

CITY OF MILWAUKIE

MINUTES OF PLANNING COMMISSION

REGULAR MEETING

OCTOBER 13, 1981

MEMBERS PRESENT:

DON TROTTER  
TOM BOND  
BOB GUDGEL  
JIM LOTZ  
REBECCA SWEETLAND

ALSO PRESENT:

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

ABSENT:

PATRICIA JAMIGAARD  
GEORGE CATHEY

Mr. Trotter opened the meeting at 7:00 p.m.; explaining the procedure of the public hearings and that Item 2.0 on the Agenda had been added for the benefit of those in the audience and those members of the Commission who wished to declare a conflict of interest.

- 3.1 GORDON NICHOLS, C-81-12; C-81-13, Applicant  
ROBERT RANDALL CO., Property Owner

Property located south of Drake Street, North of Tahitian Gardens  
Apartments West of 43rd Avenue.

PROPOSAL:

Request to place one mobile home on each of two flag-shaped parcels.

Jon Stein presented the Staff Reports with slides showing existing site conditions.

SPEAKING: LIN DE ROUSSE, 56 S.W. Pleasant Avenue, Gresham, Oregon  
Representing Mr. Gordon Nichols, Applicant

Mr. De Rousse said these homes will be installed on a permanent foundation that will be excavated, giving the appearance of a conventional home. The intention is to sell these homes at affordable market price. Landscaping, decking and driveways will be installed. No trees will be removed from the property.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

SPEAKING: FLORENCE TACKMAN, 10118 S.E. 40th Avenue, Milwaukie

Ms. Tackman presented the Commission with a petition from surrounding neighbors who are in opposition to mobile homes being located in their area. Ms. Tackman stated her opinions relation to the validity of the Commission's approval for a Variance of this property, which will now allow mobile homes instead of conventional homes. She said the slides that had been presented did not depict the nicer homes in the area. She mentioned the petition had been signed by neighbors who won property directly abutting the site. Ms. Tackman said that the Planning Commission had definitely stated when the Comprehensive Plan was established, there would not be mobile homes in the City.

Mr. Trotter said mobile homes are permitted in all zones if they meet certain conditions. The purposes of this public hearing is to determine if the request meets these conditions.

Mr. Trotter asked if there was anyone else present who wished to testify in opposition to the proposal. There was no response.

PUBLIC HEARING CLOSED AT 7:30 P.M.

Ms. Sweetland asked the Applicant to explain the controversy regarding the surveying of the property. Mr. De Rousse said the property had been purchased from the Robert Randall Co. since the survey had been done.

Ms. Sweetland asked if it was possible to determine what the actual setbacks are without knowing what the survey of property lines are. Mr. Trotter asked Staff if they were satisfied with the Minor Partition approval. Topaz answered, yes, because both of the lots are very oversized for the zone.

Mr. Trotter asked if the row of arborvitae along the western property line was actually on the property line. Steve Hall said there were only estimations of the property lines available based on aerial topography maps. Mr. De Rousse said it was his opinion, that the row of shrubbery along the property line does belong to the property in question and the plants would not be removed.

Mr. Lotz asked if there would be a paved driveway with turnaround for the homes. Steve Hall explained that a 24' paved driveway with turnaround is required.

Mr. Trotter asked if the insulation for mobile homes meets the State Building Code. Steve Hall said there are standards established by HUD which control the insulation factor for mobile homes, they are the same for single-family residences.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

Mr. Bond said that even though the neighborhood opposition is strong, the criteria has been met, and if the neighbors wished they have the right to appeal the Planning Commission's decision.

Mr. Lotz asked Mr. De Rousse if he felt the exterior appearance of the mobile homes would be compatible with the neighborhood. Mr. De Rousse said it was his opinion these homes would compliment the area.

Mr. Trotter said consideration should be given to landscaped screening along the property lines where there presently is no vegetation.

Mr. Gudgel suggested the driveway be extended and centered within the two lots at the easterly appendage of the property.

Mr. De Rousse said the intent was to place a landscaped berm along the eastern property line to block the view of the adjoining property which is cluttered with old cars and other things.

