There was no testimony in favor of the annexation.

COMMENTS OR QUESTIONS

SPEAKING: Eleanor Wiley, 6665 SE Charles, neighbor to Mr. Shields

Ms. Wiley stated that she expects to get closer to the City as time goes by. She was notified of this application, however, she suggested that more information be supplied to the property owners identifying what services are being offered by the City in comparison to those they already have with the County. She does not feel this annexation is necessary, if the City cannot provide any services they don't already have from Clackamas County.

TESTIMONY IN OPPOSITION

SPEAKING: Mrs. Mirecki, 6730 SE Catalina Ln., Milwaukie

Mrs. Mirecki stated that they are currently well serviced by fire protection, water, sewer and police and did not feel that the City could provide them with any services they did not already have. She also suggested that if they cannot have a vote on the annexation, the Oregon law should be changed.

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Mrs. Mirecki indicated that she had not received any correspondence regarding the annexation. Anne explained that only property owners within a certain distance were notified of any land annexations.

CLOSING OF PUBLIC HEARING.

In response to Mr. Littlehales' question, Anne verified that all residents within 500 feet of the subject property were notified of the proposed annexation.

Mr. Trotter, citing the applicant's desire to be annexed and the fact that all criteria had been met, moved to recommend to City Council the adoption of Annexation No. A-85-01 with the three findings as listed in the Staff Report. The motion was seconded by Ms. Roholt.

THE MOTION CARRIED UNANIMOUSLY.

RECESS at 7:35 P.M.

Hearing reconvened at 7:45 P.M. Not in attendance were Anne Nickel and Steve Hall.

3.3 CONSIDERATION OF REVISIONS TO THE M-L AND M-G ZONES

Lori summarized the Staff's findings with regard to the proposed revisions to the Draft Industrial Zone. She also indicated that notices of the hearing may not have been posted early enough to allow interested parties to attend.

After general discussion, it was suggested that the criteria needed was not necessarily a percentage of use but rather a quota of employees.

Mr. Trotter stated that he felt the latest revisions were too inflexible.

Mr. Trotter moved to continue the public hearing to the next meeting June 25, 1985. He stressed the importance that notification of the hearing be sent to industries in the area so that they may attend and offer their suggestions, ideas and other input. The motion was seconded by Ms. Roholt.

THE MOTION CARRIED UNANIMOUSLY.

Lori stated that there would be a public notice of the hearing and that the interested parties would be contacted directly. Lori indicated that Staff would try to revise the draft and include as much flexibility as possible.

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5.1 REQUEST BY COMMERCIAL FACTORS FOR RECONSIDERATION OF A CONDITION
OF APPROVAL REGARDING A REQUIRED DEVELOPER'S AGREEMENT

Lori indicated that the applicants had contacted her and stated they could not attend the meeting on June 11th, and requested that it be continued to June 25th. She informed them that it would be discussed but any decision might be postponed until the next meeting.

Mr. Trotter provided background information on this matter. He indicated that the first question to be decided was what could be done by the City should the applicant refuse to sign the Developer's Agreement. The second question was whether or not the document, if unsigned, would go with the property if it was sold or would it just die.

Greg Eades, having addressed those questions in his memo, went on to suggest that a time limit be imposed for the improvements to be completed.

Mr. Trotter indicated that Steve Hall would be coming forward with some criteria for when it would be appropriate for a Developer's Agreement.

Greg Eades suggested that if the applicant refuses to sign the Developer's Agreement, that the Commission "undo what it has done." Lori remarked that if the Commission rescinded the non-conforming use the matter could go to court. Greg Eades concurred.

Regarding the letters sent to applicants of land use requests, Greg requested that the Chairman sign a letter that night of a decision on land use matters to be mailed the next day. He indicated that this would help to expedite the appeal process and would notify the applicants promptly.

Greg Eades suggested that a compromise might be reached between the applicant and the Commission regarding the required improvements. It was the consensus of the Commission that the City Attorney question the applicant about other alternatives.

Greg suggested that the commissioners wait on their decision until they could hear from the applicants.

Ms. Roholt moved to continue the request of Commercial Factors to the meeting of June 25th, 1985. Mr. Littlehales seconded the motion. The Commissioners concurred and the MOTION PASSES UNANIMOUSLY.

