

PLANNING COMMISSION  
MEETING OF JANUARY 17, 1967

The regular meeting of the Milwaukie Planning Commission was held on the seventeenth day of January, 1967, in the City Council Chambers at 8:00 p.m. In the absence of Vice President Jerry Miller, the meeting was opened by Mr. Allan Jones, Chairman Pro Tem, with the following members present:

Elizabeth Brod  
Richmond Eddy  
Mervin Englund  
Mayor Richmond

Robert Kennedy  
Allan Jones  
Fred Liddell

absent:

Jerry Miller

R. L. Mills, City Attorney

also present:

Max Thompson, Ass't Mgr  
Dick Ivey, Plan. Consultant

Wayne Daigle, City Engr  
Fred C. Dyer, City Mgr

Mr. Jones introduced the members of the Commission to the audience. Mr. Liddell was appointed by the Mayor to complete the term of Mr. David Strauss and to serve a four-year term to begin the first regular meeting in February, 1967.

It was moved by Kennedy, seconded by Eddy that the minutes of the Regular Meeting of December 20, 1966, be approved as submitted with the following addition. (Mr. Kennedy left the meeting at 10:45 PM). Motion carried and so ordered.

Chairman Jones instructed that Item 2 on the Agenda, "ELECTION OF OFFICERS," be inserted later in the meeting after Item 8, "REQUEST FOR VARIANCE OF ZONING REGULATIONS".

Mr. Jones requested discussion of the matter of a fee requirement in connection with granting of a special permit under Ordinance 481 as amended by Ordinance 1131, drawing to the attention of the Commission that he felt an applicant should be aware of a possible fee before coming before the Commission with a request for a special permit under this ordinance. A study made by Mr. R. E. Osborne reflected the \$75.00 fee requirement for the zone change application was about covering average, actual expenses incurred. Mr. Jones believed it would be reasonable to the public to set a charge of at least \$50 for the publication and hearing cost relative to this. This cost estimate included the directly-related City Engineering time, the time necessary for typing the hearing notices, the cost of mailing those notices, the multilithing reproduction of the notices and the publication cost. Dick Ivey, Planning Consultant, advised that the Planning Commission as an advisory body did not set fees. This should be done by the Council. Mr. Ivey questioned whether it was good policy to try to relate the fee to the time involved; while it was one consideration, there were others---the fees could get too large.

It was moved by Kennedy, seconded by Mrs. Brod, that the City Manager be asked to re-evaluate the fees for holding public hearings, and further, present a recommendation to the City Council for their consideration. This would be under both, zone change requirements of Ordinance 481 and the amendment as set forth in Ordinance 1131. The motion was carried and so ordered.

SPECIAL PERMIT

Mr. Gus Hail, 1507 SE Ellis, Portland, Oregon 97202, petitioned the Commission for a variance of zoning regulations, requesting a special permit under Ordinance 481 and amendment as set forth in Ordinance 1131. Mr. Hail proposed to place two dwellings on the property described as Lots 1,2,3 Brownell Acres, Block 1, T.L. 43, William Meek Deeded Land Claim, (29th Street No. of Harrison, West side). The proposed expressway has absorbed part of this property leaving only 32 feet street frontage. Mr. Hail referred to Oregon Traffic Code 483.012, which he interpreted to reflect that an expressway could be considered as frontage and consequently, he had in excess of 212 foot frontage. Mr. Ivey advised the purpose of the term "frontage" was to imply "access" and this property did not have access to the expressway. Mr. Hail presented proposed plans and pictures for locating the dwellings on the property, joining the buildings in a manner to suggest they be called a duplex. The Commission felt the purpose of the regulation and the intent of the ordinance was that a duplex is considered an abode of but two families, living independently of each other in one building (having a common wall); that the basic question of only one principal building on any lot assumed something more than a breezeway or merely having two buildings touch one another. It was felt that Mr. Hail had two buildings constructed separately and it would involve more than the applicant suggested to consider the buildings a duplex or two-family dwelling. It was moved by Mrs. Brod, seconded by Mr. Liddell the petition for variance as presented to the Commission be denied and it be suggested to Mr. Hail other possibilities be explored to make this into two lots and two dwellings. Motion carried and so ordered.