Ms. Sweetland made a Motion to APPROVE C-81-12; C-81-13, based on the Conditions set in the Staff Report, Mr. Gudgel Seconded the Motion. Mr. Gudgel made a Motion to Amend the Conditions by adding a Condition requiring the turnaround area to be 40' x 100', and centered within the easterly appendage of the property, which is to be landscaped in continuity with surrounding property. Mr. Trotter Seconded the Amendment. THE MOTION CARRIED 4 - 0, Mr. Lotz abstaining, to amend the Main Motion. Mr. Trotter made a Motion to Amend the Main Motion to add the words "with screening along the property line" to Condition #2 stated in the Staff Report. Ms. Sweetland Seconded the Motion. THE MOTION CARRIED 3 - 2, Mr. Lotz and Mr. Gudgel abstaining, to Amend the Main Motion. THE MAIN MOTION CARRIED 4 - 0, Mr. Lotz abstaining.

FINDINGS:

1. The proposal complies with the following elements of the Comprehensive Plan:
  - A. OBJECTIVE #2 - Residential Land Use, Density, Policy 2.A, Page 28.
  - B. OBJECTIVE #4 - Neighborhood Choice, Policy #3, Page 32.
  - C. OBJECTIVE #5 - Housing Choice, Policy #3, Page 32.
2. The following elements of the Zoning Ordinance will be complied with:
  - A. Section 6.02.16 - Standards Governing Conditional Uses
  - B. Section 3.02.3.i - Minimum Vegetation
  - C. Section 4.14 - Minimum Vegetation
3. Conditions of approval for VR-81-8; VR-81-9; M-81-8 will be complied with.
4. Vehicular access will be improved to the site and Tahitian Gardens to the south.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

CONDITIONS:

1. Driveway and vehicular turnaround drainage, utilities to be approved by the Public Works and Fire Departments.
2. Submit a landscape plan with screening along property line, to be approved by Staff.
3. Perimeter wall of each mobile home to be constructed of concrete or concrete block.
4. Turnaround area 40' x 100' to be centered within the easterly appendage of the property, which is to be landscaped in continuity with surrounding property.

- 3.2 CALVIN RITCHEY; ROBERT SCHRAM, VR-81-20, Applicants and Property Owners  
Property located at the southeast end of Waverly Heights Subdivision,  
on the east side of Cambridge Lane, northwest of Waverly Green Apartments  
(T.1R.1E, Sec. 26D.C. TL 100)

PROPOSAL:

Request to allow Variance from Section 3.01.3.i of the Zoning Ordinance to permit residential construction of a 2.7 acre parcel that does not abut a public street. If the Variance is granted, Applicant proposes to Minor Land Partition the site into three lots, with single-family residences on two.

Jon Stein presented the Staff Report. Mr. Trotter asked if Mr. and Mrs. Stone were present, there was no response. Mr. Trotter then read a letter submitted to the Commission from Mr. and Mrs. Stone, as follows:

To Whom It May Concern:

My husband and I reside at 10230 S.E. Cambridge Lane in the Waverly Heights area. As we are unable to attend the Planning Commission Meeting this evening, we want you to again be aware of our concerns regarding subdivision of the Ritchie property.

We have been in attendance at several sessions in the past which dealt with this property. We believe nothing has changed since the Commission denied request for subdivision. Therefore, without reiterating the many concerns previously voiced, we would like to go on record as strongly opposing this request for variance in accordance with the Staff recommendation.

Sincerely,

Steve B. and Gloria J. Stone

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

Mr. Ritchey mentioned a letter from Mr. Gerald Corrigan had been sent to the Commission. Staff commented that that letter had not been received.

SPEAKING: CALVIN RITCHHEY, 15361 S.E Clackamas River Road, Oregon City, Oregon

Mr. Ritchey submitted a petition to the Commission with several persons signatures who are in support of the request. Mr. Ritchey said his request does not seek to provide any exceptions dissimilar to those that had been granted to his neighbors. He desires to build two homes on a parcel of land that is considerably larger than the one abutting the property that currently has two homes constructed on it. The turnaround area would be a definite advantage for the entire neighborhood. There currently is not any area for a fire truck to turnaround but the proposed turnaround would provide that maneuvering area, which is greatly needed.