6.2 PLANNING COMMISSION MINUTES - MAY 28, 1985

After discussion, Ms. Roholt moved to adopt the minutes as amended. The motion was seconded by Mr. Littlehales.

THE MOTION CARRIED UNANIMOUSLY.

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8.0 OTHER BUSINESS

Lori advised the Commission that she would be leaving the City Planning Staff to take a position with the City of Lake Oswego. She indicated that her last day would be July 1.

Ms. Roholt moved to adjourn the meeting. The motion was seconded by Mr. Knudson.

THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 9:35 P.M.


JOHN LITTLEHALES, CHAIRMAN


MARY NEWELL, HEARINGS REPORTER

AGENDA
MILWAUKIE PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL, 10722 SE MAIN STREET
TUESDAY, JUNE 11, 1985, AT 6:30 PM

ITEM

MEETING FORMAT

1.0 CALL TO ORDER

2.0 PROCEDURAL QUESTIONS

3.0 PUBLIC HEARINGS

3.1 APPLICANT - EMMET W. SHIELDS

PROPERTY OWNER - EMMET W. SHIELDS

LOCATION - THE SITE IS LOCATED EAST OF LINWOOD AVENUE AND WEST OF 66TH AVENUE, JUST NORTH OF MONTGOMERY ESTATES SUBDIVISION PHASE II.

PROPOSAL - THE APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL OF A 9-LOT SUBDIVISION. (TAX LOT 6300 OF TAX MAP 1 2E 32BB)(S-85-02)

3.2 APPLICANT - EMMET W. SHIELDS

PROPERTY OWNER - EMMET W. SHIELDS

LOCATION - 11161 SE MAPLEHURST, MILWAUKIE

PROPOSAL - THE APPLICANT IS REQUESTING APPROVAL TO ANNEX 6 1/2 ACRES TO OBTAIN CITY SERVICES FOR FUTURE DEVELOPMENT. (TAX LOTS 100 & 200 OF TAX MAP 1 2E 32BC, TAX LOT 7800 OF TAX MAP 1 2E 32BB) (A-85-01).

3.3 CONSIDERATION OF REVISIONS TO THE M-L (LIMITED MANUFACTURING-INDUSTRIAL) AND M-G (GENERAL MANUFACTURING-INDUSTRIAL) ZONES.

4.0 PUBLIC COMMENT - THIS IS AN OPPORTUNITY FOR THE PUBLIC TO COMMENT ON ANY ITEM NOT ON THE AGENDA.

5.0 CONSIDERATION ITEMS

5.1 A REQUEST BY COMMERCIAL FACTORS FOR RECONSIDERATION OF A CONDITION OF APPROVAL REGARDING A REQUIRED DEVELOPER'S AGREEMENT.

6.0 CONSENT AGENDA

6.1 PLANNING COMMISSION MINUTES - MAY 28, 1985

6.2 CITY COUNCIL MINUTES - MAY 21, 1985

7.0 OLD BUSINESS

8.0 OTHER BUSINESS

8.1 NOTICES OF ADMINISTRATIVE ACTIONS

THE MILWAUKIE PLANNING COMMISSION WELCOMES YOUR INTEREST IN THESE AGENDA ITEMS. FEEL FREE TO COME AND GO AS YOU PLEASE.

COMMISSIONERS - JOHN LITTLEHALES, CHAIRMAN
BETTY ROHOLT
DON TROTTER
JAN FITZGERALD
AL LAINE
JOHN FOSTER
ROBERT KNUDSON

1. STAFF REPORT
2. CORRESPONDENCE
3. APPLICANT'S PRESENTATION
4. PUBLIC TESTIMONY FROM OTHERS IN SUPPORT OF APPLICATION
5. COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO NEITHER ARE PROPONENTS NOR OPPONENTS.
6. PUBLIC TESTIMONY FROM THOSE IN OPPOSITION OF APPLICATION.
7. QUESTIONS FROM PLANNING COMMISSION.
8. REBUTTAL TESTIMONY FROM APPLICANT
9. CLOSING OF PUBLIC HEARING
10. COMMISSION DISCUSSION/ ACTION.

THE PLANNING COMMISSION'S DECISION ON THESE MATTERS MAY BE APPEALED TO THE CITY COUNCIL. FOR FURTHER INFORMATION, CONTACT THE MILWAUKIE PLANNING OFFICE, 659-5171.