Mr. Jones advised the Chair had before it Zone Change Application 67-3, Mr. Gustav Hail, 1507 SE Ellis, Applicant, to change from Zone 3-R-1 to 3-R-2 Special, the same property above described under the section "SPECIAL PERMIT". Ordinance No. 481, Part IV, Section 18, outlines 25 foot street frontage per building is required. On this basis, Mr. Englund moved, seconded by Mr. Eddy, that the Planning Commission should not accept a hearing for the applicant's zone change application and a recommendation be made to the Council that the zone change application again be denied.

John D. Iven; 16704 SE Oatfield Road, requested a Special Permit to allow placement of a duplex on property located in a single-family residential area, as provided for in Ordinance 481 and amendment as set forth in Ordinance 1131. Mr. Iven informed the Commission that he no longer had 100% approval of the surrounding property owners (Dec. 20, 1966 minutes). Mr. Iven was advised by the Chair that when asking for consideration for this special permit, without a petition of 100% consent of these property owners, a public hearing would be required. Mr. Iven at this point made known that any fee for this special permit as set by the Council he believed would be equitable and thus, agreeable to him. Dick Ivey reported that the property site was appropriate for a duplex, the lay of the land was almost an isolated parcel, and he believed it to be a good location for a duplex. The City Engineer has a long range plan for a road to parallel the expressway and it was felt the Commission should perhaps obtain a 50 foot right of way from Mr. Iven for the future road. This was agreeable to Mr. Iven. Mr. Englund moved, seconded by Mrs. Brod, to set a hearing under the provisions of Ordinance 481 as amended by Ordinance 1131 to grant a special permit for 2-family dwelling in 3-R-1 zone. The applicant was instructed to provide dimensions and clarify details and to pay a \$75.00 fee before publication of this hearing. Motion carried and so ordered with the following addition: notification to be made to all property owners

within a radius of 300 feet with the Chair to set the date and time of hearing with one publication. Mr. Jones set the date of hearing as February 2, 1967 at 7:30 p.m. with publication the week of January 29, 1967.

OLD BUSINESS

Cedarcrest Subdivision Plat #5. City Engineer J. Wayne Daigle recommended final approval as the plat now complied with all requirements. It was moved by Liddell, seconded by Kennedy that Cedarcrest Subdivision Plat #5 be accepted as submitted. Motion carried and so ordered. The secretary was instructed to prepare the plans for signature of the chairman.

Final approval of building plans, 4035 King Road, submitted by J. Harsh for Mr. Thompson. Mr. Wallace and Mr. Ross, both of Action Realty, came before the Commission to speak in favor of the plans as submitted. It was moved by Mr. Kennedy, seconded by Mr. Eddy, that acceptance be denied on the plans as submitted. Motion carried and so ordered. The recommendation of the Commission to Mr. Thompson, as a guideline, was that he should try to develop plans that would incorporate the existing structure and not more than four additional dwelling units and that the requirements of minimum yard set-backs would have to be met.

ZONE CHANGE

Zone Change Application #67-1, 4515 Railroad, 3-R-1 to Commercial, Clarence W. Harger, proposed use - convert present greenhouse into a lawnmower repair shop. Mr. Daigle submitted a written recommendation that this zone change not be considered and a home occupation permit be granted. The Preliminary Land Use Plan did not indicate any zoning change in this area. It was Mr. Daigle's belief that a home occupation permit would adequately serve the needs of the applicant. Dick Ivey defined "home occupation" to be "engaged by individuals in their dwellings, not in a separate building". Mr. Ivey recommended that the Commission recommend to the Council that they grant a temporary use permit, continued to such time as property around the location might develop to where a commercial use might not interfere. Mr. Eddy moved, seconded by Kennedy, that the Zone Change Application #67-1 for 3-R-1 to Commercial be denied. Motion was carried and so ordered. Mr. Englund moved, seconded by Mrs. Brod, that the Planning Commission recommend the Council grant a one-year temporary use permit, revokable. Motion carried and so ordered.