Mr. Lotz asked if the proposed turnaround area would be accessible for public usage. Mr. Ritchey said he would be willing to allow the general public or emergency vehicles use of the turnaround at any time.

Mr. Lotz asked who would have the ownership of the turnaround area. Mr. Ritchey said he would maintain the turnaround area, as it would remain part of the yard.

Mr. Lotz mentioned that the property owner would have the right to install a gate and prevent access to the turnaround. Mr. Ritchey stated that the Fire Department had commented to him, that providing a turnaround for that street would be a benefit to the entire area.

Steve Hall stated that a covenant with the owners could be produced requiring that public access from Cambridge Lane remain open to the property at all times.

Mr. Trotter asked if anyone wished to speak in favor of the request.

SPEAKING: DORIS RITCHHEY, 15361 S. Clackamas River Road, Oregon City, Oregon

Ms. Ritchey said the area would be greatly improved by the construction of two homes on this property. A chain is now across the property to prevent persons who would create a disturbance and litter from entering the property.

Mr. Trotter asked if there was anyone opposed to the request who wished to speak.

SPEAKING: PATRICIA JUSTICE, 10252 S.E. Cambridge Lane, Milwaukie

Ms. Justice said that Mr. Ritchey and not spoken to her or her husband regarding the request, they are adamantly opposed to this development because of the same reasons presented in the Staff Report, and this will set a precedent for future development in Waverly Heights.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

APPLICANT'S RESPONSE:

SPEAKING: CALVIN RITCHEY, 15361 S. Clackamas River Road, Oregon City, Oregon

Mr. Ritchey said in the past there had been a considerable amount of neighborhood opposition but this meeting had not proven the same amount of opposition to this new proposal.

THE PUBLIC HEARING CLOSED AT 8:35 p.m.

Mr. Bond asked Staff to show the undeveloped portions of the area on the site plan, which was posted. Topaz explained there are several large lots near this same location, but they each have a residential structure on them.

Mr. Gudgeon recalled proposals for development of the area in the past, which had brought about establishing a policy for access on Cambridge Lane. Topaz read that policy.

Mr. Trotter asked Steve Hall if it would be appropriate to require within a covenant, the property owners to expand the roadway to 20' in front of their property. Steve said the restrictions for the use of Cambridge Lane are already very explicit. Mr. Trotter said his concern was to provide the most efficient use of the property without setting a precedent for subdividing lots within this area.

Mr. Trotter said the concerns of the Public Works and Fire Departments relating to vehicular access must be resolved before any variance can be granted.

Steve Hall said that since Cambridge Lane is a private roadway the City cannot enforce parking requirements. In the case of a fire, cars that might be blocking the roadway would have to be pushed off the road because there is not enough clearance for the fire truck to pass on the roadway.

Mr. Lotz said the Commission has the option of requiring the property owner to accept the burden of responsibility by providing access to the property from another direction, or granting a variance and allowing the area to develop as proposed.

Mr. Bond made a Motion to APPROVE VR-81-20, with a Condition stating vehicular access to the turnaround would be open to the general public at all times; and FINDINGS: The property is unique because of the deed restrictions and the parcel is located at the end of Cambridge Lane; if the property were Zoned R-10 a subdivision could be allowed; it is the most minimum request appropriate for development of this parcel. THE MOTION FAILED FOR LACK OF SECOND.

Mr. Lotz asked Staff what they anticipated for future development of Cambridge Lane. Topaz explained Staff's concerns have already been stated in the Policy, and the major disadvantage to the area is that Cambridge Lane is a private, unsafe roadway on which the City cannot enforce any safety factors. Access from

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

another direction had been discussed but the applicant prefers access from Cambridge Lane. Other property owners along Cambridge Lane have expressed an interest in developing their own parcels and they may well use this request as a precedence on which to base their applications for variances. On the other hand, since there is a growing interest in development these property owners may be willing to accept the expense involved in improving the roadway.

Mr. Gudgel made a MOTION TO DENY VR-81-20, BASED UPON THE DISCUSSION AND STAFF REPORT. Motion was Seconded by Ms. Sweetland, MOTION CARRIED 4 - 1, Mr. Bond voting in opposition.

