

SPECIAL MEETING OF APRIL 22, 1952

A special meeting of the Planning Commission of Milwaukie, was held at the call of Chairman Williams on the twenty-second day of April, 1952

The meeting was called for the purpose of a hearing in the matter of a noise disturbance caused by the Portland Gravel Company at their plant on the bank of the river.

The meeting was called to order by Chairman Williams.

Present: R.C.Williams, James Swaggerty, Cecil Nickles, Earl Clay, Maynard Egge, Morris Martin, E.W.Kirkpatrick, Fred Sperr and consulting Engineer Tom Telford. Absent: Henry Stewart.

The complainents, residents of Robertson's Addition (Island Station) were represented by Attorney Randall S. Jones, who referred to the petition which had been read in full at the Council meeting of April 14, a copy of which had been sent to the Planning Commission. The petition was not read in full as most of the Commission members were familiar with its contents. The signers of the petition represent some twenty-five families in Robertson's Addition, many of whom were present in person at this meeting. Mr. Jones reviewed to the Commission their powers as set forth by State law, he also pointed out in different sections of the State laws, what had been established as public nuisances. In closing Mr. Jones stated he would like to add the following clause to the written petition presented to the City Council and the Planning Commission. "In as much as no written permit was granted for the Portland Gravel Company's building, that no permit be granted as it now stands." Several of the residents of Robertson's Addition testified to the noise made by the operation of the Gravel Co. and declared that their property values had dropped; among these testimonies was one, Mr. Peeper, who lives on the west side of the river, he complained of the noise made by the dredge in the river as well as the noise of the operation on the shore. Another, Mrs. White, who lives at River Vista, north of the site occupied by Portland Gravel Co. and inside the city limits, complained of the noise. Mr. Jones read several complaints which had been written and the major complaint in each of them was noise and depreciation of property values.

Mr. Glen Jacks, attorney for the Portland Gravel Co. invited the Planning Commission to visit the site of the Gravel Co. He stated that

- 1.- The property was in the industrial zone.
- 2.- The property had been a swamp and the Gravel Co. had been filling the property in where necessary, with waste material which could account for much of the noise.
- 3.- That most of the gravel would be moved on barges.
- 4.- That the Gravel Company had spent \$150,000.00 improving the property and feel they have lived up to their obligation.

When asked if everything had been done to eliminate the noise, that could be done, Mr. Pendergrast, of the Portland Gravel Co. answered that it had been, that rubber insulation had been used wherever possible, and that this plant was the least noisy of any plant he knew of and invited the Commission to visit the plant.

Chairman Williams asked if the exhaust from the dredge could be put under water, to which Mr. Pendergrast answered that it could be done.

Commissioner Morris Martin stated "I have visited the plant and I have visited these home sites, in my opinion the property values of these homes have depreciated fifty percent on account of this noise. These people are not trying to put you (Gravel Co) out of business, I feel that if you make a true effort to cut down the noise within forty-five days, these people will be satisfied".

Chairman Williams stated "It is the duty of this Commission to bring suitable industry and nice homes here. If Portland Gravel Co. had done all the things they could to eliminate noise, this meeting would not have been necessary. The Gravel Co. made their own specifications. Our purpose is to bring about a satisfactory settlement of this condition, and I believe we can do so!"

Mr. Pendergrast, of Portland Gravel Co. stated "I would like to invite members of the Planning Commission, and the residents of Robertson's Addition to visit the plant and go over this thing and make suggestions as to what can be done it may be that all ideas cannot be carried out, but we are inviting suggestions.

It was moved by Martin and seconded by Clay that the Planning Commission meet with their consulting engineer and with the Portland Gravel Co. officials in an endeavor to arrive at some agreement that will be satisfactory to all concerned, that then the Planning Commission call a public hearing for all concerned to attend and be heard, said meeting and hearing to be completed within two weeks from this date. The motion was amended by Kirkpatrick as follows: That the Portland Gravel Co. bring their case before the Commission in the form of an application for a building permit. The motion as amended was put to vote and unanimously carried.

It was moved by Nickles and seconded by Clay that a public hearing on this matter be held on Tuesday, May 6, at eight o'clock P.M.

On motion duly made and carried the meeting adjourned.

  
James Swaggerty, Secretary

ATTEST:

  
Clerk