Zone Change Application #67-2, 3066 & 3067 Oak Street, 3-R-2 Special to Commercial-Industrial, Milwaukie Automotive, proposed use - Garage and service station. Mr. James Downs appeared before the Commission to request this zone change. Mr. Daigle, City Engineer, made a recommendation that this location be considered for commercial zoning as the Preliminary Land Use plan indicates the area be zoned industrial and it was his belief that the area between the expressway and the railroad from Harrison Street to Oak or Olive would be better utilized as commercial or high density residential than industrial. Mrs. Brod moved, seconded by Liddell, the Planning Commission set a hearing on February 2, 1967, at 7:30 p.m., for zone change from 3-R-2 Special to Commercial-Industrial, for 3066 and 3067 Oak Street, with notices to be mailed to all property owners within a radius of 200 feet and two publications prior to the date of hearing. Motion carried and so ordered.

REQUEST FOR AMENDMENT TO RESOLUTION 1-61

Chalet l'Abbe - request for approval of liquor license. Mr. Kenneth Keller, Attorney, 1108 Main Street, Milwaukie, appeared before the Commission, representing Mrs. Aebi, operator of the Chalet, to present petitions from property owners in the vicinity of the Chalet favorable to the request a liquor license be granted to Mrs. Aebi. It was moved by Mr. Kennedy, seconded by Liddell, that the matter be tabled to the

next regular meeting with the request the City Attorney and the City Manager appear with a recommendation to the Planning Commission. Motion carried and so ordered.

REQUEST FOR VARIANCE OF ZONING REGULATIONS

T. Lot #37, Joseph Kellog D.L.C. - Mr. William Charack, Attorney, for Mr. Thomas Shepherd, requested a variance of the zoning regulations to permit construction of a single family residence on this property. This lot presently is without any street frontage and the owner requested that a 10-foot easement on adjoining property be considered to permit this construction. Mr. Daigle, City Engineer, recommended the Planning Commission not sanction permit on the basis of a 10-foot easement.

Variance denied

DISCUSSION

City Engineer Daigle invited members of the Planning Commission to attend a meeting January 26, 1967 at 7:30 p.m., at which he planned to discuss a Proposed Capital Improvement Program.

Franklin Street Vacation - from Railroad Avenue to 42nd Street. Mr. Daigle recommended the Planning Commission make recommendation to the Council that this street vacation be made. Mr. Kennedy moved, seconded by Mrs. Brod, that the Commission recommend to the Council that the City vacate existing Franklin Street between 42nd Street and Railroad Avenue in exchange for the northerly portion of Lots 1 through 15 Block 1, with the stipulation that a widening of the West side of the intersection of 42nd and Railroad Avenue be considered. Motion was carried and so ordered.

ELECTION OF OFFICERS

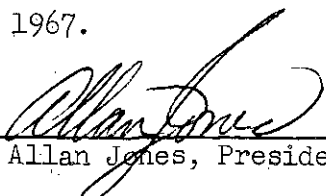
It was moved by Eddy, seconded by Mrs. Brod, that Mr. Allan Jones be elected as President, effective immediately and for the coming year.\* Motion carried and so ordered.

It was moved by Richmond Eddy, seconded by Kennedy, that Mr. Mervin Englund be elected Vice President for the coming year\*. Motion carried and so ordered.

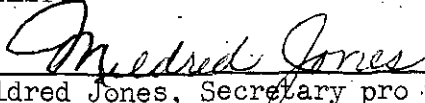
It was moved by Kennedy, seconded by Liddell that Mildred Jones be elected Secretary for the coming year.\*

President Jones set 7:30 p.m. as regular meeting time for the Planning Commission.

Meeting adjourned at 1:10 AM, January 19, 1967.

  
Allan Jones, President

ATTEST:

  
Mildred Jones, Secretary pro tem

\* President Jones interpreted the term of office to begin the first regular meeting of February each year.