*Ms. Sweetland left the meeting.*

- 3.3 LEO BAUMAN, PD-81-1, Northridge Heights, Applicant  
T.J.P. DEVELOPMENT CO., Property Owner

Request for Preliminary Plan and Program approval to allow a 25-unit single-family detached and attached residential development on the property located south of Highway 224, north of 39th Avenue, east of 37th and 38th Avenues.

Jon Stein presented the Staff Report. The Applicant had provided a Site Plan showing locations of structures on adjacent parcels, and indicating compatibility with proposed development. Staff has conferred with the City Attorney determining the necessity of a Zone Change from R-10 to R-7 P.D. for the east portion of the parcel and R-10 P.D. for the west portion of the parcel, to ensure continuity in zoning for the entire parcel and match average lot area.

Mr. Trotter said that since the Zone Change and Variance Request require public notice, final action cannot be taken at this meeting and only approval in principle can be granted. Staff should provide the Commission with criteria and information regarding the issue of Zone change in the packet for the next meeting of this proposal.

APPLICANT'S PRESENTATION:

SPEAKING: RAY BARTELL, 2515 S.E. Harrison Street, Milwaukie

Mr. Bartell mentioned that if the Preliminary Plan and Program is approved in principle the Commission may apply Conditions to the proposal and the applicant would be required to comply with those Conditions before Final Approval is granted. One of those Conditions could be that the criteria for a zone change be complied with at that time.

Mr. Trotter mentioned the points of concern that the Commission would be discussing before approval in principal would be granted.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

SPEAKING: LEO BAUMAN, 6451 S.E. Fernbers Street, Milwaukie

Mr. Bauman said Staff had presented him with a copy of the Assignment Agreement. Mr. Bauman presented the Commission with "letters of comfort" from lenders indicating their willingness to assist him with funds for the development.

SPEAKING: RAY BARTELL, 2515 S.E. Harrison Street, Milwaukie

Mr. Bartell explained that the City has security for the completed development by the documents submitted and through the factors conveyed in the Comprehensive Plan. The Site Plan shows the height and number of units. Some of the units have been shifted to allow compliance with the 20' setback requirement, except for those units bordered by the southern boundary. A Variance will be necessary for those six units.

Mr. Trotter asked if anyone in the audience had questions.

SPEAKING: WALLACE CARD, 12152 S.E. 38th Avenue, Milwaukie

Mr. Card asked if the structures would be 20' from the property line.

Mr. Trotter explained that a Variance would be required for the four structures which are bordered by the southern property line.

There being no one to speak in opposition, Mr. Trotter asked if anyone wished to speak in favor.

SPEAKING: DIANE LINDERMAN, 12122 S.E. 39th Avenue, Milwaukie

Ms. Linderman said she is very much in favor of this development because it will enhance the property. She has lived in the neighborhood all her life and realizes the property cannot remain vacant much longer. The proposal is the best way to develop this property.

Mr. Lotz stated that quite often there are trade-offs involved with PUDs and unless these are fair trade-offs the concept is not complete.

SPEAKING: LEO BAUMAN, 6451 S.E. Ferberg, Milwaukie

Mr. Bauman said the ucrrent trend for home buyers is to find housing at an affordable price range that provides the benefits of condominium ownership but still allows the right-of-ownership to his own parcel on which his home is located.

THE PUBLIC HEARING CLOSED AT 9:50 P.M.



CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981

Steve Hall mentioned that a bond or Assignment of Funds Agreement had been discussed at the last meeting, which could be required for the pathways and other common areas to insure completion.

Mr. Gudgel said that it is not the Commission's duty to decide the financial reliability of the Applicant. A Policy should be established to assure the development of common areas within the Planned Unit Developments.

Mr. Eades stated that for the trade-off theory to be effective the owner of the first lot should have the benefits immediately available for the first occupant.

Mr. Gudgel suggested that Staff investigate the alternatives for establishing a policy that would initiate a guideline for the developer, relative to provisions for common areas. Mr. Trotter agreed.

There was discussion among the Commissioners and Mr. Bartell about the installation of sidewalks along the resident side of the private drive. There was a general consensus that a three-foot wide sidewalk along the resident side of the private drive would be sufficient and should be required.

Mr. Eades made comments regarding the necessity of zone change. In his opinion the discussion shows there would not have been a need for a zone change if the parcel had all been zoned R-10. In this case, a Zone Change is not necessary. The underlying zone in a P.D. should only be used to determine use for the property.

Topaz read a Section from the Zoning Ordinance on Page 59, Density Increase and Control. This was the Section of the Ordinance that seemed to be ambiguous and called for the consideration of a Zone Change in this instance. She reminded the Commission that the Applicant has not requested a density bonus.

Mr. Bond made several comments and asked, what should the allowable density for this parcel be. It is his feeling that the tri-plex units have an excessive amount of bulk and scale.

Mr. Trotter explained the tri-plexes could not be viewed from the periphery of the property, but could only be viewed from the interior of the development. Mr. Trotter said he was satisfied with the concerns of setbacks, screening, bulk and scale, etc.

Mr. Bond mentioned that at the time the Freeman Development was approved the City had assured the public the surrounding properties would be developed on a low-density basis. In his opinion tri-plex units are not low-density housing.

Mr. Trotter said, the number of units proposed is within the maximum for a low-density designation and that one advantage of leaving the entire development as it is, would be better control of the Planned Development within that area.

Mr. Gudgel said that the Commission will allow for the development of land that would otherwise be very difficult to develop by increasing the density of the area. He is in favor of the plan and feels other developments as these should be encouraged, as long as the density is not significantly increased.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING - OCTOBER 13, 1981.

Mr. Trotter made a Motion to APPROVE IN PRINCIPAL THE PRELIMINARY DEVELOPMENT PLAN AND PROGRAM FOR NORTHRIDGE HEIGHTS, with the Conditions that the developer submit requests for Planned Development Overlay Zone; and Variance from the 20' periphery setback on the six southerly lots of the property, which will incorporate the provisions for screening compensating for the closer setbacks; a Financial Agreement for streets, utilities, and common areas, and details to be approved by Staff; and other items as required by the Planned Unit Development Ordinance and Policy. Mr. Gudgel Seconded the Motion. Mr. Bond said he did not agree to the number of units proposed, especially the tri-plex units.

Mr. Bond made a Motion to AMEND THE MAIN MOTION, which restricted the number of units to 22 units instead of the proposed 25 units. Mr. Lotz Seconded the Motion. Mr. Bond stated there had not been any evidence shown indicating the need for the tri-plexes.

Mr. Trotter recalled that previous testimony from the neighbors had indicated opposition to this development, regardless of the number of units that would be located on the property; there is a definite need for additional housing in Milwaukie; and comments of the Commissioners seemed to agree with the total of 25 units. Mr. Trotter mentioned that in all probability the developer would redesign the units to accommodate more three-bedroom units which would consume the same amount of space as the current design. This will inadvertently eliminate affordable housing from the market for those homebuyers who would desire to buy a smaller unit because they do not have a need for a large three-bedroom home.

The Amendment to the Main Motion had failed, 2 - 1, with Mr. Lotz abstaining. THE MAIN MOTION CARRIED, 3 - 1. Mr. Bond asked the record to show that he was not totally opposed to approval for 25 units.

THE MEETING ADJOURNED AT 11:45 P.M.

AGENDA

PLANNING COMMISSION

OCTOBER 13, 1981

1.0 CALL TO ORDER

2.0 PROCEDURAL QUESTIONS

3.0 PUBLIC HEARINGS

3.1 GORDON NICHOLS C-81-12; C-81-13

Request to place one mobile home on each of two flag-shaped parcels.

3.2 CALVIN RITCHEY: ROBERT SCHRAM VR-81-20

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, applicant proposes to Minor Land Partition the site into three lots, with single-family residences on two.

3.3 LEO BAUMAN PD-81-<sup>1</sup>~~2~~

Request for Preliminary Plan and Program approval to allow a 25-unit single-family detached and attached residential development.

4.0 PUBLIC COMMENT

5.0 CONSIDERATION

6.0 CONSENT AGNEDA

6.1 CITY COUNCIL MINUTES - SEPTEMBER 15, 1981

6.2 PLANNING COMMISSION MINUTES - SEPTEMBER 8, 1981

7.0 OLD BUSINESS

7.1 APPEAL PROCEDURE

8.0 OTHER BUSINESS